

## **The complaint**

Mr G is unhappy AXA XL Insurance Company UK Limited (AXA XL) declined a claim made under his watch insurance policy.

## **What happened**

Mr G purchased a watch and a watch and jewellery insurance policy to cover it, underwritten by AXA XL.

In July 2023 Mr G's watch was stolen whilst it was on charge in his workplace, so he made a claim to AXA XL.

AXA XL declined Mr G's claim on the basis they said he hadn't complied with the general conditions under the insurance policy to take all practicable steps to prevent loss.

Mr G was unhappy with AXA XL's position and approached this service.

One of our investigators looked into things but didn't uphold his complaint. He said AXA XL had fairly declined Mr G's claim in line with the policy terms.

Mr G didn't agree and asked for a final decision from an ombudsman.

## **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, whilst I appreciate it will come as a disappointment to Mr G, I've reached the same outcome as our investigator.

Mr G's watch was stolen whilst it wasn't being worn and was on charge in a pharmacy consultation room. AXA XL declined Mr G's theft claim on the basis they say he didn't comply with the following policy condition:

*"All practicable steps must be taken to prevent loss or damage, and maintain the insured item (s) in good condition in accordance with manufacturer's recommendations where applicable;"*

Mr G argues that he has complied with the above condition as he says the consultation room where the watch was left on charge is a secure and safe place. He says it can only be accessed by staff, and members of the public whilst they are with a staff member.

Whilst I note what Mr G says, I don't agree he has complied with the above policy condition.

Mr G points out himself, a member of the public could still steal a watch from a secure room whilst in the presence of another staff member, as that's what happened to him. But that's the important point here, if Mr G's watch wasn't left on charge and unattended, and was

either being worn by him, or in a safe area where only he could access it, then the theft wouldn't have occurred.

However, as Mr G left the watch unattended on charge in a room accessible by members of the public – even taking into account only whilst accompanied by a staff member, and that's how the theft occurred, I don't think he has taken all practicable steps to prevent the loss or theft. With this in mind, I don't think AXA XL has acted unfairly by declining Mr G's claim.

### **My final decision**

It's my final decision that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr G to accept or reject my decision before 8 January 2024.

Callum Milne  
**Ombudsman**