

## **The complaint**

Mr Y complains esure Insurance Limited cancelled his motor insurance policy by mistake and this caused him significant problems.

## **What happened**

Mr Y had a motor insurance policy with esure. The policy was cancelled. The following day Mr Y was stopped by the Police and charged with driving without insurance. Mr Y complained to esure saying he didn't cancel his policy.

esure said Mr Y had called to cancel the policy. It said he had gone through automated identification and referred to the correct start date of the policy. It said Mr Y went on to cancel the policy because a change he wanted couldn't be implemented.

Mr Y says it wasn't him who called esure. He said it must have been a mistake and if he'd been emailed to say the policy had been cancelled, he would have acted. He asked our service for an independent review.

The Investigator asked esure for evidence to satisfy her Mr Y had cancelled the policy, but she didn't receive it despite several chasers. Ultimately, based on the evidence available to her, she recommended the complaint should be upheld.

Mr Y accepted the Investigator's recommendation. esure didn't respond, despite follow up contact from the Investigator. As the complaint couldn't be resolved informally, it was passed to me to make a formal determination. I issued a provision decision. I said:

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

Mr Y says he didn't call esure to cancel the policy. That may be the case. But what I must decide is whether it was fair and reasonable for esure to cancel the policy, based on the information available to it at the time. I must also decide whether I consider esure should have sent a cancellation confirmation as Mr Y suggests.

I have listened to a recording of the call in which the policy was cancelled. No policy details were asked for. Nor were there any security questions. So I find it more likely than not the caller had gone through esure's automated identification, as esure has said. esure hasn't provided details of the automated identification journey. I have, however, called esure's general number and been through the journey myself. I see no compelling reason to think the journey has materially changed since the caller went through it.

The journey requires the input of the policy number, and the policy holder's date of birth, postcode, phone number and car registration number. The person who called esure therefore must have known specific information about the policy, and about Mr Y, to have made it through to esure's agent. This is further supported by the caller saying at the start of the call, the date the policy started, to the day. I'm not

persuaded esure cancelled the wrong policy by mistake.

The caller asked esure to increase the policy cover. There would be no motive for an unknown third party to make this sort of request. The cover sought wasn't something esure could provide so it was agreed the policy would be cancelled that day, with no cancellation fee and a pro-rata premium refund (to the account the premium came from). The caller was grateful. I'm not persuaded anything was said or done which ought reasonably to have caused esure's agent concern the caller wasn't the policy holder.

Mr Y says esure should have emailed him confirmation the policy had been cancelled. Given esure thought the policy holder had cancelled the policy himself, I find it was reasonable for it not to send a cancellation confirmation, given it wouldn't add to what was already known. In any case, had esure sent a cancellation confirmation, it may not have arrived in time to avoid what happened with the Police. Nor is there any certainty Mr Y would have picked it up in time if it had, or whether he would have acted upon it.

In summary, while I sympathise with Mr Y if someone did call esure without his knowledge or consent, I find it was fair and reasonable for esure to cancel the policy based on the information available to it at the time. And I find it was fair and reasonable for esure not to send Mr Y a cancellation confirmation. It follows this isn't a complaint I intend to uphold.

#### *My provisional decision*

I don't intend to uphold this complaint."

esure didn't respond to my provisional decision. Mr Y responded to say, broadly, that he didn't call to cancel the policy, it's not right that someone with his information can cancel his policy, and esure should have notified him of the cancellation. He also explained the impact this matter has had on him/his business.

#### **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.

While I still sympathise with Mr Y and the difficult time he's had, I haven't been presented with any materially new evidence or arguments. I therefore see no compelling reason to depart from my provisional decision.

#### **My final decision**

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr Y to accept or reject my decision before 8 December 2023.

James Langford  
**Ombudsman**