

complaint

Mr J isn't happy with the way AXA Insurance UK Plc dealt with a claim he made on his motor insurance policy.

background

The driver of a car with a foreign registration plate reversed it into Mr J's car in June 2014. He then drove off. AXA contacted the Motor Insurers Bureau ("MIB") to see if it could help in tracing the driver. The MIB had some difficulty doing so. It asked AXA to provide a police report. Meanwhile, Mr J said he didn't want repairs done on his car until AXA had sorted out blame for the accident. Mr J didn't want to pay the policy excess. He wasn't happy with AXA's claims handling. He thought it should deal with his personal injury claim.

Our adjudicator told Mr J he didn't have personal injury cover on the policy. She said he'd have to pay the policy excess even though he knew the accident wasn't his fault. But Mr J would be able to get that back if the other party was found and accepted blame. She thought it was fair for AXA not to deal with the repairs until Mr J agreed to pay the excess.

The adjudicator thought AXA hadn't kept Mr J properly informed about what was happening with his claim. She also thought there were delays in the process. She suggested AXA should pay Mr J £150 for the upset and inconvenience he'd been caused. AXA agreed, but Mr J didn't accept the offer. He referred to a complaint he'd made about his broker (which was dealt with separately). He said it wasn't fair to investigate only one of his complaints.

As there was no agreement, the complaint was passed to me for review.

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 think the offer AXA's made is fair. It's accepted it should have given Mr J more updates and that there were some avoidable delays. But in general I think AXA dealt with Mr J's claim properly.

AXA was right to tell Mr J that he doesn't have cover for personal injury under the policy. It was also correct in saying he had to pay the policy excess. Mr J agreed to that when he took out the policy. I can see why he thinks it isn't fair to have to pay anything, as he's sure the accident was someone else's fault. But he may be able to get it back later from the other driver. It's for Mr J to decide if he wants to wait to see whether the other driver's found. If so, blame for the accident might be sorted out quickly. On the other hand, it might not. Either way, I think it's reasonable for AXA not to carry out repairs until Mr J pays the excess.

Mr J thinks he's paid AXA for a service it hasn't provided. For the reasons set out above, I don't agree. I'll issue a decision about Mr J's other complaint today.

my final decision

My final decision is that AXA Insurance UK Plc should settle the complaint by paying Mr J £150 compensation, as already agreed.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr J to accept or reject my decision before 11 February 2016.

Susan Ewins
ombudsman