

## **The complaint**

Mr S complains that Haven Insurance Company Limited (Haven) unfairly declined a claim on his motor insurance policy after being told the damage to his vehicle was covered.

## **What happened**

Mr S took out a Commercial Vehicle Plus insurance policy with Haven for his van. He was involved in a road traffic accident and his vehicle was written off. Mr S was breathalysed at the scene by police, and he was found to be over the legal limit for drink driving.

Mr S notified Haven of the incident and that he was one point over the drink drive limit. Haven told Mr S that he could make a claim for the damage to his vehicle. Haven arranged a date to collect Mr S's vehicle – but later told him it wouldn't be providing cover. Haven pointed to the policy exclusion in Mr S's policy which said it didn't cover loss or damage to the insured's vehicle while the driver is under the influence of alcohol.

Mr S thought this was unfair – he said the advisor he initially spoke to when reporting the claim knew that he had been breathalysed and was over the limit, but he was told the damage to his vehicle would be covered. Mr S thinks it's unfair that Haven has since changed its position and declined cover. Mr S wants Haven to honour what its advisor had told him would happen when he reported the claim.

Unhappy that Haven wouldn't change its stance, Mr S brought his complaint to our service. Our investigator looked into what happened - but didn't recommend that the complaint should be upheld. In summary, he said that while Haven may have caused confusion by incorrectly telling Mr S that he'd be able to make a claim, the policy exclusion for loss or damage while under the influence of alcohol had been correctly applied by Haven. He therefore didn't require Haven to do anything more.

Mr S disagreed with the investigator's conclusions and asked that an ombudsman review the complaint.

## **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, I'm not going to uphold this complaint, for much the same reasons as our investigator gave. I'll explain why.

Haven has relied on the following policy exclusion when declining Mr S's claim:

“What is not covered  
See also Section N - General Exclusions  
Section B does not cover:...

22. Loss of or damage to Your Vehicle whilst the driver is under the influence of, or is affected by the use or consumption of:

- a) Alcohol,
- b) Illegal drugs, or
- c) Medication (prescribed or otherwise, where the driver has been advised or instructed not to drive whilst taking that medication, including but not limited to instruction/guidance provided in information leaflets accompanying medication)."

It's not in dispute that Mr S was under the influence of alcohol at the time of incident. He has also told us that he was found to be over the limit. I therefore agree with our investigator that Haven has correctly applied the above policy exclusion when declining Mr S's claim.

Mr S said Haven should honour his claim because it told him it would. Haven has acknowledged that the call handler gave incorrect information to Mr S when he first contacted it about the incident. Haven apologised for the error in its final response letter.

I understand why it must have been very disappointing for Mr S to find out there was no cover, having previously been told the damage would be covered. I also agree with our investigator that this may have caused some confusion, but I'm satisfied that Haven acted reasonably by apologising for the incorrect information it provided during the initial call.

In conclusion, I'm satisfied Haven didn't act unfairly or unreasonably when declining Mr S's claim. It therefore wouldn't be reasonable to ask Haven to take any further action.

### **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 Mr S to accept or reject my decision before 19 October 2023.

Ankita Patel  
**Ombudsman**