

The complaint

Mr S complains about how esure Insurance Limited investigated a claim made on his motor insurance policy and that it recorded him as being at fault.

What happened

Mr S's car was hit by an uninsured driver and he made a claim. esure was unable to trace the other driver, so it couldn't recover its outlay. It therefore recorded the claim as fault against Mr S. But it waived his policy excess and his No Claims Bonus (NCB) was protected. Mr S thought esure hadn't done enough to trace the other driver.

Our investigator didn't recommend that the complaint should be upheld. She thought esure had commissioned two investigations to try and trace the other driver, but they were unsuccessful. She thought it had correctly recorded the claim as fault, not because Mr S was to blame for the accident, but because it hadn't recovered its outlay.

Mr S replied that he thought the claim shouldn't have been recorded as fault. He asked for his complaint to be reviewed, so it's come to me for a final decision.

What I've decided – and why

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

I can understand that Mr S feels frustrated that he wasn't to blame for the accident, but esure has recorded the claim as "fault/non-recoverable" on the Claims and Underwriting Exchange (CUE) database. It explained to Mr S that this was because it didn't have contact details for the other driver and so it couldn't pursue him for its losses.

I think that this would be the correct way to record the claim in that circumstance. The "fault" record doesn't mean that Mr S was to blame for the accident. It means that esure was unable to recover its outlay. This is standard industry practice and I can't say it was incorrect.

Mr S didn't think esure had reasonably investigated the other driver's details. Our approach in cases like this is to consider whether the insurer's acted in line with the terms and conditions of the policy and fairly and reasonably.

I can see that Mr S's policy, on page 8 of his policy booklet, included an "uninsured driver promise"

"If you're involved in an accident that isn't your fault and the other driver isn't insured, the excess won't apply as long as you can provide the other driver's details and registration number."

Mr S was able to provide the registration for the car that hit his, but not the driver's name. So I've looked to see if esure made reasonable attempts to try and locate contact details for the other driver.

esure did a search and found a name linked to the car's registration. It then sent its investigators to two addresses linked to this name. But they couldn't trace the contact details of the driver that hit Mr S's car.

I think esure carried out reasonable attempts to trace the other driver. Unfortunately these weren't successful. So esure couldn't take action against the driver to recover its outlay. I think esure then correctly recorded the claim as fault/non-recoverable. I think it very reasonably then waived Mr S's policy excess and allowed his year's NCB. I don't think it needs to do anything further.

My final decision

For the reasons given above, my final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 14 June 2021.

Phillip Berechree
Ombudsman