

complaint

Mr I has complained about Tradewise Insurance Company Limited. He is unhappy with the handling of a claim on his motor insurance policy.

The circumstances of this complaint were set out in my provisional decision as summarised below:

background

Mr I was involved in an accident in May 2013 and made a claim under his motor insurance policy. He thought that the third party was at fault and they thought that he was at fault.

As both sides blamed each other solicitors were appointed. But Mr I's solicitor, and insurer, eventually accepted liability and he was held at fault for the claim. Unfortunately, the claim wasn't settled as quickly as it should have been resulting in Mr I having a County Court Judgement (CCJ).

Mr I remained unhappy about the way the claim was settled and about the CCJ and complained to Tradewise and this service.

Our adjudicator considered his complaint but didn't uphold it. She believed that Tradewise acted reasonably in settling liability. She also didn't believe that Tradewise was responsible for the CCJ.

As Mr I didn't agree the matter has been passed to me for a final decision.

my provisional findings

In brief, I considered that Tradewise had acted reasonably in settling a claim against Mr I's policy. But I believed that it could've done more to ensure that Mr I didn't end up with a CCJ against his name.

As such I thought Tradewise should compensate Mr I. Highlighting that it must have been stressful for Mr I to have had a CCJ against his name. As this would have an affect on his credit history I believed he should receive £1,000 compensation.

I said that Tradewise should also make sure it does all it can to ensure that the CCJ has not only been settled, but listed as such on the Register of County Court Judgements. It should take all necessary steps to make certain that all credit reference agencies are properly updated; as a settled CCJ is viewed far more favourably by credit providers.

my provisional decision

My provisional decision was that I partly upheld this complaint. I was minded to ask Tradewise Insurance Company Limited to pay Mr I £1,000 compensation.

developments

Both sides have responded. Mr I accepts part of my provisional decision. He believes that the compensation for the CCJ is fair. However, he believes that the decision doesn't fully take account of the fact that he wasn't at fault for the accident.

Tradewise didn't feel that the provisional decision discussed all the detail of the case to date. It highlighted that it was the second payment not being received that led to the CCJ against Mr I. It said it attempted to pay the other side's solicitor at the time but that it was unsuccessful. Tradewise said that it had sent everything in time and so it wasn't its fault.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. This includes both Tradewise and Mr I's latest written and oral representations.

I know Mr I still wants to dispute liability and the legal proceedings that occurred. But, as highlighted previously, Tradewise is entitled to take over the settlement of his claim. All I can look at is if it acted reasonably and as I explained, I think it has.

It took legal advice and its view was based on an understanding of the accident circumstances and the evidence provided from both sides. It is clear that there was a dispute between the parties. Mr I says that the third party crossed his path. But the other side said that he was undertaking at the time of the collision and held him responsible.

It must be frustrating for Mr I, but there isn't any independent evidence to support his position. And as a solicitor has considered the case in full I judge that it acted fairly in settling the third party's claim. As such, I can't conclude that Tradewise acted unreasonably in settling liability.

In relation to the CCJ Tradewise appears to accept that it will do all it can to ensure that the CCJ has not only been settled but that it has been listed as such on the Register of County Court Judgements. And that it should take all necessary steps to make certain that all credit reference agencies are properly updated.

Although Tradewise reiterates the difficulties it had in advancing this matter. And I can see that the other side's solicitor may have made things more difficult than they should've been. But I can't hold Mr I responsible for this. He shouldn't have been left in the position that a CCJ has been held against his name and Tradewise should have ensured that more was done to prevent the CCJ.

So it should compensate Mr I. Fortunately there isn't any evidence of the CCJ having a big impact on Mr I's financial position. However, it must have been stressful for Mr I to have had a CCJ against his name. Obviously, this would have an affect on his credit history and I believe he should receive £1,000 compensation.

my final decision

It follows, for the reasons given above and in my provisional decision, that I partly uphold this complaint. I require Tradewise Insurance Company Limited to do all it can to limit the impact of the CCJ on Mr I and to pay Mr I £1,000 compensation.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr I to accept or reject my decision before 23 December 2015.

Colin Keegan
ombudsman