

## **complaint**

Mr S isn't happy because he says that Be Wiser Insurance Services Ltd cancelled his car insurance policy without telling him.

## **background**

The background to this complaint is set out in my provisional decision. I've attached a copy of my provisional decision and it forms part of my final decision. In summary, I concluded that I didn't think Be Wise had acted unfairly when it cancelled Mr S's insurance. I thought that they had taken reasonable steps to contact Mr S to let him know the policy would be cancelled. I asked Mr S and Be Wiser to let me know if they had any further information they wanted me to consider that may make a difference to the outcome of this complaint.

Be Wiser didn't have anything further to add. Mr S responded to say that he was not aware that any crime was being committed until he was stopped by the police. He mentioned that he's had problems with his mobile phone provider. He urged me to reconsider the circumstances as he doesn't think he's been treated fairly. Mr S also explained that his current circumstances are difficult as he's not in employment at the moment.

So I need to make 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.

I am sorry to hear that my provisional decision caused Mr S and his wife to be upset and I understand why it's likely to have come as such a disappointment to them. I also want to reassure Mr S that I haven't simply accepted what Be-Wiser have told me and that I've carefully considered all of the points he has raised.

Having considered the further points Mr S has raised I still think that Be Wise did enough to let Mr S know that his policy was being cancelled. I say that because:

- I appreciate that Mr S has had problems with his mobile phone provider and that he may not have got the message from Be Wiser. But that's not something that I can say is Be Wiser's responsibility. I'm satisfied that the message was left and, as I explained in my provisional decision, it was followed up with two letters. So I think that they did take reasonable steps to let Mr S know the policy was going to be cancelled;

- Mr S says that he didn't know that any crime was being committed until he was stopped by the police. But the issue for me to decide here is whether that's because of something that Be Wiser did wrong. In this complaint, I've listened to a voicemail left by Be Wiser and seen copies of two letters that were sent to Mr S in relation to cancelling the policy. So, whilst Mr S may not have been aware of the cancellation, I don't think that's because Be Wiser failed to let him know about it;
- Mr S has explained that his current circumstances are difficult because he's not in work at the moment. I understand that the consequences of not having insurance are likely to be significant for Mr S in the longer term. But, based on the evidence, I've not seen enough evidence to suggest that Be Wiser failed to let him know about the policy being cancelled.

### **my final decision**

I'm not upholding this complaint. Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 27 April 2018.

Anna Wilshaw  
**ombudsman**

## **copy of provisional decision**

### **complaint**

Mr S isn't happy because he says that Be Wiser Insurance Services Ltd cancelled his car insurance policy without telling him.

### **background**

Mr S says that his wife, who was a named driver on the policy, contacted Be Wiser about cancelling his insurance but she didn't hear back from them. Mr S was stopped by police as his car wasn't insured but he says that he didn't know the policy had been cancelled. He told us that this caused him a great deal of embarrassment and stress as he faced penalty points and a fine. He also had to pay £170 to get his car back as it was impounded.

Be Wiser says that it did try to call Mr S to discuss the policy cancellation. As they couldn't contact him over the phone they sent out a letter to say the policy had been cancelled. They told us that to assist Mr S they arranged for a letter of indemnity from the underwriter. But they don't think that they did anything wrong by cancelling the policy.

Our adjudicator looked into what had happened. She thought that Be Wiser ought to have waited until they'd made contact with Mr S before cancelling the policy. She noted that it was Mr S's wife who was expecting a call back from Be Wiser but they tried to call Mr S. She also didn't think it was fair for Be Wiser to complete the cancellation process without agreement from Mr S. She recommended that Be Wiser paid Mr S £500 in recognition of the distress and inconvenience the situation had caused. She also recommended that Be Wiser refunded the £170 fee for the car being impounded and add 8% simple interest. Our adjudicator also recommended that Be Wiser updated the relevant databases to reflect that the policy was cancelled in error.

Be Wiser didn't agree. They said that they attempted to pass Mr S's wife onto their cancellations department and arranged a call back. They also said that they'd changed their cancellation process to reflect previous adjudications made by our service. Be Wiser also said that they had tried to assist by supporting the customer in obtaining a letter of indemnity from the underwriter. So I need to make a decision.

### **my provisional findings**

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

The issue in this complaint is whether Be Wiser did enough to let Mr S know that they had cancelled his policy. I'm satisfied that they did because:

- Mrs S had a conversation with Be Wiser about cancelling the policy. Be Wiser checked which number they should call back on. Be Wiser called back and have provided a copy of the call recording where they left a voicemail saying they wanted to discuss the cancellation. I've listened to the voicemail that was left and it does seem to have been left on a mobile number as Mr S's voicemail says that it might be better to text. So I think it's most likely that Be Wiser followed Mrs S's instruction to call back on the mobile number;
- In any event even Be Wiser followed up the voicemail with a letter to say they'd tried to get in touch about cancelling the policy and that if they didn't hear from Mr S the policy would be cancelled. The letter was correctly addressed and I'd normally expect correctly addressed post to reach its destination. Mr S hasn't suggested that he's had any problems with his post. Mr S didn't contact Be Wiser to say that he had changed his mind about cancelling the policy or needed more time to arrange other insurance;

- A further letter, which was also correctly addressed, was sent to Mr S around a week later. It confirmed that the policy was cancelled. Mr S was stopped by the police around two weeks after that second letter was sent. So, even taking into account postage, I think he's likely to have been in receipt of that letter for some time before he was stopped. Bearing in mind that Be Wiser phoned Mr S and wrote to him twice I think that they took reasonable steps to let him know that the policy was going to be cancelled;
- I can see that the letter from the underwriter says that there was an administrative error. But that letter was generated to assist Mr S. And Be Wiser hadn't been able to complete a full investigation into what had happened at that point in time. So that doesn't change my thoughts about the outcome here;
- I appreciate that Mr S experienced significant embarrassment and distress as a result of being stopped and having no insurance. However, based on the evidence that I've seen I don't think there's enough evidence to conclude that was as a result of anything that Be Wiser did wrong.

**my provisional decision**

I'm not intending to uphold this complaint. Mr S and Be Wiser should let me know by 26 March 2018 if they have anything further to add which might make a difference to the outcome of this complaint.

Anna Wilshaw  
**ombudsman**