

The complaint

Mrs G complains that UK Insurance Limited (UKI) has declined a claim on her motorhome's roadside assistance policy.

What happened

Mrs G says she tried to start the motorhome in November 2021 and found the battery was flat. As the motorhome wouldn't start, she called out UKI. UKI sent a mechanic and recovery vehicle from a company I'll refer to as R.

R came out to Mrs G and initially diagnosed a fuelling problem. Because the battery was flat, R's mechanic used a booster pack to try and start the engine, which would turn over but wouldn't start.

Mrs G says that R's mechanic also tried to start the motorhome using jump leads from a battery on his recovery vehicle.

The motorhome wouldn't start and R's mechanic said he thought the battery was dead. So the motorhome was recovered a few days later to a garage which I'll call P.

P said that when the motorhome was recovered to it, P couldn't diagnose the problem as the motorhome had no power. The motorhome had an isolator switch fitted to the battery as part of its conversion and P checked that it was set to "on" but there was no power to the motorhome's systems.

On raising the bonnet, P commented on a burning smell which it'd noticed since the motorhome was brought in. P then found that the Engine Control Unit (ECU) had suffered a catastrophic failure due to voltage overload.

P also thought other components of the motorhome might have been damaged by the voltage overload such as the dashboard.

Mrs G thought that R had caused the damage to her motorhome so she complained. UKI investigated the complaint and didn't uphold it. It said R only used a 12 Volt booster pack and carried no jump leads, so it couldn't have burned out the ECU. UKI also said that its engineer had examined the motorhome and said he couldn't see any scorch marks to the battery terminals which he would expect to see if sufficient voltage had been passed through them that would have caused the ECU to fail.

Mrs G paid P to replace the ECU for £2,590.07. The dashboard was also replaced by P for a further cost of about £1,500.

Mrs G remained unhappy and brought her complaint to this service. In her view, our investigator said she didn't think that either UKI or Mrs G had been able to supply any definitive evidence about what had happened so on balance she didn't uphold Mrs G's complaint.

As Mrs G didn't agree with the view, her complaint has been passed to me to make a final

decision.

I issued a provisional decision to give both parties the opportunity to consider things further. This is set out below:

When damage has been caused to a vehicle, it's necessary to establish what was the root cause. This is important here, because it's Mrs G's responsibility to reasonably prove that UKI caused damage to her motorhome. This service must then examine the evidence that it's been provided and assess what the most likely cause is on the balance of probabilities.

Having read the entire case I can see there are several areas that Mrs G and UKI disagree on and this is further complicated by two external companies being involved – R as the recovery provider and P as Mrs G's expert. P's evidence has also been used by UKI to turn down her claim.

Throughout reading this complaint I am minded that Mrs G has told this service that she'd owned her motorhome for two years before this incident and she hadn't had any problems with it before the incident in question. Clearly sometime around the time of the incident there was an issue with the motorhome as it had recently passed its MOT, but within two months the ECU had been destroyed.

The call out

I can see from UKI's case notes that Mrs G called it out because her motorhome wouldn't start. The problem was initially diagnosed by R's mechanic as a fuelling issue but as the battery on the motorhome was flat, R's mechanic had to carry out a jump start.

There's agreement from all parties that R's mechanic initially tried to start the motorhome using a booster pack, which is a 12 Volt pack carried by recovery vehicles which is designed to start engines.

Mrs G has said that "he couldn't start it with the booster pack on its own" so she says R's mechanic found a pair of jump leads in his vehicle and also connected them to her motorhome.

UKI's evidence seems to me to mainly state that the damage caused to the ECU couldn't have been caused by its mechanic. I understand that booster packs contain protection against components being damaged by a surge of power so it's unlikely that was the source of it.

Mrs G thought it likely that R's mechanic might have caused the damage when he jump started the engine, so UKI asked R about this. R told UKI that its vehicles did not carry jump leads. It also said that it wouldn't use them, unless it was an emergency, and its mechanics would have to obtain these leads from a customer.

But Mrs G has provided evidence that R's vehicles do in fact carry these leads. She has been able to get other parts of R's company to explicitly say that its vehicles do carry such items, and has provided other circumstantial evidence. She also confirmed that she did not possess a set and so R's mechanic must have brought them with him. Mrs G even describes how R's mechanic "was looking for an earth under the bonnet when he had the booster pack connected to the battery in the passenger footwell" and "he struggled looking where to earth them from under the bonnet".

I don't think UKI have done enough to clarify this point. R may well have an internal company policy that its vehicles don't carry jump leads, but I would have expected that UKI

should have asked for a statement from the actual mechanic who attended Mrs G given the extent of the damage.

On balance, I'm persuaded by Mrs G's carefully gathered evidence, alongside her description of the mechanic's actions, that R's mechanic did bring a set of jump leads with him when he attended Mrs G's motorhome. And that he did use them to attempt to start it alongside the booster pack.

Garage's opinion

The motorhome was recovered a few days later to P who noticed the burning smell and carried out some diagnostic work.

P said it thought that two options were likely:

- The motorhome has an isolator switch that had been fitted as part of the conversion work. R's mechanic wouldn't have been aware of this switch, and if the switch wasn't correctly in position then it's possible that starting the engine might mean the ECU was "fried" by the current being earthed through it. However, P also pointed out that the motorhome had functioned correctly for some time with this switch and its associated wiring and P also said that when the vehicle was recovered to it, the switch was in the correct position; or*
- That R's mechanic had overloaded the ECU by applying too high voltage or current when he was trying to start the engine using jump leads.*

I can see from P's evidence that it has tried to present both Mrs G and UKI with opinions as to how the damage to the ECU could have been caused. P has also told this service that in its opinion if R's mechanic had the booster pack connected and then applied jump leads under the bonnet, that would have applied too much voltage to the electrical system and damaged the ECU.

