

The complaint

Mr A complains that esure Insurance Limited (“esure”) is responsible for mishandling his data in connection with a claim on his motor insurance policy.

What happened

Mr A had a hatchback car first registered in 2016. For the year from mid-January 2023, Mr A had a comprehensive policy for the car. The policy also covered his wife as a named driver.

The insurance company responsible for dealing with any claim was esure. Many of Mr A’s complaints concern acts or omissions of a related policy administrator. Insofar as I hold esure responsible for such acts or omissions, I may refer to them as esure’s.

Unfortunately on about 20 February 2023, Mr A’s vehicle was involved in an accident.

Mr A complained to esure about delay in providing a courtesy car. On 8 March 2023, esure said it was sending Mr A £170.00.

By about late March 2023, Mr A had complained to esure about a data breach leading to an unwanted telephone contact.

By a final response dated 24 April 2023, esure apologised for a delay (in referral to the claims validation team) and said it was sending Mr A £100.00.

Mr A brought his complaint to us straight away.

Our investigator thought that several of the complaint points Mr A had raised didn’t fall within our remit of investigation. Subject to that, our investigator recommended that the complaint should be upheld in part.

She thought that esure should’ve provided better service to Mr A. Specifically, esure failed to return his calls. Also, esure should’ve kept Mr A updated about the investigation into the data breach. The investigator recommended that esure should award Mr A an additional £100.00 compensation in recognition of the unnecessary inconvenience and upset caused.

Mr A disagreed with the investigator’s opinion in part. He asked for an ombudsman to review the complaint. He says, in summary, that:

- £100.00 isn’t good enough for the anguish, wasted time and upset he’s been caused.
- He’ll raise a complaint with the Information Commissioner’s Office.

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.

Scope of this final decision

The Financial Ombudsman Service is bound by the Financial Conduct Authority's dispute resolution rules. We can only investigate consumer complaints about regulated activities or ancillary activities.

Also, the rules require us to operate a two-stage process under which an investigator gives an opinion on a complaint and an ombudsman gives a final decision on that complaint.

Our investigator said that we couldn't investigate some of Mr A's complaint points which I summarise as follows:

- payment of £170.00 promised on 8 March not received promptly;
- unexplained payment of £200.00 received 31 March 2023;
- unexplained payment of £100.00 received 28 April 2023;
- delays in responding to his complaint;
- handling of his complaint.

I agree with the investigator's reasons for not giving an opinion on those points – that they don't arise out of regulated activities. I cannot make any findings on those points in this final decision.

Data breach/ Nuisance calls

I accept that, following the accident, unwanted callers rang Mr A at work on three or four occasions in March, April and May 2023. On two on these occasions the caller claimed he was from esure.

I'm satisfied that – after Mr A complained to esure – esure carried out a reasonable and proportionate investigation.

I accept Mr A's statement that esure could see his telephone number when he rang from work. However, I'm satisfied that esure didn't hold Mr A's work phone number on its systems and didn't initiate calls to that number.

Overall, I don't find any evidence that esure was responsible for giving that number to the unwanted callers. So I don't find it fair and reasonable to direct esure to pay Mr A compensation for his upset caused by the calls.

Communication by esure

Mr A asked esure to keep him updated about the investigation into the unwanted calls. I accept that esure failed to call Mr A back in late March 2023.

Also, in mid- April 2023, esure didn't handle Mr A's call as well as it should've. So esure didn't keep Mr A updated as he had asked.

Putting things right

The impact on Mr A was that he felt frustrated. On a few occasions, he had to chase esure for information. He had to repeat himself to several of esure's call-handlers.

I've taken into account that this went on for about a month. Overall, I'm satisfied that an additional £100.00 is fair and reasonable compensation for the distress and inconvenience caused to Mr A by the shortcomings in esure's communication.

My final decision

For the reasons I've explained, my final decision is that I uphold this complaint in part. I direct esure Insurance Limited to pay Mr A – in addition to its previous payments - an additional £100.00 compensation for distress and inconvenience.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 24 November 2023.

Christopher Gilbert

Ombudsman