

The complaint

Mrs K has complained about Calpe Insurance Company Limited. She isn't happy about the way it dealt with a claim under her motor insurance policy and that it turned down her claim.

Although Mrs K's representative brought her complaint to this Service I will refer to Mrs K throughout this decision for ease.

What happened

Mrs K made a claim under her motor insurance policy after her car had been stolen following a burglary at a new house she was moving into. Her house was broken into and the police attended during the early evening. And her car was subsequently stolen during the early hours of the following morning.

Mrs K reported the theft to the police and Calpe, but Calpe turned the claim down. It looked into the circumstances surrounding the theft but didn't think Mrs K had presented a true version of events and turned down the claim. It got the one key analysed that remained in Mrs K's possession which showed the key was last used on the morning of the theft, as opposed to the evening time when Mrs K drove to the house she was moving to. As Mrs K wasn't happy about this she complained to this Service.

Our investigator looked into Mrs K's complaint and upheld it. She looked into the case but thought Calpe didn't have sufficient evidence to turn the claim down. Although the key data only showed that Mrs K's car had been driven in the morning it was possible the key didn't update when Mrs K drove to her property as she didn't go above the relevant speed for the key to update. So she thought Calpe should settle the claim, remove any cancellation markers, only charge Mrs K time on cover up to the date of claim, and pay £1,200 compensation for the clear stress, inconvenience and for loss of use.

As Calpe didn't agree the matter has been passed to me for review.

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 think the complaint should be upheld. I'll explain why.

I can understand why Calpe have suspicions about the theft given the key data that has been provided. But I don't think it has sufficient evidence to say that Mrs K was somehow involved in the theft as it has implied.

What is clear is Mrs K's house was broken into and the police attended her property. She was obviously scared and got her ex-partner to come and sit with her at the address and did the best to blockade the front of the house while they waited for the front door to be boarded up. She called the police again as she heard people outside and was nervous, but the police didn't attend before her car was stolen during the early hours. So, it doesn't appear in

question that the car was stolen at this time and confirmation can be provided by the police, Mrs K, her ex-partner, and a small amount of CCTV footage from the time of the theft.

Calpe's investigator said the *'theft may possibly be genuine but this is not certain'* which is far from conclusive. And the key report explains that Mrs K's model of car is susceptible to relay theft and the use of a remote jammer to steal the car. And also highlights that the last time and use of the key Mrs K still had in her possession is at odds with her account. This is because there is a difference of 12 hours from when the last use was recorded and when Mrs K last used the vehicle. However, as our investigator explained to Calpe it is possible Mrs K's journeys later that day didn't get to the required speed (over 30 mph) to trigger a record on the key. And this casts some doubt on the major piece of information that Calpe has relied on in declining the claim.

I know Mrs K wasn't sure where her spare key was at the time of the theft, but it seems more than likely that the key was in the house when she was burgled earlier in the evening which the thieves stole. And as Mrs K wasn't really aware where the key was, probably because she was in the middle of moving to a new house, she didn't really think that the burglars could access the car. And it is also possible, as the key analysis report showed, the car was stolen by relay theft or some other means.

Finally, I note Calpe says it has other concerns and that Mrs K may have been withholding information. But I've considered the report and witness statement she provided, and I think her account has been consistent throughout. She just couldn't be sure the spare key was in the house when she was burgled the evening before her car was stolen. This was because she hadn't moved all her things across at that point in time and just wasn't sure where the spare key was kept. However, upon reflection, she feels the burglars who broke into her property and stole a number of items must have taken the spare key and then returned to take the car during the night after Mrs K returned home. I note the police suggested that this kind of theft after a burglary wasn't uncommon in the area when they attended in relation to her stolen car.

Given all of this, I can't say Calpe have sufficient evidence to say that Mrs K's account is untruthful, and I don't think it would be fair to rely solely on its *'impression'* or the key analysis in this instance. And so the fair and reasonable thing to do, in the particular circumstances of this case, is to uphold this complaint and pay the claim in line with the remaining terms and conditions of the policy paying 8% simple interest for the time Mrs K has been without payment. And remove any record of the cancellation.

Furthermore, I agree that Mrs K has faced a fair degree of stress and inconvenience in having her claim turned down. It must have been so difficult for her to deal with this after the burglary and theft of her car. And she has been without a car as she was still paying the finance on her stolen car so had to pay for public transport and taxis although she was able to use a family members car at times. Given all of this I agree that Calpe should pay her £1,200 by way of compensation and loss of use.

My final decision

It follows, for the reasons given above, that I uphold this complaint. I require Calpe Insurance Company Limited to:

- pay Mrs K's claim for the theft of her car in line with the remaining terms and conditions of her policy;
- remove any record of the cancellation from all internal or external databases;
- ensure Mrs K only pays for time on cover up to the date of claim and pay 8%

simple interest on any money owed from the time of claim until the date of settlement; and

- pay £1,200 in compensation to include loss of use.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs K to accept or reject my decision before 16 September 2022.

Colin Keegan
Ombudsman