

The complaint

Mr D complains about AXA Insurance UK Plc (“AXA”) for delaying in processing his insurance claim. He wants AXA to settle his claim.

What happened

Mr D insured his home with AXA.

In late 2020, Mr D’s home suffered a break in through a window. Damage was caused and items were stolen.

He reported the burglary and got a crime number from the police. His local authority sent out someone to temporarily board the window.

Mr D submitted a claim to AXA.

AXA requested information on the burglary, including photos of the window that the thieves entered through. Mr D provided this.

AXA was not satisfied that the photos of the window showed that there had been forcible entry to the building. It pointed out that policy cover required that theft claims required that there be physical signs of damage to the property.

Mr D provided further information, but AXA remained unsatisfied that there had been damage to the property and declined Mr D’s claim.

He complained to AXA and AXA sent its final response letter in December 2021. AXA maintained its decision to decline the claim. It accepted, however, that there had been delays and offered Mr D £150 compensation to reflect this.

Mr D was not happy and contacted us.

Our investigator has looked into this matter and recommended that the complaint be upheld. They considered that Mr D had provided sufficient evidence that there had been a theft from his property and that it was unreasonable to continue to request more information. They also considered that AXA should increase its offer of compensation to £300.

AXA did not accept this view and maintained that more evidence was needed to show that there had been forcible entry to the property.

During the course of the investigation, our investigator has sent the work sheet from the temporary boarding of the window to AXA, and AXA has accepted that this is sufficient evidence that the window was broken during the theft. AXA has agreed it will continue to consider the claim in line with the remaining terms.

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 agree with my colleague's view that this matter has been unnecessarily drawn-out and delayed for too long.

I accept that AXA is entitled to request evidence to demonstrate that the terms of the policy have been met, but this has taken too long in this case.

I am pleased that AXA has accepted the work sheet as sufficient evidence and now agrees to determine the claim. I would expect that a decision and settlement (or detailed reasons if AXA declines the claim) will be provided to Mr D within 28 days of this decision.

I also agree that the delays in this matter have been unacceptable, and that they have caused Mr D increased distress and inconvenience. He has left this property since the break in and will have been prevented from putting this matter behind him by the ongoing claim correspondence.

I therefore agree with my colleague's view that AXA should pay more compensation to reflect this, and that £300 is a fair sum.

Consequently, I uphold Mr D's complaint.

My final decision

For the reasons given above, I uphold Mr D's complaint and direct AXA Insurance UK Plc to:

- Decide Mr D's complaint in line with the remaining terms, within 28 days of this decision;
- If AXA decides to decline the claim, it must give detailed reasons for this so that Mr D may complain if he chooses; and
- Pay to Mr D £300 compensation for his distress and inconvenience.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr D to accept or reject my decision before 21 June 2023.

Laura Garvin-Smith
Ombudsman