

The complaint

H – a company – has complained that Think Insurance Services Limited (Think Insurance), made a mistake when setting up its commercial motor insurance policy, which resulted in one of its cars being seized by the police and destroyed.

What happened

In January 2021 Think Insurance – in its role as a broker – sold H a commercial motor insurance policy covering a number of its cars. The policy taken out covered the owner of H – Ms I – and one employee.

In April 2021 Ms I's father (Mr I) was pulled over by the police because the car he was driving appeared to be uninsured. The police contacted the underwriter of H's policy, who confirmed that Mr I was not insured to drive the car.

The car was seized by the police and impounded. It was later crushed.

The underwriter took the decision to cancel H's policy because of conflicting information provided by Ms I and her father as to when H purchased the car from Mr I.

H complains that the reason the police pulled over the car is because Think Insurance input the incorrect registration for it when setting up the policy. H has also complained that Mr I should have been covered to drive the car under his own policy and about the underwriter's decision to cancel its policy.

Our investigator considered H's complaint but didn't think it should be upheld. She explained that any concerns about the decision to cancel the policy would need to be raised with the underwriter – not Think Insurance. She said, having listened to the sales call, that it was Ms I who gave the incorrect registration number. And she explained that Mr I was shown as the registered owner of the car on the DVLA systems. So, she said his 'driving other cars' cover would not cover him for driving this car because he was its registered owner.

H didn't agree with the outcome reached by our investigator and asked for an ombudsman to consider things. So, 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 decided not to uphold the complaint. I'll explain why.

H has raised numerous concerns at various points throughout her complaint. These include:

- Think Insurance was responsible for the car being pulled over – due to inputting the wrong registration when setting up the policy.

- Think Insurance's agents have acted unprofessionally.
- The policy was mis-sold by Think Insurance.
- The policy was unfairly cancelled.
- H was the registered owner of the car, not Mr I, and so he should have been covered to drive the car under the 'driving other cars' cover in his own motor insurance policy.
- Its car was crushed, resulting in a financial loss of around £5,000.

In this decision, I'm only able to consider H's complaint about Think Insurance's actions as the broker of the policy. And, only those actions which H has already complained about to Think Insurance.

H has not made a complaint to Think Insurance about the policy being mis-sold to it. So, I'll not be making any further comment on that in this decision. If H wishes to pursue a complaint about policy being mis-sold, it should raise a complaint with Think Insurance in the first instance. Should H remain unhappy, following Think Insurance's final response to this complaint, it may then refer its concerns about this issue to our service.

H's concerns about the cancellation of its policy and the information given to the police relate to the actions of the policy underwriter – not Think Insurance. So, I'm not able to consider those concerns as part of this complaint. Should H wish to pursue a complaint about this, it should raise a complaint with the underwriter in the first instance. Should H remain unhappy, following the underwriter's final response to this complaint, it may then refer its concerns about this issue to our service.

I also won't be addressing H's concerns regarding who the registered keeper of the car was at the time of the stoppage or whether Mr I ought to have been insured to drive the car. This is because Think Insurance isn't responsible for who the register keeper was or for what cover Mr I would or wouldn't have under his own insurance policy.

This means the only issue I'm considering, as part of this complaint, is whether Think Insurance input the wrong registration, for the car in question, when setting up the policy. And if it did, whether H has suffered a loss or been unduly impacted by this error. I'll also consider H's concerns with the professionalism of H's staff during her complaint.

I've listened to a recording of the relevant sales call. During the call, Ms I (on behalf of H) provides Think Insurance with the registrations of several cars she wants to be covered under the policy. She gives the registration numbers phonetically. For the car in question it is Ms I who gave the incorrect registration, rather than Think Insurance recording it incorrectly.

H has argued that Think Insurance ought to have checked or verified the accuracy of the information using relevant industry databases. But Think Insurance has explained that it has no facility to do so, and that H, as a commercial entity, is fully responsible for the accuracy of the information provided.

At the point of sale, I can see that Think Insurance supplied H with information regarding the Duty of Disclosure and Fair Presentation. On the first page of this document, in large, bold font it states:

"REMEMBER – you are responsible for the accuracy and completeness of all the information you provide to us and your insurer."

In addition, Think Insurance provided numerous documents from the underwriter, which reiterated that it was H's responsibility to provide accurate information and/or check the accuracy of information provided.

Based on all of the available evidence, I don't consider that Think Insurance made an error with the registration when setting up the policy. H was responsible for providing accurate information, and for checking the accuracy of the information provided. But in this case, it was Ms I (on behalf of H) who gave the incorrect registration number to Think Insurance. So, I don't think it would be fair or reasonable for me to conclude that Think Insurance is responsible for the registration being incorrect – or by extension for the issues which occurred when Mr I was stopped by the police in April 2021.

Ms I (on behalf of H) has also complained that she has been spoken with unprofessionally by agents of Think Insurance during the complaint. But having listened to the relevant call recordings, I don't agree this was the case.

My final decision

My final decision is that I do not uphold Mr M's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask H to accept or reject my decision before 13 April 2022.

Adam Golding
Ombudsman