

The complaint

Ms P complains AXA Insurance UK Plc (“AXA”) has unfairly declined her claim on her home insurance policy for contents stolen from her car.

Any reference to AXA includes its agents.

What happened

Ms P’s home insurance policy renewed in September 2022. The policy covered her buildings, contents and as an optional extra, her personal possessions outside of her home up to a specified limit of £10,000.

In July 2023, Ms P says a number of items were stolen from the boot of her car whilst it was parked during an appointment. So she made a claim on her policy. She says the stolen items were placed at the bottom of the boot and covered by other items (which weren’t taken), including a pram and a blanket. She says the stolen items were obstructed from view by the other items, her tinted windows and the layout of the car.

AXA declined Ms P’s claim under the terms of the policy. It said loss from an unattended vehicle is only covered if the items are hidden from view in a boot or glove compartment. It didn’t think Ms P’s items were hidden from view as the other items they were hidden by might have drawn attention to the fact there were belongings in the car. It also highlighted that Ms P’s car windows are only partially tinted so it would’ve been possible to see into the car.

Ms P made a complaint about AXA’s decision to decline her claim. She maintained the stolen items were covered by other belongings and her car was locked. So she thought she met the policy terms and conditions. She also highlighted that the car isn’t a hatchback and doesn’t have a parcel shelf so there was no other way to hide her belongings. She’s said she’s lost trust in AXA.

As the complaint wasn’t resolved, Ms P asked our service to look into things. Our Investigator upheld the complaint as he didn’t think AXA had fairly applied its policy terms. He thought Ms P’s items were sufficiently hidden – both under other items and due to the configuration of the car and the tinted windows. So he thought AXA should reconsider the claim.

Ms P accepted our Investigator’s opinion but AXA didn’t. It said in summary the windows were only partially tinted and could be seen through and whilst a parcel shelf isn’t necessary under the terms of the policy, it was Ms P’s responsibility not to leave valuable items in her car if they couldn’t be concealed. It didn’t consider Ms P’s stolen items were hidden from view by her other items – in particular, a blanket – as it would’ve been obvious something was underneath and this would’ve attracted attention to it. And it said this was proven by the fact the items were stolen.

As the complaint wasn’t resolved at that stage, it’s been passed to me to reach an Ombudsman’s decision.

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.

Based on everything I've seen in this case, I've decided to reach the same outcome as our Investigator and uphold this complaint. I'll explain why.

AXA has referred to page 28 of the policy terms and conditions which relate to the personal possessions cover. These terms say, loss of personal effects are covered unless the loss is '*...[C]aused by theft or attempted theft from an unattended motor vehicle unless the items are hidden from view in a boot or glove compartment, and all windows are closed and all doors, including the boot, are locked...*'.

I've looked carefully at the information I've been given by both parties in this case. It doesn't seem to be in dispute that all of Ms P's windows and doors, including the boot, were locked. But what is in question is whether the items which were stolen were hidden from view.

Ms P says the stolen items were hidden under other items (which weren't taken) and blankets. She's said she had to hide items in this way as her car isn't configured for a parcel shelf which would normally conceal items in the boot. And she's given us and AXA photos of her car to show where the items were stored. She's also mentioned the windows were harder to look through as they were tinted and all anyone might've been able to see through them was the blanket on top of her other belongings. But AXA says hiding the stolen items with other items, including the blanket, would've made it more appealing to potential thieves and more obvious there were items to steal.

Whilst I appreciate AXA's point here, I don't agree it's acting in line with the policy terms. The terms don't specify how the items should be hidden – it just says they need to be hidden from view. And considering the type of car Ms P's belongings were in and that there was no built-in parcel shelf to conceal items under, I think she's taken reasonable steps to hide the items that were stolen. From my understanding, it seems none of the items that were on display and being used to hide other items were stolen. So, all items she's claimed for were hidden from view. I note AXA's made other comments about the value of Ms P's car attracting attention but I don't think that's relevant here.

Putting things right

To put things right in this case, I think AXA should reconsider Ms P's claim in line with this Final Decision and the remaining policy terms.

My final decision

For the reasons I've given, I uphold Ms P's complaint and direct AXA Insurance UK Plc to put things right by doing what I've said above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms P to accept or reject my decision before 12 April 2024.

Nadya Neve
Ombudsman