

## **The complaint**

Miss E complains that ATLANTA 1 INSURANCE SERVICES LIMITED trading as Autonet Insurance Services (Autonet) referred her to an accident management company when she made a claim on her motor insurance policy.

## **What happened**

Miss E had a motor insurance policy with Autonet (a broker), underwritten by an insurer I'll call X. When she was involved in an accident, she made a claim for the damage caused.

Miss E called the number on her policy documents and thought she was speaking with Autonet. But Autonet said it employed an AMC to answer and deal with the calls. The AMC then arranged for Miss E's car to be looked at, but ultimately deemed some of the damage she was claiming for as unrelated to the accident.

Miss E wasn't happy with this decision and complained about it. It was at this point she realised she'd not been dealing with Autonet or X. And she found that when she was unhappy with the AMC's response to her complaint, she wasn't able to refer that complaint to us.

Our Investigator thought Autonet hadn't done enough to show us it gave Miss E information about her options when making a claim in a clear and balanced way. They therefore thought that Autonet's referral to the AMC was unfair.

Our Investigator said they couldn't say whether Miss E's car would have been repaired had she claimed on her own insurance policy with Autonet and X. But they thought Autonet should compensate her £200 for the distress and inconvenience caused by finding out she wasn't dealing with her insurer.

Autonet disagreed. It said it shouldn't be held accountable for the AMC's actions and thinks the AMC acted in its own capacity. It asked for an ombudsman's 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.

Having done so, I'm upholding it. I'll explain why.

- I'm satisfied that when Miss E called to make her claim she thought she was calling Autonet. She called the number listed in her policy and that number is clearly described as Autonet's number.
- Autonet is entitled to appoint another business to deal with its calls. But where it does so, that other business is acting as an agent of Autonet. It's not acting in its own capacity. It's answering and dealing with calls for Autonet, and so Autonet is ultimately responsible for that other business's actions when carrying out this activity.

- I appreciate Autonet says the AMC was acting in its own right. And the AMC is capable of acting in its own capacity. But I'm not satisfied it was doing so here. As mentioned, it was answering a call made to a number in an Autonet policy, labelled as Autonet's number.
- I've seen no evidence to show the AMC made it clear to Miss E that it was acting in its own capacity and wasn't dealing with her claim on Autonet's behalf.
- Further, I've been provided no evidence to show Miss E was informed of her options in making this claim let alone that these options were made in a clear and balanced way, clearly setting out the benefits and potential drawbacks of each.
- Without this evidence I can't possibly be satisfied the referral to the AMC was fair.
- Like our investigator, I can't say whether Miss E's car would have been repaired had she claimed on her own policy with Autonet and X. But I'm satisfied that finding out you weren't claiming on your own policy and had no recourse by way of referring any complaint about the repairs to your car to us would have been distressing and inconvenient.
- I'm satisfied £200 compensation is reasonable compensation for this distress and inconvenience.

### **My final decision**

For the reasons set out above, uphold this complaint. To put things right, I require ATLANTA 1 INSURANCE SERVICES LIMITED trading as Autonet Insurance Services

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss E to accept or reject my decision before 10 November 2023.

Joe Thornley  
**Ombudsman**