

## **The complaint**

Mrs and Mr L complained about Covea Insurance plc. They are not happy about the way it looked to settle a claim under Mrs L's motor insurance policy.

Any reference to Covea includes any agents that it is responsible for unless specified.

## **What happened**

Mr L, a named driver on the policy, was involved in a minor accident in a shop car park and notified Covea about the incident. But when Covea looked into the circumstances surrounding the accident it felt that it couldn't defend Mr L's position and so it accepted liability.

Mr L wasn't happy about this and so he complained to Covea. He felt that it should have fully defended the claim as he thought the other driver was at fault. But Covea maintained its position, so Mr L complained to this Service as he remained unhappy.

Our investigator looked into things for Mr L, but he didn't uphold his complaint. He thought Covea had acted fairly in deciding liability as Mr L was reversing from a parking space in the car park when it happened and so he thought it would be difficult for Covea to fully hold the third party at fault.

As Mr and Mrs L didn't agree the matter has been passed to me for review.

## **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 Mr L's frustration here as he was at the scene and believes the other driver was at fault for the accident. However, having looked at all the evidence provided by both sides I don't think that Covea have acted unreasonably here. So, although I know this will come as a disappointment to Mr and Mrs L, I don't think Covea has done anything wrong here. I'll explain why.

As Mr and Mrs L is aware, it isn't the role of this Service to decide liability, which is a matter for the courts. Although we do look to ensure insurers have acted in a fair and reasonable way.

Under the policy terms, Covea has the right to take over the settlement of the claim. This gives it the right to decide whether to take a third party to court or settle a claim. Legal proceedings are time-consuming, expensive and the outcome can be uncertain. As such, it will not always be commercially sensible to take legal action against a third party or to look to defend their policy holder at court.

However, this Service's general approach is that insurers should act fairly and reasonably in deciding whether to settle or pursue a third party. We expect insurers to make a reasonable

assessment, based on a clear understanding of the evidence and the circumstances surrounding the accident.

With this in mind I've carefully considered how Covea has handled this claim. And I'm satisfied it carried out a reasonable investigation and took into consideration the available evidence in forming its view on liability. I say this as it isn't disputed that Mr L was reversing out of a car parking space and so there was a greater onus on him to ensure it was clear and safe to do so. I know Mr L feels the other driver was proceeding the wrong way in the car park, but he should have been aware of the other vehicle before making his manoeuvre. And there isn't any independent evidence here, such as CCTV or witnesses to say the other driver was at fault.

So, although I can understand why Mr L feels that the other side should be held fully at fault, but I don't think Covea has acted unreasonably here. And even if the other driver was held partly at fault, which seems the best that could have been achieved here, then Mr and Mrs L would still have a fault claim against them. I know Mr L feels that his insurer should have done a lot more here to ensure liability was found in his favour, but the courts don't look favourably when insurers waste valuable court time and insurers make commercial decisions about the chances of success all the time which isn't unreasonable.

Ultimately, it would be very difficult to fully establish liability in Mr L's favour. The onus was on Mr L to ensure it was clear and safe before manoeuvring from his car park space. And so, although I know this will be very disappointing to Mr and Mrs L, I feel Covea have acted reasonably here in deciding liability.

### **My final decision**

It follows, for the reasons given above, that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs L to accept or reject my decision before 28 October 2025.

Colin Keegan  
**Ombudsman**