

complaint

Miss S has complained that Calpe Insurance Company Limited's ("Calpe") settled a claim under her motor insurance policy.

background

Miss S had motor insurance with Calpe and Mr S was a named driver on her policy. Another driver reported that they'd been involved in an accident with Miss S's car. The other driver gave Mr S's details and the correct car registration at the time.

Both Mr S and Miss S said they weren't involved in an accident and an engineer's assessment was carried out on both cars.

The assessments showed that the damage on the other car was consistent with being hit by a car similar to Miss S's. The inspection of Miss S's car showed no damage. However given that the other driver was able to give Mr S's information, and the report showed the damage to the other car was consistent with being hit by a car similar to Miss S's, Calpe decided they would be unlikely to be successful in defending the claim if it were to go to court. So, they agreed to settle the other driver's claim.

Our investigator didn't think the complaint should be upheld. He said the insurance policy gave Calpe discretion on how to settle claims, and he didn't think it had acted unreasonably in accepting liability for the accident.

Mr S responded to our investigator's view. He said that he was in prison at the time the alleged accident took place and he had recently found out that Miss S's car had incorrect licence plates on it at the time the other driver says the accident took place, so he doesn't understand how they were able to give their insurer the correct registration.

Our investigator asked for evidence that Mr S was in prison at the time, but as yet, this hasn't been provided. He also didn't think the different registration was enough to say the accident didn't take place.

Mr and Miss S didn't agree with our investigator's view so this complaint has been passed to me for a decision.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so, I'm not going to uphold it.

My role here isn't to decide who should be found at fault for the accident, or to decide if one took place. My role is to look to see that Calpe has reached its decision about whether to accept the claim fairly and reasonably.

Like most motor insurance policies, Miss S's policy has a clause that allows Calpe the discretion to take over and conduct the defence or settlement of a claim made against it. But I look to see if it's made a fair and reasonable decision in the circumstances.

The other driver in this claim was able to provide Mr S's details and the registration of the insured car. The report carried out also shows that the damage to the other driver's car is consistent with being involved in an accident with a car similar to Miss S's.

While the other driver has given a correct registration plate of what should've been on the car at the time of the alleged accident, when a different one was actually on the car, I don't think this shows the accident didn't take place. Following an accident those involved often exchange details, so the registration isn't always taken from the vehicle itself, but verbally, or from a written document, such as an insurance certificate. As Miss S's V5 and insurance documents had the correct registration recorded I am unable to say this isn't what happened.

And, while Mr S has said he was in prison at the time of the alleged accident I haven't seen enough evidence to show he was.

Overall I think Calpe carried out a fair investigation of the claim, and based on the information available, came to a reasonable decision to accept it. So I don't think it would be reasonable for me to suggest they should have to do anything to put things right.

my final decision

My decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss S to accept or reject my decision before 26 October 2017.

Terry Woodham
ombudsman