

The complaint

Mr J (senior) and Mr J (junior) complain about how the roadside assistance service they had as part of their motor insurance with U K Insurance Limited trading as Churchill (UKI) dealt with a breakdown. References to UKI include other organisations and individuals acting on its behalf.

What happened

Mr J and Mr J had motor insurance with UKI. As part of the policy they had breakdown cover. Mr J (junior) was driving the car when a red warning light came on the dashboard. The car subsequently broke down and Mr J (junior) called out the roadside assistance company. He says the technician started the car and ran it for five to ten minutes. Mr J (junior) says the car was in a dangerous position so the technician asked him to drive it to a safe place. The technician then discovered the car had stopped due to overheating and the engine was switched off. The technician found that the car had no coolant so it was taken to Mr J and Mr J's home by a recovery truck.

The car was then taken to a local garage, who said there was a lack of compression and exhaust gases within the coolant system, which would be consistent with a blown cylinder head gasket, but further investigation would be required to confirm this.

Mr J and Mr J say the car was unrepairable, and they complained to UKI. UKI said:

"[Mr J (junior)'s] car broke down and he told us the car slowed down then it lost power. He said that the engine cut out and couldn't start. He also explained that there was a red warning light code 89 on the dashboard. [Mr J (junior)] looked online and found that this fault signifies an engine fault. Our service provider [name] sent a technician to try and repair the car at the roadside. You told us that the technician started the car and ran it for five to ten minutes then he asked [Mr J (junior)] to drive it to the next junction and he would follow him. [Mr J (junior)] was not happy to drive the car as the temperature gauge was in red, so the technician called the office to arrange the recovery to your home address.

You mentioned that once the car was at home, you checked it and there was no coolant. You topped it up and you tried to jump-start the car, but it couldn't start. You had someone out to check the car, they tried to jump-start the car but no response. They also checked to see if something else was wrong but there were no error codes. They advised you the engine has been damaged, and the car needed to be taken to a local garage where they would investigate the issue.

The garage advised you that there is no compression in the engine and exhaust gases within the coolant system. They think that it's a blown cylinder head. Further investigation would be required to confirm this which would involve stripping the cylinder head from the engine. They sent it away for pressure testing to establish if there is more significant damage to the engine before the repairs. You stated that the damage was allegedly caused by the technician not checking the coolant and then running the engine for five to ten minutes. You told us that this caused excessive overheating. The garage did not give you the damage report showing what's been damaged and how the damage was caused. However, they

gave you an invoice for the repairs which was for £2250 depending on the diagnosis.

We spoke to [roadside recovery company] and they confirmed the damage was not caused by their technician. The technician said that [Mr J (junior)] felt the car shuddering, but he continued to drive for 20 minutes before attempting to pull over.

On arrival the technician asked the relevant questions, but [Mr J (junior)] seemed unsure and couldn't really answer the technician's questions. [Mr J (junior)] was in a dangerous position. He was just about to drive to the next exit for safety. This was before the technician looked at the car. The technician said that he was not told by [Mr J (junior)] about the vehicle overheating. When he started the vehicle then [Mr J (junior)] mentioned the engine was overheating. The technician turned it off straight away. He continued his checks, upon finding out the car had no coolant the vehicle was winched onto the recovery truck and not driven. The technician said that he told [Mr J and Mr J] there was no coolant in the car, and this could have possibly caused head gasket damage because it had been driven so long. The technician also told us that you confirmed [Mr J (junior)] should have pulled over straight away. He thinks the damage was caused by [Mr J (junior)] driving the car shuddering for 20 minutes. After the recovery, he advised [Mr J (junior)] not to drive the car again.

We referred this case to our engineer. He explained that [Mr J (junior)] had already driven the car with the code 89 fault which normally means overheating and he continued driving until the car lost power. The engineer advised that running the engine for five to ten minutes on scene would not have caused any further damage. The engine would have been cooled down by this point and only running the engine for five to ten minutes would have barely got the engine to normal running temperature. It would not have got it to an overheating temperature.

Our engineer agrees with the technician that the further damage has occurred due to [Mr J (junior)] continuing to drive the car with the warning lights. This caused the engine to overheat for a period of time and caused further engine damage. In addition to this, you have confirmed that someone else has worked on the car before it was recovered to the garage. This complaint is not upheld because the technician didn't damage [Mr J (junior)'s] car."

Mr J and Mr J weren't happy with what UKI said and they complained to this service. Our investigator didn't uphold their complaint. He said based on all the evidence available, he was unable to say that it was UKI or its representatives that caused damage to the car. The investigator said that the evidence suggests the issue was caused whilst the car was being driven with the warning light showing on the dashboard until it lost power.

