

The complaint

Mr V complains about how esure Insurance Limited handled his claim after his car was stolen.

What happened

Mr V made a claim to esure after his car was stolen. He wasn't happy with how that claim was dealt with and made a complaint to our service. A final decision on his complaint was issued on 23 August 2023.

Mr V raised a further complaint with esure after that decision was issued and then brought that complaint to us. He told us that his claim still hadn't been settled in full and he was unhappy about the following issues: -

1. His car remained at the garage, with no update from esure.
2. It took four months to write-off his car.
3. esure didn't allow him to buy back his car.
4. Personal items weren't returned to him.
5. He was being asked to pay an additional amount for a loan car which wasn't covered by esure.
6. He was told he had to pay an outstanding amount to his insurers.
7. He has to wait for about an hour to speak to someone at esure and when he does get through the connection is poor.
8. It took more time than he expected to get confirmation of his no claims discount.

When we contacted esure about Mr V's claim they said they were responding to his complaint and would be making him a settlement offer.

When they responded to Mr V's complaint esure apologised for the length of time it took for his car to be written off. They said that had he notified them that he potentially wished to retain the salvage, they'd have placed a safeguard on the car. But when he raised this the car had already been disposed of.

They also explained that as he'd made a claim on his policy and they'd provided cover, he needed to pay the premium for the whole of the policy year. And as he was paying by instalments he needed to keep up the payments until the whole premium was covered.

They apologised for the difficulties Mr V had experienced when he contacted them. He was offered £150 for the service issues he'd experienced.

Mr V told us that he rejected this offer and wanted us to consider his complaint.

Our investigator considered the case and looked at the points that were dealt with in the final decision issued by our service in August 2023. Having done this she told Mr V that the DISP rules set by the Financial Conduct Authority state that we can't make any further comment on any aspects of a complaint that have reached a decision.

And because of this she said we could only consider his complaint about how long it took esure to tell him his car was being written off and him not being given the opportunity to buy his car back. As all the other points he'd raised had been dealt with in the August 2023 decision.

Our investigator felt the £150 esure had offered was reasonable for the delay in notifying Mr V that his car had been written off. And she didn't feel they needed to offer him anything for not being given the opportunity to buy his car back, as it had been disposed of.

Mr V didn't accept our investigator's opinion so the case has come to me for a 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.

The Financial Conduct Authority sets the rules we must follow when dealing with complaints that are brought to us. These are set out in the DISP rules. There are certain restrictions on the complaints we can consider and in certain cases we can dismiss a complaint without considering its merits. This includes, DISP 3.3.4A (2) "Where the subject matter of the complaint has been dealt with, or is being dealt with, by a comparable ADR entity."

I've considered the decision issued in August 2023 dealing with Mr V's complaint about esure. Having done that I agree with our investigator's view that the only issues we can now consider are the time it took esure to advise him that his car had been written off, and that he wasn't given the opportunity to buy the salvage in his car. All the other issues he's raised were dealt with in the August 2023 decision, and I can't consider them again.

esure have accepted that there was a delay in their engineer inspecting Mr V's car and deeming it a total loss and they've apologised for this.

When they responded to his complaint esure told Mr V that they don't proactively pursue the option of retaining the salvage in their car with customers. Had he made them aware that he was interested they said they'd have contacted their salvage agents to place a safeguard on the car. But he didn't raise this until after the car had been disposed of.

We asked esure to provide a timeline of events from the car being written off to it being disposed of. They've told us the car was collected by their salvage agents on 7 August 2023. On 10 August 2023 Mr V was advised the car was a total loss. As the car was subject to a finance agreement he was asked to contact the finance company to authorise esure speaking to them, and to notify their total loss team when this had been done.

On 18 August 2023 Mr V chased esure for payment and was told these would be issued. esure have told us and I accept, based on the evidence they'd provided, that Mr V made no mention of retaining his car, and it was disposed of.

esure accepted Mr V's claim for his car and have paid him the total loss value of his car less the outstanding finance. So the car became their property. Had Mr V advised them he wished to retain the salvage I'd have expected them to consider this and advise him of his options. But there's no record that he did this and as esure have paid the claim for his car I

can't say that they did anything wrong.

esure have offered Mr V £150 for the service issues he experienced. I think this is reasonable and I'm not asking them to do anything else.

My final decision

For the reasons set out above my final decision is that I don't uphold Mr V's complaint about esure Insurance Limited.

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

Patricia O'Leary
Ombudsman