complaint

Mr K has complained that Allianz Insurance Plc didn't do enough to investigate when he was involved in an accident which he says wasn't his fault. Mr K says this led to him paying for the repairs himself rather than making a claim on his motor insurance policy.

background

Mr K says another party tried to overtake him at speed as he approached a pedestrian crossing, hit his car and caused it damage. Mr K says an off-duty policeman gave him his card and said he would be a witness to the fact that the accident wasn't his fault.

Mr K says Allianz should have decided the other party was to blame for the accident so he could make a claim on his policy without losing his excess.

The adjudicator thought Allianz was entitled to decide not to use the police officer as a witness because he wasn't at the scene until after the incident had happened. The adjudicator thought this meant the police officer wouldn't have been able to say for sure who was to blame for the accident.

The adjudicator also thought it wasn't Allianz's responsibility to pursue the other driver for driving illegally fast and dangerously. She thought this would be something for the police to take up. The adjudicator thought that other than the registration provided by Mr K there wasn't persuasive independent evidence that the other driver was involved or to blame for the accident. She didn't think Allianz needed to do any more to settle Mr K's complaint.

In response, Mr K disagreed and said the police officer was a key witness who should have been contacted. Mr K said the nearby shopkeepers could have been witnesses and may have had CCTV cameras. He also said Allianz had told him the other party had tried to make a personal injury claim which was evidence he was at the scene of the accident.

my findings

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

Mr K estimates that it cost him £4000 in parts and labour for him and his friends to repair his car. But I think Mr K had the option of making a claim and only paying the excess for his policy. I appreciate that Mr K didn't want to have to declare another claim but I think Allianz gave him the option of having the work done under his policy.

It's not generally the approach of the Financial Ombudsman Service to decide who is to blame for an accident. Instead we look at whether the insurer came to a reasonable decision following an investigation of the facts and wider circumstances.

I asked Allianz if there were any third party claims for personal injury. Allianz told me they don't have any record of a claim being made by another party relating to the accident. And I can see from the invoice relating to this incident that there weren't any payments made for personal injury. I appreciate Mr K's recollection of what he was told by Allianz is different but don't think I have any evidence that a personal injury claim was attempted by the other party.

Mr K says the police officer was at the scene within 45 seconds of the collision. But given the police officer wasn't there at the time of the actual impact I think Allianz was entitled to decide his evidence wouldn't be proof that the other party was to blame. I also don't think I'm able to say whether the nearby shopkeepers saw the accident or had CCTV footage that would support Mr K's version of events

I think it would have been better customer service if Allianz had tried to speak with the police officer given he'd made Mr K an offer to be a witness. But I don't think a further investigation would have been likely to have change the outcome for Mr K. In all the circumstances of this complaint I think Allianz's decision not to seek an .admission of liability from the third party driver was reasonable.

my final decision

For the reasons explained above, my decision is I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr K to accept or reject my decision before 20 April 2017.

Sarah Brooks
ombudsman