

## **The complaint**

Mr K has complained about his car insurer Aviva Insurance Limited as following it repairing his car, it was making a noise and the steering was heavier than before.

## **What happened**

Mr K noted his car had been tampered with overnight. He spoke to neighbours and the police. He called Aviva to make a claim. Mr K wasn't really sure what had happened to his car, but it was felt the catalytic converter (CAT) had been stolen. Aviva's garage identified that was missing and replaced it.

When Mr K got his car back he felt the steering was heavy and that the car was making a noise. He went back to Aviva's garage. They said there were no faults linked to the theft of the CAT. Mr K had a diagnostic test completed which found an error with the car's hybrid battery, Mr K's garage also felt the steering rod needed replacing, and it was replaced.

Mr K complained to Aviva – he felt the problems he'd had with the car since it had replaced the CAT must all have been caused by the thieves and that Aviva should have run a full diagnostic on the car when it took it for repair. Aviva said there hadn't been a need for it to do a full diagnostic – not given the theft of the CAT, which thieves take usually without doing other damage to the car. Aviva said the battery error was likely to do with the age of the car and the heavy steering was likely related to that (as it is electrically assisted), also that the thieves wouldn't have damaged the steering rod. Aviva confirmed that the garage, in replacing the CAT, wouldn't have completed work on the battery or the steering system.

Aviva though acknowledged that there had been some poor service – the garage at one stage had suggested Mr K needed to add power steering fluid even though Mr K's car has an electrically assisted system. And it had delayed answering his complaint. So it offered £150 compensation. Mr K remained unhappy, and he complained to the Financial Ombudsman Service.

Our Investigator thought it was unlikely that the problems Mr K had found with his car were related to the theft or Aviva's repair. She felt the offer of compensation was fair and reasonable in the circumstances.

Mr K said he disagreed. He said he didn't think it was fair that our Investigator had taken Aviva's side, even though it hadn't provided any evidence. Mr K said Aviva should have established these issues with the car as it had not been known that the stolen CAT was the only result of the theft. His complaint was passed for an Ombudsman's decision.

## **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 appreciate that it was worrying for Mr K, having got his car back, to find issues with it that either had not been there before, or which he had not noticed. And given Aviva had so

recently worked on the car I would have expected it to assist with reviewing the issues and checking that the car, as a result of the known incident, had been fully repaired. And I'm satisfied that Aviva did do that here.

Mr K says that Aviva did not provide any evidence. But it did. Aviva checked with the garage what had been done and considered its expert assessment of what had been found. And whilst Aviva did not provide the diagnostic which Mr K had done, it considered it and gave an opinion on it. In the circumstances I don't think there is anything more I can reasonably expect it to have done.

I say that because this was not the type of theft situation where a car is missing for days, and is driven in an unknown way by unknown parties, for example. In that situation an insurer might reasonably do a complete check on the car, all of its systems and main mechanical functions because what the car has suffered during the theft is not known, and can't be reasonably predicted. That is quite different to Mr K's situation where his car was not actually taken or driven – according to the neighbour who saw a number of people hanging around the car for about half an hour. And where, in the aftermath of that, the CAT was clearly missing and had been taken from the car. I understand that CAT thefts are quite common and usually the CAT is the only target of the thieves. And removing a CAT can be done relatively simply – it is just a part that detaches from the body of the car, there is no need for a thief to access the engine or adjust the steering, or otherwise tamper with the car to gain the object of their thievery. So here, where Mr K reported that his car was likely tampered with, and the CAT was found to be missing, I think it was reasonable that Aviva's garage did not run a full diagnostic on the car to check that all its other systems and functions were working.

I've also considered what the garage and Aviva have said about the post repair problems reported by Mr K. The steering rod is a moving mechanical part of the car. It is something which suffers from wear and tear due to use of the vehicle. And it seems likely that, in this case, the steering generally might well have been affected by the battery issue. The power steering system of Mr K's car is assisted by electricity drawn from the battery. But the diagnostic shows that the battery isn't working properly because it is deteriorating. So it makes sense to me that the power steering system could well have been or is suffering because of the battery issue.

I appreciate that Mr K was not aware of an issue with the battery before Aviva replaced the CAT. But with the diagnostic saying the battery is deteriorating, that is something that would have been happening over an extended period of time. And it is the case when looking at any issue of deterioration that often the fact something is deteriorating is not noticed until the item either reaches a certain level of degradation where a loss in function becomes apparent, or something else happens which highlights the item is not working as it should. But deterioration does not occur during a half hour theft, or even over a period of two-three weeks of a car being away at a garage, it is a long-term process.

On this occasion I think Aviva completed a satisfactory repair given the circumstances of the loss. I'm also satisfied that Aviva's response – that the steering and battery issues Mr K has had with the car are not likely linked to the theft or its repairs – is fair and reasonable.

Aviva has accepted that the garage did give incorrect advice about power steering fluid. It's unfortunate that the mechanic did not make sure of the nature of the car (it having an electric rather than fluid based steering system) before offering this incorrect advice. It understandably made Mr K even more concerned about the work that had been done. I also note Aviva acknowledges a delay in handled Mr K's complaint. In the circumstances, especially given the additional worry Mr K was caused by the poor advice, I think £150

compensation is fairly and reasonably due. Whilst Aviva offered this sum, it seems it did not pay it. I'll require it to pay it now, but if it has been paid before, it won't have to pay it again.

### **My final decision**

I require Aviva Insurance Limited to pay Mr K £150 compensation.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr K to accept or reject my decision before 21 April 2023.

Fiona Robinson  
**Ombudsman**