

## The complaint

Miss M has complained that Aviva Insurance Limited (Aviva) has rejected her claim for a lost mobile phone.

References to Aviva include its agents and claims administrators.

## What happened

Miss M purchased a new mobile phone in September 2022. It was insured by Aviva from the day she collected it from the store. On 28 April 2023 she reported that she'd lost the phone. Her claim was reviewed, and further information was requested regarding the circumstances leading to the loss of the phone. As Miss M had said that she'd tried to call her phone from her father's phone following the loss, Aviva asked for a copy of her father's phone bill to evidence that such a call had been made.

Further information was requested from Miss M, and a further review was undertaken of her claim. Having investigated the claim, Aviva had concerns about the circumstances of Miss M's claim:

- There was another ongoing claim from the same property submitted on 26 April 2023, two days before Miss M's claim.
- There had also been another claim made from Miss M's address in similar circumstances on 7 September 2022.
- There was similarity in phrasing on claim forms leading Aviva to believe that the responses were written by the same person
- Miss M had advised Aviva that she wasn't aware of any other claims at her address, and no other claims had been discussed with her family.

Miss M was asked for clarification but didn't provide this.

On 29 May 2023 Aviva received confirmation that the phone was being used with an international SIM card in a country with which Miss M was linked, based on the identification documents she'd provided to Aviva. Miss M was asked if she had any explanation for this and to give her consent for Aviva to speak to other organisations and the police in that other country. She responded that she wasn't aware of this and she herself hadn't left this country. After many requests from Aviva Miss M gave her consent.

Aviva then established that Miss M's phone was now being used in another country with an international SIM card. The phones from the claims made on 7 September 2022 and 26 April 2023 were also now being used with a SIM card from that country. It referred her to her policy terms relating to fraudulent claims:

*"If we have reasonable grounds to believe that your claim is in any way dishonest or exaggerated, we may cancel your policy immediately and not pay any benefit or return any premium to you. We may also take legal action against you."*

It also referred her to its right to cancel the policy:

*“We (or any agent we appoint and who acts with our specific authority) may also cancel this policy for any valid reason. Valid reasons include, but are not limited to:*

- reasonable suspicion of fraud or where you have failed to provide us with complete and accurate information, as required by the ‘Changes we need to know about’ section. We may refuse any claim and cancel your policy immediately. Where your actions are deliberate or reckless you will not be entitled to a refund. We may also take legal action against you*

Aviva has said that in light of the evidence collected during the investigation of the claim, it had reached a reasonable suspicion of fraudulent claims activity from Miss M’s address, with three claims for the same make of phone in less than 12 months. All three phones were now being used with SIM Cards from network providers in the same country. This was in addition to the suspicion of fraud from what it had identified when investigating the claim, listed above.

On 2 June 2023 Aviva made the decision to decline Miss M’s claim due to concerns about its authenticity. It issued its final response letter on 10 July 2023 and Miss M’s policy was cancelled on 27 August 2023.

Miss M wasn’t satisfied with Aviva’s rejection of her claim and its response to her complaint, so she brought a complaint to this service. Our investigator’s view was that he didn’t consider that it was unreasonable for Aviva to request further information to support Miss M’s claim and considered that it had grounds to suspect that her claim was being made dishonestly.

Miss M doesn’t agree with our investigator’s view, so her complaint has been referred to me as an ombudsman to review it and to provide a final response from this service.

### **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, I’m not upholding Miss M’s complaint, and I’ll explain why.

It’s not unreasonable for an insurer to require information to support a claim. Miss M’s policy requires this. Having made further enquiries of Miss M, and having investigated her claim, I consider that Aviva had sufficient reason to question its validity.

In my view Aviva had reasonable grounds to suspect that Miss M’s claim was dishonest, not least that this was the third claim made by members of her family for a lost phone in seven months, and all three phones had been traced to the same foreign country, which is a country with which Miss M has a connection. Miss M had also initially denied any knowledge of other claims made from the same household, which I consider to be implausible particularly as both claimants said that they had called their missing phones from their fathers’ phone.

I have to consider whether Aviva has acted unfairly or unreasonably towards Miss M when declining her claim, and in my opinion it hasn’t. It has acted in accordance with the terms of her policy which I’ve quoted above. I’m therefore not going to require it to do anything.

**My final decision**

For the reasons I've given above, I'm not upholding Miss M's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss M to accept or reject my decision before 5 October 2023.

Nigel Bremner  
**Ombudsman**