

The complaint

Mr M complains that Watford Insurance Company Europe Limited caused further damage to his car when it took it for repairs following a claim made on his motor insurance policy. He wants it to pay him the value of his car.

What happened

Mr M's car was damaged in an incident and Watford took it for bodywork repairs. But when Mr M went to collect the car, it wouldn't start. He took it to a dealer's garage for diagnostics. And it said there were multiple faults with the ECU, possibly caused by jump starting the car. The cost of the repairs was disproportionate to the value of the car, so Mr M sold it for parts. He wants Watford to make good his losses.

Our Investigator didn't recommend that the complaint should be upheld. She thought there wasn't sufficient evidence that Watford had caused the damage. This was because she saw evidence that the ECU had faults before the repairs were started and these weren't incident-related. She didn't see evidence that the repairer had tried to jump start the car. And she thought the dealer's garage's report didn't confirm what had caused the damage.

Mr M asked for an Ombudsman's review, so the complaint has come to me for a final decision.

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 can understand that Mr M feels frustrated that his car wasn't working following bodywork repairs. Mr M said his car was collected for repairs and driven away, so it was working fine at that stage. The repairs were carried out within three weeks and then the repairer tried to contact Mr M to collect his car and pay his policy excess. It took six weeks for Mr M to collect his car. And then the keys wouldn't start the car.

Mr M said the repairer told him it had tried to jump start the car. But he thought it had used the incorrect method and this had damaged the car's ECU. But Watford said the repairer had confirmed that the car's battery for the keys had gone flat whilst it was waiting for collection and the electrical problems were due to wear and tear.

We're not engineers. We don't assess whether or how damage to a vehicle would be caused as this is a matter for the experts in these situations, the insurance companies and engineers.

Our role in these complaints is to determine whether an insurance company has considered all the available evidence and whether it can justify its decision to not pay for additional repairs.

The evidence that Watford had to consider was the vehicle health check carried out by the repairer when the car was in the garage and a report from the dealer's garage. As far as I can see, the health check was carried out before the bodywork repairs had been completed.

This is shown by the date stamps. And a diagnostic found that there was a current problem with voltage, presumably for the starter, and a list of historic electronic faults.

The repairer thought the problem was due to key fobs failing and this was unrelated to the incident or the repairs. I accept Mr M's point that this diagnostic would have been unnecessary for a bodyshop to carry out unless there had been a fault with the car. But this doesn't mean that the repairer caused the damage.

Mr M had his car taken to a dealer's garage for diagnosis. This identified that the keys and the key battery needed to be replaced, as a start, and then further diagnosis would be needed. Mr M said the spare key hadn't failed, but this is partly contradicted by this report as it says the spare key was still coded but not recognised by the car's immobiliser system. The report states a "Probable cause" but qualifies this with "We cannot identify with any certainty what has caused this damage..." So there is no confirmation that the damage was caused by the repairer.

The dealer's garage thought the damage "most likely" could have been caused by the car being jump started. And Mr M has told us that the repairer said it had to charge the battery. But I haven't seen any evidence to confirm that the repairer jump started the car or, if it did, that this caused damage. And I think the repairer's diagnostic report points to the car having previous unrelated faults. So I don't think there is sufficient evidence to show that the repairer was responsible for the electrical damage to the car.

So I'm satisfied that Watford reasonably considered the evidence available and it has justified its decision that it's not responsible for the repair of the electrical faults to Mr M's car. I don't require it to do anything further.

My final decision

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 11 December 2023.

Phillip Berechree
Ombudsman