

The complaint

Ms W complains about Liverpool Victoria Insurance Company Limited (LV) recording a fault claim against her under her motor insurance policy, following a collision with a lorry which led to her vehicle being written off. Ms W says the lorry hit her vehicle then drove away from the scene. She also says LV received tampered footage of the incident showing she was at fault for the incident. She disputes LV recording the incident as her fault based on her road position and trying to overtake the lorry.

Ms W wants her £400 policy excess refunded, the additional £100 premium charged to be refunded and for the claim to be recorded as non-fault.

References to LV in this decision include their agents.

What happened

In September 2024 Ms W was involved in a collision with a lorry. Ms W said she was in the middle lane of a multi-lane carriageway and the lorry on her right in the outer lane. Ms W said the lorry veered towards her and hit the driver's side of her vehicle. She mounted the nearside kerb to avoid being crushed and stopped, but the lorry continued without stopping. She followed the lorry and overtook it, coming to a stop in front of it. She said the driver told her he didn't see her in his blind spot and didn't feel an impact. She exchanged details with the driver and contacted LV to tell them about the incident.

LV approached the insurer of the lorry (A), who disputed liability, saying the lorry driver's version of events was he was in the middle lane of the multi-lane carriageway and Ms W was in the wrong lane and tried to undertake the lorry, so causing the collision. A said they had dashcam footage from the lorry supporting the lorry driver's version of events. Ms W had a dashcam but hadn't kept footage of the incident.

LV assessed the damage to Ms W's vehicle, deeming it to be beyond economical repair. LV settled the claim based on their valuation of Ms W's vehicle (£2,592.81) less the policy excess of £400 (a net payment of £2,192.81). LV wrote to A in October 2024 asking them to reimburse their outlay on the claim (the £2,592.81 valuation less salvage value of the vehicle of £409.20, meaning a net outlay of £2,183.61).

LV subsequently obtained the dashcam footage from A, which they went through with Ms W. Ms W said she thought the footage had been altered to show her being at fault (the footage had been 'flipped' so it was showing a mirror image view). While LV had some concerns over part of the footage, they concluded after review that Ms W should have given the lorry more space and was in the lorry's blind spot. LV acknowledged her concerns but said that as they had no footage from Ms W's dashcam to counter that from the lorry, they had to concede liability and close the claim as a fault claim.

Unhappy at LV accepting liability and deeming the claim to be fault on her part, Ms W complained to LV (April 2025).

In their final response, issued in June 2025, LV didn't uphold the complaint. Having reviewed the dash cam footage and gone through it with Ms W, LV said her position on the road at the time of the incident meant she had the greater duty of care. So, they couldn't hold the lorry driver at fault. And the absence of dash cam footage from Ms W meant they didn't have evidence to dispute liability. Without such evidence, LV would continue to record the claim as a fault claim.

Ms W then complained to this Service. She maintained the lorry hit her vehicle then drove away from the scene and that LV received tampered footage of the incident showing she was at fault for the incident. She disputed LV recording the incident as her fault based on her road position and trying to overtake the lorry. She wanted her £400 policy excess refunded, the additional £100 premium refunded and for the claim to be recorded as non-fault.

Our investigator didn't uphold the complaint, concluding LV didn't need to take any action. He noted LV had reviewed the dashcam footage and concluded Ms W had the greater duty of care due to her position at the time of the incident. And in the absence of any other evidence (dash cam footage from Ms W's vehicle and/or witnesses) LV had considered the evidence and concluded they couldn't dispute liability, acting fairly.

Ms W disagreed with the investigator's view and requested that an Ombudsman review the complaint. She maintained her view that the lorry dash cam footage had been 'flipped' so that it showed a mirror image. She also provided copies of the footage (three separate recordings) and referred to key points in the footage. She said footage from the left- and right-hand sides of the lorry had been flipped (there was also forward-facing footage from the lorry cab). She maintained the footage showed the lorry came over into her lane and collided with the offside of her vehicle, causing her to hit the barrier on her nearside to avoid being crushed by the lorry. The lorry had been on the outside lane to her and then veered into her lane, making contact. Ms W also provided photographs of her vehicle, the lorry and the collision location.

