



# Keep covered in the cold

**W**ith extreme weather warnings becoming common place in what has been one of the coldest winters in history, motorists have had to take even more care than usual behind the wheel. When trying to contend with concerns about sliding on ice or reduced visibility – leaving your keys in the car ignition while you defrost your windscreen may seem insignificant by comparison. But your motor insurance policy may not cover you if your car is stolen in these circumstances.

Each year the Financial Ombudsman Service handles over a hundred complaints about insurance claims that have been turned down, because the keys have been left inside the vehicle.

Mr Garrett recently referred his complaint to the ombudsman service, after his insurance claim for his stolen car was turned down. Mr Garrett parked on his driveway and got out, leaving the car's engine running and the door open, while he turned his back to lift up his garage door. As he did this he heard a noise and looked round to see someone jump into his car and reverse away at high speed. Although he was very close to the car, he was unable to stop it from being stolen.

The insurance company turned down the claim, as they did not cover theft where "the car is left unattended or unoccupied and the keys are not removed from the car". Mr Garrett was unhappy with this, so he referred the matter to the ombudsman. We carefully considered the wording of Mr Garrett's policy and the circumstances of the theft – it was clear that Mr Garrett had remained with his car, so it has not been left "unattended". We therefore told the insurance company to pay the claim.

This was quite different to the case of Mr Davies, who had left his keys in his car while he went back inside the house to answer a phone call. Mr Davies only noticed his car had been stolen when he went back outside fifteen minutes later. In this case, we explained to Mr Davies that the insurance company was within its rights to turn down his claim.

Other motor insurance complaints that are regularly referred to the ombudsman service concern the quality of repairs carried out following an accident. Generally, the insurance company will only be responsible for the quality of such work if it was undertaken by one of the insurer's approved repairers – unless the insurance company failed to explain this to a customer wishing to make alternative arrangements for the repair.

Recently in a case brought to the ombudsman, Mrs Gibbs from Durham asked her insurance company if she could get her car repaired by her local car dealership, after her cars offside rear body panel and door were badly damaged in an accident. But her insurance company told her that they would rather make arrangements for one of their 'approved repairers' to carry out the work.

Unfortunately Mrs Gibbs was not at all satisfied with the quality of the repair work – scratch marks were still clearly visible on the car and although the car had been re-sprayed, the paintwork was now patchy and uneven. The insurance company was at first reluctant to accept that Mrs Gibbs had any grounds for complaint.



Eventually, however it agreed that the paint had not been of the required standard and it offered Mrs Gibbs £100 in compensation for this. However, Mrs

Gibbs was not happy with this and so asked the ombudsman service to look into her complaint.

The ombudsman agreed the work carried out by the insurance company's approved repairer was very poor. It told the insurance company to pay for the repairs to be rectified at a car body shop approved by Mrs Gibbs' car dealer. In view of the distress and inconvenience the insurer had caused by its poor handling of the claim the ombudsman said it should also make an additional payment of £400 to Mrs Gibbs.

If you do need to make an insurance claim, you should find your insurer deals with matters swiftly and efficiently. But if things don't go smoothly, the Financial Ombudsman Service may be able to help. Set up by law, it provides a free service and has official powers to settle the complaints on a wide range of financial matters.

*To find out more visit:  
[www.financial-ombudsman.org.uk](http://www.financial-ombudsman.org.uk)  
or phone 0300 123 9 123*