

## **The complaint**

Mr U has complained about the fact that esure has recorded a car accident against him it said was reported to it by a third party.

## **What happened**

Mr U had a car insurance policy with esure. He discovered there were two accidents recorded against him from 2019. One from November 2019 and one from September 2019. He complained to esure about this. esure explained that the incident from November 2019 was a claim which had been settled 50/50 with the third party, but recorded as a non-fault claim after Mr U had queried why it had been settled 50/50.

Mr U wasn't happy and asked us to consider his complaint. He said he thought he'd been paying too much in premiums to esure as a result of accidents being incorrectly recorded against him. One of our investigator's did this. She said that she was satisfied that esure had recorded the accidents correctly and that Mr U's premiums had not been affected by incorrectly recorded accidents.

Mr U said he was unhappy with investigator's view and wanted an ombudsman's decision.

Having reviewed Mr U's complaint I spoke with him to clarify which accident he didn't think should be on his record. He said that it was the accident from September 2019 that he didn't think should be recorded against him. So I explained I would check this out with esure before issuing this decision. I have now done that.

## **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.

esure has explained that the incident from September 2019 was added to Mr U's records after a third party contacted it in October 2019. esure has explained it called Mr U about it and left a voicemail for him. And he returned its call and said 'I was driving down the road when a vehicle from oncoming traffic has turned right into a side road and crossed two lanes and collided with my car'. And Mr U also advised there was damage to the car he was driving. It seems though that he wasn't driving his own car, so could not claim for the damage under his policy. So the incident never led to a claim and was recorded as 'notification only'.

Therefore, the evidence provided by esure shows the accident from September 2019 was correctly recorded against Mr U's record and there is no reason for it to be removed. esure has however confirmed that because it was recorded as notification only, it has never affected Mr U's premium. In view of what esure has said I can see no reason why this accident should be removed from Mr U's record.

The accident from November 2019 was recorded as non-fault, although from what esure has said I'm satisfied it was right for it to settle it 50/50. I say this because there were no

independent witnesses and it would have been difficult for esure to hold the third party at fault based on Mr U's description of what happened. esure has confirmed that Mr U's premiums correctly reflected this claim as non-fault from July 2020 onwards. So there is nothing to suggest either this accident or the one from September 2019 has incorrectly affected Mr U's premium and he has paid more than he should have done.

In view of what I have said, like our investigator, I can't see esure has done anything wrong and this means it is not appropriate for me to uphold Mr U's complaint.

### **My final decision**

For the reasons set out above, I do not uphold Mr U's complaint about esure Insurance Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr U to accept or reject my decision before 5 March 2024.

Robert Short  
**Ombudsman**