

The complaint

Mr H complained about Admiral Insurance Company Limited Admiral 's service when he claimed for accident repairs under his motor insurance policy.

What happened

After Mr H had an accident Admiral agreed to have his car repaired by their approved repairers ("Admiral's garage"). But he said that they didn't fix it properly. He also felt that Admiral had delayed.

Admiral asked an independent assessor (IA) to inspect the car. The IA agreed that more work was needed to rectify the repairs. Mr H had lost faith in Admiral's garage's work. So Admiral agreed that he could use a garage of his own choice for the rectification work. I'll refer to that as "Mr H's garage". Admiral authorised Mr H's garage to do the repairs.

Admiral also accepted that there'd been delays on their part around various other issues, but these are resolved and aren't part of this complaint. Admiral paid Mr H total compensation of £280 for those overall.

When Mr H got his car back from his garage there was still a problem with the door. He wanted Mr H to pay for that to be fixed as he said it was due to the original problem. But when he complained to Admiral, they wouldn't pay for its repair. They said that it was for Mr H to resolve because his garage was the most recent repairer and Admiral weren't responsible for their work.

The investigator didn't agree. They recommended that Mr H's complaint against Admiral should be upheld. They also recommended that Admiral should compensate Mr H £100 for the inconvenience he had experienced as a result of the matter. Admiral didn't agree and so I've been asked 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.

We don't assess whether or how damage to a car 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 insurer company has considered all the available evidence and whether they can justify their decision to not pay for additional repairs. I also don't intend to go into the detail of what was wrong with Mr H's car or to itemise all the items of repair. That's because I consider that they've been fully canvassed in the information that Mr H and Admiral provided. The issue here is the problem with Mr H's car door.

The IA reported on the repairs done by Admiral's garage. That report said that there was problem with the car's door not being properly aligned, that this was due to the accident, and

that it should be rectified. Admiral agreed that Mr H could choose a garage to do the rectification repairs.

When Mr H got it back from his garage he reported to Admiral that there was still a problem with the car door . I can see from Admiral's file notes that the car door was "still making a loud noise even after the realignment and that further investigation would involve taking the door apart "and to do that would need Admiral's authority.

But Admiral's engineer said that Admiral had already authorised and paid Mr H's garage to investigate and identify a noise from the door. And if his garage thought further work was necessary, they should have contacted Admiral for authorisation at the time. And it wasn't reasonable for Admiral now to incur more costs to identify the alleged issue they were paid to do. So Admiral thought that Mr H's garage should pay to fix the car door issue because this was their repair work and the matter was no longer Admiral's responsibility. Admiral wouldn't agree to cover the cost of investigation and potential repair of the car door issue.

I don't think that's fair. The car door problem was clearly not a new issue. The IA report covered it and suggested how it might be rectified. It would appear that Mr H's garage did what the IA report suggested they do, only to discover later that it did not resolve the problem. So it was reasonable for them to ask Admiral for further authorisation to investigate it then.

And it's not correct that Admiral's garage is now responsible for these costs just because they are the most recent repairer. The door issue occurred before the IA report and is mentioned in the report. It's one of the areas the IA said needed fixing. There's no persuasive evidence that the car door problem is not accident related. Admiral agreed to Mr H's garage doing the rectification work and Admiral instructed it, or the IA did acting on Admiral's behalf. So Mr H's garage did the repairs on Admiral's authority and Admiral remain responsible for it because they are responsible for having the car repaired to its pre-accident condition.

Putting things right

I think that Admiral should pay for the investigation and repair of Mr H's car door problem to its pre-accident condition . This dispute over the door issue has taken up more time and caused more inconvenience for Mr H and so I also think that Admiral should compensate him £100 for it. This is in addition to the compensation that they have already paid him.

My final decision

For the reasons I've discussed above it's my final decision that I uphold this complaint and require Admiral Insurance Company Limited to:

- Pay for the investigation and repair of Mr H's car to its pre-accident condition
- Pay Mr H £100 in compensation, additional to what they've already paid.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 24 March 2022.

Admiral must pay the compensation within 28 days of the date on which we tell them Mr H accepts my final decision. If they pay later than this, they must also pay interest on the compensation from the date of my final decision to the date of payment at 8% a year simple.

If Admiral consider that they are required by HM Revenue & Customs to withhold income tax from that interest, they should tell Mr H how much they have taken off, and give Mr Ha tax deduction certificate if he asks for one, so he can reclaim the tax from HM Revenue & Customs if appropriate.



Rosslyn Scott
Ombudsman