

The complaint

Miss G is unhappy Bastion Insurance Company Limited turned down a claim on her gadget insurance.

What happened

Miss G has gadget insurance that is underwritten by Bastion. She made a claim on her policy following the theft of her mobile phone.

Bastion turned down the claim because it said it was a requirement that she provided them with a copy of the crime report. They said they needed the crime report to verify an insured incident occurred, to show the claim was reported on time and to make sure that policy exclusions don't apply.

Miss G provided evidence to Bastion that she had reported the crime to the police, the date she had done so, and a copy of her police statement showing her version of events.

Our investigator looked into what had happened. He acknowledged the terms of the policy said Miss G had to provide Bastion with all the information they requested. But he thought the police report was unlikely to provide any further detail than what Miss G had already evidenced. So, in the circumstances of this case, he thought it was fair for Bastion to progress the claim without the police report and assess it against the remaining terms of the policy.

Miss G accepted the outcome, but Bastion disagreed. In summary they said

- They don't see any extenuating circumstances as to why Miss G should be granted a change in process over all their other customers
- They have provided assistance to Miss G to try and help her secure the police report
- If Miss G had submitted a Subject Access Request, as they'd suggested then they think she would've received the crime report by now.
- They had concerns over the screen shots of the police report because the website doesn't include any key word relating to a police force, as they would expect to see.
- The screenshots also made no mention of when the incident was reported or when the police statement was taken. And the statement doesn't contain the crime reference number.
- The ombudsman can only look at what is fair and reasonable if we deem the term is unclear.

The case has now been passed 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 relevant rules and industry guidelines say Bastion has a responsibility to handle claims

promptly and fairly. And they shouldn't reject a claim unreasonably.

The terms and conditions of Miss G's policy say:

"You must report the Theft or Accidental Loss of any gadget(s) to the Police within 24 hours of discovery of loss and obtain a crime reference number in support of a Theft, and a lost property number in support of an Accidental Loss claim. A copy of any report supplied must be provided to Us".

I don't think it was unreasonable for Bastion to request the crime report. However, I also need to consider the purpose for which Bastion wants the crime report and whether the information Miss G has already supplied, serves the same purpose. And in this case I think it does.

Bastion raised concerns about the evidence provided by Miss G. Their online claims form says:

"Within 24 hours of the theft you must report this to the police and obtain a police report which includes the Crime Reference Number (CRN). A Crime Reference Number (CRN) alone is not sufficient"

Bastion argue Miss G's evidence didn't tell them the information they needed, such as the date and time the incident was reported. But I disagree. The date on the email acknowledging the crime report is 19 January 2023. And the crime report number is included at the start of the email. I'm satisfied this evidence is enough to show the incident had been reported to the police and a report was obtained within 24 hours, in line with the policy terms. It remains unclear why Bastion say they don't have the information they require to assess the claim.

I note Bastion's comments about the website showing the police report. But as the investigator has already explained, I understand this is an electronic witness statement - which is an application developed for police forces. So I think it's reasonable for Bastion to rely on its validity.

I'm mindful that Bastion has a duty to progress claims promptly and fairly. I've taken account of Bastions reasons for requiring the police report, what Miss G has been able to provide and her efforts to try and obtain what they want. Overall I'm persuaded the documents already provided by Miss G contain the required information and Bastion should be able to progress the claim with the information they already hold. I think the request to still provide the police report is causing an unnecessary delay.

Bastion isn't correct about when we can apply our fair and reasonable remit. I can consider if a term of the policy has been applied fairly. And in the circumstances of this individual case, I don't think it has. I'm persuaded its unreasonable to continue to apply the requirement for a copy of the policy report when I think it's unlikely to add any further value to what Miss G has already provided. As I've explained above, I think Bastion has the required information in order to progress the claim.

Putting things right

Bastion Insurance Company Limited need to progress the claim without the police report and assess it against the remaining terms of the policy.

My final decision

For the reasons set out above I uphold this complaint and direct Bastion Insurance Company Limited to put things right by doing what I've said in this decision.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss G to accept or reject my decision before 27 July 2023.

Georgina Gill
Ombudsman