

complaint

Mr and Mrs T have complained that Covea Insurance plc didn't provide the right type of replacement vehicle under their motor and driver's legal protection policy.

background

Mr T was involved in an accident in October 2014, which he reported to his broker. That broker's claims were handled by another company which I shall refer to as Q.

In order to get the guaranteed replacement vehicle under the terms of the driver's legal protection policy they had to provide the name of the other driver, the registration number of their vehicle, their contact details, and their insurance details, all within 14 days of the date of the accident. Unfortunately, the other driver's car was from Switzerland and Mr T wasn't able to provide the green card details or their contact details.

Therefore, Q wasn't able to deal with Mr T's claim for the replacement vehicle under the driver's legal protection policy and it passed his claim to the motor insurer so his car could be repaired. Under that policy Mr T was only entitled to a standard courtesy car. Mr T wasn't happy that this courtesy car didn't have a tow bar. He felt he should have been provided with a replacement vehicle under his driver's legal protection policy.

Covea, the underwriter of the driver's protection policy didn't think it or Q did anything wrong as Mr T wasn't able to provide the necessary details of the other driver. Mr T didn't agree and brought his complaint to us.

The adjudicator who investigated didn't think Mr T's complaint should succeed. Mr T didn't agree as he said he had given all the details of the other driver. 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.

Mr T said that he gave all the required details of the other driver to the broker on 13 October 2014. But there's no record of that call on its system. Q said that it talked to Mr T on 14 October, but he merely said the other driver's car was from Switzerland and he didn't provide any contact details for the driver or the green card number.

Mr T is also clear that he passed all the details of the other driver onto the motor insurer and solicitors and that the police also had those details. So he says, why would he not have passed those details to Q and his broker as well.

Mr T has been able to provide copies of all of those details of the other driver but crucially what he can't provide is any copy letter or email showing that he sent these details to the broker or Q. Without either the broker or Q having these details, I don't think the broker, Q and therefore Covea, did anything wrong in not processing his claim for the guaranteed replacement vehicle under his driver's legal protection policy.

The policy wording is clear that Covea needs all these details in order to process a claim for a replacement vehicle. Since there's no evidence it or the broker or Q got those details from Mr T, it follows that his claim wasn't able to be made.

my final decision

For the reasons I've discussed 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 and Mrs T to accept or reject my decision before 7 December 2015.

Rona Doyle
ombudsman