

The complaint

Mr D and Mr L complain about the way Chubb European Group SE handled a claim under their purchase protection insurance policy.

What happened

In 2020, Mr D and Mr L purchased a wedding ring on each of their accounts, which benefited from purchase protection insurance. After leaving the store, the rings were stolen from Mr L's backpack. They made a claim under their insurance.

Chubb instructed an investigation service – who I'll refer to as 'C' – to conduct interviews with Mr D and Mr L.

Following these interviews, Mr D and Mr L raised a complaint over the treatment Mr L received from the interviewer which they believed was racist, homophobic, and sexist. They were also concerned about the delays in progressing their claim.

Chubb said there had been no delays. And that the professionalism of the interviewer was not within its remit but that it had passed these concerns to C to respond. It didn't uphold the complaint.

Mr D and Mr L brought the following complaint points to our service:

- There were delays in progressing the claim.
- Chubb failed to log the complaint about C and respond accordingly.
- The interviewer's treatment of Mr L was discriminatory.
- Mr L was excluded from the claims process, despite him being the main victim of the theft.

Our Investigator didn't think they'd been any delays in handling the claim, but she did think Chubb had failed to log the complaint about C's conduct and investigate the concerns raised. She recommended it pay Mr D and Mr L compensation of £150 to put things right which both sides accepted.

She asked Chubb to investigate the concerns about C and it issued a final response saying it didn't uphold the complaint. But on further discussions with us, Chubb subsequently made an offer of £150 compensation which our Investigator felt was fair in the circumstances.

Mr D and Mr L didn't agree. They say this has caused them a great deal of distress which has exacerbated Mr L's depression. So the complaint has been passed to me to decide. To be clear, I'm looking solely at the complaint points in relation to the treatment of Mr L, as the other complaint points have been responded to separately and compensation accepted.

Having done so, I thought Chubb needed to do more to put things right and I issued the following provisional decision.

Provisional decision

Firstly, I must clarify that this service is unable to make a finding on whether The Equality Act 2010 has been breached. This is because this service is an informal alternative to the courts, and only a court of law can make a legal finding based on the definitions set out within the Act.

However, I can consider whether Chubb has acted in a fair and reasonable manner, and to do that I will take several things, including relevant law, into consideration. And in this case, that includes the Equality Act 2010.

I've been provided with video footage of the interviews conducted with both Mr D and Mr L. Having reviewed this evidence, I'm inclined to agree that the behaviour of Mr L's interviewer was, at times, unfair and unreasonable. I'll explain why.

When the interview starts, the interviewer is surprised by Mr L's gender. He says he was expecting a young lady and queries whether Mr L is engaged to Mr D – which Mr L confirms is correct. The interviewer responds, *"I do apologise, that's just my stereotyping there and what with the name"*.

Chubb says that C's paperwork said "Miss L" which was an error their end. I haven't seen any evidence to demonstrate this, but Mr D's interviewer also referred to Mr L as 'she', so there's clearly been some misunderstanding here – whether a typing error or an incorrect assumption. Regardless, the interviewer's comment about Mr L's name comes across as if he's implying it's a feminine name – a name he goes on to mispronounce and makes no attempt to correct when Mr L tells him he's saying it wrong.

The interviewer asks Mr L where he's originally from and proceeds to share a story about a previous partner he had who spoke Mandarin, which he refers to as an *"alien language"*.

I appreciate there may not have been an intention to offend here. But intent is irrelevant, it's the outcome of these words and actions that matter. It's worth noting that this all takes place within the first five to ten minutes of the interview, and I'm sure this wouldn't have put Mr L at ease.

Later in the call when Mr L is describing the situation outside the store, he says there was a protest going on for either lockdown or Black Lives Matter (BLM). On hearing BLM, the interviewer says, *"no comment"*. The manner and context in which this was said was extremely unprofessional and completely unnecessary. I think this micro aggression shows a clear bias.

Mr D and Mr L say the tone of the interview was concerning. And I agree. Whilst I appreciate the line of questioning was reasonable given the circumstances of the claim, there is a stark contrast between the way in which Mr D was interviewed compared to Mr L. The interview with Mr D was more professional, establishing the facts of the case and Mr D was clearly at ease. Whereas Mr L's interview came across more like an interrogation, with the same questions repeated multiple times as if to catch Mr L out. It was clear Mr L was struggling with some of his answers as a result of English not being his first language and overall, there were times when it was uncomfortable to watch.

Unfortunately, the footage I have of Mr L's interview cuts out ten minutes before the end around the time where Mr L is being asked about the condition of his backpack. I note Mr D and Mr L's complaint says the interviewer made comments about what is and isn't normal behaviour when it comes to the values of items they'd wear / keep on them – insinuating they aren't "normal". I didn't hear this on the interview, but that may be on the part I can't

access. In light of the interview as a whole, I'm inclined to believe what Mr D and Mr L have told me. But if Chubb disagree, it will need to provide me with the remaining footage.

Mr D and Mr L say that Mr L was subsequently left out of the whole process with all correspondence being addressed to Mr D after the interview took place. I can see that both final response letters have been addressed to Mr D only. I understand that these claims are under two separate policies so it may be that the complaint has only been logged against Mr D's case as he was the one who raised it. But given it involves both policyholders, I would've expected Chubb to have acted more inclusively here.

Overall, I can understand why Mr D and Mr L felt it necessary to raise a complaint. Whilst I can't make a finding of discrimination under the Equality Act 2010 as explained above, I'm not persuaded Mr L was treated in a fair and reasonable manner. And I'm not persuaded that £150 goes far enough to put things right given the impact this would've had. I can understand why Mr L felt singled out because of his race and sexuality, given some of the things said and I've no doubt this would've been very upsetting for both of them.

So I intend to uphold this complaint against Chubb, who are responsible for the actions of its agents, and direct it to pay compensation of £450 to Mr D and Mr L.

Responses to my provisional decision

Mr D and Mr L have responded to my provisional decision with further points, which I've summarised below:

- Chubb initially refused to take responsibility for this complaint until this service directed it to. Chubb's focus was solely to distance itself from C.
- When the complaint was addressed, Chubb's focus was on what litigation proceedings Mr D and Mr L intended to bring, rather than trying to take any steps (monetary or otherwise) to put things right.
- Whilst they've been able to raise this complaint and persevere for several years to get to this point, many customers may not have the means to do so.

Chubb didn't respond.

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 that Chubb failed to take responsibility for this complaint initially. This point was addressed in the initial complaint that this service dealt with separately. Mr D and Mr L were compensated for that, and we directed Chubb to investigate and respond to the concerns about C. So I'm satisfied this part of the complaint has already been addressed.

I also agree that Chubb didn't do enough to put things right for Mr D and Mr L when it did address this complaint – which is why I've upheld it. I've considered the impact this has had on Mr D and Mr L, and made an award based on what I consider to be fair and reasonable.

Whilst I understand Mr D and Mr L's concerns for other customers in similar circumstances, our service is looking solely at the individual complaint brought to us. And the award I'm making is to put things right for them.

My final decision

For the reasons I've explained, I uphold this complaint and direct Chubb European Group SE to pay Mr D and Mr L compensation of £450.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr D and Mr L to accept or reject my decision before 13 October 2023.

Sheryl Sibley
Ombudsman