

## **complaint**

Mrs A complains about the way in which Aviva Insurance Limited handled a claim she made under her motor policy after her car was involved in a collision. She would like to be properly compensated for the problems she experienced as a result of Aviva's delay and its failure to tell her that it was no longer pursuing her claim against the other driver.

## **background**

Mrs A's car was damaged in a collision with a taxi on 24 November 2012. The taxi driver gave her the taxi firm's card but she didn't take a note of the taxi's registration number. The taxi firm has since denied that one of its cars was involved in the accident. Aviva instructed an investigator and solicitors but without the registration number it decided that it couldn't pursue a third party claim against the taxi driver. Although Mrs A has a protected no claims discount, her premiums will be higher as a result of this incident. She feels that Aviva's delay in instituting a proper investigation reduced the chance of being able to find the taxi driver. She says she could have gone to the firm's premises to identify the driver herself. Aviva accepted there had been some delay in its handling of the claim. Consequently it offered Mrs A £50 compensation for the distress and inconvenience this caused her.

The adjudicator recommended that Mrs A's complaint should be upheld in part. He accepted that without the registration number, it was unlikely that the taxi driver could have been traced. But he thought that the way in which Aviva had handled Mrs A's claim had added to the difficulty of the situation and exacerbated the stress this caused her. He recommended that Aviva should increase the payment for distress and inconvenience to £150. Aviva agreed to this but Mrs A feels that this is still not enough. She says that if Aviva had told her from the outset that it was unlikely that it would be able to pursue a successful claim against the taxi driver on her behalf, she would have been saved significant ongoing worry about the claim. She feels her hopes were raised when in fact nothing was being done to pursue her claim.

## **my findings**

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

Mrs M has explained that the accident occurred on a busy roundabout and that in the confusion and haste of exchanging details with the driver, she didn't realise that the card he gave her didn't include his vehicle's registration number. It was only when she got home later that day that she realised this. She says she made several phone calls to the taxi firm, but while initially the fact of the accident was admitted she wasn't given the registration details of the vehicle. She describes the last person she spoke to as becoming very aggressive when she made it clear that she held the taxi driver responsible for the collision. So I find that it must have been obvious to Mrs A from the start that this wasn't going to be a straightforward claim.

I agree with the adjudicator that without the taxi's registration number, the reality of the situation was that it was unlikely that Aviva would have been able to pursue a claim against the taxi driver on her behalf. I consider that the chance of Mrs A successfully investigating the claim herself was low because it is obvious from the way her initial phone calls were dealt with that the taxi firm had no intention of co-operating with any investigation. She would

have had to depend on visual recognition of the car and/or driver but if the damage to the taxi had been repaired it would simply have been her word against that of the taxi driver.

However I find that the way in which Aviva handled the claim did add to the worry and stress that Mrs A experienced as a result of the this incident. In June 2013, seven months after the accident, Aviva wrote to tell Mrs A it was passing her file on to its solicitor so that proceedings could be issued against the taxi firm in the hope that this might encourage it to identify the driver responsible. Mrs A heard nothing more. In November 2013 she contacted the solicitor to find out what progress had been made. The solicitor told her that on receipt of the file they queried with Aviva the fact that they had been asked to pursue a claim when there was no way of identifying the vehicle concerned.. Aviva didn't reply to this query so the solicitor closed the file.

This meant that it was nearly a year before Mrs A found out that her claim wouldn't be pursued in the courts against the taxi firm. She had to obtain this information herself. Presumably if she hadn't contacted the solicitor she would still have been waiting to find out what was happening. So I can understand why she feels so strongly that Aviva let her down. In those circumstances she must find it particularly galling that her insurance premium has increased. But, as I am sure Mrs A appreciates, the increased premium is a result of the fact that Aviva hasn't been able to recover the cost of repairing the damage to her car from the taxi driver's insurer; not to any error in the way in which Aviva has calculated it.

The awards we make for distress and inconvenience are intended to recognise the upset a particular problem has caused rather than to punish the business concerned. Having considered the facts of this case very carefully I agree with the adjudicator that £150 is the appropriate award for the distress and inconvenience that Mrs A suffered as a result of Aviva's failure to keep her properly informed about her claim.

### **my final decision**

For the reasons set out above it is my final decision that I uphold this complaint. I now require Aviva Insurance Limited to pay Mrs A a total of £150 compensation in settlement of her complaint.

Melanie McDonald  
**ombudsman**