

complaint

Mr D complains that Liverpool Victoria Insurance Company Limited (LV) declined to pay his claim on his motor insurance policy following an accident. He wants it to pay the £5,000 claim.

background

Mr D said a van hit his car but he was unable to get the van's details at the time. LV had an independent engineer examine Mr D's car and he thought it more likely that it was damaged by hitting a wall or a post. LV's investigators tried to speak to Mr D and his passengers to find out more about the accident. But LV said Mr D didn't keep the appointments and neither he nor his passengers contacted the investigators. So it declined the claim because it thought the circumstances weren't as Mr D described and it couldn't get more information from him.

Mr D said LV had told him he should have pursued the van. He said he'd washed his car before the engineer inspected it and so removed any paint from the van. He said he couldn't keep his appointments for good reasons and didn't have the investigator's phone number to contact it to rearrange this.

Our investigator didn't recommend that the complaint should be upheld. He thought LV had reasonably investigated the claim. He thought it was reasonable for it to ask Mr D and his passengers to meet its investigators. He thought the investigators had reasonably tried to contact Mr D, although it didn't have phone records to prove this. So he thought Mr D and his passengers hadn't co-operated with LV as required by the policy. And so he thought LV was entitled to decline the claim. He listened to the call in question and he said he didn't hear LV tell Mr D that he should have pursued the car.

Mr D replied that he wanted his complaint reviewed as LV hadn't shown that its investigators called him. So it's come to me for a final decision.

my findings

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

LV said it had declined Mr D's claim because he hadn't co-operated with its investigation and it thought the accident hadn't occurred as he'd described it. Our approach in cases like this is to consider whether the insurer's acted in line with the terms and conditions of the policy and fairly and reasonably.

I've looked at Mr D's policy and I can see that on page 19 is a condition that requires Mr D to co-operate with LV and provide information to validate and process the claim. So I think it's reasonable for LV to expect Mr D and his passengers to provide information to its claims investigators. The policy also says on the same page that LV can reject a claim if it is false.

To validate the claim, LV had its engineers examine photographs taken of Mr D's car. It had concerns that these showed that the claimed damage might not have occurred as Mr D described. So it had independent engineers examine the car. I think this was fair and reasonable as it's what I'd require when there was a disagreement such as this.

The independent engineers concluded that the damage was more likely to have been caused by contact with an abrasive surface, such as a fence or post. LV discussed this with Mr D. But Mr D maintained his version of events. He said he had independent reports to support his version of events. But I can't see that he provided these for LV to consider. So LV decided to ask Mr D and his passengers further questions to validate the claim. I think this was reasonable as LV had independent evidence that cast doubt on Mr D's account.

The investigators arranged two appointments with Mr D. He explained why he couldn't attend these. But LV said he then didn't contact the investigators to make a further appointment. The investigators said they called on the passengers' home address and left contact details but no response was forthcoming.

Mr D said he didn't have the investigators details to return calls. But I think it's more likely than not that the investigators had left their contact details with Mr D and his passengers as they said they did.

Mr D said the investigators couldn't show that they had called him and that he hadn't responded. But I think the investigators showed that they did make appointments with Mr D and did visit his passengers. So I think it's likely that they did try to contact Mr D as they said they did.

So I think LV reasonably considered the evidence available and decided to reject Mr D's claim as the evidence showed that the accident didn't happen as he'd stated. I also think LV was entitled to decline the claim under the policy's terms and conditions as Mr D hadn't co-operated with its investigation. So I can't say LV did anything wrong in deciding to reject the claim.

Mr D said LV had told him he should have pursued the van at the time to obtain its details. But in the call in question, LV's advisor asked Mr D if he had been able to follow the other driver to obtain his registration. Mr D replied that he'd hit his head and the car wouldn't move. The questions then moved on. So I don't think the advisor told Mr D that he should have pursued the other driver.

my final decision

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 D to accept or reject my decision before 28 February 2019.

Phillip Berechree
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