

The complaint

Mr B complains that Bastion Insurance Company Limited rejected a claim on his pet insurance policy.

Where I refer to Bastion, this includes its agents and claims handlers acting on its behalf.

What happened

Mr B made a claim on his policy after his dog was injured in an accident. He was taking the dog for a walk when it escaped from its lead and ran into the road, where it was hit by a car.

Bastion rejected the claim on the basis Mr B was in breach of policy conditions to keep his dog on a collar and under control. It said if Mr B's dog could wriggle out of the collar, that indicated it didn't fit properly or wasn't fastened correctly.

Mr B complained. He said he always took steps to control his dog and always walked with a collar, lead, and a Halti (as an extra precaution). Mr B also said the lead, collar and Halti were in good order, he had changed them as his dog has grown, and there hadn't been any previous incidents.

Bastion didn't change its decision so Mr B referred his complaint to this Service.

Our investigator said it wasn't fair to reject the claim as Mr B had taken reasonable steps to secure and control his dog, and given a plausible explanation for how his dog could have escaped. She asked Bastion to pay the claim and said it should pay compensation of £100 for the inconvenience caused to Mr B.

Bastion disagrees and has requested an ombudsman's decision. It says Mr B has confirmed his dog escaped in a matter of seconds, which indicates the collar wasn't fitted correctly – if it had been tightened properly, he wouldn't have been able to escape so easily.

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 industry rules and guidance say insurers must deal with claims promptly and fairly, and not unreasonably reject a claim.

Mr B's insurance provides cover for treatment costs but this is subject to the terms and conditions set out in the policy. So he's able to claim for the vet's fees he incurred unless Bastion can show a condition or exclusion applies that allows it to decline the claim.

In rejecting the claim, Bastion relies on a breach of conditions 21 and 22 in the General Conditions, which say:

You must ensure that Your Pet remains under Your control and reasonable steps must be taken to prevent Your Pet escaping... When nearing a road You must ensure Your Pet is on

a lead

You must ensure that any dog lead, collar and/ or harness is in good condition and fits Your Pet to prevent escape. You must also ensure that any lead is used in such a way as to prevent the same slipping out of your grasp should Your Pet suddenly pull away from You.

Bastion says Mr B breached these conditions. The onus is on Bastion to show there was a breach and that it would be reasonable to rely on that to decline the claim.

Bastion believes the incident speaks for itself – Mr B must have failed to secure the collar, otherwise the accident wouldn't have happened. But since it's for Bastion to show there was a breach, I don't think it would be fair simply to say that must be what happened.

In response to the investigator's view, Bastion raised a number of points about the circumstances of the accident and sought further comments. That's something it should have done when initially investigating the claim.

Mr B has explained that they were walking and his dog suddenly started acting strangely, wriggling around and pulling hard to such an extent he was able to get out of his collar. He said this was a route they were used to and nothing like this had happened before. I don't think he would have expected something would spook his dog or had any reason to expect his dog would act in this way.

He's also explained he had visited a well-known pet store for advice and they suggested buying a collar with a Halti as a training tool. When he subsequently bought these, he measured his dog and used the measurements for his order.

Dogs can escape from their leads and given his dog's size, this could happen if it pulled hard enough. Mr B has been consistent in his testimony. On balance, taking into account everything he has said, I'm satisfied he took reasonable steps to use the correct collar and fit it properly.

I don't consider Bastion has shown there was a breach of the condition or that it would be fair to reject the claim in these circumstances. So it should not rely on a breach of these conditions and should deal with the claim without doing so.

Having the claim rejected was distressing for Mr B and he was put to the trouble of having to pursue a complaint and provide further information, which Bastion could have obtained from him earlier. I agree a payment of £100 would be fair to compensate him for this.

My final decision

I uphold the complaint and direct Bastion Insurance Company Limited to

- reconsider the claim in line with the remaining policy terms; and
- pay £100 compensation for the distress and inconvenience caused

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 11 October 2024.

Peter Whiteley
Ombudsman