

## **The complaint**

Ms J has complained about AXA Insurance UK Plc. She isn't happy about the way it settled liability against her following a claim on her motor insurance policy and the service she received.

## **What happened**

Ms J made a claim under her motor insurance policy after she was involved in an accident with a lorry while changing lanes. She was of the view that the other driver was at fault and AXA looked to defend her. But when the other driver provided dashcam footage of the incident it decided it could not defend her as she had moved lanes at the time of the incident.

As Ms J wasn't happy about this and the way AXA settled liability; that it wouldn't provide a copy of the dashcam footage; and the way the claim was handled she complained to AXA and then this Service.

Our Investigator looked into things for Ms J, but she didn't uphold her complaint. She thought that AXA acted reasonably in looking to defend Ms J initially. But she didn't think it acted unreasonably in changing its position on liability and not refunding Ms J's excess once it received the dashcam footage. And she didn't think it acted unreasonably in not sending a copy of the dashcam footage to Ms J and the way it handled the claim.

As Ms J 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 how difficult and frustrating Ms J has found all of this. I say this as she was at the scene when the incident happened. But as our Investigator has explained 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.

AXA, like most motor insurers, have a clause in the contract that allows it to take over the settlement of the claim. This gives it the right to decide whether to proceed to court or settle a claim. And court proceedings are uncertain and expensive, so insurers are cautious about going to court. They look to consider the costs involved and the likelihood of success in making these decisions.

But we look to ensure that insurers act fairly in deciding whether to settle matters and make a reasonable assessment of the claim. Based on a clear understanding of the evidence and circumstances surrounding the accident. With this in mind, I have carefully considered how AXA has handled Ms J's claim.

AXA initially looked to defend Ms J and suggested it would refund her excess because, from her initial description, it seemed that Ms J wasn't at fault for the accident which was reasonable at that point in time. However, the third-party provided dashcam footage of the accident which persuaded AXA to change its position. I've viewed the footage, and it shows Ms J moving into the third-party's lane and there would be an onus on Ms J, while undertaking that manoeuvre, to ensure it was safe to do so.

Having considered all of this and trying to defend Ms J initially, AXA eventually accepted liability. I know Ms J isn't happy about this and questions whether it was her car in the footage amongst other things, but I've seen the video and her car is clearly identified and I can understand why AXA changed its position and wouldn't want to go to court to defend Ms J here.

Further, I can understand why Ms J is frustrated that she hasn't been provided with a copy of the dashcam footage, but AXA has said it cannot release the footage for data protection reasons. And having viewed the footage it does clearly show the driver of the other vehicle so I can understand this. But it would appear that AXA was trying to get the third-party to agree to its release so I will leave it to finalise its position and to advise Ms J accordingly, especially as AXA's final response didn't deal with this complaint point and I would expect it to be given the opportunity to comment on this before this Service considers a complaint about this.

Finally, I know Ms J feels the claim handling could have been better and it was delayed. However, I can see that AXA had to chase for the footage which delayed things, but Ms J is mainly unhappy that liability has been decided against her which has understandably caused her stress. But I can't hold AXA responsible for this as it was looking to defend her and refund her excess in the early stages of the claim and gaining the footage was out of its control.

Given all of this, and although I know this will be disappointing to Ms J, I don't think AXA have acted unfairly 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 Ms J to accept or reject my decision before 28 January 2026.

Colin Keegan  
**Ombudsman**