

The complaint

Mr L complains about how his insurer, U K Insurance Limited trading as Green Flag (Green Flag) dealt with a puncture to his vehicle under his breakdown assistance policy.

References to Green Flag in this decision include their agents.

This decision covers a complaint by Mr L about how Green Flag responded to a second incident affecting his vehicle. The first involved a wheel becoming detached from his vehicle while he was driving on a motorway. Mr L made a separate complaint about how Green Flag responded to the incident, which was the subject of a separate decision from this Service.

What happened

Mr L suffered a puncture while driving on a main road. Mr L pulled over and phoned Green Flag. Green Flag sent an engineer to assist Mr L. The engineer said a recovery truck was needed to recover Mr L's vehicle to a safe location. However, the recovery truck failed to arrive in a timely manner and the engineer decided to fix the puncture. Mr L and his son had to wait in their vehicle, which they found very stressful and dangerous given the traffic flowing by at speed.

Unhappy at what happened, Mr L complained to Green Flag. They upheld his complaint and acknowledged they should have sent a recovery truck to assist Mr L by recovering his vehicle to a safe location to fix the tyre. In recognition of their failure to do so, they initially awarded Mr L £75 compensation. Mr L challenged Green Flag. They acknowledged errors in the way they'd responded to the incident, which left Mr L on a live lane for over an hour, concerned at being in a dangerous position. They increased their offer of compensation to £100, then to £250, and finally to £300.

Mr L wasn't happy at Green Flag's award, as he didn't think it sufficient to compensate him for the danger he and his son had been put in by Green Flag's failure to send a recovery truck. So, he complained to this Service.

Our investigator didn't uphold the complaint, concluding Green Flag's offer was fair. While he recognised the stressful position Mr L and his son had been put in, Green Flag's engineer had been able to fix the tyre within a relatively short time (an hour), so limiting the impact of the situation on Mr L. Having a puncture on a busy road would be inherently stressful and distressing, but Green Flag's failure to send a recovery truck exacerbated a difficult situation for Mr L.

Mr L disagreed with the investigator's view and requested an ombudsman review the complaint. He said the engineer repairing the puncture in a live lane of a busy road broke the law (which required his vehicle to be recovered to be fixed) and constituted endangerment. And the engineer also told him to remain in the vehicle, which he shouldn't have done.

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.

In responding to our investigator's view, Mr L also says Green Flag broke the laws and regulations applicable to highways in a number of ways. And this constituted endangerment to him and his son. However, the question of whether any laws and regulations may have been broken by the actions of Green Flag during the incident isn't something that falls within the remit of this Service, as we aren't a regulator or a court but an informal complaints resolution body. So, it isn't for us to say whether green Flag broke any laws or regulations through their actions in this case. That would be a matter for the appropriate authorities to consider – not this Service. Nor is it our role to punish businesses for things that go wrong. My role here is to decide whether Green Flag have acted fairly towards Mr L and, if not, whether they took reasonable steps to put things right.

The main issue in Mr L's complaint is that the actions of Green Flag when responding to his breakdown (puncture) caused him (and his son) significant distress and put them in danger in a live lane of a busy main road. Green Flag acknowledge they should have arranged for a recovery truck to attend and recover Mr L's vehicle to a safe location and then fix the puncture – not have their engineer fix the puncture in situ.

I recognise Mr L disputes the timings surrounding the time taken to do the breakdown. But from the case notes provided by Green Flag, it appears the engineer took just under half an hour to reach Mr L and then a further hour to fix the puncture. The case notes indicate Green Flag should have recorded the incident differently to how they did initially, which would have automatically triggered despatch of a recovery vehicle to tow Mr L's vehicle to safety. When the engineer arrived and saw the location of the vehicle, he requested a tow truck attend, but as it wasn't clear whether (or when) it might arrive, he decided to fix the puncture. The uncertainty over whether, and how long, it might take a recovery truck to arrive could have meant Mr L waiting even longer than he did for the situation to be resolved. Green Flag acknowledge this left Mr L in a dangerous position for over an hour – although Mr L disputes this length of time - and that the puncture was fixed in a dangerous location.

As the facts of the case aren't in dispute and Green Flag accept they didn't act as they should have done in arranging for a recovery truck to attend, then the issue becomes whether they've done enough to put things right, by offering £300 compensation for distress and upset for what happened.

I've considered this carefully, given the circumstances of the case and what happened. Having to stop on the carriageway on a main road because of a puncture and awaiting breakdown assistance would inherently have been very distressing and stressful. While I can't hold Green Flag responsible for that, I recognise what Mr L has said about the dangerous situation he was put in by Green Flag fixing the puncture in situ on the road, rather than recovering his vehicle to a safe location. I appreciate how this affected Mr L and his son and that it could have resulted in an accident (although it didn't in the event).

I've also considered what happened against the published guideline from this Service about awards for distress and inconvenience. I think what happened would have caused acute stress to Mr L for the period after the engineer arrived (although as I've said, it would always have been a stressful and worrying situation from the time of the puncture to the arrival of the engineer). I think the engineer arrived within a reasonable timeframe and while I recognise the stress of what happened, the alternative of awaiting a recovery truck, given the uncertainties involved, would also have been stressful.

Considering these factors, I think £300 awarded by Green Flag is fair and reasonable. So, I won't be asking them to make a further payment (my understanding is they've issued payment of the sum, although Mr L has refused it).

My final decision

For the reasons set out above, I don't uphold Mr L's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr L to accept or reject my decision before 10 September 2024.

Paul King
Ombudsman