

The complaint

Mr K complains Calpe Insurance Company Limited (Calpe) unfairly recorded claims against his motor insurance policy which affected the premiums of new policies.

There are several parties and representatives of Calpe involved throughout the complaint but for the purposes of this complaint I'm only going to refer to Calpe.

What happened

Mr K held a motor insurance policy with Calpe.

When he renewed his policy in May 2021 with another insurer he saw Calpe had two claims recorded on his insurance records. One for a claim in August 2020 that had been reported to Calpe by a third-party and a second for an incident in April 2021 which Mr K had reported to Calpe.

Mr K said he was not involved in an incident in August 2020, and Calpe should have been removed from his record. He said this has affected the cost of his premiums and he wants Calpe to reimburse him with the differences he has paid and confirm a five year no claims discount for him.

Calpe acknowledged Mr K's complaint but have not made any response to him.

As Mr K was not happy with Calpe, he brought the complaint to our service.

Our investigator upheld the complaint. They looked into the case and said they didn't think Calpe had recorded the claims incorrectly. But said due to the time that's passed since the claim in August 2020 where Mr K has provided evidence he wasn't involved, it should now close this claim as non-fault and reinstate his no claims discount.

As Calpe did not respond to our investigator's view the complaint has been brought to me for a final decision to be made.

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 looked at the claim recorded in April 2021 and saw this was closed and recorded as non-fault in February 2022.

I looked at the claim recorded in August 2020. This was reported by a third-party. Mr K said he was not involved in the alleged incident. In November 2020 sent images of his car to Calpe that showed there was no visible damage. Calpe then denied liability to the third party.

The third-party continued to pursue the claim and it has still not been resolved. Calpe agree it is unusual for a judgement on a claim to be outstanding for so long and I've seen it has

tried to contact the solicitors working on behalf of the third-party but without success. The claim still remains open, and Calpe said it continues to chase the outcome.

I think Calpe fairly recorded this claim on the claims and underwriting exchange (CUE) as an open claim. However it has now been more than two years since this claim was reported by the third-party and there is still no resolution. I think it is now appropriate for Calpe to close the claim and record it as non-fault. It should also allow Mr K's no claims discount for that year.

Calpe should update its own and CUE records that the claim recorded in August 2020 against Mr K is now closed and is recorded as non-fault. Once complete it should send Mr K evidence of this and evidence of his updated no claims discount status.

Mr K can use this as evidence for his insurer since May 2021. They can recalculate his premiums due and may be able to reimburse him if there are any differences between the premiums he has paid and the premiums due. We are unable to be involved if Mr K is not happy with his current insurer's premiums. If he is not happy he will need to raise a separate claim with them.

My final decision

For the reasons I have given I uphold this complaint.

I require Calpe Insurance Company Limited to update Mr K's insurance records that the claim in August 2020 is closed and that it is non-fault. It should also provide him with an updated no claims discount record.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr K to accept or reject my decision before 7 April 2023.

Sally-Ann Harding
Ombudsman