

## **The complaint**

Mr P complains about the way One Insurance Limited has handled a claim under his motor insurance policy.

## **What happened**

In early May 2023, Mr P was involved in an accident when his car was hit by a third-party whilst he was stationary and pulled over to the side of the road. The third-party didn't stop, but there were two independent witnesses to the accident.

Mr P made a claim to One Insurance under his motor insurance policy. But by August 2023, despite Mr P providing the details for the witnesses, One Insurance hadn't obtained their statements. He raised a complaint.

One Insurance say it had contacted one of the witnesses on seven occasions but hadn't received a response. It acknowledged no contact had been made with the other. It offered £200 compensation for the delays in chasing the witnesses.

Mr P remains unhappy. He says witness statements still haven't been obtained because One Insurance keep calling the witness whilst they're at work and when they try to call back there are long wait times. He's concerned that the longer this goes on for, the witnesses' recollection of the accident will start to fade, or they may become fed up and decide not to be involved any longer. He brought his complaint to our service.

Our Investigator thought One Insurance needed to do more to put things right. She recommended compensation is increased to £300; an additional £100. Mr P accepted this outcome, but One Insurance didn't. So the complaint has been passed to me to decide.

## **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.

At the outset, I want to be clear that I'm only able to look into this complaint up until the date of One Insurance's final response letter – which is 11 October 2023. I'm aware this claim is still ongoing, and Mr P is still experiencing problems. But if he'd like us to consider what's happened since October 2023, he'll need to raise a new complaint to One Insurance directly in the first instance.

It's not in dispute that One Insurance failed to contact one of the witnesses to Mr P's accident and there were delays in obtaining this evidence. One Insurance acknowledge this and has offered compensation. So I don't need to make a finding on whether or not One Insurance did something wrong here – it did. What I need to decide is whether it's done enough to put things right.

In this claim, not only is liability disputed but the third party deny even hitting Mr P's car. So the witness evidence here is vital and is the only proof Mr P has that the accident occurred in

the way he says it did, or at all. So I would expect that obtaining this evidence would be One Insurance's main priority.

Mr P's concerns about the witnesses are entirely valid. Memories fade over time, which is why it's so important to get this evidence as soon after the accident as possible. And as Mr P has rightly pointed out, the witnesses may get fed up with constantly trying to get in touch with One Insurance when they have nothing to gain from this claim.

So the fact that One Insurance has failed to contact one of the witnesses, and has not found a convenient time to discuss the accident with the other, is putting Mr P's chances of establishing fault at risk. That's not what I'd expect from an insurer when handling a claim.

I've no doubt Mr P would've experienced distress and inconvenience as a result of One Insurance's actions – or inaction, as is the case here. I appreciate he's extremely worried about what the outcome of his claim will be without this evidence, and he's held off getting his car repaired until he knows whether his policy will be responsible for the costs.

I'm not satisfied One Insurance has handled this claim promptly and fairly, as required by the relevant rules and regulations. And Mr P should be compensated for the impact this has had. I agree with our Investigator that £300 is a fairer reflection of what's gone wrong, so I'm directing One Insurance to pay an additional £100. If it hasn't already, it should also make a significant effort to contact the witnesses and, as I've explained above, Mr P is entitled to raise a further complaint should he be unhappy with anything that's happened since October 2023.

### **My final decision**

For the reasons I've explained, I uphold this complaint and direct One Insurance Limited to pay an additional £100 compensation.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr P to accept or reject my decision before 12 June 2024.

Sheryl Sibley  
**Ombudsman**