

complaint

Mr H is unhappy with Carole Nash Insurance Consultants Ltd (Carole Nash) because the settlement figure he's received from the third party insurer doesn't provide a sufficient valuation. He feels Carole Nash should've done more to help get a better offer for his motorcycle.

He would like:

- Payment so that his motorcycle can be replaced (with all the accessories) as it was just before the accident;
- Compensation for the delays and stress he's experienced.

background

On 2 February 2018, Mr H was involved in a road traffic accident He was riding his motorcycle, which ended up being written off. The third party driver was in a car and admitted liability for the accident.

Mr H reported the accident to his broker, Carole Nash, and it took over managing the claim with the insurer and on Mr H's behalf. The claim was settled directly by the third party insurer and Mr H didn't use his own insurance company to make that claim. The third party insurer valued the motorcycle but Mr H wasn't happy with it and made a complaint to Carole Nash.

Carole Nash looked into Mr H's complaint and said it hadn't done anything wrong and if he was unhappy about the valuation of the motorcycle, he should complain to the third party insurer. It said it acted appropriately and in the best interest of their client by providing the options available Mr H.

Unhappy with this response, Mr H referred his complaint to this service. Our investigator looked into it and said she didn't think Carole Nash had acted unfairly or unreasonably.

Mr H has asked for an ombudsman to make a decision and the complaint has therefore been passed to me. Mr H says in summary:

- He had little interest in getting his bike back sooner because the injuries he sustained in the accident would have precluded him from safely riding a bike for a while;
- He felt having to wait longer appeared to be the better offer because there was no point claiming on his own motorcycle insurance policy for the cost of an accident which was caused by someone else;
- He wants to be in the same position financially relating to the replacement of his motorcycle as he was at the time of the no fault accident.

my findings

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

The crux of Mr H's complaint is about the valuation provided for the written off motorcycle. He's not satisfied that the valuation will provide a replacement that's the same model and with the same accessories he had on his motorcycle before the accident.

For clarity, I'd like to firstly explain what we can't look at on this complaint and what we can.

what we can't look at

Mr H didn't make a claim through his own insurer but went through the third party's insurer. So, we're unable to look at his complaint about the settlement amount offered by the third party insurer – he doesn't have an insurance contract with Carole Nash and he's therefore not a policyholder with it. Had he submitted the claim through his own insurer, we could have potentially looked into the issue of settlement for him. But as it stands, we can't look at the settlement offered by the third party insurer.

what we can look at

Mr H is also unhappy with how Carole Nash has treated him and the issue left for me to decide is whether or not he was treated unfairly and unreasonably since the accident happened in February 2018. And also whether Carole Nash could have done anything more to get Mr H a better valuation on motorcycle.

Contrary to what Mr H believes, Carole Nash is the insurance broker and not the insurer or underwriter of his motorcycle insurance policy. So if the crux of the complaint is about the valuation of the motorcycle, as I said above, Carole Nash isn't responsible for this.

In looking at how Mr H was treated by Carole Nash, I've listened to the call recordings provided by Carole Nash that took place with Mr H in February 2018 just after the accident happened.

The calls explain clearly to Mr H about the claims process and the options he had. It explained that he could claim through his own insurance policy or through the third party's insurer. He made the decision to go through the third party and Carole Nash' obligation was to ensure he had the right information in order to make the decision. So based on this, I'm satisfied that Carole Nash didn't treat him inappropriately or unfairly.

Ultimately, Mr H decided not to claim from his own insurer and while I appreciate he's not happy with the settlement amount offered by the third party insurer, this isn't because of what Carole Nash has done.

Mr H's main disagreement and comments surround the valuation that's been provided for his motorcycle. But I've already said this isn't something we can look at. I accept that this is disappointing as he feels he's out of pocket. But it was his decision not to claim through his own insurer and Carole Nash isn't able to change or influence how the motorcycle has been valued.

I understand that Mr H is also unhappy with the delays and stress caused and would like compensation for this. Having looked at what's happened I don't think Carole Nash is responsible for the delays that may have been caused. So it doesn't need to do anything in this regard either.

conclusion

Overall, I'm not persuaded that Carole Nash has treated Mr H unfairly or unreasonably in the circumstances of this complaint. It provided him with options in the calls that took place and I don't think it didn't anything wrong. I don't require it to do anything further.

my final decision

For the reasons given above, I'm not upholding Mr H's complaint against Carole Nash Insurance Consultants Ltd.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 5 August 2019.

Nimisha Radia
Ombudsman