

The complaint

Mr O complains that Haven Insurance Company Limited took too long to repair his vehicle, which he uses for work purposes.

What happened

- Mr O was involved in an accident on the 19 August 2021. His vehicle was collected and the repair costs submitted to Haven. Haven confirmed the costs on the 3 September 2021.
- On 22 November 2021 Mr O complained to Haven because his vehicle hadn't been returned. Haven emailed Mr O in December, January and February with updates, after Mr O chased, but with no conclusion to their investigation into the complaint.
- Mr O couldn't work as a taxi driver for the first 6 weeks, from the 19 August 2021, he then hired a car at a cost of £235 a week so that he could work.
- Mr O raised his complaint with the Financial Ombudsman Service on the 12 January 2022. Haven issued their final response on the 14 March 2022 and accepted that it was at fault for the delay between the 6 September and 26 November (81 days in total). It offered £250 in compensation for the delay. The car was still with the garage and awaiting a part.
- Haven explained in its response that on 6 September 2021 an order was placed with the supplier for the parts. On the 26 November it was discovered that the order was incorrectly sent. The order was sent correctly on the 26 November.
- The investigator upheld the complaint and recommended:
 - the £250 that had been offered by Haven.
 - that Haven pay 40% of Mr O's hire car costs. The investigator acknowledged that car hire was excluded under the policy but on the basis of the unnecessary delays, which Haven accepted, she believed it was fair and reasonable for Haven to contribute to these costs.
 - Mr O had requested loss of earnings. The investigator didn't award these as there wasn't evidence of these costs.
- Haven didn't respond and so the complaint has been passed to me to decide. Mr O has since noted that during the time the car was with the garage he still paid his premium.

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.

In my provisional decision, I said:

I have considered this complaint up to the point of the final response on the 14 March 2022. I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

Having done so, I intend to uphold Mr O's complaint. I'll explain why.

- *Mr O's car has been in the garage awaiting repairs for over 7 months. It has been highlighted that there were external factors contributing to these delays, which include the parts needing to be sent from the United States of America and global impact on transportation at this time. For some of this time the garage was chasing the parts.*
- *Haven accepts there was an unnecessary delay of 81 days (12 weeks). As with the investigator, I acknowledge that car hire costs are excluded under the policy, however, as these delays were Haven's responsibility, I think it is fair and reasonable for Haven to pay the car hire costs in full for 12 weeks, the same period they caused the delay.*
- *Haven offered Mr O £250 in compensation for the unnecessary delays, however, I don't think this reflects the full distress and inconvenience for Mr O, who had to:*
 - *chase Haven throughout this time for updates,*
 - *wait from the 22 November 2021 to the 14 March 2022 to get an answer on what was going on, and*
 - *make extended arrangements for car hire.*
- *I think a distress and inconvenience payment of £750 would be fair in the circumstances.*
- *I agree with the investigator that there isn't evidence for loss of earnings because in hiring the car Mr O was able to work. The initial 6 weeks where he was without car were to be expected and wouldn't have been covered under his policy.*
- *Mr O has noted that he had to pay his insurance premiums during the time that it was with the garage. During this time Haven was still on risk even though Mr O didn't have use of the vehicle.*

Mr O and Haven responded to the provisional decision and said there was nothing further to add. My decision therefore remains the same.

My final decision

My final decision is that this complaint should be upheld. In order to resolve Mr O's complaint, I direct Haven to:

- pay Mr O 12 weeks of car hire costs at £235 a week.
- increase its distress and inconvenience payment to £750.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr O to accept or reject my decision before 23 September 2022.

Rachel Lam
Ombudsman