

The complaint

Miss C is unhappy with what Telefonica Seguros y Reaseguros Compania Aseguradora S.A.U. did after she made claims on her mobile phone insurance policy.

What happened

In July 2022 Miss C experienced problems with her phone overheating and claimed on her policy with Telefonica. A replacement handset was provided the following day which Miss C says was faulty. Telefonica accepts there were then problems with collecting that device. And Miss C says further replacements that were then provided were also faulty. Telefonica offered a total of £125 in compensation (including amounts for call charges Miss C incurred and a partial refund of the excess she'd paid).

Our investigator accepted Miss C wanted Telefonica to provide her with a new phone but thought it had acted in line with the terms of the policy in offering refurbished devices. And Telefonica had tested one of the phones Miss C said was faulty and hadn't identified a problem with it. He agreed there had been failed collections and some poor communication with Miss C but thought the compensation it had already paid for this did enough to put things right.

Miss C didn't agree. She highlighted ongoing issues with her current phone and thought the compensation should be increased to £250. She also thought Telefonica should take responsibility for her broadband contract being cancelled because of additional charges she incurred in calling from her landline when contacting it about this matter.

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.

I appreciate this matter has been distressing for Miss C and I was sorry to learn of the impact on her which she's outlined in correspondence with us. And it's not in dispute that there were issues with the claims process; Telefonica accepted it couldn't evidence attempts to collect on some of the days this had been arranged and there was also some poor communication with Miss C.

I accept that will have been inconvenient and distressing for Miss C. But I've also taken into account the relatively short timeframe (around ten days) covered by these failings and that Miss C did have a mobile phone which worked, albeit with issues, throughout most of this period. And I think the £125 Telefonica has already offered (which includes charges Miss C incurred on her landline as reflected in an itemised bill she provided) does enough to put things right here.

I appreciate Miss C wanted Telefonica to provide her with a new phone but her policy gives it the option of replacing her phone with *"a product of the same or a similar specification, as determined by Us. Replacement Equipment might be a different colour or model from a*

different manufacturer. It may be new, re-furbished, re-manufactured or re-packaged by a repair centre approved by Us.”

So I think it's acted in line with that in providing her with refurbished devices. Miss C had problems with the replacements provided devices but I've seen notes which don't identify a problem with the phone Telefonica tested. And following Miss C's concerns about the devices she was receiving I think Telefonica acted reasonably in bypassing its normal procedures and offering a door step phone swap to ensure Miss C was provided more quickly with a replacement phone.

Miss C has also told us about issues with her current phone. I'm not clear if these are ongoing as she also said she was intending to replace this device. But if there are outstanding issues that's something she may wish to let Telefonica know about. Miss C has also raised concerns about the cost of screen protectors she bought. Telefonica did agree to reimburse her for the cost of some of these in a previous final response so she may also wish to provide the supporting information she has about this to it.

My final decision

I've decided not to uphold this complaint. Under the rules of the Financial Ombudsman Service, I'm required to ask Miss C to accept or reject my decision before 4 August 2023.

James Park
Ombudsman