

complaint

Mr S is unhappy at how Kindertons Ltd dealt with his claim for accident damage to his car.

background

Mr S's car was parked and unattended in a public car park, when it was hit by another car. But there were two witnesses to this accident, and they left a note on Mr S's car. Mr S reported the accident to his insurer, and he was referred to Kindertons because they dealt with claims against third party insurers on the insurer's behalf.

Kindertons contacted the witnesses and obtained statements from them. But there wasn't enough information for Kindertons to be able to trace the person who caused the damage to Mr S's car (the other driver) - they didn't have a complete registration number for the other driver's car. And there wasn't any CCTV that covered the area of the car park where the damage to Mr S's car happened.

Because the other driver couldn't be traced, Kindertons were unable to make a claim against the other driver's insurance. So the claim was sent back to Mr S's insurer and they dealt with it as a claim against Mr S's own insurance. This affected his no-claims discount (NCD).

Mr S has complained that Kindertons were inefficient in pursuing his claim, and they didn't put any effort into tracing the other driver. He also feels that Kindertons missed the opportunity to obtain CCTV evidence showing he wasn't at fault. Because he didn't do anything wrong, Mr S doesn't think he should lose his NCD.

Kindertons accepted there was a small delay in their process, and they didn't update Mr S as often as they should've. But Kindertons offered Mr S £50 compensation for this delay. Mr S rejected this offer and brought his complaint to the Claims Management Ombudsman (a Financial Ombudsman Service) for us to investigate.

Our investigator found that Kindertons had acted reasonably in contacting the witnesses, and in trying to obtain evidence to be able to make a claim on Mr S's behalf. But he didn't think they should be held responsible for the fact that the other driver couldn't be traced. He also felt that Kindertons could've provided a better service, but he thought the £50 they offered was reasonable compensation for the delay they'd caused. So he didn't think they should do anything more.

Mr S didn't agree with the investigator. He says Kindertons didn't do enough – he had minimal contact with them and needed to chase them repeatedly. He also doesn't believe that they contacted the witnesses, instead preferring to 'settle the claim at the expense of his NCD'. He also doesn't believe that 'one missing digit' in the other driver's number plate made them impossible to trace.

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've seen that Mr S sent an email to Kindertons on 8 September 2018, explaining the circumstances of the accident. This email described the other driver's car as being grey, but the make or model was unknown. He also confirmed the letters in the other driver's number plate, but the numbers were unknown. I've also seen that Kindertons obtained statements from the independent witnesses, but these didn't provide any further details about the other driver's car. They also tried to get CCTV evidence, but there wasn't any available. So Kindertons couldn't trace the other driver.

When Mr S gave the details of the accident to the Financial Ombudsman Service on 30 July 2019, he provided one of the missing numbers from the other driver's number plate. I haven't seen that Mr S ever provided this additional information to Kindertons. But, had he done so, it wouldn't have meant that Kindertons would have been able to trace the other driver – a vague description of a car and a partial number plate is not enough to be able to definitively identify a car without other evidence. And there was no other evidence i.e. CCTV evidence, available.

Because Kindertons couldn't trace the other driver, so couldn't claim against their insurance, they weren't able to deal with the repairs to Mr S's car. They passed the claim back to Mr S's insurers for them to deal with matters. I don't think they did anything wrong by doing so.

In their complaint response letter, Kindertons have admitted they didn't keep Mr S updated on a regular basis, and that there was a delay in the processing of his claim. They apologised for this and offered Mr S £50 compensation. I agree that Kindertons could've given a better service, but the lack of updates and delays made no difference to whether Kindertons could trace the other driver or not. So I also agree that the £50 Kindertons offered was reasonable compensation for the service they provided. It's for Mr S to decide whether to accept this or not.

I understand that it's frustrating for Mr S that he's going to lose his NCD when he wasn't at fault for an accident that caused damage to his car. But he's made a claim on his insurance, and the cost of repairing the damage can't be recovered from any third party. So Mr S's insurer is liable for the costs of repair, and this will affect his NCD. I can't hold Kindertons at fault for this – the decision as to how a claim will affect an NCD is one for the insurance company to make.

my final decision

For the reasons explained above I don't uphold Mr S's complaint about Kindertons Ltd.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 2 January 2020.

Andrew Burford
ombudsman