

The complaint

Miss P is unhappy with the decision made by Watford Insurance Company Europe Limited (Watford Insurance) following a claim made under Miss P's car insurance policy.

What happened

In June 2024 Watford Insurance received notification of an incident from Miss P. Miss P says *'...I moved forward to turn right and join the road. As I moved off, the approaching car hit the offside back door of my car and the wheel. The car did not turn left into [F] Lane as the driver had indicated'*

As part of its investigation, Watford Insurance reviewed the dashcam footage from Miss P's car. Watford Insurance advised Miss P *'The dashcam video provided is enough to hold us at fault in a court of law, this is because we have emerged from a minor road on to a main road. The footage shows us pulling out from the minor road and then the collision taking place.'*

Watford Insurance told Miss P that it would be recording the claim as a fault claim against Miss P's policy. Miss P was unhappy with this response, and brought her complaint to the Financial Ombudsman Service.

The Investigator found that Watford Insurance had acted reasonably in reaching its decision to settle the TPI's claim, and didn't ask Watford Insurance to do anything in settlement of the complaint. Miss P asked for her complaint to be referred to an ombudsman. As the complaint couldn't be resolved, it has been passed to me for 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'd like to reassure the parties that although I've only summarised the background to this complaint, so not everything that has happened or been argued is set out above, I've read and considered everything that has been provided.

Miss P feels strongly that Watford Insurance has not dealt with her claim properly. I understand it has been a challenging time for Miss P. But having reviewed the evidence I don't think Watford Insurance needs to do anything in settlement of this complaint. I can understand this is likely to come as a disappointment to Miss P but I hope my findings go some way in explaining why I've reached this decision.

When we investigate a complaint about an insurer's decision on a claim, our role is to consider whether the insurer handled the claim in a fair and reasonable manner. So, I've considered the evidence to determine whether Watford Insurance has acted fairly and reasonably in reaching its decision on Miss P's claim.

It's not disputed that Miss P exited the junction, and whilst completing this move, the collision between Miss P and the third party (TP) occurred. Miss P says she wasn't at fault because she was relying on the signalling left indicator showing on the TP vehicle (TPV). Because of this signal, Miss P says she proceeded to exit the junction and enter the main road. Miss P says she wasn't to know that the TPV was going to continue on the same road.

When evidence is contradictory or inconclusive (or both) I have to make a finding on the balance of probabilities. That is what I find is most likely to have happened in view of the available evidence and wider circumstances.

I accept what Miss P has explained about her understanding of the incident, and importantly, why she thought it was safe to continue with turning into the main road from the junction. And I recognise what Miss P has said about misleading signalling causing the incident to happen. I've balanced these comments with the evidence from the dashcam footage, and the Highway Code. It's important to explain that it's not my role to determine which party is at fault; my role is to consider whether Watford Insurance has acted fairly and reasonably in reaching its decision on Miss P's claim.

The Highway Code for Road Junctions says:

Take extra care at junctions. You should

- *not assume, when waiting at a junction, that a vehicle coming from the right and signalling left will actually turn. Wait and make sure*
- *look all around before emerging. Do not cross or join a road until there is a gap large enough for you to do so safely.*

It is reasonable to say that at the time of exiting the junction, Miss P was aware of the TPV approaching. Miss P proceeded on the basis that she saw the TPV had signalled to turn left. And I accept that Miss P believed it was safe for her to exit the junction on this basis. But on balance, I think Watford Insurance's decision to settle the TPI's claim based on the evidence showing how the impact happened between Miss P's car and the TPV is reasonable.

Based on the dashcam footage, Miss P's testimony, and the Highway Code, I'm persuaded there was reasonable evidence for Watford Insurance to consider that the claim didn't have reasonable prospects of success, given the position of Miss P's car (exiting a junction whilst aware of another vehicle approaching), and the dashcam footage supporting this.

Watford Insurance is entitled to consider the likely outcome of defending the claim and going to court. It clearly thought that, if the claim proceeded to court, Miss P was likely to be held liable and that it wouldn't be able to defend the claim the third party had made. And it's fair that it wished to avoid the risks and costs associated with that. It's not in Watford Insurance's interests to accept liability for claims it thinks it can win. And based on the evidence, I'm persuaded its decision was fair and reasonable.

I'm persuaded Watford Insurance had enough evidence to say that it wouldn't be able to successfully defend Miss P's claim in court, and so settling the claim the way it did was a fair and reasonable course of action.

I appreciate Miss P's disappointment with this outcome. This situation has clearly left Miss P feeling stressed, upset, and financially out of pocket. But I can't ask Watford Insurance to do anything differently, given the evidence that's been provided. I haven't seen any evidence to persuade me that Watford Insurance's actions have been wrong, unfair, or outside of the

policy terms. My decision will disappoint Miss P, but it ends our Service's involvement in trying to informally resolve this dispute between her and Watford Insurance.

My final decision

For the reasons provided I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss P to accept or reject my decision before 12 August 2025.

Neeta Karelia
Ombudsman