

## The complaint

Mrs S complains that esure Insurance Limited (esure) failed to obtain CCTV footage following a claim she made under her motor insurance policy.

## What happened

In October 2022 Mrs S says a third-party collided with her parked car and drove away. She arranged for the necessary repairs and contacted esure to make a claim. She says she told esure there was a camera on the street that may have footage of the incident.

Mrs S says esure didn't take reasonable steps to contact the local council to obtain any relevant CCTV footage. She says she also provided esure with details of a witness to the incident. Mrs S doesn't think it did enough to investigate the matter and is concerned that her insurance premiums will be affected.

esure says it contacted the local council, but it explained it wasn't responsible for the CCTV camera and told it to contact the police. It says it did this and was told to complete a form and pay a fee, which it did. However, it didn't receive a copy of any CCTV footage of the incident.

Mrs S received an email from esure following a phone call she had with its agent. This email says she accepted the complaint outcome discussed during the call. Mrs S says this isn't true. Her complaint wasn't resolved, and she wrote back to esure to let it know. As she remained unhappy with esure's response to her complaint Mrs S referred the matter to our service.

Our investigator didn't uphold Mrs S's complaint. She says the records shows it contacted the local council and police to request the CCTV footage without success. Without knowing the identity of the third-party driver, she says esure can't reasonably investigate the matter further.

Mrs S didn't think this outcome was fair and asked for an ombudsman to consider the matter.

It has been passed to me to decide.

I issued a provisional decision in July 2023 explaining that I was intending to uphold Mrs S's complaint. Here's what I said:

### *provisional findings*

*I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.*

*My intention is to uphold this complaint. Let me explain.*

*From the records provided Mrs S contacted esure a week after the collision happened. She*

*told it that CCTV footage was available, and it should contact the police to get hold of this. I can see that esure's records indicate images were available from the incident and there was also a witness.*

*On 2 November 2022 a call record shows Mrs S asked esure if it had contacted the police for the CCTV footage. Details for the witness were added to its claim file at this time. I can see an email was sent to Mrs S the next day asking if she has details of a witness, CCTV or if the police attended the scene.*

*A week later a complaint was raised by Mrs S. The notes refer to a delay on esure's part referring the claim to its Recoveries Team. esure's records say it should've called Mrs S on day one of the claim to find out more information about the CCTV camera. It says this is because most footage is only retained for between 21 and 28 days. A call was then made to Mrs S and she provided a phone number for the local council CCTV room.*

*I can see esure contacted the council on 10 November 2022. The records say the council didn't own or cover the camera on the street in question. And that esure was advised to contact the police. esure's agent then contacted the police via email. Mrs S was also sent an email on this date explaining the contact made with the council and with the police. esure asked if Mrs S had heard from the police about whether it had traced the third-party vehicle.*

*esure sent a cheque to Mrs S to cover the cost of the repairs. It says this hasn't been cashed, which means the claim has been closed as notification only. esure says this will be updated if Mrs S should cash the cheque or request a replacement.*

*A record dated 5 December 2022 shows the police contacted esure to ask it to pay a fee for the CCTV footage. esure wasn't able to provide a card payment, and the police didn't accept payment by cheque. The records end in February 2023 without confirming if the payment issue had been resolved. So, I asked esure to clarify.*

*In its response esure sent a letter it received from the police. This is dated 17 January 2023. It explains the reason why it will no longer accept cheque payments. And says although this may cause some organisations challenges in the short run, its confident these can be overcome. esure says Mrs S's claim has now been closed.*

*esure says that because Mrs S didn't report the claim for a week after the incident occurred, this meant it had less time to obtain the CCTV footage. It says it didn't hear back from the witness and it still isn't clear if there is or was relevant footage of the incident available.*

*I've thought carefully about the evidence and testimony provided by both parties. I think Mrs S made it clear when first contacting esure that there was a CCTV camera that may have recorded footage of the incident. esure didn't do anything about this for three weeks.*

*I acknowledge esure's point that Mrs S delayed reporting the claim by a week. But from its own records, its agents say this should have been followed up immediately. I think this is a fair point. It's not clear if usable footage of the incident exists, But I'd expect esure to have acted quickly to try and secure any evidence pertinent to Mrs S's claim. I don't think it did in this case.*

*The delays in esure requesting the CCTV footage and making payment may have limited the chances of identifying the third-party driver. But as I understand it there is still a chance that the police have video footage of the incident. The reason this isn't yet known is because esure hasn't provided a payment by credit or debit card.*

*I understand esure prefers to pay by cheque. But this can't reasonably mean it's impossible*

*for it to pay by another method. I can't see that esure made any further attempt to make payment after the police wrote to it in January 2023. I don't think it's reasonable to close Mrs S's claim without following this up.*

*I think it's fair that esure pays the police its fee to establish if the third-party driver can be identified from any CCTV footage. It should write to Mrs S to confirm the outcome of its further enquiries and the impact on her claim. If she isn't satisfied with its response, she can complain to the business. She also has the option to refer the matter to our service if she remains unhappy.*

*I've thought about the impact all of this has had on Mrs S. It shouldn't have been left for her to chase progress in obtaining the CCTV footage. This has caused significant delays in dealing with the claim correctly. This has been a source of frustration and distress for Mrs S as well as causing her inconvenience. Given the poor standard of claim handling with respect to the CCTV issue, I think esure should pay Mrs S £250 compensation.*

I said I was intending to uphold Mrs S's complaint. I said esure should pay the police administration fee to request any CCTV footage that exists of the claim incident and write to Mrs S to inform her of the outcome this has on her claim. And that it should pay Mrs S £250 compensation for the frustration, distress, and inconvenience it caused her.

I asked both parties to send me any further comments and information they might want me to consider before I reached a final decision.

esure responded to say it was physically unable to pay the police administration fee. It says individual departments don't have a credit or debit card. It says it hasn't withheld payment or refused to pay the police administration charge. But it says it cannot make a payment in the way requested.

Mrs S provided information to support her argument that esure hadn't done enough to obtain CCTV footage of the incident that resulted in her claim. She says she has to use her car for work purposes and says her employer won't allow more than two fault claims. Mrs S says she hasn't made a claim since passing her test over forty years ago. She doesn't think esure treated her fairly in its handling of her claim. Particularly in its failure to obtain CCTV footage.

### **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 not seen reason to change my findings.

I responded to esure's comments to say that based on what it said it'll be unable to obtain CCTV footage held by the police (in this region) for any accidents involving any of its policyholders. This is because it can't pay the administration fee by credit or debit card. I said that I didn't think this was reasonable or that a solution couldn't be found. esure didn't respond to my comments and it didn't provide any further information.

I don't think esure's argument for not paying the police administration fee is reasonable. So, this doesn't warrant a change to my findings.

I've read Mrs S's comments, and the further information she's sent. But this doesn't add anything of significance to the information I've already considered in my provisional decision. I agree that esure didn't do enough to try and obtain any CCTV footage the police might have. This is why I said it should pay the administration fee and inform Mrs S of the impact

any video footage it obtains has on her claim.

Given the frustration, distress, and inconvenience esure has caused Mrs S, I think it's fair to pay her £250 compensation. But I've not seen anything that persuades me to alter my provisional decision.

### **My final decision**

My final decision is that I uphold this complaint. esure Insurance Limited should:

- pay the police administration fee to request any CCTV footage that exists of the claim incident and write to Mrs S to inform her of the outcome this has on her claim; and
- pay Mrs S £250 compensation for the frustration, distress, and inconvenience it caused her

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs S to accept or reject my decision before 2 October 2023.

Mike Waldron  
**Ombudsman**