

## **The complaint**

Ms B complains esure Insurance Limited has unfairly declined a claim she's made on her motor insurance policy following an accident. She's also unhappy her car has been categorised as a write off and she's received no settlement following this.

## **What happened**

Ms B is represented by a third party in bringing this complaint. References I make to Ms B's actions include those of her representative made on her behalf.

The background to this complaint is well known to the parties so I've provided a summary here.

- Ms B alleged she was involved in a collision with a third party car and her car was damaged as a result. She claimed on her motor insurance policy.
- esure undertook an inspection of the cars and investigated the circumstances of the claim. Initially Ms B says esure's agent made two offers on her car, the first of which she rejected and the second of which she accepted.
- Having completed its investigations, esure let Ms B know it had concluded that there hadn't been a genuine accident. It said it didn't accept the accident had occurred in the way she claimed or if it had even happened at all. esure declined the claim, cancelled the policy and said it would return the vehicle to Ms B.
- Ms B was unhappy with this and complained to esure. It maintained its position and so Ms B raised a complaint with this Service.
- Our Investigator considered the complaint and having done so didn't uphold it. She said the expert evidence showed the damage between the two cars was inconsistent and so she thought esure had acted fairly in declining the claim. Ms B remained unhappy and asked an Ombudsman to make a 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.

- In my experience, it's common for insurers to appoint engineers to assess car damage and investigate the circumstances of an insurance claim. esure's engineer considered the damage to the two cars involved in the collision. He concluded the height of the damage to the two cars was inconsistent and that some of the damage to the third party's car was too high to have been caused by Ms B's car.
- Following this report, esure concluded that there hadn't been a genuine road traffic accident and said it couldn't accept the accident had happened in the way Ms B had described, or if it had happened at all. It declined to deal with the claim and said Ms

B's policy would be cancelled.

- The onus is on Ms B to demonstrate that, on balance, she has a valid claim under the policy. She presented a claim for damage as a result of an accident with another vehicle. But based on the expert evidence available to esure, I'm satisfied the inconsistencies in the height of the damage to the vehicles shows it's more likely than not the damage to Ms B's car didn't happen in the way she alleged. As such, Ms B hasn't shown she has a valid claim and so I'm satisfied esure acted fairly when it reached the conclusion it did and declined the claim.
- The policy states that esure has the right to cancel the policy where it has reasonable grounds to believe Ms B has deliberately or recklessly provided inaccurate information. The persuasiveness of the inconsistent evidence about the height of the damage gives those grounds in my view so I'm not satisfied esure unfairly cancelled the policy.
- The engineer also concluded Ms B's car was beyond economic repair, and so categorised it as a Category N, write off, although this didn't become apparent to Ms B until sometime later. I've not seen anything which persuades me this categorisation was inappropriate.
- esure says it's obliged to report the write off categorisation (Cat N) of Ms B's car to appropriate authorities irrespective of whether it agrees to settle the claim. I don't think this was an unreasonable course of action in the circumstances and is in line with industry good practice.
- Ms B says an agent acting for esure made a number of offers for her car, the second of which she accepted. She says it's unfair that esure hasn't paid her anything under the claim after it made these offers.
- I've not seen any evidence these offers were made, but even if they were, I don't think it's unreasonable that following esure's investigation and the conclusions it reached, esure didn't make any payment to Ms B as it declined to settle the claim.
- I won't be asking esure to do anymore.

### **My final decision**

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms B to accept or reject my decision before 1 December 2023.

Paul Phillips  
**Ombudsman**