

The complaint

Ms W says that after she made a claim on her motor insurance policy contact from esure Insurance Limited was poor and that it took too long to process the claim.

What happened

Ms W told us in June 2023 that she'd had an accident in November 2022 in which her car was badly damaged by fire. She said it was taken away from the scene of the accident and that she didn't know where it was. She said she'd last heard from esure in January 2023, when it said the car was to be written off, and that it was waiting for a report before it could progress the claim.

Ms W hadn't received a final response letter from esure in June 2023, so one of our investigators reviewed her complaint based on the limited information available to us. He noted that esure seemed not to have contacted Ms W from January 2023 until June 2023. He thought it should pay her £100 compensation for avoidable delay and poor contact.

In response, esure said Ms W knew it was waiting for a police report before it could progress the claim – and that had she told it she was under the influence of alcohol when the accident happened, it would have declined the claim earlier. It wasn't until August 2023 that the police gave esure evidence of the circumstances surrounding the accident. It also told it that in April 2023 Ms W was convicted of driving under the influence of alcohol.

The investigator then issued a second view in which he noted that Ms W hadn't mentioned that alcohol was an issue when questioned by esure about her claim. He didn't think esure should have to pay her compensation. As Ms W remained unhappy, the complaint was passed to me for review.

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 think it's clear from the notes provided by esure that it suspected from the outset Ms W may have been under the influence of alcohol at the time of the accident. She was driving home late at night, and she couldn't explain why she hit a stationary parked car – let alone with enough force that her car turned over in the road and set on fire. esure thought Ms W was evasive when questioned. She denied being under the influence of alcohol at the time of the accident and said she wasn't breathalysed. But she objected to esure obtaining a police report. She then stopped speaking to esure's advisor, which caused it further concern.

The file notes show that esure told Ms W in December 2022 that her claim had been referred for further enquiries – and that meanwhile, esure reserved its position on cover / payment under the policy. I think that was entirely reasonable. esure contacted Ms W again in

January 2023 (to ask her for a police case reference number from the accident). But there had been no further contact between esure and Ms W when she contacted us in June 2023.

From what I've seen, I think Ms W knew (or should have known) what the delay in progressing her complaint was. esure told her it was making further enquiries. The police attended the accident and esure had asked her for a police reference number. It had to wait for a police report in order to move the claim on - and they often take months to arrive. That happened here, but in my opinion, it would have been good service for esure to let Ms W know periodically that the police still hadn't responded. I also think esure should have told her where her car was being stored – although she knew it was burnt out and had been written off.

Normally I'd say it would be reasonable for an insurer to pay compensation for a lack of contact over several months. But in this case, Ms W misled esure initially. That may have delayed its request for a police report and the claim's progress. And it seems she didn't tell it in April 2023 that she'd been convicted of driving under the influence of alcohol. I think it's likely that esure would have made its decision on the claim at that point. But it had to wait another four months for the police to provide the details it needed.

I don't think compensation for any distress and inconvenience caused to Ms W by esure's poor contact with her from January 2023 to June 2023 would be appropriate in this particular case. And I don't think Ms W has shown that there was any undue delay on esure's part during that period. The response from the police was outside its control.

Ms W is also unhappy about the decision esure made about her claim in August 2023 and the lack of any payment for her car. But these issues arose after she first complained to us in June 2023, so I can't comment on them. Ms W would have to discuss them with esure first. If she makes a complaint to esure and doesn't accept the outcome, it's open to her to complain to us at that point.

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 Ms W to accept or reject my decision before 4 March 2024.

Susan Ewins
Ombudsman