

## **The complaint**

Mr H complains about Helvetia Global Solutions Ltd's handling of a claim he made under his motor breakdown insurance policy.

Helvetia is the underwriter of this policy i.e. the insurer. Part of this complaint concerns the actions of its agent. As Helvetia has accepted it is accountable for the actions of the agent, in my decision, any reference to Helvetia includes the actions of the agent.

## **What happened**

In mid-2022 Mr H made a claim under his breakdown policy when his vehicle suffered a puncture on the motorway.

Helvetia declined assistance under the policy because Mr H's vehicle didn't have a foam repair kit or serviceable spare wheel. Helvetia offered Mr H pay as you go assistance. Mr H decided not to go ahead with this because he didn't think he should have to pay the additional cost.

Mr H says he, his wife and two small children were stuck on the hard shoulder of the motorway for 1.5 hours, until they were helped by some other motorists.

Mr H complained to Helvetia who upheld his complaint and offered him £50 compensation. It said it should have offered him recovery to a local tyre garage.

Mr H remained unhappy, so he asked our service to consider his concerns. Our investigator thought Mr H's complaint should be upheld and recommended Helvetia increase its offer of compensation to £100.

Helvetia disagreed with our investigator's outcome. It said when it phoned Mr H around half an hour after his initial call, there was the sound of what it believed to be a tyre pump for a tyre foam kit in the background. Based on this, it believed someone helped get Mr H back on the road fairly quickly. It said that if assistance had gone ahead the standard time would be 60 – 90 minutes. Helvetia felt its offer of £50 for inconvenience and distress was more than appropriate. 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 to uphold Mr H's complaint. I'll explain why.

Helvetia has acknowledged that it was wrong to decline Mr H's claim. It should have offered to recover his vehicle to a local tyre garage. So, all I've needed to consider is whether Helvetia's offer of £50 is sufficient compensation for the distress and inconvenience he experienced.

Helvetia has told us it believes Mr H was back on the road fairly quickly based on background noise in a telephone call. However, it hasn't provided us with a recording of this call.

Mr H says he had a pump he was trying to use to inflate the tyre to a point so he could move his vehicle somewhere else, but unfortunately it was not possible. So, this might explain what Helvetia heard in the background of the call.

I'm persuaded by Mr H's testimony that he and his family were left on the hard shoulder of the motorway for around 1.5 hours. I think this would have been particularly distressing for him, given that both of his children were under the age of five. Whilst they eventually received help from some passing motorists, this wasn't something Mr H could rely on happening.

It was no doubt frustrating for Mr H that he didn't receive the service he was expecting under the policy. Mr H says it was a very unpleasant experience and not the way he wished to start his holiday.

Given the above, I think a total of £100 would more fairly recognise the distress and inconvenience Mr H experienced as a result of Helvetia's failings.

### **Putting things right**

Pay Mr H a total of £100 compensation for distress and inconvenience.

### **My final decision**

For the reasons I've explained, I uphold Mr H's complaint and direct Helvetia Global Solutions Ltd to put things right by doing as I've said above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 26 May 2023.

Anne Muscroft  
**Ombudsman**