

## **complaint**

Mr S has complained about the way his insurer, the Liverpool Victoria Insurance Company Limited (LV), handled his car insurance claim.

## **background**

Mr S made a claim for the theft of his car. He met with a claims assessor appointed by LV. During the meeting, the claims assessor interviewed Mr S and took a lengthy statement. Mr S says he felt the procedures followed by LV's claims assessor were intrusive and stressful. He thinks the questions asked were designed to trick him in a deliberate attempt to invalidate his claim and allow LV to evade payment.

Mr S says the claims assessor didn't explain the significance of the statement he was taking or say that it might be used in evidence. Mr S says that if he'd known, he would have insisted his solicitor was present.

Mr S also says he was asked to sign the statement three times but refused because he hadn't been given time to prepare properly. So, he couldn't be sure everything he'd said was accurate.

Mr S also told us that the claims assessor said the information he'd provided would be put on a fraud prevention database. He said this compromised his privacy as it could be made available to third parties. He wants his personal data to be removed from the databases of LV and their claims assessor.

Mr S feels very strongly about the way he said he was treated and told us that he has suffered great distress.

Mr S made an earlier complaint related to this one in subject matter. This concerned the theft of a car whose registration documents had been transferred into someone's else's name. Mr S asked for his claim to be settled and requested answers to other points he'd raised. LV said they couldn't validate Mr S's claim until they'd received his signed statement. This was eventually provided in November 2018, and LV went on to accept Mr S's claim. So, this aspect of his complaint was largely resolved. Mr S came back to ask that his other points be addressed, particularly the way LV's claims assessor conducted the interview, and these form the substance of the current complaint.

Our investigator looked into these issues and, in his view of 14 November 2019, said that LV had handled Mr S's claim appropriately. So, he didn't ask them to take any further action. As Mr S didn't agree, the case has come to me for a decision.

In his follow-up email to us of 11 September 2019, Mr S suggested he was also unhappy with the value LV had placed on his car as part of its settlement offer. But it doesn't look like he's actually complained to LV about this or what the current position is. So, as this is a separate issue, I won't be considering it here. But if Mr S wants to make a new complaint about this he can. And he can do this by contacting LV or we can check the position and do this on his behalf.

## **my findings**

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

### *Nature of investigation by LV's claims assessor*

LV has responsibilities set out in the Insurance Conduct of Business Sourcebook (or ICOBS) which includes claims handling by an insurance company. The overall aim of ICOBS is to ensure that all customers are treated fairly. And these regulations cover the behaviour of the claim assessor used by LV.

It's normal and reasonable, as Mr S has acknowledged, that an insurer should investigate any claim and to do so as they see fit. So, LV was entitled to use a claims assessor to investigate Mr S's claim and interview him as part of his investigation. But he had to act reasonably when doing this and make sure Mr S understood what was happening and why.

Firstly, I've looked through the statement the claims assessor produced. And I've considered the nature of the questions Mr S was asked. The questions, while extensive, related to the car that had been stolen and Mr S's insurance policy. Or they were about Mr S's circumstances. So, I think they were just designed to form a picture of Mr S and how he used the car. Although some questions may have seemed irrelevant, and therefore intrusive, to Mr S, I'm satisfied they were only asked to provide the claim assessor with relevant background to the claim. I also note that Mr S's objections to the process are actually recorded in the statement the claims assessor drew up, so he clearly understood Mr S wasn't happy and tried to make sure this was properly reflected.

I've also considered the way in which Mr S says he was questioned. I've read the email exchange between Mr S and the claims assessor the day after the meeting. Mr S raised his concerns and discomfort about the meeting immediately. And it's clear he was angry and upset. The claims assessor responded the same evening. He explained that the questions were standard ones designed to assist the insurers to assess the claim. He reminded Mr S that he'd explained before the interview why some questions were being asked and specifically told him that some could be seen as intrusive. In his emailed response, Mr S accepted this. The claims assessor said he didn't accept that any of the questions were irrelevant and he hadn't realised Mr S felt uncomfortable. He denied any attempt to discredit Mr S's claim and offered to escalate his comments as a formal complaint, if Mr S wanted. And because of this I'm satisfied that the assessor handled Mr S's concerns appropriately and did his best to help alleviate them.

Mr S said that the claims assessor didn't offer him an opportunity to review his statement before signing it and put pressure on him to sign it there and then. But the claims assessor said he hadn't minded that Mr S hadn't signed his statement. He said it wasn't uncommon for people not to sign until they'd had a chance to consider their statement properly. He also said that Mr S could submit a signed copy of the statement after he'd reviewed it. LV later confirmed this and, in an email they sent on 20 June 2019, told Mr S they had no concerns with him speaking to a solicitor before signing his statement. And they had kept his complaint open for over two months while they waited for his signed statement. So, I'm satisfied the claims assessor and LV gave Mr S time to consider the evidence he'd given and to confirm he was happy with his account. This is what I'd expect LV to do in these circumstances.

In summary, I appreciate Mr S felt under pressure and that being asked to sign a statement was an intimidating experience if he hadn't been asked to do this before. But that doesn't mean that either LV or the claims assessor did anything wrong in how they handled Mr S's claim. I'm satisfied that the questions Mr S was asked were all relevant and reasonable. Given the claim was one for theft of a car, I think LV and its claims assessor acted as I would expect and in line with the above-mentioned regulations, and treated Mr S fairly. So, I won't be asking them to take any further action.

*Putting information about Mr S on a fraud database*

In his email of 11 April 2018, the claims assessor explained that Mr S's data contained in his statement would be held by in accordance with the terms of the Data Protection Act. This meant it wouldn't be passed to any third party except in the case of prevention and detection of crime. And based on what the claim assessor said in his response to Mr S's original email, and what LV has said since, I'm satisfied the assessor made it clear to Mr S that information about him would only be put on a fraud database if they felt he'd committed fraud. And they'd give him the chance to comment before he did this.

If Mr S is concerned about any data that LV or its agents are holding, he can raise this issue with the Information Commissioner, as explained by the investigator at our service who dealt with his complaint originally.

**my final decision**

For the reasons I've given, 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 S to accept or reject my decision before 11 April 2020

Simon Stanley

**Ombudsman**