

The complaint

Mr V complains about esure Insurance Limited's ("esure") handling of his claim under his car insurance policy.

What happened

Mr V says he was involved in an accident while driving his daughter's car. Under Mr V's own insurance, he had third party cover to drive other cars, so he made a claim under his policy. Mr V says he had evidence to support his claim but esure said they'll ask for this later. Mr V says he has since called esure several times as he was worried they might make a decision on liability without his evidence. Mr V says he has been kept waiting on hold for a combined period of more than 10 hours. Mr V then complained about the call waiting times, a lack of communication from esure which meant his daughter's car still isn't repaired and not being able to submit his evidence. Esure responded and explained they do sometimes experience high call volumes and it's not something they can anticipate. They explained the claim has been progressed, but they confirmed they'd sent £100 compensation to Mr V for the service received.

Our investigator looked into things for Mr V. She upheld the complaint and recommended esure increase their offer of compensation from £100 to £200. Mr V disagreed so the matter 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.

Having done so, I've decided to uphold the complaint. And, I think the investigator's recommendation here is a fair way to resolve matters. I understand Mr V will be disappointed by this but I'll explain why I have made this decision.

My role requires me to say how a complaint should be settled quickly and with minimal formality and so I'll focus on what I consider to be the crux of the complaint and the main areas of dispute. I think it's important to point out my decision only covers the events up to esure's complaint response dated 15 November 2023. Firstly, I've looked at the service given to Mr V. The key facts about the part of the complaint relating to call waiting times aren't in dispute. Esure have admitted they got things wrong by leaving Mr V on hold for significant periods. In relation to the lack of communication and Mr V not being able to submit his evidence, esure haven't addressed this in their complaint response or responded to our service's requests for information on this.

I think it's important to stress I've made my decision based on the information I have. I can see our investigator has provided esure with details of the complaint being made against them and allowed them a number of opportunities to provide information. It's important that we get an account from all parties in order to consider the complaint fully. In this case, while esure haven't responded to our investigator's requests for further information, I'm satisfied we've taken sufficient steps, and given sufficient time, to enable them to respond. I must be

fair to both parties and don't feel it's reasonable, in this case, for Mr V to have to continue waiting for an answer to his complaint.

Given that I've seen no evidence that esure have communicated with Mr V or discussed with him how he's able to submit his evidence, I'm upholding these parts of the complaint. The only issue I have to decide is whether esure's offer to put things right is fair and reasonable.

I think it's right that esure should compensate Mr V for the worry, frustration and inconvenience caused by their poor service. To help decide what a fair and reasonable level of compensation should be, I've looked at the errors by esure and what the impact of those errors have been. I will also add, while I acknowledge Mr V describes the impact this event has had on his daughter, our service is only able to award compensation for any worry, frustration and inconvenience, or financial losses, to Mr V as he, being the policyholder, is the eligible complainant. That said, I have taken into account the additional frustration caused to Mr V knowing that his family were also being inconvenienced by esure's errors.

The information shows Mr V reported the incident to esure on 30 August 2023. He has provided screenshots from his mobile phone showing he has spent significant periods on the phone to esure, for example, a call lasting just under three hours, a couple of calls over two hours, one call just under two hours and one just over one hour. The complaint response is dated 15 November, and I haven't seen any information from esure which demonstrates they were communicating with Mr V between this period or that they discussed with him how he should submit his evidence. It's clear Mr V firmly believes he wasn't at fault for the accident, and he's worried about esure deciding on liability without having sight of his evidence. It's not clear from the information what stage the claim is at, and whether a decision on liability has been made. So, I'm looking at esure's actions in not keeping Mr V updated about this, and the worry and frustration to Mr V in not receiving any communication from esure about how to submit his evidence.

Taking this all into account, I don't think the £100 offered by esure goes far enough to reflect the impact on Mr V. There have been repeated errors here in the lack of communication which has led to Mr V becoming worried and frustrated. There has then been inconvenience caused to Mr V in having to make repeated calls to esure and the frustration caused during significant periods on hold. There has also been the worry and frustration to Mr V in not being able to submit his evidence. So, taking into account the impact on Mr V up to the period of esure's complaint response, I think esure should increase their offer of £100 by a further £100, bringing the total compensation to £200. I think this is fair and reasonable in the circumstances, and I think it's also important to make clear, this is only based on the information I have at this stage.

I can see Mr V raises concerns about his daughter's car still not being repaired. I think it's important for me to point out, Mr V's policy with esure allows him to drive a car that isn't owned by him. But the cover for this is limited to third party only. This means esure will cover the damage to a third party car but not the car being driven by Mr V. And the policy terms and conditions, under the section 'Driving other cars' does say, "*We do not cover loss of or damage to the car you are driving under this extension.*" So, the repairs to Mr V's daughter's car won't be covered by esure under Mr V's policy. I can see our investigator has provided options for Mr V to consider in relation to the repairs.

I can see Mr V remains concerned about the lack of progress in his claim, continued lack of communication from esure and he still doesn't know what the position is on liability and whether his evidence will be reviewed by esure. I would remind esure of their duty to handle claims promptly and fairly and to provide appropriate information on the progress of a claim. If however Mr V does wish to take forward any further complaints which have arisen following the complaint response in November 2023, then he will need to raise these with

esure first to allow them an opportunity to investigate these before our service is able to look into them.

I wish to reassure Mr V I've read and considered everything he has sent in, but if I haven't mentioned a particular point or piece of evidence, it isn't because I haven't seen it or thought about it. It's just that I don't feel I need to reference it to explain my decision. This isn't intended as a discourtesy and is a reflection of the informal nature of our service.

Putting things right

I've taken the view that esure have made errors in their handling of Mr V's claim. So, in addition to the £100 already offered, they should increase their offer by an additional £100 for the worry, frustration and inconvenience caused – bringing the total compensation paid to Mr V for this complaint to £200.

My final decision

My final decision is that I uphold the complaint. Esure Insurance Limited must take the steps in accordance with what I've said under "Putting things right" above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr V to accept or reject my decision before 27 March 2024.

Paviter Dhaddy
Ombudsman