

The complaint

Miss R complains Covea Insurance plc (Covea) did not handle or settle her claim on her motor insurance policy fairly.

Covea are the underwriters of this policy i.e. the insurer. Part of this complaint concerns the actions of the intermediary. As Covea have accepted it is accountable for the actions of the intermediary, in my decision, any reference to Covea includes the actions of the intermediary.

What happened

In March 2023 Miss R was involved in an incident when driving her car. She was hit by a third-party whilst stationary at traffic lights. She moved off when the traffic lights allowed with the intention of pulling over when safe to do so. Miss R said it was not safe to stop for some distance and she had young children in the car, so she continued on her journey and did not return to the scene of the collision.

Miss R contacted Covea to notify it of the incident. She said the unknown third-party was at fault in the incident and expected them to pay for the repairs. Based on the damage reported by Miss R Covea said her car was repairable. Images of the damage to the car were also taken by Covea.

In June 2023 Covea contacted Miss R to request the details of the CCTV. It said it required her to provide it with the information as to where to obtain the CCTV from. It said it is not always possible for it to obtain CCTV therefore there was some onus on Miss R to provide this. Miss R said she was led to believe that Covea would obtain CCTV of the incident.

Covea apologised and said it had not followed the correct process for obtaining any CCTV or discussed the onus on her to provide the location of any CCTV with her sooner. It paid her £75 to apologise for any stress and inconvenience this had caused.

The repairs to her car were not completed as Miss R refused to pay her policy excess until the CCTV was explored. Miss R felt Covea should waive her policy excess.

As Miss R was not happy with Covea, she brought the complaint to our service.

Our investigator upheld the complaint. They looked into the case and did not think Covea treated Miss R fairly or reasonably when it didn't attempt to locate the CCTV footage of her incident. They said Covea should attempt to obtain the CCTV footage and look to reassess the claim. They said Covea should award total compensation of £250.

As both Miss R and Covea are unhappy with our investigator's view the complaint has been brought to me for a final decision to be made.

What I've decided – and why

I've considered all the available evidence and arguments to decide what's fair and

reasonable in the circumstances of this complaint.

I saw that the incident happened on the evening of Thursday 16 March 2023 and Miss R reported it to Covea on the afternoon of Monday 20 March 2023 which was four days after it had happened. Miss R did not have any details of the driver of the third-party vehicle.

I listened to the call made to Covea by Miss R on 20 March 2023. Miss R asked if Covea could look at CCTV and Covea's advisor asked her if she knew if CCTV was available. She said she *thought* so. The Covea advisor then said they would see if it could locate any CCTV.

I saw three months after the incident Covea told Miss R it required her to provide information as to where it could obtain the CCTV from, such as a local business or a highways company. It now said it was Miss R's responsibility to provide details of any available CCTV, and it would request it using the details provided by her.

This is not what it told Miss R when she initially reported the incident in March 2023. Covea should have been clear to Miss R when she first notified them of the incident, that it needed more information from her regarding any available CCTV.

In this case Covea accepted it did not follow the correct process to try to obtain any CCTV footage showing the incident and offered compensation of £75 due to this.

After our investigator issued their view on this case Covea attempted to obtain CCTV footage of the incident. However this has been unsuccessful.

The local council confirmed the CCTV cameras that cover the road in which the incident occurred do not record continuously and are used for monitoring purposes in 'real-time'. A recording is only made if a CCTV operator is present, and they notice a traffic contravention. In this case nothing was noticed and so no recording had been made.

This means even if CCTV had been requested by either Covea or Miss R at the point she made her claim in March 2023 it would still not have been available as the highways CCTV does not record.

Also CCTV from traffic lights is wiped after three days and therefore any footage that may have been recorded at the traffic lights would not have been available at the point Miss R made her claim as this was four days after the incident.

I have not seen any evidence that shows there was any other CCTV covering the location of the incident other than the traffic lights and highway CCTV. However Miss R should still have been given an earlier opportunity to try and locate any other CCTV evidence to support her claim.

I think as there was a delay of approximately three months until it was noticed by Covea that it had incorrectly led Miss R to believe it was obtaining the CCTV to hold the unknown third-party responsible for the incident, that the offer of compensation for the distress caused to her should be increased to £250.

I have seen that Covea have not refused to pay Miss R's claim, but it has confirmed because the third-party has not been identified that her policy excess payment must be made by her to enable the repairs to her car to be completed.

I understand Miss R will be disappointed and I do accept that at the time of the incident she did not stop at the scene for safety reasons, but I cannot fairly tell Covea to waive the policy

excess for the reason there was no CCTV available to identify the unknown third-party. Neither can I accept that the images of the damage to Miss R's car verifies that a third-party was at fault.

Therefore, I uphold Miss R's complaint and require Covea to pay her a total of £250 compensation for the distress caused after it failed to be clear about the process for obtaining CCTV.

My final decision

For the reasons given I uphold this complaint.

I require Covea Insurance plc to pay Miss R £250 compensation for the distress caused after it failed to be clear about the process for obtaining CCTV.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss R to accept or reject my decision before 26 February 2024.

Sally-Ann Harding
Ombudsman