

## **The complaint**

Ms B complains about how Trinity Lane Insurance Company Limited handled and settled a claim made on her motor insurance policy.

## **What happened**

Another driver collided with an open door on Ms B's car and she made a claim on her policy. She provided details of two independent witnesses. But Trinity Lane said the witnesses didn't provide credible evidence it could use to show the other driver was fully at fault. And so it settled the claim as 50/50 split liability. But it didn't tell Ms B this at the time. Ms B was unhappy with delays in the claim and Trinity Lane's communication. She was also unhappy with the repairs to her car. She said a door panel was coming away and the manual lock on her replaced car door wasn't working.

Our Investigator recommended that the complaint should be upheld in part. She thought that Trinity Lane had reasonably settled the claim as split liability as it was entitled to do by the policy terms and conditions. She couldn't see that Ms B had raised any issues about the repairs with Trinity Lane and there was no expert evidence to show the reported damage was due to the accident or repairs. She invited Ms B to provide expert evidence to show this. But she thought Trinity Lane had caused avoidable delays in the claim and hadn't communicated sufficiently with Ms B. She thought it should pay Ms B £300 compensation for this.

Ms B replied that she thought this wasn't enough compensation for the trouble and stress she'd been caused. She said the whole door had been replaced and the manual lock on this door was not working. She said she would provide a report from her garage. Trinity Lane didn't respond to the Investigator's view. So the complaint has 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 was sorry to hear about the accident and that Ms B had been injured. I can understand that this must have been very distressing. I can also understand that Ms B has been caused further distress by the increase in her premiums.

The Investigator has already explained that it isn't our role to decide who was responsible for causing the accident. This is the role of the courts. Instead, our role in complaints of this nature is simply to investigate how the insurer made the decision to settle the claim. Did it act fairly and reasonably and in line with the terms and conditions of the policy? And has it treated Ms B the same as someone else in her position.

Trinity Lane is entitled under the terms and conditions of its policy with Ms B to take over, defend, or settle a claim as it sees fit. Ms B has to follow its advice in connection with the settlement of her claim, whether she agrees with the outcome or not. This is a common term in motor insurance policies, and I don't find it unusual. Insurers are entitled to take a

commercial decision about whether it's reasonable to contest a third party claim or better to compromise.

I can see that Trinity Lane investigated the claim. The evidence it had to consider was the two driver's versions of events. These conflicted. It asked the witnesses to provide statements. One didn't provide any details of the accident. The other said Ms B had opened the back door on her car, which was three door. So Trinity Lane decided that this statement wasn't credible. There was no CCTV, dashcam or other evidence available.

So I think Trinity Lane reasonably decided that the best outcome was a split liability settlement. I think it was entitled to do this by the policy's terms and conditions. So I can't say this was wrong. And as I don't think Trinity Lane made an error in this I don't require it to compensate Ms B for the effect on her No Claims Discount or the resultant increase in her premiums.

Ms B also raised an issue about her claim for personal injuries. But, as our Investigator explained, because the claim was settled as fault for both parties, this wouldn't be automatically covered. So I can't say that Trinity Lane should have pursued this. And Ms B is best advised to liaise with the providers of her legal expenses cover to consider her options.

Ms B was unhappy with the delay in the claim and Trinity Lane's claim handling. I've looked at Trinity Lane's claim file. And I agree with the Investigator that it handled the claim as I would expect in the first six months following the claim. During this time, it progressed the claim, collected evidence, communicated with Ms B reasonably, and communicated with the repairer and the other insurer.

But after this point I'm satisfied that Trinity Lane didn't reasonably progress the claim and communicate with Ms B. It didn't respond to the other insurer's correspondence in a timely manner. It didn't tell Ms B that the claim had been settled and Ms B received a refund of half her policy excess without explanation. So I think Trinity Lane caused avoidable delays in the claim and didn't keep Ms B reasonably informed about her claim's progress.

Our Investigator recommended that Trinity Lane should pay Ms B £300 compensation for this poor service. I think that's fair and reasonable as it takes into account the impact this had on Ms B and it's in keeping with our published guidance.

Ms B said there were problems with the panel and lock on the replaced door. The Investigator has already explained that this service does not assess whether or how damage to a vehicle would be caused as this is a matter for the experts in these situations, the insurance companies and engineers. Our role in these complaints is to determine whether an insurance company has considered all the available evidence and whether it can justify its decision to not pay for additional repairs.

Ms B said she approached the repairer and it told her to contact Trinity Lane. But I can't see that she has done this. And I can see that she earlier told us that the garage had asked her to bring the car back in, but she hadn't done so. She also said that she would get a report from her garage, but this hasn't yet been provided.

I think Ms B needs to raise her concerns about the quality of repairs with Trinity Lane to give it a chance to respond. It may ask her to provide evidence of her claim with an independent expert engineer's report or to take her car back to the repairer. Without evidence that the faults are due to the repairs and that Trinity Lane hasn't reasonably rectified them, I can't consider this point further here. If Ms B remains unhappy after she raises this matter with Trinity Lane and gives it time to respond, she can bring her further complaint to us.

### **Putting things right**

I require Trinity Lane Insurance Company Limited to pay Ms B £300 compensation for the distress and inconvenience caused by its level of service in handling her claim.

**My final decision**

For the reasons given above, my final decision is that I uphold this complaint in part. I require Trinity Lane Insurance Company Limited to carry out the redress set out above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms B to accept or reject my decision before 31 March 2022.

Phillip Berechree  
**Ombudsman**