

The complaint

Mr L has complained about the way esure Insurance Limited handled his request for assistance following a breakdown under his car insurance policy, its refusal to meet a claim and its request for an outstanding premium. Mr L says esure told him to scrap his car.

What happened

Mr L unfortunately broke down late at night. As an additional benefit under his policy with esure, Mr L had breakdown assistance.

Mr L said he had stopped at a service station for something to eat. He had left his lights on. When he tried to start his car, it wouldn't start. He said a stranger offered to assist him at the service station with jump leads. This didn't work and Mr L said he didn't authorise the way the stranger attempted to work on his car.

The breakdown assistance (BA) provider attended. Mr L said they reported that the attempts to start Mr L's car had resulted in damaging the ECU. Mr L said the BA provider told him costs to repair his car would be thousands of pounds and advised him to speak to his insurer, esure.

Mr L made a series of calls to esure and the BA provider over two days. In summary, Mr L asked for help to be recovered home, which was almost 200 miles away. He said he was disabled, without his medication, and was travelling with his carer being forced to sleep in the back of his car for two nights. Mr L said he didn't have any money to pay for the service station's parking charge of £25 a day. He believed he had a valid claim under his policy.

But Mr L didn't have a valid claim – and so esure said he was responsible for the repairs, and for paying the recovery costs for his car. The BA provider quoted a price of £475 to recover Mr L's car, Mr L and his carer.

Mr L complained to esure. He was unhappy that it was seeking a balance under the policy as Mr L stopped paying the monthly premium. Mr L said that in a call on 1 May 2023, esure advised him to scrap his car and that it would cancel his policy.

Mr L said he scrapped his car for £600.

esure didn't uphold Mr L's complaint. It said it could only locate one call from 1 May 2023 and the cancellation of the policy or scrapping the car wasn't discussed here. It said if Mr L provided further details it would look again.

As a goodwill gesture, it waived the balance Mr L owed on cancellation of his policy for non-payment.

Our Investigator didn't recommend the complaint should be upheld. She thought esure had acted reasonably.

Mr L didn't agree and wants an ombudsman to decide.

During our investigation, esure located multiple calls which Mr L made from another number on 1 May 2023. I have listened to the calls.

From the information provided by Mr L about his recollection of the key call - and with esure's agreement - I shared the relevant call with Mr L. I asked Mr L to provide his comments before reaching my decision – as I found no evidence esure had advised Mr L to scrap his car and agreed to cancel his policy.

In response, Mr L said he believes there was another call where he was advised to scrap his car and his policy was cancelled is missing, and that esure has destroyed it. He says his car was criminally damaged and so his claim should have been met by esure.

Mr L says his car was worth more than he scrapped it for and esure's handling of the incident has had a financial and emotional impact on him.

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.

My decision is about Mr L's complaint that esure hasn't acted reasonably. I haven't considered the actions of the BA provider.

I appreciate that Mr L believes esure hasn't provided all of the calls he made. esure has provide a screenshot of its internal record of all calls received from both contact numbers during the period of the breakdown of Mr L's car. I've listened to the calls provided which match the screenshot. So based on the evidence available, I'm satisfied esure has provided all relevant calls.

And having reviewed the calls, I haven't found that esure advised Mr L to scrap his car, or that it agreed to cancel his policy.

I understand how strongly Mr L feels about what happened when he broke down. But from what Mr L says, he agreed for a person to work on his car – and unfortunately as he described, their actions appear to have caused further damage.

Mr L's policy with esure, like all standard insurance policies, provides cover for specified insured perils – that is; sudden unforeseen events such as an accident or theft.

The circumstances of Mr L's claim aren't covered under his policy with esure. I understand Mr L feels esure is responsible for the inconvenience he experienced – and for his losses that arose from the breakdown. And so he doesn't agree the waiving of the cancellation balance by esure is enough to put things right.

When esure looked at Mr L's complaint, I think it failed to properly look for all the calls it had a record of from 1 May 2023 – as Mr L had provided the alternative phone number to esure in a call on 18 May 2023.

As I explained to Mr L when I shared the key call recording, I've considered what difference this makes to the outcome.

In addition to waiving the cancellation balance, esure offered a goodwill gesture payment of £50. The £50 was offered to Mr L in a call on 6 June 2023 by way of an apology if esure had advised Mr L to scrap the car.

Having reviewed the calls, there isn't any evidence esure advised Mr L of this. So – taking everything into account - I think esure's decision to waive the balance due when it cancelled Mr L's policy for non-payment is a fair and reasonable outcome. And as Mr L didn't have a valid claim, I can't say that any inconvenience or loss that arose from the damage to Mr L's car is esure's responsibility. So I'm not asking esure to do any more.

My final decision

For the reasons I've given above, my final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr L to accept or reject my decision before 16 April 2024.

Geraldine Newbold
Ombudsman