Mr J and Mr J didn't agree with what the investigator said, so their complaint has been passed to me. Mr J and Mr J want to be compensated £3,200 for the loss of the car, as they say the damage was caused by the mechanic not analysing the fault correctly and not taking appropriate action and recovering the car.

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 don't uphold Mr J and Mr J's complaint. I'll explain why.

Firstly it's important to say it's not my role to decide what happened to the car. My role is to decide whether UKI dealt with things fairly and reasonably. It's also important to note that I can only look at issues which Mr J and Mr J have already raised with UKI. This is because this service can only consider complaints which a business has had an opportunity to

respond to. Since they received the investigator's view on their complaint, Mr J and Mr J have raised further issues about the roadside recovery technician which it appears they haven't raised with UKI. It is open to them to make a further complaint to UKI about these issues, and then to this service if they aren't happy with the response.

I've looked at the evidence UKI used to make its decision. The recovery company told UKI:

"Regarding [registration number] this came down to us as "no power" no damage has been caused by our technician the customer felt the car shuddering and continued to drive a further 20 minutes before attempting pull over.

On arrival our technician asked the relevant questions as always but the customer seemed unsure and couldn't really answer the technicians questions. being in a dangerous location it was mentioned about driving to the next exit for safety this was before the technician even looked at the car, we were not told by the customer about any overheating the vehicle was not left running it was started until the customer then mentioned about the overheating and turned off straight away. Our technician continued to do his checks. Upon finding out the car had had no coolant the vehicle was winched on to the recovery truck not driven, [Mr J (senior)] confirmed on the phone that [Mr J (junior)] continued to drive the car instead of pulling over straight away our technician told both [Mr J and Mr J] there was no coolant in the vehicle and it could have possibly caused head gasket damage because it had been driven to long so looks like the cause of this is the customer not doing own vehicle checks. driving while the vehicle is shuddering for 20 minutes and the further driving the car to their own garage after being advised not to

After being winched on and off at the customers home the customer was then advised not to drive the vehicle but to arrange another recovery to a garage when they decided where it was going and the reply was "we will just drive it to the garage when we get it booked in as its only down the road" and were also adamant that he was putting coolant in when it was home

This is driver error as they obviously haven't done their own vehicle checks before going out and driving "driver error".

The garage Mr J and Mr J asked to inspect the car said:

"Further to our recent discussion regarding the above vehicle, I can confirm having checked the vehicle that there is a lack of compression and exhaust gases within the coolant system. This is consistent with a blown cylinder head gasket. Further investigation would be required to confirm this, which would involve stripping cylinder head from engine, sending it away for pressure testing and skim prior to any further work to establish if there is more significant engine damage. Estimates for repair would vary from £750+VAT to £1 500+VAT depending on the issues diagnosed when the engine is stripped. This may prove to be an uneconomical repair depending on the outcome."

UKI's engineer said:

"...the member has already driven the car with a Code 89 fault which normally means overheating and continued driving until car loses power and won't restart.

Running the engine for 5 to 10 mins on scene would of not caused any further damage, the engine would of been cooled down by this point and only running the engine for 5 to 10 mins would of barely got the engine to normal running temperature and certainly would of not got it to an overheating temperature.

The further damage has occurred due to the member continuing to drive rather than ignoring the warning lights and messages and continuing to drive, this has caused the engine to overheat for a period of time and cause further engine damage.

Owners manual advises (Code 89 on a [car make] is a generic OBD trouble code that indicates an internal malfunction in the engine control system. It could be caused by a lot of different components, such as a faulty thermostat or a loose fuel filler cap)

Yes, code 89 will show on the dash of this vehicle during an overheating condition.”

Whilst the garage that inspected the car for Mr J and Mr J identified the possible problem with the car as a blown cylinder head gasket, it didn't give any possible or likely cause for this. In contrast, both the roadside assistance company and UKI's engineer have given their expert opinions that the damage to the car was caused by Mr J (junior) continuing to drive the car after the warning light came on, while it was shuddering and until it came to a halt.

In the absence of any other expert opinion on the cause of the damage, I think it was fair and reasonable for UKI to rely on the opinions of the roadside assistance company and its engineer.

My final decision

For the reasons given above I don't uphold Mr J and Mr J's complaint. So I won't be asking U K Insurance Limited trading as Churchill to do anything.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr J and Mr J to accept or reject my decision before 27 February 2025.

Sarah Baalham
Ombudsman