

complaint

Mr N complains that Tesco Underwriting Limited has recorded a fault claim against him on the Claims and Underwriting Exchange database (CUE). He says this has resulted in a huge increase in the cost of his car insurance for a claim that was nothing to do with him.

background

In 2016 Mr N's current insurer contacted him to say he'd have to pay much more for his car insurance because Tesco had registered a fault claim against him dating back to December 2013.

When Mr N called Tesco about this, it said, when the accident was reported by the other driver, it asked him to get in touch three times. When it didn't get a response from him, it settled the claim on the best terms possible and recorded the incident on the CUE.

The adjudicator thought Tesco had taken reasonable steps to contact Mr N about the accident in December 2013. She said the other driver had provided engineering and medical evidence to support his claim so Tesco had little choice but to settle it. So she was satisfied that Tesco was entitled to record the claim on the CUE.

Mr N didn't agree with this assessment of his complaint. He said Tesco didn't contact him directly and that he hadn't received the letters it said it had sent him. He asked for the case to be reviewed and so it has come to me.

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 have listened to recordings of the telephone conversations between Mr N and Tesco when he rang to find out why the fault claim had been registered on the CUE. When he spoke to the first adviser, Mr N said he knew about the incident and that a relative, who was a named driver on the policy was *'the one that had the incident'* and had told him *'it was the other party's fault'*. But when Mr N spoke to a second and third adviser he said that he wasn't aware of the incident at all. He said he *'was not going to take the hit for someone else.'*

Tesco has sent us its system notes. These provide an accurate summary of the calls I've listened to. I'm satisfied that they also accurately record what happened at the time the accident was reported in December 2013. The other driver provided, not only the registration number of the car, but Mr N's name (although, just to complicate matters, Mr N's relative has the same first name as Mr N). The other driver said the accident occurred when Mr N's car clipped his vehicle as it was overtaking at speed on the motorway, causing his car to end up hitting an object on the hard shoulder. This account is supported by engineering and medical reports. I'm satisfied that Mr N's car was involved in this incident and that there was good evidence of both damage to the vehicle and personal injury.

I'm also satisfied that Tesco made three attempts to discuss this accident with Mr N. It telephoned Mr N's home and spoke to someone who told the adviser he was a relative of Mr N (not the named driver) and that, although Mr N wasn't available at the moment, he would get him to call back. Tesco has also provided us with a screen shot showing that follow up letters were sent to Mr N later the same day and a week later. The second letter

said that if Mr N didn't get in touch within seven days, Tesco would have to settle the claim on the best possible terms.

Mr N says his relative has no memory of receiving a call and that certainly no message was passed on to him. He denies receiving either of the letters and challenges Tesco to prove that they were actually sent. I note that the address on each letter is the same as Mr N used on his complaint form to us. Tesco has supplied the screen shot showing the dates on which the letters were sent, which I accept as an accurate record. While it's possible that one letter may have gone astray, I think it unlikely that they both did.

In any event, under the terms of the policy, Mr N was required to report any accident the car was involved in to Tesco.

I think it's likely that the information Mr N gave to Tesco during his first call was accurate. So I'm satisfied that Mr N's relative did tell him about the incident. So even if the telephone message wasn't passed on and neither letter reached Mr N, he still should have got in touch with Tesco about the accident.

It follows that I don't think Tesco has done anything wrong. It dealt with a claim under Mr N's policy, where there was good evidence that either Mr N or a named driver was driving, only after it had made three attempts to draw Mr N's attention to the problem. The policy was cancelled in August 2014. Tesco had no further involvement in providing Mr N (or his relative) with car insurance after that. The fact that it was over three years before another insurer picked up and acted on the information on the CUE does seem surprising, but doesn't affect my assessment of Mr N's complaint.

my final decision

I do not uphold the complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr N to accept or reject my decision before 7 July 2016.

Melanie McDonald
ombudsman