

The complaint

Mr S has complained about Astrenska Insurance Limited. He isn't happy about the way it dealt with a claim under his motor breakdown insurance policy and the poor service he received.

What happened

Mr S' car broke down on a very busy road and he called Astrenska for assistance. As Mr S was in a vulnerable position with his wife he expected to be prioritised especially given his and his wife's poor health. The conditions were too cold for Mr S and his wife to stay away from the car in a position of safety for long, so he returned to his vehicle. Although he felt very unsafe in the car Mr S felt he had no choice.

As Mr S still wasn't recovered after a period of over seven hours, feeling unwell, having already got separate transport for his wife who was suffering with her own health to get her home safely and with little in the way of updates from Astrenska he decided to leave his car overnight. He made arrangements for the collection of his car the following day but unfortunately it was stolen from where he had left it at the side of the road.

When Mr S complained to Astrenska about this it apologised for the delay and offered £75 by way of compensation. But as Mr S remained unhappy he brought his complaint to this Service.

Our investigator looked into things for Mr S and upheld his complaint. He thought Astrenska's offer of compensation wasn't enough to cover the stress, worry and inconvenience caused leading up to the theft of his car so he thought the compensation level should be lifted to £350.

As Astrenska didn't agree the matter has been passed to me for review.

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.

It isn't disputed that Mr S was left in a very vulnerable position at the side of a busy main road with his wife in freezing conditions for a prolonged period of over seven hours. And so, my focus in this complaint is purely about the level of compensation Mr S should be awarded for the position he was left in.

Astrenska seems to accept it got things wrong here and that Mr S should be compensated for this. It just feels that the level of compensation suggested by the investigator is too high. It has pointed to other complaints considered by this Service which it feels supports its offer of £75 compensation.

However, as our investigator pointed out each case is judged on its merits as opposed to adopting a general position and particular attention is paid to the circumstances each

consumer is left in when considering compensation in cases like this. And I've looked at the cases it has highlighted in support of its position but there are a few key differences. Indeed, some of the cases it has highlighted have offered more in compensation than Astrenska and given it has put these cases forward in support of its position I would have expected its initial offer to be higher.

I note one of the cases it has highlighted has offered double the amount of compensation Astrenska offered here when I would suggest that the consumer hasn't faced the same level of stress and inconvenience as Mr S. And yet it hasn't offered more to Mr S while questioning the level our investigator suggested which is surprising. Generally, in the cases it has highlighted people have been left stranded and in difficult circumstances at the side of the road like Mr S. But, in addition, Mr S' wife had to get a taxi back given her own health concerns and the freezing condition they were in and he had to wait on his own for hours while managing his own poor health. Indeed, Mr S was very unwell in the weeks after being left stranded at the side of the road because of the cold and damp conditions he was left in.

Finally, although Astrenska can't be held responsible for the theft of Mr S' car it was far less likely to have been stolen if the car had been recovered as it should have been when he broke down. And it must have been extremely stressful for Mr S to have realised his car had been stolen having already faced the difficulties the day before when his car should have been recovered.

Given all of this I think it would be fair for Astrenska to pay Mr S £350 compensation. I say this as Mr S and his wife were left in a very stressful and difficult position at the side of the road in very cold and dangerous conditions for over seven hours. And this was on top of their poor health and Mr S' further subsequent health problems which were linked to being left in the cold for so long without food and drink. Plus, the extreme stress of having to leave his car which was subsequently stolen must have been additionally traumatic.

My final decision

It follows, for the reasons given above, that I require Astrenska Insurance Limited to pay Mr S £350 compensation.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 22 September 2023.

Colin Keegan
Ombudsman