

## **The complaint**

Miss R is unhappy Telefonica Seguros y Reaseguros Compania Aseguradora S.A.U. (Telefonica) won't replace her mobile phone after she tried to make a claim under her mobile phone insurance policy.

## **What happened**

Miss R's phone wouldn't turn on, so she contacted Telefonica to make a claim under her mobile phone insurance policy. Telefonica arranged for their courier to pick up the phone so it could be taken in for assessment and repair or replacement.

The courier says they attempted to pick up the phone as scheduled but were told there was no item to pick up. Miss R says they failed to turn up.

Miss R arranged another collection a few days later. The courier says again they were told there was no item to pick up. However, Miss R says a relative gave the courier her phone.

Several weeks later Miss R contacted Telefonica for an update on her claim. They said the phone hadn't been received. As Miss R said the courier had picked it up, Telefonica carried out investigations, including with the courier, and the repair centre. But there were no records of the phone being collected or received. Telefonica refused to replace Miss R's phone.

Miss R complained to Telefonica, and they asked Miss R for any evidence or proof of collection. As she couldn't provide anything, their decision not to replace the phone remained the same.

However, Telefonica apologised for how long things had taken and that they'd directed Miss R to the courier, when they'd already carried out enquiries with them. Telefonica offered £75 compensation for the overall service Miss R received.

As Miss R remained unhappy, she approached this service.

Our investigator didn't uphold the complaint. She said Miss R and the courier had conflicting versions of what happened. And the records from the courier showed that they were twice unable to collect the phone. She said that the claim was dependent on the phone being received by Telefonica, and there was no evidence to support that it was received.

The investigator recognised that Telefonica had offered £75 compensation for the service Miss R had received and she thought that was fair in the circumstances. And in the absence of any evidence supporting the phone had been collected or received by Telefonica, she didn't recommend they do anything further.

Miss R didn't agree 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.

When Miss R made a claim to Telefonica when her phone wouldn't turn on, collection of the device was arranged. Miss R says the courier didn't turn up, whereas the timestamp logs from the courier show they were told there was nothing to collect when they arrived.

Miss R arranged another collection with the courier several days later. Miss R says the handset was given to the courier by her relative. In contrast, the courier logs again show they were told there was nothing to collect when they visited. The times Miss R said the courier collected the phone also do not correspond with the logs or timestamps from the courier for that day.

So, there are two conflicting versions of what happened. I need to decide, on balance, whether Telefonica has acted fairly and reasonably in all the circumstances of the case by not replacing Miss R's phone.

When Miss R raised her concerns with Telefonica, they investigated with the courier company – I've referred to the logs they provided above and what they show. And Telefonica also checked (more than once and on different dates) whether the device had been received by their repair centre, but they confirmed it hadn't been received.

Whilst I can't say for certain whether the device was or wasn't collected by the courier, I'm satisfied Telefonica has carried out a reasonable and sufficient investigation into what happened. And based on the evidence I've seen, there is nothing to show the phone was collected, and/or received by the courier or Telefonica.

As a claim under the policy is dependent on the phone being returned to, and assessed by, Telefonica, and there is nothing to show they've received it, I don't think they've acted unreasonably by declining the claim and not replacing Miss R's phone.

Telefonica accept the investigation took longer than it should've, and that they shouldn't have directed Miss R to the courier, when they'd already investigated things with them. So, Telefonica offered Miss R £75 compensation for the overall service she has received. Having considered everything, I think that's fair in the circumstances, so I'm not going to ask Telefonica to do any more.

### **My final decision**

Telefonica Seguros y Reaseguros Compania Aseguradora S.A.U. has already made an offer to pay £75 to settle the complaint and I think that offer is fair in all the circumstances.

So my decision is that Telefonica Seguros y Reaseguros Compania Aseguradora S.A.U. should pay the £75 compensation offered, if it hasn't already done so.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss R to accept or reject my decision before 9 August 2022.

Callum Milne  
**Ombudsman**