

## **The complaint**

Mr W has complained about his car insurer esure Insurance Limited (Esure) regarding a claim he made following a multi-car accident.

## **What happened**

Mr W was in an accident in early June 2023 and made a claim. Esure decided his car was damaged beyond economic repair. It settled the claim as one of total loss, with an agreement reached for Mr W to keep the car.

By mid-June 2023 Mr W had become frustrated by Esure. He noted he was often on the phone for over an hour before it would answer, or sometimes the call would cut-off. When he tried to collect his car the garage wouldn't initially release it to him. As time went on Mr W became concerned at how long it was taking for the liability of the claim to be settled. In September 2023 Esure updated Mr W that the liability issue had gone to an independent arbitrator (IA) for decision, with the IA finding in Mr W's favour. It noted it could have provided updates in the interim. Esure said it would pay Mr W £100 compensation.

Mr W remained unhappy. Our Investigator reviewed a complaint Mr W made to us about Esure's actions. She felt Esure hadn't handled the claim fairly, which had caused Mr W distress and inconvenience. She felt it should pay a total of £200 compensation.

Mr W accepted the Investigator's view. Esure said it was disappointed the compensation had been doubled. Esure said it didn't think there was any issue for it to answer about Mr W getting his car back – it was always up to him to collect it. Esure said its call handler had acted reasonably by not calling Mr W back during one particular call. It said that was because it had been assumed that Mr W had ended the call, although it acknowledged it now seemed like a system issue had occurred, causing Mr W to think its handler had ended the call. Esure said Mr W had insisted on talking to it repeatedly about the same things. It said £100 was fair and reasonable compensation.

The complaint was referred for an Ombudsman's decision.

## **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.

I note Esure accepts that, in part, it failed Mr W here. It acknowledges it could have done more to update him, and that it had been experiencing long-wait times on incoming calls.

I think Esure did fail Mr W in these respects. For example I don't see that it explained to him that the liability issue was to be considered and settled by an IA – or what that process would entail, including what would happen following any finding. Waiting without any contact, especially when Mr W had constantly experienced difficulties with calling Esure, which it has acknowledged, was very frustrating for him. Essentially he was in a position where he knew, if he wanted to chase Esure for an update any attempt to do so would likely be very time

consuming and possibly fruitless. Esure's failure to communicate left Mr W worried and uncertain for around three months.

I can also see there were issues early on in the claim with the garage as well. I've considered what Esure has said about the garage and Mr W collecting the car. I think it's missed the point somewhat.

I've noted that Esure knew on 9 June 2023 that Mr W was keeping the car. But it did not notify the garage to release the car to Mr W until 15 June 2023. Mr W has said that in the interim he visited the garage to collect the car and it would not release it to him because that hadn't been authorised. I've seen no good reason why Esure took a week to authorise the garage to release the car to Mr W. It should have done that sooner. I accept Mr W was caused distress and inconvenience by this, which prompt and reasonable action from Esure could've avoided.

I've considered the call in June where each party thought the other ended the call. I can understand Mr W not trying to call back – he had been experiencing difficulty getting through. I'm mindful that Esure was aware it had long wait times. I also note Esure didn't submit this call for our Investigator to listen to, even though it was requested. Esure has said the handler assumed Mr W had hung-up. I've not seen anything to make think that was a reasonable assumption. I bear in mind the handler at the time was aware Mr W was in the process of making a complaint. I think a reasonable response from Esure at that time would have been to call Mr W back.

I'm satisfied he was frustrated by the call ending – that in itself may not have been any fault of Esure. But that frustration would have been 'nipped in the bud', so to speak, if Esure had acted reasonably and called him back. Mr W would have known Esure had not deliberately disconnected his call and he would have been able to put his complaint forwards fully. As it was Mr W resorted to trying to email Esure, which was to no avail, and then Esure only accepted his complaint following contact by our Investigator.

Having considered everything, I think £200 is fair and reasonable compensation. I realise Esure will be disappointed by this outcome. But Esure's failures which Mr W is concerned about occurred over several months. I've accepted that at times during this period Mr W was caused worry and concern. With Mr W also having to put in a reasonable amount of effort to resolve things, including making phone calls, some of which lasted for an hour or so. Taking everything into account I'm satisfied £200 is fair and reasonable compensation in the circumstances here.

### **Putting things right**

I require Esure to pay Mr W a total of £200 compensation.

### **My final decision**

I uphold this complaint. I require esure Insurance Limited to provide the redress set out above at "Putting things right".

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 1 April 2024.

Fiona Robinson  
**Ombudsman**