

complaint

Mrs C has complained about Liverpool Victoria Insurance Company Limited. It didn't start her motor insurance policy causing her son to be stopped for driving without insurance.

background

Mrs C had her car insured with LV. She asked for the policy not to auto-renew while she looked for the cheapest premium possible.

Mrs C eventually decided to insure again with LV through a comparison website. She says she agreed the premium and commenced payment after telephoning LV directly. Her position is supported by the fact that she received a payment code at that time.

However, the policy didn't start. LV says that the application was most likely made on-line and that there was either an error with the process or that there was a problem with payment. Either way the policy didn't start; full payment wasn't taken; and confirmation documentation wasn't sent.

Mrs C's son was stopped approximately two months later by the police for driving without insurance. The car was impounded and he is facing court proceedings.

So Mrs C complained to this service. Our adjudicator undertook extensive enquiries with LV and her credit card provider but didn't uphold her complaint. He was satisfied that LV hadn't done anything wrong. The only call that LV could trace from Mrs C around the time she was trying to take out the policy failed after 10 seconds and before the caller could speak to a LV representative. As such, he was satisfied that there was insufficient evidence to support her position, particularly as there wasn't any confirmation sent to Mrs C.

As Mrs C 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. This includes Mrs C's latest representations.

This is a complicated and difficult case to decide. But, despite my natural sympathy for the position Mrs C and her son have found themselves I haven't seen sufficient evidence to say that LV has done anything wrong. I will explain why.

Although Mrs C clearly believed she had taken out a policy with LV the system seems to have failed for some reason. I know that Mrs C believes that she confirmed the details of the policy and payment during a telephone call with LV but the evidence suggests otherwise.

LV has provided evidence that Mrs C attempted to take out a policy through a comparison website. The details of her credit card were taken but the policy wasn't finalised. It says that *'the customer did not get to a point where everything was recorded in the LV quote and buy application. This suggests some sort of failure which the customer did not note or was aware of. Reasons could be the customer closed the browser too early or a system error occurred.'*

Mrs C wasn't sent any confirmation of the policy via email or post. The only evidence of a telephone call from Mrs C at that time was a very brief (10 second) call which didn't involve speaking to a representative of LV. The caller at that time rang off while listening to an automated message. Without any evidence of a further call from Mrs C I'm unable to support her position.

Importantly Mrs C didn't receive any confirmation that payment was taken or that the policy started from LV. I can see that she has had a long standing relationship with LV and so she would be used to receiving her policy documentation. I would have expected Mrs C to question why she didn't receive any documentation either by post or email.

Furthermore, this was quite a large payment and I'm surprised that Mrs C didn't notice that it hadn't been taken from her account.

Although I do sympathise with Mrs C's position I don't have enough evidence before me to support her or say that LV has done anything wrong. I say this as she didn't receive any confirmation that the policy had started or that payment had been taken for a period of over two months. As such, I am unable to uphold her complaint.

my final decision

It follows, for the reasons given above, that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs C to accept or reject my decision before 30 October 2015.

Colin Keegan
ombudsman