

The complaint

Mr L says when he made a claim on his motor insurance policy esure Insurance Limited didn't progress it or keep him updated and closed it without good reason.

What happened

Mr L's car was damaged in July 2023 when another car collided with its rear. esure told him the claim seemed to be non-fault and he was given a replacement car. Mr L says the car was withdrawn later for no reason and that his repeated attempts to get an update from esure through emails and calls about the claim were unsuccessful.

When esure responded to Mr L's complaint it said it had requested documents from him, plus photos of the damage, via a link. It got the photos in mid-October 2023, but it said it couldn't proceed with the claim as it still didn't have the required documents. esure also told us the other driver's insurer had paid Mr L for the car's total loss. Given that payment, plus Mr L's failure to supply documents, it said it thought he was no longer interested in pursuing it and closed the file.

One of our investigators reviewed Mr L's complaint. She noted that esure had not only sent the request for documents and the link for photos to Mr L, but it had also sent chasers for the information. She didn't think esure was to blame for any delay prior to the photos being received in October 2023. But she said that after that date Mr L had provided evidence that he'd sent emails to esure asking for updates, which weren't answered. As esure couldn't show that it had replied, she thought it should pay Mr L £150 compensation for distress and inconvenience. She also said it looked as though Mr L still needed to send documents to esure if he wanted it to reopen the claim.

esure agreed to provide the £150 compensation, but Mr L said he couldn't accept it, as it didn't resolve all the issues, and his damaged car still hadn't been collected.

As there was no agreement, the complaint was passed to me for review.

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.

I think esure has shown that it asked Mr L for details in order to validate his claim within a reasonable time, and that it also sent several reminders to him. In a call on 7 September 2023 Mr L told esure he'd received the link for the photos it wanted (which had been sent to him on 2 August 2023). For some reason, he hadn't responded, so the link was re-sent that day. Mr L didn't submit the photos for a further month, and he didn't send the required documents to esure even then.

Although Mr L says he never received a request for documents, the file notes show that the initial request was made when the link was first sent. As he received the link, I think it's more

likely than not that he also received the document request. But even if he didn't see the request at that point, as esure can show that it was sent - and that it also sent chasers - I think it acted reasonably and tried to move the claim forward. In my opinion it isn't to blame for delaying the claims process, and I think its initial contact with Mr L was reasonable.

Mr L had a conversation with esure on its live chat on 1 November 2023. He asked for the document request to be reissued - and he has shown that he sent several emails to esure after that. In those emails, he didn't say he hadn't got the reissued request for documents, so I think it's fair to assume that he did - *but he still didn't send in the documents*. Instead, he told esure in the emails that his car hadn't been collected, that he was accruing 'tax fines', that his replacement car had been withdrawn for no reason, and that he'd had no response from esure. esure can't show that it replied to these emails, but in the claims file there's a note of a call with Mr L on 27 December 2023. The advisor reminded him then that he'd been asked to send esure necessary documents, but he still hadn't done so.

As there was no reference in the case file to the withdrawal of the replacement car, plus a lack of clarity about Mr L's losses, about the details esure still required from him - and about the other insurer's involvement in the claim, we asked Mr L and esure for clarification. esure said Mr L had finally supplied the required documents on 11 July 2024. It said its validations team called him on 24 July 2024 and on 2 August 2024 for a completed accident report form. Mr L insists that he provided all the necessary documents at the start of the claim, and that esure lost them. I haven't seen any evidence of that, but even if it's correct, the documents esure requires have to be provided in order to make any progress.

From what I've seen, it seems Mr L was confused about the replacement car. He thinks it was a courtesy car. In fact, as the other insurer accepted within a short time that the accident wasn't his fault, it agreed to pay for a hire car for Mr L.

esure has provided evidence to show that the other insurer wrote to it on 5 October 2023 to say it had paid Mr L for the car's total loss that day, through his legal representative. The letter shows that a sum was deducted for the salvage (which indicates that Mr L was to *retain* the damaged car). The other insurer told esure that hire should now be terminated (in line with standard industry practice). So the hire car wasn't taken away for no reason. If Mr L doesn't want to retain his damaged car, that's a matter for the other insurer, as it took ownership of the car when it paid for its loss. It isn't esure's role or responsibility to collect it.

On 22 July 2024 we asked Mr L to tell us what details he'd been given about the car's total loss payment (which he hadn't mentioned) and about the withdrawal of the car hire, either by the other insurer or by esure. We also asked him for details of the tax fines he'd mentioned. Mr L didn't query why we were asking about those issues, he just asked for extra time to reply to our request. To date, he hasn't responded further.

Based on the evidence I've seen, I think esure's communication with Mr L should have been better. Although it contacted him - and also made unsuccessful attempts to do so - there's no evidence that it replied to his emails. I can't see any reference to esure having explained the claim's closure, the total loss payment, or the withdrawal of the hire car. I think it should have clarified the situation - although Mr L must have been contacted by the other insurer (through his legal representative) about its payment for his car.

I don't think esure acted unreasonably in closing the claim. It has always said it can be reopened once it has all the information it needs from Mr L, and it looks as though only the accident report form is now outstanding. I can't comment on the tax fines, as Mr L hasn't clarified what they are or why he thinks esure is responsible for them. And a '*section 9 notice*' Mr L mentioned doesn't relate to his original claim.

I think it would be fair and reasonable for Mr L's complaint to be upheld in part, and for esure to pay him £150 compensation for the distress and inconvenience caused by its poor contact with him. I know Mr L will be disappointed with my decision, but I don't think he's shown that esure acted unreasonably in relation to the other aspects of his complaint.

My final decision

My final decision is that I uphold this complaint in part. I require esure Insurance Limited to pay Mr L £150 compensation for distress and inconvenience.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr L to accept or reject my decision before 13 September 2024.

Susan Ewins
Ombudsman