

complaint

Mrs B complains that Be Wiser Insurance Services Ltd didn't follow her instructions and set up a separate motor insurance policy for her son.

background

Mrs B said she called Be Wiser and asked it to set up a new policy for her son but to insure her car. Instead, Be Wiser added her son to her existing policy as a named driver. He then had an accident and Mrs B lost her no claims discount (NCD). She says this was unfair.

Our adjudicator didn't recommend that the complaint should be upheld. He thought that Be Wiser had sent Mrs B the policy documents which showed her son as named driver. In any case, he explained, her son couldn't have a separate policy for Mrs B's car as he didn't have any insurable interest in it.

Mrs B replied that the phone records would show that she asked Be Wiser to take out a separate policy in her son's name. Because it didn't do this, she lost her NCD.

my findings

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

I can appreciate that Mrs B feels frustrated that she has lost her NCD even though her son had the accident. Because of this, her premium has increased. Mrs B is adamant that she asked Be Wiser to set up a separate policy for her son, not add him to her policy. But I don't think the evidence I've seen shows this.

Be Wiser looked for the call Mrs B made to discuss her son's cover. But it couldn't locate it on the number Mrs B provided. Mrs B didn't provide any other numbers for it to search. But Mrs B sent us her call records for her mobile phone.

Be Wiser looked again for the recording of the call she made where she said she asked to take out a separate policy in her son's name. Unfortunately Be Wiser couldn't locate this. But it has provided us with its computer screen notes of the calls Mrs B made to it.

From these records, I think it's clear that Mrs B knew at that time that she wasn't taking out a separate policy for her son. This is because she was offered the option of adding him to her policy for the remainder of the policy. She declined this and said she'd wait for renewal, but she later changed her mind.

Be Wiser then sent Mrs B the amended policy documents with the named driver added. It spelled his name wrong, and Mrs B called to change this. So I think she did receive her documents and reasonably knew her son had been added to her policy.

In any case, her son's name wasn't on the car's registration document, the V5. So he didn't have any insurable interest in it. The car was already insured in Mrs B's name. It couldn't be dual insured. So Be Wiser couldn't have offered to take out a separate policy on Mrs B's car in her son's name.

So I don't think there's evidence that Mrs B asked Be Wiser to take out a separate policy in her son's name. He was added to her policy as named driver. Because he had an accident and there was a fault claim it was Mrs B's NCD that was affected.

I can understand that Mrs B feels this is unfair, but I can't say that Be Wiser acted unfairly or unreasonably.

my final decision

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs B to accept or reject my decision before 19 April 2016.

Phillip Berechree
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