

The complaint

Mr E complains about how esure Insurance Limited handled a claim made on his motor insurance policy. He wants compensation for his distress and inconvenience and the financial impact caused by delays in settling the claim.

What happened

Mr E's car was damaged in a works car park. The police obtained CCTV footage taken at the time. Mr E notified esure of this. But he said it didn't request this from the police for a further month. By that time the footage had been destroyed. Mr E was unhappy with this as he thought the CCTV footage may have shown the incident. Mr E was reluctant to start repairs to his car until liability was established as he had to pay £650 for the policy excess. Ten months after the incident, esure waived the excess. It also paid Mr E £250 in total compensation for its handling of the claim.

Our Investigator recommended that the complaint should be upheld in part. He thought esure could have requested the CCTV footage in a timely manner. And he thought this may have recorded the incident and identified the other driver's car and so resolved the claim sooner. He thought this error had caused Mr E trouble and upset and esure should increase its compensation to £400. But he thought esure wasn't responsible for Mr E's financial losses as it was his decision not to have his car repaired immediately.

esure replied that it had requested the CCTV footage from the police immediately and it wasn't responsible for this not being provided. It said it had subsequently recorded the claim as non-fault and waived the policy excess. And it thought its payment of £250 compensation was sufficient for its small errors. Mr E replied that he thought the compensation wasn't sufficient for the time he had spent in getting the claim resolved. As neither party agreed, the complaint has come to me for a final 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 can understand that Mr E feels frustrated with how his claim was handled. He said this had caused him trouble and stress over many months. And I was sorry to hear this. From what I can understand, Mr E's car has been taken for repairs, but he was unhappy with the repairer. But I can't consider that here as it's a separate complaint that he has yet to bring to us.

Mr E said that after the incident he told esure that CCTV footage taken at the time was available from the police. He didn't know at the time what this footage would show. But the police have latterly confirmed that it showed a van reversing into Mr E's parked car. But the police didn't confirm that the van's registration number was visible. And they said the case had been closed as there was no realistic chance of a conviction.

So I can't say for certain that if esure had obtained the footage it would have been able to identify the van's driver and so recover its outlay. But this may have been possible as the civil standard of proof is less than the criminal one the police rely upon. And so I've looked at the steps esure took to obtain the CCTV footage to decide if it prejudiced Mr E's position.

From esure's records, it requested the CCTV footage from the police a week after the incident, but no response was received. I note that the date of the incident was recorded by esure as a day earlier than Mr E has stated in his submissions. Three weeks later, esure sent another request, and the police responded asking for further information.

But esure didn't respond to this request for a further month. By that time the footage had been destroyed. esure apologised to Mr E for this delay and paid him £100 compensation. It also told Mr E that it would progress his claim. But no further action was taken for four months. esure's claims handlers didn't contact Mr E as promised. And esure paid Mr E £150 further compensation for the impact of this delay.

But Mr E remained unhappy, and he found out that the police had destroyed the CCTV footage. As a gesture of goodwill, esure then waived his policy excess and the claim was recorded as non-fault. Repairs were then arranged. But this was ten months after the incident. And I think that while this may have restored Mr E's position, esure hasn't sufficiently compensated Mr E for the impact of its delay in responding to the police request.

A prompt response would have most likely avoided months of stress and frustration and the chasing of the police and esure that Mr E had to do to progress the claim. Our Investigator recommended that esure should pay Mr E £150 further compensation to recognise the impact of its errors.

And I think that the total of £400 compensation is fair and reasonable as it's in keeping with our published guidance for when repeated errors have had an impact lasting many months.

Mr E thought esure should also compensate him for his financial losses. He said he no longer needed his car, but he couldn't sell it until it was repaired. And so he incurred monthly costs to keep a car that no longer suited his needs.

But I think Mr E could have had his car repaired shortly after the incident, albeit he would have had to pay his policy excess. And so I can't hold esure responsible for the consequences of his decision to wait to have the repairs made. And so I don't require esure to compensate Mr E for his losses.

Putting things right

I require esure Insurance Limited to pay Mr E £150 further compensation (£400 in total) for the distress and inconvenience caused by its handling of his claim.

My final decision

For the reasons given above, my final decision is that I uphold this complaint in part. I require esure Insurance Limited to carry out the redress set out above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr E to accept or reject my decision before 1 September 2025.

Phillip Berechree
Ombudsman