

## **complaint**

Miss A has complained about Be Wiser Insurance Services Ltd. She isn't happy that she had to pay an increased premium for her motor insurance policy.

## **background**

Miss A took out an insurance policy through Be Wiser for her car. It asked for an additional premium after the policy was set up. This was because Miss A hadn't told it about a conviction for speeding received abroad.

Miss A complained to Be Wiser and then this service. Our adjudicator upheld her complaint and asked Be Wiser to refund the additional premium and pay £50 compensation. As Miss A hadn't been convicted at court but had received a fixed penalty notice, he believed that she shouldn't have to pay the additional premium. This was because Be Wiser had failed to ask Miss A about any speeding fines or fixed penalty notices, just convictions.

As Be Wiser didn't agree the matter has been passed to me for a final 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've come to the same conclusion as the adjudicator. I think this complaint should be upheld and I will explain why.

Be Wiser didn't ask Miss A about any fixed penalty notices or speeding fines. It asked about convictions. Miss A doesn't have any convictions and so she correctly answered the question asked.

This service's approach to these types of cases is that Be Wiser needs to show that it asked a clear question and that Miss A answered it incorrectly. As Miss A answered the question correctly I don't think it would be fair for Miss A to have to pay the additional premium it is seeking.

I also agree that Miss A should be awarded £50 compensation for the inconvenience caused.

## **my final decision**

It follows, for the reasons given above, that I uphold this complaint. I require Be Wiser Insurance Services Ltd to refund the difference and pay £50 compensation. It should pay interest on this amount at the simple rate of 8% per year from the date she paid the additional amount to the time of settlement if Miss A has already paid it.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss A to accept or reject my decision before 15 February 2016.

Colin Keegan  
**ombudsman**