

complaint

Mr N complains that Be Wiser Insurance Services Ltd cancelled his motor insurance policy without telling him. And as a result Mr N has had to pay much more for insurance and suffered embarrassment and inconvenience.

background

Mr N was stopped by police whilst driving his car. He thought he was insured but found out from police that it had been cancelled. Mr N says he bought another policy at the roadside and that he received no consequences from the police.

There was an issue with some of the details on Mr N's policy that he had taken out through Be Wiser. The main one was an incorrect address, which meant that Mr N did not receive letters stating his policy would be cancelled as there were documents that he needed to send to Be Wiser.

Be Wiser says that Mr N must have received letters as he contacted them and that it was Mr N who asked for his policy to be cancelled.

The adjudicator recommended that the complaint should be upheld and that Be Wiser should pay Mr N £250 compensation for the inconvenience caused as a result of not amending the address correctly. Be Wiser disagreed with the adjudicator and says that Mr N has not been caused any distress. It accepts there may have been a misunderstanding but Mr N had the opportunity to correct his information, and as he did not send his documentation then he was the cause of the inconvenience.

Mr N did not agree with the amount of £250 either so the matter has come to me for a decision.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

Be Wiser sent letters to an address that Mr N did not live at – the number of the street was incorrect. I do not accept that fault should lie with Mr N for this error as the onus has to be on Be Wiser to ensure that it clarifies street numbers in a simple way, especially if it feels language or accent might be an issue (as it has indicated it is here).

It is accepted by Be Wiser that Mr N did call it to ask for a copy of his documents and this indicates to me that he had not received them. Be Wiser also changed Mr N's email address as it was incorrect too, and I accept that he asked for his postal address to be correct too. Mr N got his documents at a later stage as he was able to tell Be Wiser that the name on the documents he received was incorrect. Mr N called at another time to tell Be Wiser that he needed more time to send his documents as the address on his driving licence was an old one. He had been told by Be Wiser that his policy was to be cancelled and its notes show that Mr N had called saying he wanted to cancel his policy as he did not want to pay a fee for the adjustments made to his policy. I am satisfied that in all probability Mr N knew there was a possibility his policy was going to be cancelled. But whilst Be Wiser's notes show that Mr N said he wanted to cancel his policy, I am not persuaded. I say this because Mr N had paid his for his policy in full and if he had said he wanted his policy cancelled then I'd have

expected some details about the return of his premium. I also note that the cancellation letter and subsequent confirmation were sent to the incorrect address.

The incorrect recording of Mr N's address to begin with, and the fact that it continued from set-up through to cancellation meant that Mr N did not get important letters about the status of his policy. Mr N was aware of the documentation that Be Wiser required and I accept that this was not provided. There is insufficient evidence that Mr N was sent any cancellation letters by email, through which he had received some of Be Wiser's documentation previously. In all the circumstances it was the incorrect address that led to Mr N not receiving Be Wiser's letters about cancellation and had they been addressed correctly I am satisfied it would have been highly unlikely that Mr N would have driven uninsured. Mr N was caused embarrassment and inconvenience having been stopped by police, calling Be Wiser to change details it had incorrectly recorded and having to purchase another policy. Some details Be Wiser already had, as Mr N had been a previous client, and in my view £250 compensation for the inconvenience and embarrassment is fair.

Although Mr N had to pay a much higher premium I am satisfied that this was because of the address change – indeed Mr N did not receive any penalty from the police as a consequence of being stopped and, so, it was his personal details that affected the premium.

my final decision

My final decision is that I uphold this complaint and require Be Wiser Insurance Services Ltd to pay Mr N £250 compensation.

Sean Hamilton
ombudsman