

The complaint

Miss C is unhappy with how Aviva Insurance Limited handled her claim on her motor policy. She feels the mechanical breakdown of her vehicle is linked to damage sustained in an accident she had previously claimed for.

What happened

In November 2021 Miss C's vehicle was hit by a falling tree branch. She reported it to Aviva who arranged for the vehicle to be collected and repaired. The vehicle was returned to Miss C around three months later. Soon after receiving the vehicle back, it failed its MOT on issues related to the accident which should therefore have been repaired. Miss C complained to Aviva about this and further damage to the bonnet that hadn't been repaired. Aviva apologised, refunded Miss C's expenses in relation to it and arranged for the vehicle damage to be repaired. They also paid her £100 compensation.

In July 2023 Miss C experienced issues with her vehicle, the coolant light was illuminated, and the vehicle was overheating. Having taken it to a garage, Miss C was informed the head gasket needed replacing as well as some other repairs. The garage said it was unusual for a head gasket to need replacing in such a young car. Taking this into consideration and following some research she felt it was likely damaged when the tree hit her car in November 2021. She complained to Aviva about this in October 2023.

Aviva referred it to their engineer to consider. He concluded that he didn't believe the accident and the head gasket issues were linked. And that if the accident had caused damage in this area, it would have been evident very quickly after the incident/ repair work as well as the MOTs that took place. Miss C provided her MOT certificates as she had concerns with the emissions increasing. Aviva's engineer has inspected this information but remains of the opinion that the head gasket issues aren't linked to the accident Miss C claimed for.

Our investigator didn't uphold the complaint as he didn't feel the head gasket issue was linked to missed repairs under her initial claim. As an agreement couldn't be reached it has been passed to me to decide.

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.

Aviva have a responsibility to handle claims promptly and fairly and they shouldn't decline a claim unreasonably. They accepted Miss C's initial claim following damage from the fallen tree branch and arranged for the vehicle to be repaired. There were some issues along the way, and I can see Aviva did follow this up, refunding Miss C £240 she had to pay to make her vehicle roadworthy and paid a further £100 compensation by way of apology.

The crux of Miss C's complaint is that she feels unrepaired damage, sustained to her vehicle when the tree branch hit it, has led to her vehicle breaking down and needing a head gasket

replacement. I'm not an engineer so I can't say for sure what has happened. But I have fully considered the information provided by both sides to decide if Aviva have acted fairly and reasonably in concluding the head gasket issues aren't linked to the accident claimed for.

Miss C has explained the garage that repaired her vehicle has suggested the accident could have caused a small crack which has then led to the head gasket replacement. And she's provided MOT certificates which she feels supports her concerns.

Aviva's engineer, having reviewed the information related to the repair to the head gasket as well as the MOT certificates, maintains he doesn't feel there is a connection between the damage sustained in the accident and the head gasket failure. He felt if it were linked it would've shown a lot sooner and there likely would've been an indication on the MOTs the vehicle had following the initial repairs.

Miss C provided further information in relation to the MOT emissions as she had concerns these had increased, these were shared with Aviva and in response to this the engineer has reconfirmed his position. He explained the emissions test can provide an indication that there may be something wrong and highlight the need for additional tests. But in this case the emissions readings showed nothing unusual. He felt the minor differences to the readings are quite normal and within tolerance. He said if there was an issue with the head gasket, there would be an engine misfire and loss of coolant, but this didn't happen until July 2023. And if the accident or the repairer had caused damage to the coolant system, it would have been evident almost immediately.

I understand Miss C's concerns given the issues with the repairs she initially encountered as well as comments made to her by her garage and the fact her car hadn't done excessive mileage. However, I haven't seen any specific evidence to support the issues encountered being due to unrepaired damage sustained in the accident in November 2021.

Aviva has considered the further evidence Miss C provided. Taking account of this, I'm not persuaded the head gasket issues are linked to the accident she claimed for in November 2021. I say this because the vehicle didn't fail its MOTs on emissions and the engineer has explained there would be some indication here if the engine area was damaged at the time of the incident. I've considered Miss C's concerns around the emissions readings, but the engineer has said the emissions readings are normal, and this is supported by the vehicle passing its MOTs. He's also explained the changes to the readings which I've found persuasive. Considering this along with the time that passed before Miss C encountered the issues, I think Aviva acted fairly and reasonably and won't be asking them to do anything more.

I know this will be disappointing news for Miss C and I sympathise with her situation. But overall, given the information available I'm not persuaded the issues with the head gasket are linked to the accident claimed for in November 2021.

My final decision

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss C to accept or reject my decision before 4 September 2024.

Karin Hutchinson
Ombudsman

