

The complaint

Miss K complains about how Advantage Insurance Company Limited (“Advantage”) handled a claim under her motor insurance policy.

What happened

Miss K had a motor insurance policy with Advantage covering her car.

On 11 January her car was damaged by a third-party driver in a “hit and run” collision. She contacted Advantage and made a claim.

Advantage wasn’t able to find a repairer who could offer Miss K a courtesy car. Her car was taken to a repairer on 24 January and a courtesy car provided later.

Miss K had to rely on family to take her family to nursery and wasn’t able to travel to her office. Advantage later pointed out that Miss K wasn’t insured for journeys to work under the type of use she’d selected.

Miss K complained to Advantage. Advantage said there was a nationwide shortage of courtesy cars. It paid Miss K £55 for the delay providing the courtesy car.

Miss K remained unhappy and brought her complaint to this service. She complains about Advantage’s poor communication with her as well as the delay getting her a courtesy car. She made a second complaint about CCTV footage of the collision. She was told by the camera operator that Advantage would have to request it. Advantage didn’t obtain the footage. Advantage also agreed to pay an additional £50 compensation for its poor service in not obtaining the footage.

She asks for compensation for her time spent dealing with the claim and her travel expenses. She also says she has been greatly distressed by Advantage’s inaction.

Our investigator looked into Miss K’s complaint and upheld it. He thought Advantage’s communication with Miss K hadn’t been very good and it should have provided her with a courtesy car sooner. He thought it should pay her an additional £137.78 for her loss of use of her car and other travel expenses, and £100 compensation for her distress and inconvenience.

Miss K didn’t agree with the view. She says that the CCTV footage would confirm the identity of the third party and this might mean she didn’t have to pay her excess toward her claim. Because she didn’t agree, her complaint has been passed to me to make a decision.

I issued a provisional decision to allow both parties to consider things further:

“I’m issuing this as a provisional decision as I’ve gone further than our investigator and I’m proposing to require Advantage to take further action to investigate the claim further by accessing the CCTV records. I also intend to require it to pay additional compensation to Miss K.

CCTV footage

I can see in Miss K's early evidence that she provided details of the CCTV operator (which was the local authority) to Advantage. She provided it with a weblink it could use to access the footage and explicitly said it would only be available for 28 days. I can see accessing this footage is only available to insurance companies or legal representatives and the charge would be £100. Miss K had also requested CCTV footage from another organisation in the location, but she'd been told none was available.

Advantage didn't use the link she'd sent it as it requests footage in a different way via its system. Advantage also contacted the other organisation I've mentioned who didn't have any footage. I can't see that Advantage actually asked for the footage from the local authority.

I don't think this is good service. Miss K has paid her excess of £500 towards the damage to her car, and she's been told by Advantage that if the third party is identified, and presumably it recovers its costs, then she wouldn't have to pay it. But the only way to obtain the possible footage is if Advantage request it. And I can't see that it has.

I know Miss K says that she thinks this footage will identify the car, but there's no guarantee the footage would identify the other car, such as if it wasn't active or pointing in the correct direction.

So, I can't fairly hold Advantage responsible for Miss K's excess. But I also don't think it's done enough to investigate the claim given that this footage was the only chance Miss K had left to get her excess back.

It's also possible it didn't investigate further because it would have to pay the charge for the footage.

I think the fair solution is that Advantage attempt to obtain the footage from the local authority and re-assess the claim from the information it gets. It also needs to write to Miss K and tell her what it's found out.

Given that Miss K was told the footage would only be available for 28 days, I'm not hopeful that this will have a positive outcome, but I think it's fair to ask Advantage to try and get it.

Service

In her evidence, Miss K has provided details about what went on in her claim. I can see she was told Advantage would be using one particular repairer, who then didn't provide the service. She chased it up many times to no reply, and in the end drove to the repairer who told her it hadn't got her details.

Another repairer was then used and there was a delay providing a courtesy car. Advantage has said it's encountering problems with the number of repairers available and its workload across the UK. But that's not Miss K's fault. She's paid for a service and I think Advantage needs to reasonably provide it on a timely basis.

I can see Miss K was in regular contact with Advantage at this time and had started making a complaint. It seems to me that Advantage's communication with her was disjointed and of poor quality.

It also didn't follow its own published complaints procedures when it couldn't resolve the matter quickly enough.

Miss K has told this service about her frustration with Advantage's procedures. She has been promised calls back multiple times but didn't receive any. Then when she complained, she was told how the complaint would be dealt with inside a certain period of days, and then escalated. But the complaint wasn't handled in that way.

I don't think this is good service from Advantage and I can understand Miss K's distress and the inconvenience she's had emailing it repeatedly to a very limited response over a period of two months. So I think Advantage need to pay Miss K a total of £300 compensation for this. I can see in the file that it has already paid two amounts of £30 and £50 for this, so they can be deducted.

Loss of use

I can see Miss K has been paid £55 for loss of use of her car. Our investigator awarded a further £137.78 for her evidenced travel expenses and because the period she was without a car was longer.

Miss K says that she was only provided with a courtesy car on 13 February, but Advantage has provided evidence it was given to her on 7 February. In the absence of any evidence to the contrary, I'm going to accept 7 February as being the most likely correct date. This service's approach is to award loss of use at £10 per day, So Advantage should pay Miss K an additional £137.78 as previously calculated, including some travel costs Miss K incurred.

Responses to my provisional decision

Miss K didn't respond to my provisional decision. Advantage responded to say it doubted it could access the CCTV footage from the local authority. It also questioned Miss K's travel expenses.

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.

As both parties didn't provide further information, my final decision and reasoning remain the same as in my provisional decision.

My final decision

For the reasons set out above, my final decision is that I uphold this complaint

Advantage Insurance Company Limited should:

- Approach the local authority to request any CCTV footage that exists of the collision, review the footage and then write to Miss K to inform her of the outcome this has on her claim.
- Pay an additional amount of £137.78 for her loss of use, in addition to the £55 it has already paid.
- Pay Miss K a total of £300 compensation for the distress and inconvenience it caused her. It's my understanding that £50 and £30 has already been paid, so this can be deducted.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss K to accept

or reject my decision before 24 November 2023.

Richard Sowden
Ombudsman