

The complaint

Mr K complains about esure Insurance Limited's handling of his motor insurance claim.

What happened

Mr K had a motor insurance policy with esure. In August 2020, he was involved in a road accident with a third party who drove from the scene without stopping. Mr K's car was written off in the accident.

Mr K said he has "*no concerns*" with the settlement esure gave him for his car. However, he's unhappy that it failed to get video footage of the accident. He says this compromised his ability to recover his uninsured losses from the third party's insurer. He estimated these losses – his policy excess, costs of transport from the accident, increase to his insurance premium following his claim, and his own "*reasonable out of pocket expenses*" – at £650, plus the added distress and inconvenience of having to follow this up himself.

esure told Mr K it had asked the Highways Agency (now called National Highways, but at the time of the accident Highways England) for video footage of the accident. The footage it provided didn't show the accident clearly but "*did show the registration of the third party vehicle*". It told Mr K that it wasn't responsible if Highways England had sent the wrong footage and said it was still investigating the claim.

Mr K was unhappy with this and brought his complaint to this service. He said, in summary:

- Highways England told him there was clear video footage of the accident.
- esure should have realised it had been sent the wrong footage when it reviewed the video it was sent.
- esure should then have contacted Highways England to get the right footage.
- Its failure to do so caused him financial detriment as well as distress and inconvenience.

Our investigator didn't recommend that Mr K's complaint should be upheld. He agreed with esure that the video footage was inconclusive and thought its handling of the claim was fair.

Mr K disagreed with our investigator, so the case was passed to me to make 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.

First, since Mr K complained to this service, the third party's insurer has settled with esure. esure told us:

"Whilst the third party have settled the costs, they haven't confirmed an admission of liability as they have reviewed the footage and can't determine any collision which is true [sic], however they have settled on the basis that it was probable their clients

vehicle was involved.”

esure has closed the claim as non-fault, refunded Mr K's policy excess, and allowed his no claims bonus. Separately, Mr K has settled his claim with the third party insurer for £125. However, he believes he'd have been able to settle this for £250 if esure had acted more quickly.

I recognise that this was a shocking experience for Mr K. My decision isn't meant to underplay this. But I've got to decide if esure handled Mr K's claim badly or did anything wrong. Having reviewed the evidence, I don't think it did.

Highways England sent esure the footage it had of the accident. esure reviewed this and couldn't see anything that clearly showed the accident or show that the third party was at fault. I've reviewed the video and I agree with esure. The accident appears to have happened on the opposite side of the motorway with traffic moving away from the camera. This makes it incredibly difficult to see exactly what happened.

Mr K says this was the wrong footage. But I'm not convinced it was. And even if this is true, I don't think esure could reasonably think there was any other video footage of the accident. esure asked Highways England for video and this is what it received.

esure settled Mr K's claim for his car and continued to investigate the claim. The third party's insurer eventually settled the claim. esure refunded Mr K's excess and recorded the claim as non-fault.

I understand that Mr K is frustrated that this took a long time to resolve but negotiations between insurers can sometimes take several months, particularly where liability is disputed. And I don't see that Mr K has incurred a financial loss or that esure's actions influenced the settlement he was able to negotiate with the third party's insurer.

Given the circumstances, I think esure investigated Mr K's claim fairly. I won't be asking it to do anything more.

My final decision

My final decision is that I don't uphold the complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr K to accept or reject my decision before 4 March 2022.

Simon Begley
Ombudsman