

Submission from Mr Andrew Fogarty

FAO – The Financial Regulator

C/o The Central Bank of Ireland
PO Box 559
Dame Street,
Dublin 2.

7th January, 2011

Dear Sir,

Re : Management of Property Loss Adjusters potential complaints situation

I am writing to you in order to make a representation to you, before the 10th of January, 2011, regarding the above wholly unsatisfactory situation that has developed.

Whilst it goes without saying that all property loss adjusters have no difficulty with and are in favour of policyholders having the right to complain, if they feel it is absolutely necessary, the current unamended consumer conditions “expose” us to potentially 5 No. party’s (Insurer, Mr & / or Mrs Policyholder, Broker and Loss Assessor) on each and every claim with a right to make a complaint to you !!!

Bearing in mind property loss adjusters are handling the financial aspect of between 300 to 500 No. claims per year and that liability will not be accepted on them all it is going to be inevitable that a complaint is going to be made.

However it is wholly unreasonable that at the moment potentially approximately 1500 to 2500 party’s have the right to do so.

Therefore, bearing in mind the property policy is a contract between 2 main parties, Insurers and the Policyholder/s I would be grateful if you could consider including the following amendment / provision please :

“With reference to Property insurance claims allegations and / or complaints in respect of Loss Adjusters henceforth these will only be accepted by the FR office from the “Nominated Claim Representative/s” and they are defined as :

- a) **The Policyholder/s; OR**
- b) **The Brokers ; OR**
- c) **The Loss Assessors : OR**
- d) **Solicitors.**

The Policyholder/s as the 2nd parties to the Contract of insurance are automatically granted NCR status but if they wish to nominate another party to make the allegation / a complaint on their behalf they must formally appoint (b), (c) or (d) within 30 calendar days of receipt of a final offer / decision letter.

The allegation/s / complaints must be sent in letter format only by registered post to the FR office within the following 30 calendar days from the NCR only together with a copy of the letter formally appointing another to make it, if they are not the policyholder/s.

All allegations / complaints received in any other manner / format and / or are outside the 60 calendar day period will NOT be accepted.

Insurers and the FR office will be notified of all decisions NOT upheld and Brokers and / or Loss Assessors involved a comparatively high number of cases and / or if found to particularly petty or vexatious may have these may be taken into account when annual licensing is due for renewal.“

I look forward to hearing from you in due course.

Yours faithfully,

Andrew Fogarty

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Cc : Insurance Supervision Dept.,FR., PO Box 11517, Spencer Dock, Dublin 1
Consumer Protection Codes Dept.,FR, PO Box 9138, College Green, Dublin 2