

The complaint

Mrs K says that when she made a claim on her motor insurance policy esure Insurance Limited failed to have all the damage to her car repaired and provided poor service to her.

What happened

Mrs K's car was rear-ended in May 2023, causing damage to the bumper. She says a parking sensor was also damaged in the accident, but esure's engineer disagreed. esure said a scan showed the problem with the parking sensor started well after the accident. The engineer said the impact was too minor to have affected the sensor in question anyway (a warning buzzer sensor unit) as it's located far away from the point of impact. It offered to review its decision if Mrs K was able to produce engineering evidence in support of her case. And it offered her £75 for the delay in dealing with her complaint.

Mrs K said esure hadn't taken the claim seriously due to her nationality. Her representative (Mr J) said esure had been dismissive of Mrs K due to a language barrier, and that she and her husband were unhappy that it had tried to close the case down by putting the £75 in their bank account without their permission. Mr J provided screen shots that indicated esure had instructed solicitors to take legal action against the other driver, but he said Mrs K was still waiting for her policy excess to be refunded.

One of our investigators upheld the complaint, on the basis that esure hadn't provided all the engineering evidence she'd asked for. She said it should repair the parking sensor. esure provided the engineering evidence shortly afterwards. The investigator noted that the repair report showed work was carried out on the bumper - and it seemed to the outer and inner parking aid sensors. She asked esure to comment, as it had said there was no damage other than to the bumper. When there was no response to her query, she put the complaint through for a review by an ombudsman.

I issued a provisional decision as follows:

As the complaint is largely about a technical issue, it would have been helpful had esure replied to the investigator's query, but I've taken some technical advice since then.

My understanding is that parking sensors are located in the car's bumper (which seem to have been checked by esure's repairer when it was dealing with the damage to the bumper). But the buzzer parking alarm sensor (which the scan report says failed weeks after the accident) is located well away from the accident's impact zone and would not have been affected by the accident. The scan appears to show that it was due to a wiring fault. Based on that advice and evidence, in my opinion it was reasonable for esure's engineer to say that the buzzer parking sensor fault wasn't related to the accident.

I don't think putting £75 in Mrs K's bank account was an attempt by esure to close down the claim, although I can see why Mrs K may have seen it that way. I think esure should have told her what it intended to do and why, to avoid any confusion. But I think it's clear that the

compensation was solely for esure's delay in responding to the complaint, not for the issue that Mrs K had complained about. I think providing the £75 was a reasonable gesture.

Mrs K says she felt she was treated dismissively due to her nationality / a language barrier, so we asked her for specific details. Her representative Mr J said Mrs K thought the engineer at the garage who dealt with the repair was rude to her. Mr J said the same engineer was also rude and unprofessional when he spoke to Mr J. As there was no language barrier with Mr J, it appears that the engineer was rude as a matter of course, which is unacceptable, unprofessional, and upsetting for a consumer.

I can see from esure's complaint file that Mrs K told esure at the outset that the manner in which she was spoken to had caused her distress. There's nothing on the file to show that this issue was investigated. Given that Mrs K and Mr J both say they were spoken to inappropriately, I think it's more likely than not that was the case. Calls with garages aren't usually recorded, so I think esure is unlikely to have found any independent evidence of what was said between the parties. But I think it should have tried to pursue the issue at least. Mrs K found it upsetting that esure didn't consider this aspect of her complaint, as she thought it showed it was dismissive of her genuine concern and upset. So I'm minded to say that esure should pay her £100 compensation for the distress caused to her.

I think the evidence shows that esure took Mrs K's claim seriously. It accepted her version of events and pursued the other driver for costs. It repaired the damage it thought was accident related - and it offered to review its decision about the sensor if Mrs K could provide any technical evidence in support of her complaint - which she didn't do. Later, it instructed solicitors to act for Mrs K. The solicitors will seek the return of the policy excess and other costs from the other insurer, but they can't control the speed of the other insurer's response. Sometimes a court hearing is necessary to resolve a dispute of this type, which delays matters, but that's also outside esure's control.

I understand why Mrs K thought the problem with the faulty parking sensor unit must be accident-related, so xx should deal with it. But I can only base my opinion on the available evidence. Currently I don't think there's anything to show that esure didn't deal with the repairs to Mrs K's car appropriately, so I'm not minded to uphold that part of her complaint. But I think it should pay her £100 for poor service, as set out above.

I asked the parties to comment on my provisional findings, but neither party did.

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.

As neither Mrs K nor esure commented on my provisional findings, there's no reason to depart from them. So, for the reasons set out above, I'm upholding this complaint in part.

My final decision

My final decision is that I uphold this complaint in part. I require esure Insurance Limited to pay Mrs K a further £100 compensation, for distress and inconvenience.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs K to accept or reject my decision before 29 August 2024.

Susan Ewins
Ombudsman