

The complaint

Mr B is unhappy Assurant General Insurance Limited (Assurant) declined a claim he made following the theft of his mobile phone.

What happened

Mr B has mobile phone insurance with Assurant as part of his packaged bank account.

Whilst at a place of worship Mr B's phone was stolen, so he made a claim to Assurant. However, Assurant declined Mr B's claim as they said he left the phone unattended and hadn't taken care of it.

Mr B approached this service as he was unhappy with the claim decision and the service he'd received from Assurant.

One of our investigators looked into the complaint but he didn't uphold it. He said that Assurant had fairly declined the claim based on what Mr B had said happened at the time of the loss.

Mr B later provided CCTV footage from the time of theft. However, our investigators view that Assurant had fairly declined the claim remained the same.

Mr B didn't agree with our investigator 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, and whilst I appreciate it will come as a disappointment to Mr B, I've reached the same outcome as our investigator.

When Mr B first reported the theft, he told Assurant that he'd left his phone on charge, in the open, in an area that others had access to in the place of worship. He said a thief had entered and stolen his and four or five other phones. The information provided by Mr B was relayed back to him, and he confirmed this was correct.

Assurant subsequently declined Mr B's claim. They referred to the following in the policy terms and conditions:

"What you are NOT covered for

Loss, theft, damage or breakdown as a result of not taking care of your mobile phone

We know how important your mobile phone is to you and we expect that you will take care of your mobile phone. If you don't take care of your mobile phone then we may not pay your claim.

Taking care of your phone means:

- *Not knowingly leaving your mobile phone somewhere it is likely to be lost, stolen or damaged, just think would you leave your wallet or purse there?*
- *If you need to leave your mobile phone somewhere then we expect you to lock it away out of sight if at all possible. If you cannot lock it away then you must leave it with someone you trust or concealed out of sight in a safe place.*
- *Making reasonable enquiries to find your phone if you think you have lost it.*

If you knowingly leave your mobile phone where others can see it but you cannot and your mobile is then lost or stolen we may not pay your claim.

We will always take into account where you are and what you are doing when we assess whether you have taken care of your phone. If we believe you have not taken care of your mobile phone, and have knowingly taken a risk with it, we may decline your claim.

If you knowingly leave your mobile phone somewhere you can't see it but others can, we may decline your claim for not taking care of your mobile phone – For example:

....

All of these examples increase the risk of it being lost, stolen or damaged and may result in your claim being declined. The examples are to help you understand what's covered, and are not the only reasons a claim could be rejected."

Based on what Mr B first reported as the circumstances which led to the loss, I don't think Assurant acted unfairly by declining the claim based on the policy exclusion as Mr B reported he left his phone in an area open to others on charge. So, if this is what happened, I don't think Assurant acted unfairly by declining Mr B's claim on this basis.

However, after the claim was declined, Mr B then said the circumstances at the time of theft were different. He said his phone wasn't on charge in the open in an area others had access to. Instead, Mr B said it was out of sight, in a secure office, off limits to anyone else.

Due to the change in circumstances which led to the loss, Assurant said that Mr B would need to provide proof of this, and that force was used to get into the office to steal his phone. Mr B submitted CCTV footage, which he says shows this. However, Assurant's position remained the same.

I've seen the CCTV footage, and I don't think this is sufficient to demonstrate Mr B's phone was in a secure office, hidden away and out of sight at the time of the loss. Instead, the CCTV shows the thief entering a large room, which already had two people resting in, through a set of unlocked push open swing doors, they spend some time looking around before no longer being visible on camera. But it doesn't show the thief entering a secure area in order to steal Mr B's phone as he says.

Based on all the information provided, I don't think Assurant has acted unfairly by declining Mr B's claim.

Mr B is also unhappy with calls he had with Assurant as he says the call handlers acted unprofessionally. He also says Assurant said his claim would be covered and asked him to pay his excess. From the calls I've listened to, I think Assurant handled them reasonably. I

also don't agree that Assurant told Mr B his claim would be covered, instead they said the claim would need to be reviewed and if accepted the excess would need to be paid.

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 B to accept or reject my decision before 15 August 2023.

Callum Milne
Ombudsman