

The complaint

Mr B complains about how esure Insurance Limited has handled his motor insurance claim, including the quality of repairs to his car.

References to esure include its agents.

What happened

In early 2021, Mr B was involved in an accident which resulted in damage to his car. Esure arranged for repairs to be carried out by its approved garage.

Mr B raised concerns with the quality of the repairs after the car was returned to him. These included a problem with the exhaust and an oil leak as well as issues with the body work and alignment. Mr B told esure he didn't want the same garage to rectify the issues, but they proceeded with some further repairs. Esure arranged for an independent engineer to inspect the rectification work. The engineer found it hadn't been carried out to an acceptable standard so further work was carried out. Mr B remained unhappy with the quality of repairs so esure agreed for the car to be taken to a garage of his choice.

Esure said the issues with the car's exhaust and the oil leak weren't part of the claim as they weren't related to the incident or caused by the garage. It paid Mr B £250 to compensation for the trouble and upset he'd experienced.

Mr B remained unhappy, so he asked our service to consider his complaint. He said the oil leak wasn't present before the accident and he believed it had been caused by the garage, esure had sent the car to for repairs. Mr B said he thought esure should reimburse him the £480 he'd had to pay for it to be fixed.

Mr B says his preferred garage told him that the brake discs and pads were rusted up because the car had been stood still for so long. They gave him a quote for new brake discs and pads. He told us that esure had paid him around £1,500 towards repairs but this was around half of what he'd been quoted, for the rectification work needed to his car. He said he would like esure to pay him the shortfall in the amount to complete the repairs esure had agreed to cover, plus £480 to cover the cost of repairing the oil leak as well as compensation for the rusted brakes and discs.

Our investigator looked into Mr B's concerns. She thought it was fair for esure to have refused to cover the cost of repairing the oil leak because it had relied on information in the engineer's report, which noted the oil leak wasn't caused by the accident or esure's approved garage. She thought the £250 esure had paid Mr B was fair compensation for the trouble and upset he'd experienced as a result of the poor repair work.

Our investigator referred to information Mr B had provided from his chosen garage showing the cost of remedial work to fix the damage to his car. She recommended esure pay the difference between that and the amount Mr B told us esure had already paid. She also recommended esure pay the amount Mr B had been quoted to have his brake discs repaired.

Mr B said he agreed with our investigator's findings relating to the brake discs and the outstanding amount to fix the poor quality of work carried out by esure's approved garage. He asked for an ombudsman to review his concerns regarding the oil leak which he believed was caused by the garage and had cost him £480 to get repaired.

Esure said it disagreed with our investigator's findings and would like the complaint to be referred to an ombudsman. But it hasn't explained why it disagrees.

As both parties have disagreed with our investigator's view, the complaint has been passed to me to decide.

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.

Having done so, I've reached broadly the same conclusions as our investigator. I'll explain why.

The relevant industry rules require esure to act honestly, fairly and professionally in accordance with the best interests of Mr B. I'm not a mechanic or an engineer but I don't have to be to decide this case. My role is to consider if esure has acted fairly and reasonably, in line with Mr B's insurance policy and, if it hasn't, to tell esure what it needs to do to put things right.

Oil leak

Mr B believes that esure's approved garage are responsible for causing damage resulting in oil leaking from his car. He says the garage told him they had tried to fix it and has questioned why they would have tried to fix a leak that was unrelated to the accident or their work. Mr B says there was no oil leak before or after the accident and has sent us a number of photographs to support his view that the damage was caused by the garage.

Esure has provided a copy of the engineer's report from the inspection that took place after esure's approved garage's first attempt to rectify the initial repairs. The engineer made a number of recommendations for further repairs for damage relating to the accident. But he concluded that the oil leak wasn't related to the claim or repairs undertaken by the garage.

The report says:

"A historic oil leak with evidence of oil displacement to the right hand rear suspension arm was detected to the timing chain adjuster sump plug. This in my opinion is a service issue and not related to the claim under notice. No further action required."

I know this will be disappointing for Mr B who strongly believes the oil leak was caused when the garage jacked up the car. But I think it was reasonable for esure to have relied on the information given to them by the engineer who inspected the car independently of the garage.

Esure told Mr B it would be willing to review this if the findings of the garage who was to carry out the further repairs contradicted the engineer's findings. I haven't seen any evidence to show the repairing garage reached a different conclusion about the cause of the oil leak. And the photographs Mr B has sent aren't enough to persuade me that the information from

the engineer is unreliable. So, I don't think it's fair to ask esure to reimburse Mr B for the cost of repairing the oil leak.

Repairs covered by the claim

From what I've seen and been told, esure arranged for Mr B's car to be moved to the garage of his choice in May 2021. It said it would be willing to consider compensation for further work relating to the accident.

Mr B has provided us with a copy of a report from his chosen garage dated July 2021 which itemises the costs of repairs to his vehicle. The total cost is £2,857.02. He says that when he sent this on to esure it wouldn't agree to pay it. It sent him a settlement cheque of £1,539.34. Our investigator asked esure for some further information about this payment, but esure hasn't commented on it. Esure also hasn't commented on our investigator's recommendation that it pay the difference between the two amounts.

I haven't seen anything to suggest the information on the repairs listed on the report aren't related to either the accident or to fix the work carried out by esure's approved repairers. Esure hasn't given any other reasons why it shouldn't have to pay the amount our investigator recommended. So, I think it would be fair for esure to pay the additional amount Mr B was quoted to get the car fixed, which amounts to £1,317.68.

Brakes

Mr B has sent us a copy of an email from a manufacturer's dealership for his make of car which says:

"The battery has failed and will require jump starting after a few days of being stood. The brakes are also severely corroded and will require replacing. We suspect that due to the amount of time the vehicle has stood for this is a result of the above issues"

Mr B says esure reimbursed him for the cost of a new battery, but he thinks it should also pay for new brakes. Mr B has provided a screenshot to show the cost of replacing the brakes. We've shared this information with esure and have given it the opportunity to comment but it hasn't done so. Nor has it commented on our investigator's recommendation that it pay Mr B the amount showing in these screenshots so he can get the brakes replaced.

Esure has acknowledged there were issues with the initial repairs carried out by its approved garage and its first attempt at rectifying them also wasn't up to standard. It's unclear if it has accepted that its final attempt still wasn't up to standard. Although, the cheque esure sent Mr B suggests it has. But I think it's fair to say that esure is responsible for the vehicle being left stationary for an extended length of time. So, based on what I've seen I think it would be fair for esure to pay Mr B the £1,735.64 he's been quoted to replace the brake discs.

Putting things right

Esure should pay Mr B a total of £3,053.32 (£1,317.68 to rectify / complete the repairs plus £1,735.64 for the brakes).

My final decision

For the reasons I've explained, I uphold Mr B's complaint and direct esure Insurance Limited to put things right by doing as I've said above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 30 March 2022.

Anne Muscroft
Ombudsman