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.

My role here is to decide whether LV have acted fairly towards Ms W.

The key issue in Ms W's complaint is that LV unfairly deemed the incident to be a fault claim against her. She maintains the incident was the fault of the lorry, which veered over to her lane, forcing her up on the kerb and hitting the barrier to avoid being crushed. She also maintains some of the lorry dash cam footage has been 'flipped' to show a mirror image of what happened. LV say they reviewed the available footage and decided they could not dispute liability, as Ms W should have afforded the lorry more space and she had the greater duty of care from the position of her vehicle.

I recognise Ms W feels strongly that her version of events means she wasn't at fault for the collision and so the claim shouldn't be recorded as fault against her. And that some of the dash cam footage has been 'flipped' to show a different perspective. However, it's important to note that it's not for this Service to determine liability for an accident and how a claim should be recorded. It's to decide whether LV acted fairly in the circumstances of the incident in determining liability for an incident.

It's also worth noting that, in common with insurance policies more generally, the policy terms and conditions give LV the right to settle claims as they see fit. The *General Conditions* include the following term:

“We’re entitled to:

- *Have total control to conduct, defend and settle any claim; and*
- *Take proceedings, in your name or in the name of any other person claiming under this insurance, at our own expense and for our own benefit to recover any payment we’ve made or to pursue a claim for damages.”*

Looking at what happened, LV initially held the lorry liable for the accident, writing accordingly to A requesting reimbursement of their outlay on the claim. However, when they received the lorry dash cam footage and reviewed it, they decided they could not context liability, for the reasons set out in their final response. LV’s claim notes record LV noting the apparent ‘flipping’ of some of the footage, but notwithstanding this they concluded Ms W should have given the lorry more room and taken extra care as she was in the lorry’s blind spot. It’s also clear from the claim notes that the footage was also reviewed by several people at LV, who agreed on their decision and also discussed it with Ms W. So, LV considered the footage, including that which Ms W said have been ‘flipped’.

While noting it’s not for me to determine liability, but whether LV acted fairly in reaching their decision, I have looked at all three pieces of footage, with reference to the specific points in the footage Ms W believes are most relevant. The forward-facing footage shows the progress of the lorry along the carriageway, including Ms W following the lorry after the collision and waving it down to discuss the incident with the driver. But it doesn’t show the actual collision, which is what I’d expect given the description of what happened from Ms W.

Looking at the footage from the left and right sides of the lorry, while I can see the point Ms W makes about the footage being ‘flipped’ part of one piece of the footage shows what I think is Ms W’s vehicle approaching the lorry from behind, before drawing alongside it just as the collision occurs. Which is consistent with the conclusion LV drew that Ms W should have allowed more space as she was coming up alongside the lorry and would have been in the lorry’s blind spot.

I’ve also noted what LV have said about not having any dash cam footage from Ms W’s vehicle (or other evidence, for example from witnesses) that might have provided evidence to support Ms W’s version of events. In the circumstances, I think it was reasonable for LV to assess liability on the basis of what evidence they had which, other than the two accounts of the incident from Ms W and the lorry driver, would be the lorry dash cam footage.

Taking all these points together, I can’t conclude LV acted unfairly and unreasonably in reaching their decision they couldn’t dispute liability and would therefore be unable to recover their outlay on the claim and deem it a fault claim on the part of Ms W.

So, I don’t think LV have acted unfairly or unreasonably in the circumstances of this case, so I won’t be asking them to do anything further.

My final decision

For the reasons set out above, it’s my final decision not to uphold Ms W’s complaint.

Under the rules of the Financial Ombudsman Service, I’m required to ask Ms W to accept or reject my decision before 7 January 2026.

Paul King
Ombudsman