

complaint

Mr M has complained about the service Zenith Insurance plc provided following a claim on his motor insurance.

background

Zenith contacted Mr M to say that another driver's insurer had accused Mr M of being at fault for an accident. Mr M told Zenith he hadn't been in an accident and could prove it. The other driver's insurer eventually confirmed that it had the wrong vehicle registration and Mr M wasn't involved.

Mr M was unhappy with the way Zenith had handled things and brought his complaint to us. The adjudicator didn't think Zenith had done anything wrong. Mr M didn't agree so his complaint's been passed to me for a 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'm not going to uphold it.

I can understand how stressful and frustrating Mr M found being accused of being at fault for an accident when he knew he hadn't been in one. I don't think this was Zenith's fault.

After it received the allegation, as well as writing to Mr M, Zenith contacted the other insurer to try to get further details of the allegations. But the other insurer didn't reply. Again, while I can see how that would have added to Mr M's stress and frustration, that wasn't because of anything Zenith had or hadn't done. And I can see it chased these matters up with the other insurer, without success.

Mr M's said that Zenith made accusations, tried to bully him into admitting something that hadn't happened, and that its letters were threatening. But I don't agree. I can see that Zenith told Mr M what the other insurer alleged but I can't find anything that amounts to an accusation by Zenith itself.

Similarly, I don't think Zenith tried to bully Mr M into admitting fault. In fact if Mr M had wrongly admitted to being at fault then Zenith would have had to pay the driver's claim. So it had nothing to gain by forcing Mr M into a false admission.

I've seen that Zenith's initial letter stressed the importance of Mr M responding to the allegation promptly. But I don't think that amounts to a threat. I understand it's important for insurers to gather important evidence quickly. That's because it might be easier to gather evidence when an incident is fresh, rather than trying to get it after memories fade or is no longer available.

And in this case Mr M needed to know where he was on a particular date, which could have become more problematic as time went by. So I don't think Zenith did anything wrong in stressing that it needed a prompt response and what might happen if it didn't get that reply. Also, if it wasn't able to mount a defence against the claim then Zenith may have felt it had no option other than to pay it.

Mr M is upset that Zenith asked him to provide CCTV evidence. I understand why Mr M might have found that stressful. But it was Mr M who told Zenith that CCTV could prove his car wasn't involved in the accident. So I don't think it was unreasonable for Zenith to ask him to get those images. That's particularly because CCTV images are often stored for a short period only. And, because of the provisions of the data protection act and other things, such images aren't necessarily always available to insurers.

But, in any event I've seen that Zenith also tried, without success, to obtain the CCTV images. So I don't think it did anything wrong in asking Mr M to try and get evidence that could prove he wasn't involved.

So, while I can understand how unpleasant the situation was for Mr M I don't think that was because of anything that Zenith did or didn't do.

my final decision

For the reasons set out above I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 1 September 2016.

Joe Scott
ombudsman