

The complaint

Mrs F complains about how Aviva Insurance Limited handled, settled and recorded a claim made on her motor insurance policy. She wants it to change its systems and to amend how the claim is recorded. Mrs F is represented in this matter by Mr F.

What happened

Mrs F was involved in a collision with a foreign owned lorry. She took details from the driver and photographs of the scene. Mr F said they couldn't locate a phone number to report the claim to Aviva and so they did this online. Aviva then delayed responding and it paid Mrs F £100 compensation for this. Mrs F's car was repaired. Aviva said it was unable to pursue the lorry's insurer to recover its costs with the information provided by Mrs F. So it settled the claim as fault on Mrs F's record.

Mr F thought this was unfair as this would affect future premiums. He was unhappy that Aviva's contact number wasn't readily available, with how the claim was settled and with the insurance industry's approach to dealing with claims against foreign-owned lorries.

Our Investigator didn't recommend that the complaint should be upheld. She thought Aviva's contact number was available on its website. And she thought Aviva's payment of compensation for delays was fair and reasonable. She thought Aviva had reasonably attempted to contact the lorry's insurer. She thought it was entitled by the policy's terms and conditions to settle the claim as it saw fit. And she thought it had correctly recorded the claim as fault because it was unable to recover its outlay.

Mr F replied that the contact number had only recently been added to Aviva's website. He was unhappy that Aviva had recorded the claim as fault when Mrs F wasn't responsible for the collision.

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 can understand that Mrs F and Mr F feel frustrated that a fault claim has been recorded against Mrs F when she wasn't to blame for the collision with the lorry. And I can see that this has led to a significant increase in her quoted premium at renewal. However, Mrs F's car was repaired and Mr F said they were pleased with the work.

The Investigator has already explained that our role in complaints of this nature is simply to investigate how the insurer made the decision to settle the claim. Did it act fairly and reasonably and in line with the terms and conditions of the policy? And has it treated Mrs F the same as someone else in her position.

Aviva is entitled under the terms and conditions of its policy with Mrs F to take over, defend, or settle a claim as it sees fit. Mrs F has to follow its advice in connection with the settlement of her claim, whether she agrees with the outcome or not. This is a common term in motor

insurance policies, and I do not find it unusual. Insurers are entitled to take a commercial decision about whether it is reasonable to contest a claim or better to settle it.

That said, we expect an insurer to reasonably investigate a claim and consider the evidence available before making its decision on how to settle it.

The evidence that Aviva had to consider was Mrs F and Mr F's version of events, the photographs taken at the scene, details of the lorry driver and the number plate of the lorry's trailer. Unfortunately, Mr F didn't photograph the lorry's cab registration number. And Aviva said that without this it couldn't identify the cab's insurer to recover its outlay.

I can see that Aviva made reasonable attempts to identify the lorry's insurer. Mr F conducted his own investigation and made attempts to locate details of the cab's owner and its registration number from possible CCTV cameras. But, unfortunately, this wasn't successful. And so, after some months, Aviva settled the claim and closed it as fault against Mrs F.

This doesn't mean that Mrs F was to blame for the accident. It simply means that Aviva was unable to recover its outlay from another party. And it's standard industry practice to then record the claim as a fault. I think Aviva did this after reasonable investigations. And it's entitled to do this by the policy's terms and conditions. So I can't say that Aviva did anything wrong in this or needs to change how it has recorded the claim.

Mr F is adamant that if he was better able to contact Aviva at the scene of the accident, then he would have been advised about what information to collect and so have avoided this outcome. But I'm satisfied that Mrs F was advised to make a record of the claim contact number when she took out her policy. And I can see that the number is available on Aviva's website, and I haven't seen evidence that this was recently added.

I also note that Mr F said they were in shock after the accident, and I can understand that this may have impacted what evidence he collected. But I can't say that Aviva didn't provide information about how Mrs F could contact it online or by phone to report her claim.

Mr F thought the claim handling was unfair and wanted changes made to how the insurance industry works. But it's not my role to consider this but to review how Aviva has responded to Mrs F's complaint made under her policy. It's also not within my remit to require Aviva to change its systems and processes as these are its commercial decision. And I can see that the Investigator has already provided Mr F with details of the regulator which is able to consider his concerns.

Aviva has accepted that it made an error when it delayed processing the claim by a few weeks. I can see that this caused Mrs F avoidable frustration and trouble. Aviva paid Mrs F £100 compensation for this. I think that's fair and reasonable as it's in keeping with our published guidance for the level of impact the error caused. So I don't require Aviva to do anything further.

My final decision

For the reasons given above, my final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs F to accept or reject my decision before 25 June 2025.

Phillip Berechree
Ombudsman