

## **The complaint**

Mr J complains about how esure Insurance Limited (esure) dealt with a claim on his motor insurance.

## **What happened**

Mr J had motor insurance underwritten by esure. He was involved in an accident which he says wasn't his fault. The other driver didn't report this to their insurer. Mr J reported it to esure.

Mr J wasn't happy about the lack of progress with his claim and complained to esure. Esure said that having reviewed the file it could see that this was a clear non fault accident and as it had the third-party's details it should have been in touch with the insurers within the first month of the claim being reported, and this didn't happen. Esure apologised and arranged to pay Mr J £150 in acknowledgement of the service he received.

Mr J wasn't happy with esure's response and complained to this service. Our investigator didn't uphold his complaint. She said she agreed that esure could have provided a better claims service by contacting the third-party insurer sooner, but it had now done this and compensated Mr J for the delay caused. The investigator said that £150.00 is typically what she'd expect in these circumstances.

Mr J wasn't happy with what the investigator said so his complaint has been passed to me. Mr J wants the claim to be settled and compensation for what has happened.

## **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's complaint. I'll explain why.

Firstly it's important to note that I can't consider anything that has happened since 21 March 2024, the date esure sent Mr J its final response letter. This is because this service can't consider a complaint unless the business concerned has had an opportunity to resolve it first. I understand that matters weren't resolved to Mr J's satisfaction by this date, and it's open to him to make a further complaint to esure, and then to this service if he isn't satisfied with the response.

It's also important to note that it's not my role to decide who's at fault for an accident. Ultimately this is a decision for a court of law. My role is to decide whether esure acted fairly and reasonably in dealing with Mr J's claim, up to the date of the final response letter.

I can see that there was a delay when Mr J first contacted esure. Esure has accepted this and has paid Mr J £150 compensation. I think this is fair and reasonable in recognition of the delay from the date of claim to the date of the final response letter, 21 March 2024. As stated above, if Mr J remains unhappy with how esure have dealt with things since 21 March 2024,

it is open to him to make a further complaint to esure, and then to this service if he isn't happy with esure's response.

### **My final decision**

For the reasons given above, I don't uphold Mr J's complaint. So I won't be asking esure Insurance Limited to do anything.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr J to accept or reject my decision before 24 February 2025.

Sarah Baalham  
**Ombudsman**