

The complaint

Miss W was unhappy when she felt her claim for theft from her car was unfairly declined by AXA Insurance UK Plc (“AXA”).

What happened

Miss W made a claim when a valuable ring was stolen from her car. AXA reviewed and validated the claim. AXA decided to decline the claim as it said there was no cover available under the policy for the circumstances that were presented by Miss W.

Miss W then contacted AXA and updated the details of her claim. As AXA were suspicious of the circumstances presented, it employed a specialist contractor to carry out a more detailed validation of the claim particulars.

The specialist contractor did a recorded video interview with Miss W where it posed several questions about the incident. The contractor also collected other information, including, Police reports / recorded calls, research on how a theft could be carried out on Miss W's car without evidence of forced entry and recent claims history.

Based on its investigations and the report provided, AXA maintained its decision to decline the claim. It said the circumstances presented during the claim were inconsistent and it said Miss W hadn't provided enough care for her property.

Miss W said she thinks the decision was unfair – she didn't know how she could provide evidence her car was broken into. Miss W would like her claim for the ring paid in full.

Our investigator decided not to uphold the complaint. She said she hadn't seen any evidence presented by Miss W that persuades her that the investigations and decision reached by AXA was unfair. She thought it has reasonably declined the claim in line with the policy conditions. Miss W disagreed, so the complaint has been referred to 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.

I've looked closely at the specific reason AXA gave for declining the claim. AXA issued a six-page detailed explanation to Miss W of the investigations it had carried out and pointed out the issues it had with Miss W's claim. It highlighted several discrepancies in Miss W's testimony. However, the reasons it declined the claim were two-fold:

- It presented evidence that the car was left unlocked, which it said it meant an exclusion to the policy would apply
- It presented evidence that Miss W hadn't taken care of her property, which was a general condition of the policy.

I have checked the policy and valuables are covered by the policy, however, the policy states what's not covered too. It states, *"theft or attempted theft from an unattended motor vehicle unless the items are hidden from view in a boot or glove compartment, and all windows are closed and all doors, including the boot are locked"*.

The policy also sets out the importance of *"taking care of your property"*, which it explains as *"you and your family must take all reasonable precautions to avoid loss and take all reasonable steps to safeguard all the property insured"*.

The reasons AXA has set out for declining the claim are consistent with what is set out in the policy. So, I think if AXA has set out reasonable observations from its investigations that allow these clauses to apply, then I'm likely to say it has been fair in declining the claim.

I have read AXA's reasoning in detail, and I find it persuasive. It has identified several areas in Miss W's circumstances that are contentious. The investigation appears thorough, with evidence supporting its conclusions. It's been transparent with Miss W and shared the full detail of its investigations.

I appreciate Miss W has challenged these findings, but it doesn't change my view that significant inconsistencies remain in the circumstances that have been set out. These have been detailed by AXA. It has explained how Miss W's car couldn't have been broken into remotely if Miss W had seen her car lock by the lights flashing. It has explained how Miss W was aware of the risk of leaving valuables in her car, and she had removed a valuable watch but chose to leave a valuable ring in her car. It's explained her version of events evolved into where the ring was hidden in the car.

Because AXA has provided such a thorough investigation, I'm persuaded by what it has said. It outweighs anything that Miss W has presented. Therefore, I think AXA has been fair to apply the policy conditions it has to decline the claim.

Therefore, I don't uphold this complaint. I think AXA has been fair in declining the policy based upon the evidence it has shared.

My final decision

- My final decision is I don't uphold this complaint, I don't require AXA Insurance UK Plc to do anymore.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss W to accept or reject my decision before 19 October 2023.

Pete Averill
Ombudsman