

## **The complaint**

Mr G complains about Soteria Insurance Limited trading as Co-Op Insurance (“Co-Op”) and the service he received after he was involved in a road traffic accident.

## **What happened**

In June 2021 Mr G was involved in a road traffic accident. He was stationary at a roundabout and another car crashed into him. Mr G says he was mildly injured but drove away from the crash. The car was drivable and worked fine.

Mr G says the car was taken in for repairs and paint to the back bumper. When the car was returned it wasn't turning on. He says he then went through years of extensive research and investigation with an independent garage to find out why the car wouldn't start.

Mr G says the damage wasn't related to the crash so it must have occurred whilst the car was with the garage for repairs. An independent garage says the repairer 'fried' the electric battery while the car was in the spraying booth. Mr G says his cars information pack clearly states it should be put inside these ovens, and he has proof it was put in such drying equipment.

Mr G had his car inspected by a different garage who said all high voltage batteries should be removed from the electric vehicle before being placed in a spraying booth for body repairs. And this was the cause of the car not starting.

Mr G says he's had to pay over 20 months of finance on the car, as well as the cost and repair of items that he didn't need to, had the repairer taken responsibility for the additional damage to his car. So Mr G complained to Co-Op.

In resolution of his complaint Mr G wants compensation for 20 months finance payments, as well as to be reimbursed for the cost of the repairs to his vehicle. Mr G says he wants compensation for being without his car while trying to support his young family. He says the matter has caused him significant stress and impacted his mental health, financial stability, and relationships.

Co-Op didn't uphold Mr G's complaint. It said it had referred the Mr G's report to its senior engineer who said they'd never had an issue with the spray booth or that its caused issues to batteries, electric or hybrid. Co-Op confirmed the spraying booth isn't like a conventional oven, as it doesn't 'bake' the entire vehicle. It only subjects the outer panels that have been repaired to cure the paintwork. Co-Op says the spraying booth doesn't generate enough heat to affect the electrical or battery systems. Co-Op also say the garage Mr G used for the report wasn't an approved main dealer and it would only accept a report from an approved dealership. Co-Op also said any electrical or mechanical failure or wear and tear issues are excluded from the policy.

Mr G wasn't happy with the response he received from Co-Op so he referred his complaint to this service. One of our investigators looked into things for him. He said the evidence showed the car wasn't baked like a conventional system might do, and it doesn't concentrate

any excess heat on a vehicle's battery. So he said he wasn't upholding the complaint. The investigator also said since Mr G's car wasn't being repaired by an approved repairer, under the terms of the policy he wasn't entitled to a courtesy car.

Mr G didn't agree with the investigator and so the matter has been passed to me for 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.

Having done so, with regret for the disappointment this will cause Mr G, I'm not upholding the complaint for broadly the same reasons as the investigator.

First I want to recognise the impact this complaint has had on Mr G. I recognise Mr G feels strongly about the complaint, and the way it has been handled. And I've carefully considered this alongside his testimony explaining why he believes the repairing garage damaged his vehicle battery.

I don't doubt Mr G's report that the car didn't start for the first time immediately after it was returned to him. Indeed his testimony is that there were no warning lights on when the car was collected. But the car manufacturer and Mr G's own garage wasn't able to diagnose the cause. And coincidental damage does sometimes occur. So what is really important for me in considering this complaint is the available expert evidence. Considering expert detail like that will help me determine if it's fair and reasonable for Co-Op to decline to undertake the repairs to Mr G's car.

From the information I've seen, initially there were a number of possible causes for the car not to start, such as an error code of an air-con compressor, or a potential recall. Mr G took the car to the vehicle manufacturer but, through a process of elimination, he ruled them out as being the cause.

Mr G has comments from an independent garage that says, *"the nature of the fault and the type of vehicle/engine you have it requires specialist electrical vehicle trained technicians to carry out the diagnosis safely...all high voltage training manuals stipulate that the batteries should be removed first from any electric vehicles before being placed in an oven for body repairs."* So this report appears to conclude in favour of Mr G's position. Seemingly though, Co-Op wasn't satisfied with the report and referred it to its senior engineer.

I can understand why Co-Op didn't find the information from the independent garage compelling. The comments from the independent garage are likely based on information provided to it by Mr G, the garage didn't have access to the spraying booth used by the repairer so aren't likely to be aware of the nature of it. The report is also dated December 2022; over 12 months after the incident. The independent garage also doesn't specifically say the damage to the battery is directly caused by the spraying booth while the car was being repaired. So the report is seemingly incomplete. I note Co-Op has said if Mr G obtains a report from the car's manufacturer approved dealership it would consider it.

I've considered Co-Op's comments and the information it's provided regarding the spraying booth. The information is much clearer. The image shows Mr G's car in the spraying booth which shows the parts of the vehicle that didn't need repairing were covered. And I think this shows the entire vehicle wasn't subject to the same temperature during the process. Co-Op also explained that the system continually moves across the body panel surface during the drying process so not to cause overheat hot spots and there are fail safes in place that will

turn the unit off completely. Co-Op also confirmed conventional drying systems require batteries to be removed beforehand or for the temperature to be reduced. But that's not required with the system used by the repairing garage.

So, on the balance of probability, the repair process wouldn't have caused the issue as described. In this case, I believe the issue is coincidental not circumstance to the repair process.

Co-Op has said it will consider a report from an approved dealership and I think that's fair.

All of which leads me to conclude I'm most persuaded by the evidence provided by Co-Op. And so I think it acted reasonably in concluding its repairer didn't cause the damage to Mr G's vehicle. Ultimately the expert evidence in this case suggest that Co-Op has fulfilled its liability regarding the accident-related damage to Mr G's car. Co-op has offered to reconsider its position should Mr G provide his own expert report, from an approved dealership. I think Co-Op's position here is fair and reasonable. So I won't be making any direction against Co-Op as part of this complaint.

Should Mr G decide to provide his own report, and remain unhappy with Co-Op's position following that, he may be able to refer a new complaint to our service – subject to our normal rules.

### *Replacement vehicle*

I note Mr G is also unhappy he's been left without a vehicle and wanted a replacement while his car was being investigated. But the terms of the policy are clear that a courtesy car is only provided, "*for the duration of the repairs.*" And since Mr G's car wasn't being repaired by Co-Op at the time I can't say Co-Op did anything wrong by not providing him with a replacement vehicle.

I can see this has been very frustrating for Mr G. I don't doubt that having issues with his car following a relatively low impact accident has been difficult. And I know he's had to continue paying the instalments on the car while the issues have been ongoing. But since I don't think Co-Op are responsible for the damage I can't ask it to do anything further.

### **My final decision**

For the reasons set out above I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr G to accept or reject my decision before 1 January 2024.

Kiran Clair  
**Ombudsman**