

The complaint

Mr C complains about how Haven Insurance Company Limited handled his claim on his taxi insurance policy.

What happened

Mr C had a taxi insurance policy with Haven for a car he uses for his job as a taxi driver. In April 2023 a third party vehicle backed into his car while it was parked up at a petrol station. He contacted Haven to let them know of the incident and it contacted the third party's insurer. It also attempted to obtain the CCTV footage from the petrol station.

To begin with Mr C said he wasn't able to make a claim as he couldn't afford the excess. However Haven contacted the vehicle owner and they agreed to cover the excess in the circumstances so a claim was registered and the car was taken in for repairs.

However Haven were unable to get confirmation of the incident from the third party insurer. And by the time they got hold of the garage, the CCTV footage had been deleted. It said once the repairs were complete it could attempt to pursue the third party through the courts as at that stage it would have an outlay to recover.

Mr C was unhappy with this. He said the claim was taking too long to progress and it was causing him to get into debt due to the fact he was unable to work. He said he was going to be made homeless as he'd got into rent arrears. And the situation was causing him a huge amount of distress.

Haven didn't uphold his complaint as it said it had done all it could to progress the claim. It also said the policy doesn't cover for loss of earnings, however if it's able to pursue the third party for its outlay then Mr C could look to claim this back from the third party. Mr C was unhappy with this response and brought the complaint to this service.

Our investigator didn't recommend the complaint be upheld as she thought Haven had been proactive in progressing the claim and any delays hadn't been because of it.

Mr C didn't agree and asked for the complaint to be reviewed by an ombudsman.

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 can see Mr C is in a really difficult position. And I was really sorry to hear about the issues he is facing and the understandable distress it has caused.

In this decision, I am looking at the actions Haven has taken. That means I need to determine whether it got anything wrong or caused any delays that could have been avoided. And I can only ask it to take action where I find it has.

When a claim is made due to an accident involving a third party, an insurer will need to

determine what happened and who was at fault. This will usually involve obtaining evidence of the event and contacting the third party's insurer to get their account.

I can see when Mr C notified Haven of the accident, it did both of these things almost immediately. And that it has continuously chased both the garage and the third party insurer since that time. So I think it's done all it could to progress the claim.

I note it's taken some time for the car to be repaired. However this is because Mr C said he wasn't able to make a claim to begin with due to the excess on the policy. While this is understandable, this did mean matters were stalled during this time.

Without an acceptance of liability from the third party, Haven still had to charge the excess. However after listening to Mr C explain his circumstances, it attempted to move the claim forward by seeking another way of covering the excess – by contacting the vehicle owner. This was successful and the repairs could then commence. And I think that was a reasonable step for Haven to take in the circumstances.

Based on this, I think Haven has done all it could to move Mr C's claim forward promptly. And while there have been some delays, these aren't due to Haven's actions. So I'm not able to hold Haven responsible.

Further, I can see that cover for loss of earnings isn't included in the policy. So while I appreciate the strain the claim is putting on Mr C's financial position, this isn't something Haven are able to assist with. If it is able to pursue its outlay from the third party then Mr C may be able to claim these losses through them at that time.

So based on this, I'm not able to uphold this complaint or ask Haven to do anything differently. I appreciate this will come as a disappointment to Mr C, and I want to be clear that by not upholding his complaint I in no way wish to diminish the difficulty of the situation he's in. But I only have the power to direct Haven to take action where I find it's got something wrong and I've not found that here.

My final decision

For the reasons I've given, I don't uphold Mr C's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 14 September 2023.

Sophie Goodyear
Ombudsman