

complaint

Mr H complains about a motor insurance policy he had with Advantage Insurance Company Limited, trading as Hastings Direct SmartMiles. He says that a telematics box (black box) caused a fault with the car.

This decision is addressed to Mr H, as he's the policyholder. His father, Mr H senior, was one of the named drivers on the policy and is helping his son bring the complaint.

background

In August 2017, Mr H took out a motor insurance policy with Hastings. One of the conditions of the policy required the fitting of a black box to the car. There was an existing black box from a previous insurer.

On 1 September 2017, Hastings fitted the new black box. Soon after, Mr H noticed intermittent running and performance issues with the car. It lost power and ran badly. Other members of Mr H's family, including Mr H senior, drove the car and noticed the same problems.

On 12 September 2017, a local mechanic tested the car and found intermittent loss of power. He recommended disconnection of the two black boxes to eliminate them from the investigations. On the same day, Mr H senior cancelled the policy within the cooling off period. Hastings charged for the time on cover and the black box and cancellation fees. Mr H senior wanted a refund of the black box fee.

On 23 September 2017, the local mechanic removed both black boxes. Mr H senior has provided a report from his mechanic, which I'll refer to in more detail below.

Mr H senior says Hastings didn't take his complaint seriously. He wants reimbursement of his costs amounting to £959.46 and interest.

Our investigator didn't think Hastings had acted unfairly. She said the report from Mr H senior's mechanic doesn't confirm that the black box fitted by Hastings caused the issue with the car. The investigator also said Mr H hadn't given Hastings a chance to investigate the problem.

Mr H senior didn't agree with the investigator and responded at some length. He said, in summary:

- He contacted Hastings on 12 September 2017, after an independent garage engineer had told him that Hasting's black box was most likely the cause of the problem.
- He told Hastings this was a dangerous fault but it didn't offer to investigate further.
- Hastings only offered to remove the box but said it would take more than three weeks.
- It's not right to say that the installation fee isn't refundable.
- He'd arranged for the removal of the black box before Hastings made contact about arrangements to remove it.
- He had to wait between 12 and 23 September 2017 before the car was in a safe condition again.
- Hastings had many opportunities to investigate the issue and a duty to do so.
- He's provided a report that shows the black box was at fault.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. It's clear and quite understandable that Mr H senior has very strong feelings about this. In reaching my decision, I've focussed on what I consider the central issues.

Based on what I've see, there isn't enough evidence to conclude that the black box fitted by Hastings caused problems with the car. I'll now explain why.

The first part of the report says "...*two telemetric monitoring units where present and connected...*" (*sic*). As both black boxes were connected, it would be impossible to know at that stage which black box, if either, affected the car's performance.

The report goes on to say the mechanic removed Hasting's black box, tested the car and the fault was no longer evident. The report doesn't say what sort of testing the mechanic carried out at that stage, for how long and in what conditions. The fact that the fault wasn't present after the mechanic removed the Hasting's black box isn't conclusive, as the fault was intermittent.

Mr H says the car has been fine since the removal of the black boxes. Even if Mr H established that one of the black boxes caused the problem, the evidence I've seen doesn't show that Hasting's black box caused the problem.

Hastings says when the car is started the black box will come out of a dormant phase and remain live for short periods. That means mechanics will detect more power draw from the black box when they're testing, but that's usual. That might explain the intermittent reduction of power seen by Mr H's mechanic.

As Mr H hasn't shown that Hasting's black box caused the problem, I don't think Hastings was obliged to investigate. Further consideration of whether Mr H gave Hastings sufficient opportunity to investigate wouldn't alter the outcome here, as I don't think it was obliged to do so. I'm sorry to disappoint Mr H but there are no grounds on which to ask Hastings to refund the installation fee or the other costs claimed.

my final decision

For the reasons I've set out above, my final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 15 February 2018.

Louise Povey
ombudsman