

complaint

Mr Y complained that Eldon Insurance Services Ltd didn't send him his motor insurance policy documents.

background

Mr Y's motorcycle was stolen from near his workplace. It was later found but it had been damaged. His insurer wouldn't pay to repair it because they said that his policy didn't cover commuting.

Mr Y said that this was a mistake as he'd wanted the policy to cover commuting. But he discovered that when he bought his policy via an insurance comparison website he had mistakenly chose the wrong cover option from that website's drop-down menu.

He made a complaint against his insurer for refusing his claim under the policy, and this service has dealt with that as a separate complaint from this one.

Eldon were Mr Y's broker. He complained that Eldon didn't send him his policy documents when he bought his policy. He said that if they had done that, he would have noticed the mistake right away and would have got them to correct it then. But because they didn't send him the policy documents he didn't even know that he'd made a mistake.

Eldon said that they had sent Mr Y his policy documents automatically when he bought his policy in July. Mr Y didn't agree and so brought his complaint to us.

His insurer has since then agreed to pay for his motorcycle to be repaired. But Mr Y wanted to maintain his complaint against Eldon. He wanted them to compensate him for the time he felt he'd wasted in dealing with the matter.

The investigator didn't recommend that his complaint should be upheld. She thought that Eldon had provided satisfactory evidence that they had sent Mr Y his policy documents. Mr Y didn't agree and so his complaint has been passed to me to decide.

my findings

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

It's not in dispute that Mr Y made a mistake when he chose the type of cover he wanted from the comparison website's drop-down box.

Eldon said they sent Mr Y his policy documents in July when he bought his policy. They couldn't show us a copy of the individual email they had sent to Mr Y, because this was an automated process, but they showed us screenshots showing that they had sent them.

But Mr Y said he hadn't seen his policy documents until November, after his claim was refused, when he asked Eldon for a copy of them. He pointed out that his policy documents were dated November, not July. He felt this showed that November was the first time Eldon sent them to him. But Eldon said that the November versions were duplicate copies of what they had sent him automatically when he bought his policy in July.

Eldon explained that when their system resent copies of documents they had already sent, it overwrote the original dates on documents. They said that this was why the documents were dated November, and that they all said "duplicate" on them, apart from the one document why they didn't resend in November, and which was still dated in July.

Mr Y remained adamant that Eldon did not send him the documents in July. He felt that Eldon should be able to show an audit trail for this. However, as the investigator explained, the service does not consider it reasonable for a business to keep a copy or audit trail of every email they send. So, I think that the screenshots of Eldon system notes are adequate to prove that they sent them in July, and that their explanation as to why their system shows some of the policy documents' dates as November is reasonable.

Whilst I appreciate that the situation has been frustrating for Mr Y, after he'd made a mistake when choosing his cover type, I don't think its Eldon's fault that Mr Y didn't notice this. And since I don't think Eldon have acted unreasonably, I don't require them to do anything.

my final decision

For the reasons, I've given above it's my final decision that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr Y to accept or reject my decision before 10 April 2017.

Rosslyn Scott
ombudsman