

Chris and Sarah Moyle response to Provisional Findings report

Please find below details of our experiences which we would like to be considered as evidence.

We had the misfortune to have a car driven into our garden wall two years ago on the first night in our new home. As far as we are aware the garden wall had not previously been hit in the 150 years of its existence. The driver was insured by a major car insurer. The wall is Victorian with Bath stone coping which made it expensive to repair.

The car insurer originally offered to settle with us so that we did not need to go to our house insurer as we were clearly the innocent party. However, they appointed a loss adjuster who insisted in making totally inadequate offers rather than agreeing to put the wall back into the condition it was in before the incident. After considerable delays we took legal advice via my employer's employee assistance scheme but were told that we had very limited rights because we did not have a contract with the car insurer. The insurer also told us that it was very unlikely that the Financial Ombudsman Service would be able to consider our case for the same reason.

Eventually we decided that it would be impossible to find a solution with the car insurer and its loss adjuster. This was in spite of several formal letters of complaint and letters to the firm's CEO (including one from our local MP). We went to our house insurer who have behaved in an exemplary manner and the wall was finally repaired 2 years after the original incident. The repair has cost approximately £24k, compared with the highest offer from the car insurer's loss adjuster of under £9k.

It is clear to us that we would never had our wall repaired properly by car insurer. The firm would have not been subject to the full set of controls that apply to insurers, primarily because we did not have a contract with them (although we were innocent third parties). In practise we might not have had insurance for the wall in which case we would still have a damaged wall.

We feel that it is important that any changes that you recommend to the insurance sector do not inadvertently put more people into this impossible position.

It may be relevant to note that I am a (life) insurance regulator at the PRA/FSA. I believe that it is likely that most people would have given up earlier and not had a fair outcome.

We are happy to supply more information if required.