

complaint

Mrs S has complained about Swinton Group Ltd. She isn't happy about the way it dealt with a claim under her motor insurance policy.

background

Mrs S's named driver was involved in a non-fault motoring accident. He called Swinton to tell them all about the incident. But the call was dealt with by a claims management company on behalf of Swinton.

As it was a non-fault accident the claim was initially dealt with by the claims management company. However, the claim didn't go smoothly and the third party wasn't initially traced. The claim was delayed and eventually passed back to Mrs S's insurance company to settle the claim.

Mrs S complained to this service about Swinton. Our adjudicator upheld her case. He believed that Mrs S and the named driver contacted Swinton to report the incident. And the claims management company, on behalf of Swinton, didn't ensure that Mrs S was informed of her options. It didn't tell her that she could've made a claim under her insurance policy or advise her of the potential pit falls of advancing the matter through the claims management company. As he thought that Mrs S was likely to have claimed through her insurer he thought that she should be compensated for not advising her of this and for the delay this caused.

Swinton didn't agree. It said that a separate complaint handling body was considering a complaint about the claims management company and it believed that that company was solely responsible for any problems Mrs S faced. So the matter has been passed to me for a final decision.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so I have come to the same conclusion as the adjudicator. I will explain why.

Swinton has, in effect, handed over the claims handling aspect of its process to a claims management company. I don't think it can just wash its hands of any responsibility by doing this. It should ensure that its agent clearly advises Swinton's consumers of the options available.

Had Mrs S or the named driver been clearly advised that they could simply make a claim under their insurance policy, which is what they called Swinton to do, then it is likely that they would've taken that opportunity.

Although a separate complaint handling body is looking at the actions of the claims management company I agree that it won't consider the delays faced by Mrs S. Had Swinton ensured that she was able to simply make a claim under her insurance policy Mrs S would not have faced a lengthy delay in having her claim settled. She also wouldn't have had to endure the various problems she had to face in dealing with aspects of the claim herself. So I agree that she should be paid £150 compensation.

my final decision

It follows for the reasons set out above that I uphold this complaint. I require Swinton Group Ltd to pay Mrs S £150 compensation.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs S to accept or reject my decision before 11 April 2016.

Colin Keegan
ombudsman