

complaint

Mr Q complained that Abbey Insurance Brokers Ltd didn't tell him that his motor insurance policy was due to expire.

background

In July 2016 Mr Q was stopped by the police for driving without insurance. The police impounded his car and he was later given penalty points and a fine.

Mr Q said that he hadn't realised that his insurance policy had expired in May 2016. He said that this was because Abbey hadn't contacted him to tell him or offer him a policy renewal. His son complained to Abbey on his behalf.

Abbey said that they had contacted Mr Q. They'd sent him a renewal offer letter in April 2016 and he hadn't replied. Mr Q didn't deny having received a letter from Abbey. But he said that he'd taken out his policy with a different broker, not with Abbey. So when Abbey's letter arrived he didn't realise that it was about his policy. He assumed that it was just marketing material and threw it away without opening it.

Mr Q brought his complaint to us. He wanted Abbey to void his penalty points, and compensate him for his financial loss and for any future increases in his premium and for his trouble and upset.

The adjudicator didn't recommend that his complaint should be upheld. He thought that Abbey had shown us that they'd sent the renewal letter and it wasn't their fault that Mr Q hadn't opened it.

Mr Q didn't agree and so his complaint has been passed to me to decide.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

It was clearly an unfortunate situation when Mr Q was stopped by the police and they impounded his car. He was left some miles from home and a relative had to collect him. Mr Q is in poor health and he was in pain and felt anxious while he waited. He had to pay to recover his car, and he was also upset that he got penalty points and a fine.

However Abbey have shown us that they did send Mr Q a letter dated 27 April 2016, about a month before his policy was due to expire, offering him the chance to renew his policy.

He accepted that he had received a letter from Abbey. But he didn't open it and shredded it right away. This was because he assumed it was just marketing material as he didn't think he had any insurance through Abbey. In fact the broker from whom he'd bought his policy had since been taken over by Abbey. Mr Q said he couldn't have known that.

He felt that Abbey should have sent the renewal letter recorded delivery or marked it important. He thought that they should have emailed him about the renewal, because he bought his policy online, and that they should have tried to phone him too. He also said that his policy was meant to renew automatically.

However I don't think that Abbey were under any requirement to send his renewal letter in any specific way, even if his policy was taken out online. And although the renewal letter did say that Abbey would try to phone him, I don't think that means that they must do so. I also have to take into account that it's a driver's obligation to ensure that they have insurance cover in force. And although Mr Q said that his policy should have renewed automatically, as it was set up that way, he hasn't sent us anything to show that. Abbey deny this and have shown us that he paid an annual premium, which suggests that they are right.

And even if Abbey didn't tell him that they had taken over his broker, I still don't think that matters. Although companies do often write to policyholders as soon as their ownership changes, I don't think that there's any obligation on them to do so. And even if they had, it's likely that Mr Q would have shredded that letter too.

Overall I think it was enough that Abbey wrote to Mr Q and, although it was very unfortunate that he didn't open their letter, I don't think that Abbey have done anything wrong.

my final decision

For the reasons I've given above it's my final decision that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr Q to accept or reject my decision before 30 January 2017.

Rosslyn Scott
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