

complaint

Mr S complains that Society of Lloyd's (Lloyd's), his motor insurer, gave him incorrect information after he'd been involved in an accident. He says Lloyd's told him he didn't need to report the accident to police and as result he was convicted in court of failing to report the accident.

background

Mr S was driving his car when he hit another vehicle. It's not in dispute that he was at fault as he was driving from a minor road onto a major road. He stopped to speak with the other driver but they didn't swap details. The following day he called Lloyd's to report the incident.

Mr S says he asked Lloyd's if he had to tell police but was told he didn't. Some months later he was convicted of failing to report the accident (as details hadn't been swapped with the other driver) and driving without due care and attention. He thinks that Lloyd's is responsible and should compensate him.

Lloyd's didn't agree that it had given Mr S incorrect information. It provided a copy of the relevant call and it's believed the recording is cut off towards the end. And it's at that point Mr S says he asked about whether he needed to report the accident to police.

Our adjudicator didn't think it was likely that Mr S had asked Lloyd's and so didn't uphold the complaint. Mr S asked for an ombudsman to review the matter.

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've listened to a call recording between Mr S and Lloyd's when he reports the accident. It lasts 12 minutes and 20 seconds. At the end of the recording Mr S and the representative both say goodbye to each other. Up to that point Mr S didn't ask Lloyd's if he needed to report the accident to police.

I've seen from Lloyd's internal notes that one department weren't able to listen to the full call but another was. The department that had the recording to send out made a transcript of the 'missing' bit and sent it along with another copy of the full recording. Lloyd's says the transcript which ends with Mr S and the representative saying goodbye to each other represents the entire call. And as that's the usual way to end a telephone conversation I don't think Mr S asked Lloyd's if he needed to report the accident to police. So I don't think Lloyd's gave him incorrect information.

And I don't think in this case that Lloyd's needed to volunteer the information to Mr S. He's responsible for his own compliance with the legal requirements put on a driver under Road Traffic legislation. And I note that he was also convicted because the standard of his driving fell below that of a competent and careful driver. So he was still liable to have up to nine points (or a period of disqualification) endorsed on his driving licence for that offence alone.

my final decision

I don't uphold Mr S's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 8 April 2016.

Sean Hamilton
ombudsman