

The complaint

Mr B complains that esure Insurance Limited declined his claim on a motor insurance policy.

What happened

The subject matter of the claim and the complaint is a powerful hatchback car, first registered in 2014.

In July 2022, Mr B had the car insured with esure, including for theft.

Mr B reported to esure that someone had stolen the car on about 17 July 2022.

Mr B gave esure one key to the car.

Mr B complained to esure that it was taking too long, and it should meet the claim.

In late December 2022, esure got a report on the key.

In about January 2023, esure declined the claim.

By a final response dated February 2023, esure turned down the complaint.

Mr B asked us to investigate.

Our investigator didn't recommend that the complaint should be upheld. He thought that esure had correctly declined the claim.

Mr B disagreed with the investigator's opinion. He asked for an ombudsman to review the complaint. He says, in summary, that:

- He used the key in the car. That night someone stole the car. He sent esure that key.
- The claim went on for months.
- He is left in debt and black-listed.

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.

It's common practice for a motor insurance policy to exclude a claim for theft of a vehicle which had been left unattended with the keys in it.

In Mr B's case, esure's policy terms included the following:

“We won’t pay for any loss or damage caused by theft or attempted theft if the keys, lock transmitter or card from a keyless entry system are left in or on your car while it is left unattended.”

Separately, I wouldn’t find it unfair or unreasonable for an insurer to turn down a theft claim where the remaining physical evidence wasn’t consistent with the policyholder’s report of the circumstances of the theft.

Mr B reported that he used the car and parked it near his home, but it wasn’t there the next day.

As I would expect, esure investigated the number and whereabouts of the key fobs for the car.

Mr B only produced one fob.

I accept that it took several months for esure to conclude its investigation. But I haven’t seen enough evidence to say that esure was responsible for unreasonable delay.

In December 2022, a report on that key said that it didn’t record any use since 10 July 2022. That was a week before the reported theft. So esure inferred that there had been another key in more recent use.

I’m satisfied that esure had done enough to consider all possibilities of what might’ve happened, before deciding that Mr B’s version of events wasn’t in line with the key evidence. So I don’t find that esure treated Mr B unfairly by turning down his claim and his complaint.

I accept Mr B’s statement that he is left in debt. I accept that esure is likely to have recorded that it declined Mr B’s claim. However, I don’t find it fair and reasonable to direct esure to pay the claim or to do any more in response to this complaint.

My final decision

For the reasons I’ve explained, my final decision is that I don’t uphold this complaint. I don’t direct esure Insurance Limited to do any more in response to this complaint.

Under the rules of the Financial Ombudsman Service, I’m required to ask Mr B to accept or reject my decision before 5 August 2023.

Christopher Gilbert
Ombudsman