

The complaint

Mr K complains about the time taken by Tesco Underwriting Limited (Tesco) to investigate his claim for stolen jewellery, and its subsequent decision not to pay out, under his home contents insurance policy.

What happened

Mr K had some jewellery stolen when he was travelling on a train. He was returning from a wedding where he'd been with his sister and girlfriend. Mr K reported the loss to the police and contacted Tesco to make a claim. Mr K says it took Tesco too long to investigate the matter.

Mr K complained and eventually referred the matter to our service. Another ombudsman provided a decision in December 2022. She didn't uphold his complaint. She said as Tesco had reasonable concerns with Mr K's claim it should be allowed to complete its investigations in full. Although she said that this had taken some time, the ombudsman concluded Tesco hadn't unfairly delayed Mr K's claim.

Mr K has since raised further complaints. He's now referred his concerns to our service. He says a loss adjustor spoke to him inappropriately. He complained about the further time Tesco had taken to investigate his claim, and that it was asking him for information he couldn't provide. Mr K received a letter in September 2023 telling him his claim had been declined. He says this is unfair as he's proven he owned the jewellery. He says he can't reasonably provide any more information to show this was stolen as he explained when the loss occurred.

In its final complaint response Tesco says that as part of its investigation it was looking to speak with the people Mr K says he was travelling with at the time of the theft. It acknowledged why he says this wasn't possible. But Tesco says without further evidence to support Mr K's loss it was maintaining its decision to decline the claim.

Mr K didn't think he'd been treated fairly and referred the matter to our service. Our investigator didn't uphold his complaint. She says Tesco has set out a number of concerns it has with Mr K's claim. She didn't think the action taken to investigate the matter was unreasonable in light of these concerns. Our investigator explained that it was a condition of Mr K's policy that he should provide information to prove an insured loss occurred.

Our investigator says as the police report didn't conclusively confirm a theft had taken place, it was reasonable that Tesco asked for additional information in support of this. She noted Mr K's comments that he was no longer speaking with his sister, and that he was no longer in a relationship with his girlfriend. This meant it was difficult for him to arrange for them to cooperate with his insurer. She also noted that Mr K had provided a phone number for the host of the wedding he'd attended. But Tesco hadn't been successful in its attempts to speak to this person.

Our investigator says Mr K hasn't provide supporting information such as proof he'd been to a wedding, proof he'd been on a train, or photos of the jewellery being worn at the wedding.

Nor had he been able to arrange for Tesco to speak with the individuals he'd been travelling with. Based on the evidence available she didn't think Tesco acted unfairly when it concluded there was insufficient information to show an insured loss had occurred, or to confirm Mr K's ownership of the jewellery at the time of the reported loss. She didn't think it was fair that Tesco's loss adjustor had spoken inappropriately to Mr K. But she thought its compensation payment for £200 was sufficient to put this right.

Mr K didn't accept our investigator's findings and asked for an ombudsman to consider his complaint.

It has 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.

Having done so I'm not upholding Mr K's complaint. Let me explain.

An ombudsman decided on Mr K's initial complaint on 5 December 2022. For clarity I won't be considering the same time period that her decision covered. My decision will focus on Tesco's handling of Mr K's claim after this.

It's the policy holder's responsibility to prove they have suffered an insured loss. I've thought about whether Mr K has reasonably shown this to be the case. Based on the evidence I've seen I don't think Tesco behaved unfairly when concluding he hadn't.

In his claim Mr K says he was travelling to a wedding with his sister and his girlfriend. He took four items of jewellery with him. I can see from his policy schedule that these make up the four items he has listed under the specified items section. He says some of the jewellery was for him to wear and some for his sister.

Mr K provided Tesco with photos of the stolen jewellery. In its submissions to our service, it says the meta data it looked at, showed some of the photos weren't originals. But rather they were thought to be photos of photos. This raised concerns as to Mr K's ownership and possession of these items. Tesco says one of the photos showed jewellery that was confirmed as stolen as part of a claim for theft Mr K made in 2018. It says this raised further concerns as to why he'd include a photo of an item he'd previously declared as stolen.

In its submissions I can see that Tesco's investigator comments on the unhelpful nature of the police report, in terms of assisting its enquiries into Mr K's claim. The police report confirms a crime reference number has been generated. But that the file has been closed and no investigation will take place due to a *"lack of availability factors to identify the suspect"*.

I can see that Tesco, via its investigator, asked Mr K for any additional information he could provide to support his claim. More specifically, any information that could verify that he had been to a wedding, that he had been travelling by train, that he was travelling with the people he said he was, or that the jewellery was worn by his sister.

I've read the statement Mr K provided in 2022. He says he paid cash for his train ticket to the wedding. He also paid cash for a day-ticket for the underground train service. So, he had no record to show he took these journeys. I can understand Mr K's reticence to ask his sister and ex-girlfriend to co-operate with Tesco in order to support his account of what happened. But I think Tesco's request was reasonable given the concerns it had about his claim.

Other than his testimony there is no evidence to support Mr K having been to a wedding, or that he had made this journey by train and underground services. The reason he gave for taking the items of jewellery with him hasn't been verified by the people he travelled with. There are no photos of the jewellery being worn at the wedding by Mr K or his sister. He gave a contact number for the wedding host. But having tried to make contact Tesco says it has been unsuccessful in doing so. This means there is no evidence Mr K was invited to, or that he had attended a wedding. And no evidence to support the reason he gave for having travelled with several items of jewellery.

Mr K's policy terms say:

"Claims conditions – what you need to do

We will only ask you to provide information and assistance that is relevant to your claim. You must cooperate with us fully in providing such information and assistance. We may require proof of ownership and/or proof of loss (e.g. receipts, valuations, photographs, instruction booklets and guarantee cards)."

Tesco isn't satisfied that Mr K had provided sufficient proof of his loss. I acknowledge his comments that he's provided all the information he can. And the reasons he's given as to why further information can't be provided. But having carefully considered the information Mr K provided, I don't think Tesco acted unreasonably in asking him to provide further evidence to support his loss. When he didn't, I don't think it was unfair that it declined his claim.

I agree with our investigator that should Mr K be able to provide further evidence in support of his loss – Tesco should consider this. But given the concerns it has about Mr K's claim, I don't think the time taken or the efforts it's made to try and validate his claim were unreasonable.

I've thought about the concerns Mr K raised that he'd been spoken to inappropriately by Tesco's loss adjustor in November 2022. From the claim records the loss adjustor was attempting to ensure Mr K was 'okay' before leaving. I wasn't party to the conversation that took place so I can't independently clarify what was said. But Tesco acknowledges its loss adjustor shouldn't have spoken in the way Mr K highlighted in his complaint. In these circumstances I think it was reasonable that it paid him compensation. Based on what I've read £200 is fair.

My final decision

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr K to accept or reject my decision before 14 March 2024.

Mike Waldron
Ombudsman