

## **complaint**

Mr A complained about Admiral Insurance Company Limited's service in connection with his motor insurance policy.

## **background**

Mr A was unhappy with how Admiral dealt with things after he had a car accident and his car was damaged. He said that the accident was the other driver's fault. But the other driver disputed liability and wouldn't co-operate with Admiral.

Admiral were willing to repair Mr A's car if he claimed under his policy and paid his policy excess, but he didn't want to do that. Admiral offered him compensation of £20 for not keeping him updated but he didn't think this was enough.

The adjudicator didn't recommend that his complaint be upheld because Mr A hadn't made a claim, but Admiral had done what they could to help him do that. So they'd acted reasonably and their offer of compensation was fair. Mr A didn't agree and so his complaint has been passed to me to decide.

## **my findings**

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

As the adjudicator explained, we don't decide who is liable for an accident, as that's a matter for the courts. Instead, our role in complaints of this kind is simply to investigate whether an insurer has acted fairly and reasonably, and in line with their policy's terms and conditions when they made their decision as regards who was responsible.

In this case Admiral didn't make any decision about responsibility, as Mr A didn't want to make a claim. Mr A could only give Admiral the other driver's name and phone number, not his car registration. I can see from Admiral's records that they contacted the other driver. But the other driver said that the accident was Mr A's fault and they wouldn't co-operate with Admiral or give Admiral their car registration number. Admiral explained to Mr A that without that they couldn't claim against the other driver. They also explained to Mr A that he could make a claim and they'd repair his car but he'd still have to pay Admiral his policy excess up front. That's normal with insurance claims and that's what Mr A had agreed to under his policy. In some circumstances an excess is later reclaimable from the other driver, but as the other driver denied liability and they didn't have enough information about him or his car, that was unlikely here.

I can see that Admiral made several calls to Mr A checking if he wanted to make a claim. It's clear they were willing to help him do that. They also tried to find out more information about the other driver and his car, including liaising with Mr A's legal adviser. But there was a limit to what they could do.

Admiral also offered Mr A compensation of £20 to resolve his complaint and I think that's reasonable in the circumstances. He said he couldn't afford to repair his car himself or to pay the excess and make a claim so that Admiral would repair it under his policy. And he said that the situation with his car was making him depressed.

I do see that this is a very unfortunate situation for Mr A. And it was unfair on him that the other driver wouldn't co-operate. But I am looking only at whether Admiral did anything wrong.

They can't be expected to force a third party to give them information, or to admit liability for an alleged incident. All they can do is deal with a claim if one is made to them. Here Admiral explained to Mr A how they would deal with a claim if he did make one. So I think they've acted fairly and reasonably and don't see that they can be expected to do any more. Mr A can choose whether to make a claim and deal with it as they've said, or choose not to make a claim for it under his policy and may decide to pay for the repairs himself. But I don't think that Admiral have done anything wrong and so I don't require them to do anything else.

### **my final decision**

For the reasons I've discussed above, it's my final decision that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 5 January 2020.

Rosslyn Scott  
**ombudsman**