

The complaint

Miss F complains about how AXA Insurance UK Plc (AXA) dealt with a claim on her motor insurance when another driver collided with her parked car. References to AXA include other organisations and individuals acting on its behalf.

What happened

Miss F had motor insurance underwritten by AXA. Another driver hit her car when it was parked outside her house. Miss F reported the collision to AXA. AXA said it was holding the other driver at fault for the incident and based on the information Miss F provided, she wasn't at fault so she wouldn't have to pay the policy excess and her no claims discount wouldn't be affected. However some months later the claim was still open and her no claims discount was affected which Miss F says greatly increased her premiums at renewal. Miss F says she sent all the information AXA asked for, but despite many phone calls and emails to AXA she couldn't get the matter resolved.

Miss F wasn't happy about this and complained to AXA. AXA didn't reply within the eight week time period this service allows businesses to respond to complaints, so Miss F complained to us. AXA didn't respond to several requests for information from this service, so our investigator worked with the information received from Miss F. The investigator upheld her complaint. He said AXA should close the claim and mark that Miss F is not at fault, reinstate her no claims discount and provide her with a letter to confirm this, and pay her £300 in compensation.

Miss F was happy with what the investigator said but AXA only replied to say that the investigator's email had been sent to it in error. Despite the investigator responding to AXA saying that the view wasn't sent in error, we've heard nothing further from AXA. So the complaint has been passed to me.

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.

Based on the information I've seen I uphold Miss F's complaint. I'll explain why.

Miss F told AXA there were two witnesses to what happened. She says one of them gave her dashcam footage of the incident which she sent to AXA. She also gave the witness' contact details to AXA. Miss F says she also gave AXA the registration number of the other vehicle. This should be enough information to enable AXA to deal with the claim.

On the information I have, this is a straightforward claim which AXA should have been able to deal with promptly. Instead, many months after the incident the claim was still open and AXA wasn't responding to Miss F. This has affected Miss F financially and also caused her distress and inconvenience. I don't think AXA have acted fairly and reasonably. To put things right, AXA needs to deal with the claim without further delay and close it. Unless there is compelling evidence to the contrary, AXA should close the claim as no fault and ensure this

is recorded on all relevant internal and external databases. AXA should reinstate Miss F's no claims discount and give her a letter confirming this that she can show to her new insurer. AXA should also pay Miss F £300 in recognition of the distress and inconvenience caused.

My final decision

For the reasons given above I uphold Miss F's complaint. I require AXA Insurance UK Plc to deal with the claim without further delay and close it. Unless there is compelling evidence to the contrary, I require AXA Insurance UK Plc to close the claim as no fault by Miss F and ensure this is recorded on all relevant internal and external databases. If the claim is closed as no fault I require AXA Insurance UK Plc to reinstate Miss F's no claims discount and give her a letter confirming this. In any event I require AXA Insurance UK Plc to also pay Miss F £300 in recognition of the distress and inconvenience caused.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss F to accept or reject my decision before 21 October 2024.

Sarah Baalham
Ombudsman