

The complaint

Mr B has complained about the way esure Insurance Limited dealt with a claim he made under his car insurance policy.

What happened

In October 2023 Mr B was injured when another vehicle collided into his stationary car as he was getting into it and he moved out of the way.

He made a claim to his insurer, esure for repairs to his car. Unhappy with the way esure was handling the claim, he raised a complaint in January 2024. Mr B's renewal premium had gone up as a result of the open claim.

In March 2024 esure replied to Mr B's complaint and upheld it. It agreed it had caused undue delay and provided a poor service.

To put things right, it paid Mr B £500 compensation for the distress and inconvenience caused. Although Mr B didn't hold legal protection cover under his policy, esure said it would pass his details to a solicitor to assist him in recovering uninsured losses.

Mr B remained unhappy and asked us to look at his complaint.

Our Investigator thought esure had done enough to resolve the complaint.

Mr B disagrees and wants an ombudsman to decide. He says he wants to know if esure fairly dealt with his claim for personal injury as he wasn't at fault for the incident.

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.

We don't decide on a claim, but we look at whether an insurer has acted reasonably and in line with the policy.

There's no dispute that esure provided a poor service when dealing with the claim between October 2023 and March 2024. It failed to contact the third party insurers when Mr B asked esure to gain acceptance of liability from them before going ahead with arranging repairs to his car. esure accepts there were long wait times when Mr B tried to reach it to discuss his claim.

When things go wrong, we look at what the impact was and what an insurer did to put things right.

In this case, esure said it will record the claim as a non fault claim, irrespective of what happens with the third party insurer. It paid Mr B £500 compensation for the distress and inconvenience caused. It waived the excess due for Mr B to have his car repaired.

I've also taken into account that some delay was attributed to Mr B's request for the third party to admit liability before having his car repaired, which was driveable. Claims involving third parties can take longer to deal with and settle. I can't safely conclude that it was more likely than not that the claim would have settled before the renewal date, if esure had been in

touch with the third party sooner. So I think the compensation award is fair and reasonable in this case.

Mr B doesn't hold motor legal protection cover under his policy with esure. This optional additional cover gives Mr B the benefit of being able to claim for uninsured losses such as personal injury: in other words, losses outside of what a standard vehicle insurance policy provides.

esure passed Mr B's details to a solicitor to consider a claim for his uninsured losses as a goodwill gesture even though he didn't hold motor legal protection. As this was beyond the scope of the policy, I think esure acted reasonably here.

Mr B didn't take up renewal with esure and arranged insurance elsewhere. He says his new insurer hasn't adjusted his premium even though he updated it with how esure has recorded the claim – as a non fault incident. As the Investigator explained, this isn't something I can make a finding on as this relates to the actions of Mr B's new insurer.

I appreciate that Mr B has had a poor customer journey with esure in its handling of his claim up to March 2024. But I think it has done enough to resolve it by the actions it has taken and the compensation it has paid, which is within the range of awards we give in similar cases. So I'm not asking esure to do any more.

My final decision

I'm sorry to disappoint Mr B. But for the reasons I've given above, my final decision is that I think esure has done enough to resolve his complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 2 October 2024.

Geraldine Newbold
Ombudsman