

The complaint

Mrs M is complaining that she doesn't think The National Farmers' Union Mutual Insurance Society Limited (NFU) repaired her car properly after she made a claim through her car insurance policy.

Mrs M has been largely represented by another person during the claim and complaint process. But for ease of reference, I shall refer to anything he said on Mrs M's behalf as being said by Mrs M.

What happened

The facts of this complaint are well known to all parties, so I won't set them out in detail. But, in summary, Mrs M doesn't think NFU's approved repairer fairly repaired her car after an accident she had with a third party in August 2022. She believes the car suffered further suspension damage which wasn't repaired at the time – causing her to drive the car in a damaged state. NFU disputes this and says there isn't anything to show the car's suspension was still damaged after its approved repairer completed the repairs.

Both parties have provided extensive submissions – including expert engineer reports – which they say support their respective positions. As Mrs M remained unhappy with NFU's position, she referred her complaint to this Service to review.

I issued a provisional decision not upholding this complaint and I said the following:

"I should first set out that I acknowledge I've summarised Mrs M's complaint in a lot less detail than she's presented it. Mrs M has raised a number of reasons about why she's unhappy with the way NFU has handled this matter. I've not commented on each and every point she's raised. Instead I've focussed on what I consider to be the key points I need to think about. I don't mean any discourtesy about this, but it simply reflects the informal nature of this service. I assure Mrs M and NFU, however, that I've read and considered everything all parties have provided.

Neither party disputes there was an issue with Mrs M's car as it seems the car's alignment was continually coming out of acceptable tolerance. The issue for me to decide is whether it's more likely than not that this was down to damage afflicted from the original accident. I'm not persuaded it is.

I'm conscious Mrs M, her expert representative and NFU have all provided extensive submissions surrounding this matter. I disagree with the investigator that this Service is unable to consider the latest report Mrs M has provided. While it was provided after she referred the complaint to this Service, it's simply further evidence she's provided in support of her position. And NFU has been given an opportunity to review and comment on the report. So I've taken this into consideration alongside what she has set out previously and weighed this up against the testimony NFU has also provided.

I recognise Mrs M feels strongly that accident related damage still remained on the car after NFU's approved repairers completed its repairs. And she believes the issues were related to

the suspension. But I don't think I have seen enough to support this.

Firstly, I'm acutely aware that Mrs M didn't raise the concerns she did until May 2023 – six months after NFU completed the fundamental repairs to the car. Mrs M says the repairs weren't completed until February 2023. But I can see NFU completed the majority of the repairs and returned the car to Mrs M in November 2022. And NFU has provided a copy of its geometry report which I'm satisfied shows the measurements of the relevant parts were within tolerance of what's expected.

However, I understand a replacement door was on backorder so NFU was unable to replace the door during the main repair period. Mrs M then took the car back to NFU's approved repairer in February 2023 to complete the repairs. But I should set out that I haven't seen anything to show that Mrs M raised any concerns regarding the driveability of the car before the car was returned to the garage or ask for any inspection to take place on the suspension when it was there. So I don't think NFU did any repairs to the suspension etc in February 2023. And I understand the car had travelled over 1,000 miles by this time.

Ultimately, it seems to me that six months had passed and Mrs M's car had travelled around 2,600 miles between NFU completing the initial repairs and Mrs M highlighting the issues she did. If there were suspension issues arising from the accident, I think this would have become apparent soon after the accident.

Further to this, following Mrs M's comments she believed there was suspension damage arising from the accident, NFU has shown it stripped the car down and photographed the suspension. I haven't seen anything from this inspection or from the photos to show there was accident related damage which remained on the car.

I have read and considered the latest report Mrs M has provided. But I also have to take into consideration that the expert hadn't inspected the car in compiling the report and it was based upon what he was told about what had happened. That said, I have considered everything he's said in his report. He's provided extensive and detailed findings about why he considers there was a fault with the car. But, as I said above, both parties accepted there was an issue with the car. However, I don't think there's anything sufficiently conclusive within the report to show the issues in question are down to what happened in the accident.

And, as I said, Mrs M's car had travelled around 2,600 miles by the time she reported the issue. So it is equally plausible a secondary event has occurred which may have caused the issue in question.

While I understand Mrs M's point of view, for the reasons I've set out above, I haven't seen enough to safely conclude that the issue with the car was attributed to the accident. But, even if I was to accept it was from the accident, I think NFU has acted fairly in carrying a number of investigations into what had happened and has put things right.

So, taking everything into consideration, I don't think I can fairly require NFU to do anything more to put things right."

Mrs M didn't accept my provisional decision and raised the following:

- Her car was driving fine before the accident and reiterated the accident wasn't her fault.
- Her car was hit on the driver's side rear wheel with enough force to move the car sideways, take a big chunk out of a granite kerb on the opposing side due the passenger side rear wheel hitting it, and the car then skipping on to the pavement. And she says this Service needs to provide a hypothesis to explain how the suspension came to be bent.
- NFU initially said set out it would need to replace all of the suspension parts on both

sides of the car. But she said it later only assessed it via a “desktop inspection” where the repairer submitted an estimate to the engineers. And she set out the repairer missed the damage to the passenger side rear suspension.

- She said her car did not follow a true path after it was repaired. And she said no other action other than the incident had caused the performance of the car to alter. She said she has provided evidence that the geometry was out of specification immediately after the accident.
- She didn’t think I’d taken into account the engineer report she’d provided and she referred me to it.

NFU didn’t respond to my provisional decision.

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’ve taken Mrs M’s comments into consideration, but I don’t think she’s raised anything she hasn’t raised previously. And, most importantly, she made no comment regarding my finding that she didn’t report any issues with the car until six months after the repairs and, in that time, her car had travelled around 2,600 miles. Also, during that time she took the car back to the garage to fit the replacement door that was on backorder and she didn’t raise any concerns about the car’s performance at that time.

Mrs M has set out that I need to provide a hypothesis as to how the suspension became damaged other than through the accident. But that’s not this Service’s role. In considering Mrs M’s complaint it’s my role to consider all the evidence to decide whether NFU has acted fairly and reasonably. It’s not for me to decide what has caused the damage, but to consider whether NFU has provided sufficient evidence to show, on balance, the damage wasn’t attributable to the accident or the actions of its approved repairer.

I note she says I hadn’t taken into account the report she provided. But I said the following in my provisional decision:

“I have read and considered the latest report Mrs M has provided. But I also have to take into consideration that the expert hadn’t inspected the car in compiling the report and it was based upon what he was told about what had happened. That said, I have considered everything he’s said in his report. He’s provided extensive and detailed findings about why he considers there was a fault with the car. But, as I said above, both parties accepted there was an issue with the car. However, I don’t think there’s anything sufficiently conclusive within the report to show the issues in question are down to what happened in the accident.”

Ultimately I don’t think Mrs M has given me anything new to think about. And I’m satisfied my provisional decision sets out why I’m not upholding this complaint. So, it follows that I see no reason to reach a different conclusion to the one I reached in my provisional decision.

My final decision

For the reasons I’ve set out above, it’s my final decision that I don’t uphold this complaint.

Under the rules of the Financial Ombudsman Service, I’m required to ask Mrs M to accept or reject my decision before 15 November 2024.

Guy Mitchell
Ombudsman