

The complaint

Ms J says One Insurance Limited wrongly declined a claim she made on her motor insurance policy and provided poor service.

What happened

Ms J's car was stolen from outside her home on 25 August 2023. CCTV footage showed that two people drove up on a motorbike and stole the car within one minute, using what seemed to be an electronic device. Ms J reported the theft to the police and to One Insurance and provided footage of the theft from a CCTV camera in her home. On 21 September 2023 One Call asked Ms J for footage of her locking the car when she left it, but that footage was no longer available. She said when asked by One Call that when the car was locked or unlocked, its lights flashed, and the wing mirrors folded in or out.

One Call declined the claim on 3 October 2023. It said the CCTV footage showed the car had been left unlocked and she had failed to protect it. It sent a final response letter to Ms J on 6 October 2023, which it said was in reply to her verbal complaint about the claim's decline. One Call said the CCTV footage didn't show the car's lights flashing or its wing mirrors moving before the thieves entered the car, so it was unlocked when they arrived. There was no footage of Ms J having locked it earlier - as required by the policy.

One of our investigators reviewed Ms J's complaint. He thought One Call had acted reasonably. He noted that the policy said a claim for theft wouldn't be paid if a car was left unlocked, and that reasonable steps must be made to protect it. He thought it was fair for One Call to reach the conclusions it had reached, based on the CCTV evidence.

Ms J said she'd been the victim of a 'relay' theft. She said the thieves must have unlocked the car before they rode up to take it away. She said One Call should have asked for the earlier CCTV footage at the start and that it had *assumed* she hadn't locked the car. She said the footage shouldn't be used against her, and she was concerned that the investigator wasn't an expert in the theft of her type of car, or in the analysis of CCTV footage. Ms J also told us she was unhappy about not having a courtesy car, having to pay for public transport - and being charged when the car was recovered, which had compromised her financially.

The investigator said Ms J hadn't raised these issues with One Call (or other issues, such as being overcharged for premiums) so she'd have to do that and allow it to respond before we could look at them. He said our role is to assess whether an insurer has acted reasonably, based on the evidence it has reviewed - not to be experts in car thefts or CCTV analysis. He said One Call was entitled to ask for and rely on CCTV evidence - and he pointed out that, when asking for it, One Call couldn't have known what it would show. Ms J asked for a review of her complaint by an ombudsman, so it was passed to me.

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.

As the investigator pointed out, our role is to review how an insurer dealt with a claim, based on the available evidence, and to check that it reached a reasonable conclusion. We're not experts in the theft of particular cars, and we review CCTV footage in the normal way.

One Call asked Ms J to provide CCTV evidence in support of her claim, and I think it was for Ms J to decide what to send to One Call. She could have sent it the footage of her locking the car (as well as of the theft) and she could have searched for footage of the car being opened after she left it. I think it's more likely than not that One Call thought the footage she provided of the theft would show the car *being opened* by means of an electronic device and then driven away immediately, as that's what usually happens in relay thefts. As it didn't show the car being opened by the thieves, One Call asked for the earlier footage. I don't think it was poor service not to ask for it earlier in the circumstances here.

Ms J thinks One Call just assumed she didn't lock the car. She wants it to accept that the car *was* locked by her, and that the thieves unlocked it, left, and then returned to take it. But there was no evidence of that sequence of events for One Call to consider— just evidence of the thieves entering the unlocked car, interfering with something inside it and driving it away. The policy says a theft claim won't be paid if the car was left unlocked. As that appeared to be what happened, in my opinion it was reasonable for One Call to decline the claim.

It must have been very upsetting for Ms J to have her car stolen, and the decline of the claim will have added considerably to her distress. But I don't think she's been able to show that One Call misinterpreted the available evidence or reached a perverse conclusion. Ms J has also referred to poor service by One Call (such as her claim not being recorded initially, her keys being mislaid at first by it, and being asked for a copy of a document when the original was needed). I can see why Ms J was frustrated by these events, but I don't think they affected the outcome of her claim or are sufficient to merit compensation.

Despite my sympathy for Ms J's situation, I can't uphold her complaint. It's open to her to raise with One Call any issue relating to the claim that hasn't been addressed by it already, should she wish to do so. If she isn't satisfied with its response to her concerns, we would be able to review that in due course.

My final decision

My final decision is that I don't uphold this complaint. Under the Financial Ombudsman Service's rules, I must ask Ms J to accept or reject my decision before 6 May 2024.

Susan Ewins
Ombudsman