

## **The complaint**

Ms H complains esure Insurance Limited (esure) made a mistake and gave a poor level of service after she made a claim on her motor insurance policy.

esure are the underwriters of this policy i.e. the insurer. Part of this complaint concerns the intermediary. As esure have accepted it is accountable for the actions of the intermediary, in my decision, any reference to esure includes the actions of the intermediary.

## **What happened**

In December 2022 an unknown third-party vehicle damaged Ms H's car whilst it was parked.

Ms H made a claim on her motor insurance policy that she held with esure.

esure instructed its approved contractor to collect the car. The damage to the car was assessed and it was found to be uneconomical to repair and therefore deemed a total loss.

esure made Ms H an offer for the total loss of her car but she did not accept it. She asked for the valuation to be reviewed and also to be given a valuation which took in to account her keeping the damaged car.

Ms H accepted the settlement offered by esure for her to keep the damaged car.

When esure went to update its records it was realised Ms H's damaged car had already been taken to be sold at auction by its approved contractor. So it informed her she could not have the car returned. Ms H was not happy it had been sold without her permission.

esure then found the car had not been sold at the auction and informed Ms H of this. The damaged car was returned to her, and the settlement offered was paid.

esure apologised to Ms H for the service received and paid compensation of £150 to further apologise for the experience that had caused her stress and inconvenience.

As Ms H was not happy with esure, she brought the complaint to our service.

Our investigator did not uphold the complaint. They looked into the case and said they were pleased esure had been able to retrieve Ms H's car when she made it aware of its error. They were not persuaded esure was not efficient in keeping her updated. And said the payment of £150 seemed fair considering the circumstances.

As Ms H is unhappy with our investigator's view the complaint has been brought to me for a final decision to be made.

## **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 looked at the timeline of this complaint.

Ms H made her claim on 29 December 2022.

On 10 January 2023 esure made its initial settlement offer for the car to Ms H, which she rejected. On the same date esure emailed an increased settlement offer and also a separate settlement offer for her to keep the car.

I saw esure accept that on this date it should have added a note on its internal system that the car should be retained as potentially Ms H may choose to keep the car.

On 11 January 2023 esure left a voice message for Ms H to call it back regarding the two settlement offers it had made.

On 12 January 2023 esure re-sent the settlement offers to Ms H as it found it had the incorrect email recorded. On this date Ms H asked for time to consider the offer.

I saw that esure again called Ms H on 16 January 2023 and also on 17 January 2023. And it re-sent the settlement offer email.

Ms H called esure back on 17 January 2023 and said she wished to keep the car. It was here that esure realised the car had been sent for sale at auction by its approved supplier as it had failed to add a note to its internal system that the car should be retained. It told Ms H and she was not happy the car had been sold without her permission.

I saw that esure managed to track down Ms H's car and fortunately it had not been sold at auction. esure left a voice message for Ms H on 19 January 2023 to let her know the car had been located and not been sold. The car was returned to her, and the settlement amount was sent out to her on 20 January 2023.

The evidence I have reviewed shows esure were proactive in keeping Ms H informed throughout her claim. It reacted to her rejection of its initial settlement offer on the same date and was also quick to react when it realised its mistake with the car being sent to auction for sale, in an attempt to resolve things. I have not seen any evidence of Ms H having to chase esure for a response, but I do accept that Ms H was only able to take calls during limited times of the day due to her being at work which meant she had to call it back at times after being left messages.

In this case esure accepted it made a mistake and so I would expect to see it offer some compensation to Ms H. It sent her a cheque for £150. As esure was able to retrieve Ms H's car within two days and it sent the remaining settlement amount to her, she was not left in a worse position than she would've been should the mistake never have occurred.

Although I understand Ms H will be disappointed, I think the £150 compensation already paid by esure was fair in the circumstances of this complaint and I do not require it to increase this amount.

Therefore, I do not uphold Ms H's complaint and do not require esure to do anything further in this case.

### **My final decision**

For the reasons I have given I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms H to accept or reject my decision before 27 September 2023.

Sally-Ann Harding  
**Ombudsman**