

## **The complaint**

Mrs R complains that esure Insurance Limited (Esure) cancelled her car insurance policy and declined a claim she'd made.

Mrs R is being represented in this complaint. Where I've referred to Mrs R throughout, this includes any communication and comments from her representative.

## **What happened**

Mrs R had a car insurance policy with Esure. In February 2023, Mrs R reported she had been involved in an accident with a third-party vehicle outside her home address and her car had been damaged.

Following consideration of the claim and information available, Esure cancelled Mrs R's policy and declined the claim. Esure also said they wouldn't be covering the storage or recovery costs incurred. Esure said:

*"After reviewing all of the evidence we cannot accept that the accident occurred in the manner you have described, or indeed at all, and as such we are not in a position to deal with the claim.*

*As a result of this your policy will be cancelled"*

Mrs R was unhappy with this, so she approached the Financial Ombudsman Service.

One of our investigators looked into things but she didn't uphold the complaint. She said she thought Esure had carried out a reasonable investigation into the claim before they decided to decline it, and to cancel the policy. And she didn't think the overall decision Esure made was unreasonable. The investigator noted that Esure had paid the third-party claim, but she said that didn't mean they should also pay Mrs R's claim.

The investigator also said that whilst Mrs R had complained that Esure hadn't recovered her vehicle when they said they would, so she had to arrange recovery and storage, the available evidence surrounding what was discussed at the time was limited. But in any event, she didn't think this made a difference overall, as the claim was declined and the policy cancelled, so these costs would always have been the responsibility of Mrs R.

Mrs R didn't agree and asked for a final decision from an ombudsman.

## **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.

Having done so, and whilst I appreciate it will come as a disappointment to Mrs R, I've reached the same overall outcome as our investigator.

Esure declined Mrs R's claim and cancelled the policy on the basis that they didn't consider the accident occurred in the manner described, or at all.

Prior to reaching a decision to decline a claim and cancel a policy on this basis, I'd expect an insurer to have carried out a thorough and detailed investigation to validate the claim. And I'm satisfied Esure did that here and took into account all the available information before reaching their decision to do so. I think Esure acted fairly overall, so I won't be directing them to reinstate Mrs R's policy or deal with her claim.

Whilst Mrs R is unhappy Esure paid the third party when they said they wouldn't be, this doesn't mean they automatically need to deal with her claim too. I'm satisfied Esure reached a fair and reasonable position to decline the claim and cancel the policy, so I won't be directing them to do any more.

I also note Mrs R has said Esure failed to recover her car after the claim was made so she had to arrange this, and recovery and storage charges have been incurred. However, I'm unable to establish exactly what was discussed when the claim was first made as the call isn't available. But in any event, I don't think Esure acted unfairly by declining the claim and cancelling the policy, so Mrs R would always have needed to cover these costs.

### **My final decision**

It's my final decision that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs R to accept or reject my decision before 13 March 2024.

Callum Milne  
**Ombudsman**