

complaint

Miss C complains that Southern Rock Insurance Company Limited didn't investigate a claim she made on her motor insurance policy properly, which led to financial loss for her. Any reference to Southern Rock in this decision includes its agents.

background

On 4 November 2017 Miss C's car was parked and unattended when another vehicle collided with it. A witness left her a note with the vehicle's registration number. When Southern Rock started to investigate, the other vehicle's insurer denied any involvement. It said the vehicle it insured was only driven in a location hundreds of miles away from the accident scene. It was kept in a locked compound there when not in use. The statement from Miss C's witness wasn't received until 12 January 2018. He said a white car had hit Miss C's car and his friend had told him what type of car she thought it was.

Meanwhile, Southern Rock had been trying to arrange an inspection of the other vehicle or get photos of it at least. The other insurer wouldn't co-operate until it had a copy of the witness statement. Once that was provided, it said this was a case of mistaken identity. The vehicle it insured was a van. Southern Rock continued to ask the other insurer for evidence – such as an engineer's report – to show there was no damage or recent repairs to the vehicle in question. It refused and closed its file. Southern Rock decided there wasn't enough evidence to take the case to court.

Our investigator thought Southern Rock had acted reasonably in the way it dealt with the claim. It had made many attempts to get evidence from the other insurer. But it wasn't able to show that the other vehicle had damaged Miss C's car. Southern Rock couldn't get back from the other insurer what it had paid out on Miss C's claim. So the investigator thought it was fair for it to record a 'fault' claim against her. That meant her NCD was lost.

Miss C didn't accept the investigator's view, so the complaint was sent to me for review.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in all the circumstances of this complaint. I don't think it should be upheld.

If a consumer blames another party for an accident, it's for that consumer to prove it. In this case, the only evidence Miss C had was the registration number recorded by the witness – plus his account of what happened. Southern Rock took that evidence into account. But a major problem arose when the vehicle with that registration turned out to be a van. The witness had said the other vehicle was a car. His friend had mentioned a particular make. So Miss C's evidence was that a small white car caused the damage to her vehicle.

The other insurer relied on that evidence to say there'd been a mistake. It had already said the vehicle it insured only travelled around an area a long way away from where the accident happened. Southern Rock tried to get proof from the other insurer that the van wasn't involved in the accident. But Southern Rock couldn't *make* the other insurer do anything. The other insurer rejected its requests and closed its file.

I don't think it was unreasonable for Southern Rock to decide it didn't have enough proof to succeed should it take a claim to court. The most likely explanation seemed to be that the

witness copied down the wrong registration plate number. Although he's sure he didn't, it's something which is easily done. At one point the witness said the other vehicle was probably a van. But that was after he was told the registration plate belonged to a van.

The whole experience following on from the accident must have been incredibly frustrating for Miss C. Although she did nothing wrong, her car was damaged and taken off the road. Then the other insurer decided to be obstructive. Had it co-operated, Miss C might be no better off financially than she is now. It's quite possible the other insurer can prove that the van *wasn't* involved in the accident. But at least then Miss C would know for certain.

I think Southern Rock did all it could in terms of investigating the claim. And I don't think there were undue delays in the process. Southern Rock often had to wait for others to assist with its enquiries. It was seven weeks before the witness provide his formal statement. The other insurer often didn't respond. Sometimes it promised to send details to Southern Rock and then didn't do so, despite being chased for the information.

Southern Rock paid out on the claim and it wasn't able to get its outlay back from another insurer. So I don't think it was unfair to record a fault claim on Miss C's record. In these circumstances, that's standard industry practice. It doesn't mean Ms C was to blame for the accident – although I'm sure that's no comfort to her, given her much- higher premiums.

Despite my sympathy for the situation Miss C has found herself in, as I don't think Southern Rock did anything wrong, I can't uphold her complaint against it.

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 Miss C to accept or reject my decision before 19 April 2018.

Susan Ewins
ombudsman