

complaint

Ms I's unhappy with the way One Insurance Limited has handled an incident she notified it of on her motor insurance policy.

background

Ms I's car was damaged while it was parked and she notified One Insurance. There was an independent witness and Ms I's unhappy with the way One Insurance has pursued and handled investigating matters. She says there's been delay and it's taking too long to establish liability against the other party. She wants things dealt with "properly".

Our investigator didn't feel this complaint should be upheld. She said One Call seems to have been doing what's expected of it. It'd chased the witness, contacted the third party insurer and sought other evidence. The other insurer will not accept liability and One Insurance is still awaiting information from it despite repeatedly chasing for it. The delay in dealing with the claim has predominantly been caused by the other insurer.

Ms I remains unhappy and says the claim has been ongoing for almost two years. She's cooperated with One Insurance and wants things resolved so her car can be repaired.

One Insurance says it hasn't repaired Ms I's car as the other insurer hasn't accepted liability as the witness doesn't mention the vehicle registration. So, if One Insurance were to arrange the repair of Ms I's car it would be recorded as a fault claim. It's still trying to obtain more information from the other party's insurer. It wouldn't look to instruct a solicitor as there's no outlay to recover. Alternatively Ms I can have her car repaired and seek to claim damages from the other party. But there's no guarantee all the repair costs could be recovered.

my findings

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

In this case Ms I reported the damage to her parked car to One Insurance. It says it sent her a claim form but didn't get a response. And when it spoke to Ms I some months later to enquire whether she still wanted to get her car repaired she said she would deal with the repairs herself as she didn't want to pay the excess. She apparently confirmed that if liability hadn't been attained in three months she would sort out the repairs herself as the car was still drivable.

It appears One Insurance then tried unsuccessfully to contact the other party. It's subsequently been in discussions with the other party's insurer. But it will not admit liability. Although this matter has been on going now for some considerable time and Ms I has had to pursue some investigations herself I think One Insurance has generally pursued its investigations and the other party's insurer reasonably. There have been some delays but I agree with the investigator that these are largely caused by the other insurer.

I understand Ms I's frustration both at how long it's taken for the incident to be investigated and that the other insurer still hasn't admitted liability on behalf of the third party. But that's not something One Insurance can fairly be blamed for.

The simple fact is that if Ms I had agreed to process the claim through One Insurance from the start, the repairs to her car would've probably been completed by now. But she hasn't done so as that would've involved her paying the excess on her policy and in all likelihood the claim would be recorded as a fault claim on her record until One Insurance recovered all of its outlay.

Ms I therefore now seems to have three choices. She can ask One Insurance if at this late stage it's prepared to repair her car in which case she will have to pay the excess and accept that her claim will be recorded as a fault claim until it recovers all of its outlay. Or she can continue to await confirmation from third party insurers that liability is accepted on behalf of the third party and it will pay the repair costs, before proceeding with the repairs. Or she can pay to have her car repaired and then seek to recover her outlay from the third party.

Whatever Ms I chooses I don't think, on balance, that One Insurance has done anything wrong or that I can fairly or reasonably require it to pay her compensation as she wants.

my final decision

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms I to accept or reject my decision before 22 June 2018.

Stephen Cooper
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