

## **The complaint**

Mr C complains that Advantage Insurance Company Limited unfairly declined his claim when his car was stolen.

Mr C is represented on this complaint but, for ease of reading I've referred to Mr C throughout.

## **What happened**

Mr C was on his way to meet some friends. He parked his car in a car park and locked it. As he was walking to meet his friends, he said masked men approached him and demanded he hand over the keys to his car. As Mr C was concerned for his safety, he said he handed over the keys and the thieves stole his car. Mr C then continued to see his friends and returned home later that night in the early hours of the morning.

The next morning, Mr C went with his parents to buy some pet food and discovered his car abandoned. As the car had been damaged Mr C's mother arranged for the car to be recovered to a garage for the damage to be assessed. Mr C said that due to being traumatised from the accident he hadn't been able to talk about it. Almost five weeks later Mr C's mother managed to get Mr C to talk about what happened and reported the theft to Advantage to claim for the damage to the car.

Advantage reviewed the claim and asked if Mr C had reported it to the Police. As it hadn't been reported at the time Mr C then reported it to the Police around two months after the theft. After investigating the details of the theft Advantage turned down the claim. It said Mr C hadn't reported the theft to them or the Police within seven days and that this had prejudiced the claim as the theft couldn't be investigated the same as it could have if reported at the time. Advantage also said there were inconsistencies in Mr C's testimony about what happened.

Mr C didn't think this was fair and complained. He explained that his parents had incurred thousands of pounds of storage costs from the garage as Advantage had taken too long to decline the claim and incorrectly told the garage there wasn't a claim. He also didn't think it was fair the claim was declined as it had now been reported to the Police. Mr C said because of Advantage declining the claim his car had to be scrapped and the finance on the car had been paid by his parents.

Advantage reviewed the complaint and didn't uphold it, as it didn't think it had done anything wrong when declining the claim. Unhappy with Advantage's response, Mr C referred his complaint here. He said he'd been traumatised by the theft and unable to talk about it for weeks afterwards. He therefore didn't think Advantage had acted fairly in declining the claim and said it had also taken too long to do so.

Our investigator looked into the complaint and didn't recommend it be upheld. She found that Advantage had applied the term in a fair and reasonable way as the Police hadn't been able to investigate the theft as well as it could due to it being reported almost two months after the theft. Mr C didn't agree for similar reasons as he'd raised previously and asked for

an ombudsman's decision.

The complaint has therefore come to me to decide.

### **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.

The terms and conditions of Mr C's policy for theft claims say: "You're not covered for any claim of theft unless:

- You've reported the theft to the nearest Police authority within seven calendar days of discovery
- ...."

The terms also say for claims for theft, loss or personal damage: "Please call us within seven days of the incident. It's better to speak to us as soon as you can, while the details of the incident are fresh in your mind."

It's not in dispute that Mr C didn't report the theft to Advantage until almost five weeks after the incident. It's also not disputed that Mr C then didn't report the theft to the Police until almost two months later. Mr C said the reason for this was that Mr C was traumatised from the theft and it had affected his mental health to the point he was unable to talk about the incident. While I do empathise with Mr C's circumstances, I've also looked at whether the delay in reporting the theft has prejudiced Advantage's position.

Advantage has said that if the theft had been reported to the Police it would have enabled them to try and locate the thieves and also help to verify the circumstances around the theft. And while I do understand this would be a traumatic event for Mr C and have considered the impact it's had on him, I'm satisfied by not reporting the theft sooner it has prejudiced Advantage's position for the reasons it's given. And while I understand Mr C's reasons for not reporting it sooner, it doesn't mean it would be fair and reasonable for Advantage to pay this claim. I'm therefore not going to interfere with its decision to decline the claim.

I've also considered Mr C's points about Advantage taking too long to assess the claim and because of this he's incurred storage costs with the garage. When an insurer assesses a claim, it has a responsibility to do so promptly. How long this is will depend on the circumstances of the claim and what information it needs to gather and review. I've looked at Mr C's claim with Advantage and I'm not persuaded it's taken longer than usual. I appreciate Mr C's unhappiness with this as it meant storage costs were incurred. However, as the storage costs are from the garage Mr C chose and I'm satisfied Advantage has acted fairly and reasonably in declining the claim, I'm not going to direct Advantage to do anything else.

### **My final decision**

For the reasons explained above, my final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 28 July 2023.

Alex Newman  
**Ombudsman**