P has also said that if both the jump leads and booster pack were connected correctly, then no damage should be caused.

UKI's opinion

UKI have examined photos of the battery provided by Mrs G and have said that having the booster pack hooked up incorrectly to the battery then it would have left scorch marks. Mrs G's battery doesn't show any of these so UKI say it's very unlikely that R's mechanic did this and caused the damage.

UKI don't seem to have considered whether jump leads could have caused the damage as R told it that jump leads weren't used.

Did the jump leads cause the spike or was the ECU already damaged?

It falls to me to consider whether UKI's decision to refuse to pay for the damage to the ECU and dashboard was fair and reasonable. And from the evidence I have, I don't think it was.

Having read the notes I think it's very unlikely that the ECU was already damaged when R's mechanic attended. I say this because in R's notes I can see that there was an initial diagnosis of "fuel injectors stuck open" from a diagnostic tool being plugged in. But when the

motorhome was later recovered to the garage, P was unable to establish any fault due to the ECU being “fried” and it first needed to change the battery to access the vehicle’s systems. It seems to me that the vehicle systems were therefore operating to some extent when R attended, but were unusable shortly afterwards.

I think P’s evidence saying about the burning smell when the motorhome arrived in P’s garage is also very persuasive. If the ECU had been burnt out some time before, then I would suspect that the smell would have dissipated. But for P to comment on it suggests to me that the ECU has been recently damaged, certainly within the previous few days, which leads me to think R caused the damage when it tried to start the motorhome.

I have asked Mrs G for an update on the motorhome and she has said that once the ECU and dashboard were repaired, there have been no further issues with it. And no problems have emerged with the injectors or fuel system.

From the evidence I have, it’s my opinion that the damage to the motorhome was reasonably caused by R on behalf of UKI. So I think it’s fair to expect UKI to refund Mrs G’s payments to replace the ECU and dashboard it damaged.

Responses to my provisional decision

Mrs G agreed with my provisional decision. In further communication, she confirmed that she’d never used the isolator switch as she’d never felt the need to. Whilst this does mean that Mrs G didn’t check its position before she tried to start her motorhome, I think it’s reasonable to say that the isolator had been in its correct position and had been continuously.

Mrs G also advised that she hadn’t had the dashboard repaired.

UKI confirmed that R’s mechanic had actually carried jump leads and had used them on Mrs G’s motorhome. But UKI stated that the use of the jump leads didn’t cause the damage to Mrs G’s motorhome and that it was caused by the isolator switch. It says this was confirmed by P.

UKI said they thought it was likely that Mrs G had tried to start the motorhome with the isolator in the wrong position, or not fully in the correct position, or that she had tried to jump start the motorhome herself which had caused the damage.

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.

It seems to me that UKI have maintained its position throughout based on two key pieces of evidence. The first of those was that it insisted R’s mechanic didn’t carry jump leads in their recovery kit, and didn’t use them when trying to start Mrs G’s motorhome. When Mrs G provided evidence that R would routinely have them and that its mechanic used them, UKI said that wasn’t right.

After I issued my provisional decision, UKI then confirmed that the jump leads were actually carried and had been used by R’s mechanic in conjunction with a jump pack to try to start the motorhome. It also said it’d used the manufacturer’s guidelines for jump points, which don’t account for modifications on a vehicle.

The second key piece of evidence is the isolator switch. UKI said P had confirmed that it’d

replaced several ECUs for the same issue. I can see from P's statements, which have been provided to this service by both parties, that it has been helpful to both of them at different points during the claim and subsequent complaint.

But because of this, P's evidence can be contradictory and I think that's an important point I need to make. I think P's evidence is helpful but not persuasive. Having replaced "several" ECU's before seems to indicate a problem may exist with the design and installation of the isolator switch; but my understanding of P's evidence is that it seems to rely on the position of the switch itself. And Mrs G has confirmed that she didn't use the isolator switch at all. She said she never felt the need to.

So, UKI's position that Mrs G caused the damage by starting the vehicle when the isolator switch wasn't in its correct position is, in my view, a moot point. Mrs G has said she'd never had issues with the motorhome before, so never used the isolator switch. And I can see from UKI's evidence that it was in the correct position when recovered to P.

I am minded that Mrs G's evidence to this service has been clear, consistent and reasonable throughout her complaint, and I am very much persuaded by her version of events.

On balance from the evidence I have, I think it's reasonable to say that R caused the damage to Mrs G's motorhome when R's mechanic tried to start it, so I think it's fair and reasonable to ask UKI to repair the damage.

My final decision

For the reasons set out above, my final decision is that I uphold this complaint. I direct UK Insurance Limited to pay Mrs G:

- The cost of replacing the damaged ECU, £2,590.07.*
- The cost of repairing the dashboard. It's my understanding that Mrs G hasn't had the work done, so I ask UKI and Mrs G to liaise and arrange for the work to be done at UKI's expense.

* As Mrs G has already paid for the repairs, UKI must also pay interest on the repairs from the date Mrs G paid for them, to the date she tells us she accepts my final decision (assuming she does) at 8% a year simple.

If UKI considers that it's required by HM Revenue & Customs to deduct income tax from that interest, it should tell Mrs G how much it's taken off. It should also give Mrs G a certificate showing this if she asks for one, so she can reclaim the tax from HM Revenue & Customs if appropriate.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs G to accept or reject my decision before 25 August 2022.

Richard Sowden
Ombudsman