

complaint

Mr H complains that CIS General Insurance Limited unreasonably declined a claim he made under his motor insurance policy following an accident.

background

Mr H was involved in a collision with a third party. CIS became concerned about aspects of the third party's claim so instructed solicitors to investigate. A forensic engineer later decided that the damage to Mr H's car and the third party's vehicle did not match the reported circumstances of the accident. CIS declined to deal with the claim further. In addition, the salvage agents acting for CIS sent Mr H's V5 document to the DVLA in error.

Our adjudicator did not uphold Mr H's complaint. In her view, CIS had a sound basis for its decision, as it was based on the findings of an expert report. She considered CIS's offer of compensation to Mr H for the error with the V5 document was sufficient. Mr H and his solicitors disagreed with the adjudicator's view on CIS's claims handling, so the complaint was passed to me for review.

my findings

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

The crux of the complaint in my view is whether it was reasonable for CIS to rely on the report of the forensic engineer. I am satisfied that he was suitably qualified to assess the damage to the vehicles, based on photographs, accounts of the accident and the assessment reports of another engineer who physically inspected the vehicles. The forensic engineer has extensive experience in examining vehicles, including 18 years with a police accident investigation team, where he assessed damage to vehicles in over 800 serious accidents. Consequently, I am satisfied that he has more than sufficient experience and expertise to have reached a sound conclusion about the damage.

I appreciate that there were aspects of the investigation that gave Mr H understandable cause for concern, in that he thought the forensic engineer should have inspected the vehicles personally, and a police report was not obtained before CIS made its decision. I am satisfied that a physical inspection of vehicles is not always necessary, and it was the view of the forensic engineer that it was not needed in this case. In my view, it would have been good practice to obtain the police report before CIS made its decision, as there was a possibility it could have made a difference to the outcome. However, in the end the police report actually caused more confusion, as it contained a reference to Mr H's car having collided with the central reservation, which appeared to undermine his claim.

In my view it appears that the reference to the central reservation was merely a repetition of a comment made to the police by a member of the public, who must have made an assumption about it, having noted where Mr H's car was positioned after the accident. Mr H's solicitors quite reasonably questioned how the damage right across the front of Mr H's vehicle could possibly have been caused by such an impact (unless Mr H drove straight at the barrier). They later produced evidence from the Highways Agency to show the barrier had sustained no damage in the incident.

I consider that CIS should not have relied on one minor reference to the central reservation as part of the reason for declining the claim, particularly without attempting to clarify the

matter. In my view, that would have caused Mr H a moderate degree of distress, given that his account of events on this point was accurate from the outset.

CIS accepted that the salvage agents who took control of Mr H's car made an administrative error in sending his V5 registration document to the DVLA, causing Mr H further distress when he was told he was no longer the owner of the vehicle. I am satisfied, however, that the £150 offered to Mr H by CIS in compensation for his distress was adequate.

In my opinion, Mr H's solicitors considered the damage to the vehicles very carefully and made several points about the damage that might well be valid. The adjudicator pointed out that we would consider any argument put forward by another expert engineer that conflicted with the view of the forensic engineer, and the solicitors indicated that it would be provided. To date, we have not received a report from another engineer.

Whilst there may be some validity in the points raised by Mr H's solicitors about the damage to the vehicles, they are not experts in the field, whereas the knowledge, experience and expertise of CIS's forensic engineer is beyond doubt. CIS's investigators had no concerns about the credibility of Mr H, but the fact remains that its expert was certain that the damage to the two vehicles could not have resulted from the circumstances of the accident as described by the parties.

On balance, in the absence of a conflicting view from an expert engineer, I am satisfied that it was reasonable for CIS to decline to deal with the claim.

my final decision

My final decision is that I do not uphold this complaint.

Susan Ewins
ombudsman