

The complaint

Mr S's representative complains on his behalf that One Insurance Limited (One Insurance) didn't fairly consider new evidence that was provided to support a previously declined claim on his motor insurance policy.

References to Mr S, or his representative, will include the other.

What happened

In April 2024 Mr S made a claim on his motor insurance policy with One Insurance after his car was stolen.

One Insurance declined to settle the claim. It said as per the terms of his policy the car must be kept in a garage overnight and this had not been adhered to.

New evidence by way of two witness statements were provided to One Insurance by Mr S's representative.

One Insurance reviewed the new evidence provided, but this did not change its decision to decline Mr S's claim.

Because Mr S's representative was not happy with One Insurance, she brought the complaint to our service.

Our investigator did not uphold the complaint. They looked into the case and were satisfied One Insurance had demonstrated it had reviewed and considered the new evidence provided to them in detail. They said One Insurance had given a clear and reasonable explanation as to why Mr S's new evidence didn't change the claim decision reached.

As Mr S's representative is unhappy with our investigator's view the complaint has been brought to me for a final decision to be made.

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.

It is important to be clear that I am only able to consider the new issue raised by Mr S's representative that the further evidence provided to One Insurance wasn't fairly considered by it. However, for clarity in this case, reference is made to the initial claim for the theft of the car.

Mr S reported his claim in April 2024 at the time of the theft. He said he saw the car on his driveway before he went to bed and when he got up the following morning the car was gone. I saw Mrs S's representative, who was also a named driver on the policy, also said the car was on the drive. One Insurance declined to settle the claim because there was a garage

warranty on his policy which required the car to be garaged overnight, and this had not been adhered to.

Mr S's representative previously complained to our service that the claim had been unfairly declined. The complaint was investigated, and our investigator's view was that One Insurance had made a reasonable decision based on the evidence provided to it. Mr S's representative confirmed to our investigator she understood why they had been unable to agree One Insurance had acted unfairly based on the evidence provided.

I saw Mr S's representative then contacted One Insurance to provide new evidence. This almost six months after the theft and after the claim had been declined.

I looked at the new evidence provided. I saw the first witness statement wasn't accepted by One Insurance due to it being from a person that Mr S took to work each morning. It said because Mr S had a personal relationship with the witness, it couldn't be seen as independent. Due to this personal connection between the witness and Mr S, it was reasonable for One Insurance to conclude this couldn't be accepted as independent.

I saw after One Insurance rejected this evidence that Mr S contacted it again the next day and said he had further evidence. A second witness statement was then provided. The witness said they had seen Mr S take the car out of the garage on the morning the theft had happened.

One Insurance said it reviewed this evidence against the information provided at the time the theft claim was made by Mr S and the named driver, and it wouldn't be changing its decision to decline the claim. It felt had the car been kept in the garage that both Mr S and his named driver would have said this at the time the claim was made. But they had both previously said on multiple occasions the car had been parked on the driveway when the theft happened, plus the garage was small and they weren't able to keep a car in there.

One Insurance felt it would have been likely for witness statements to have been provided at the time of the theft, rather than almost six months after the incident, and this questioned the validity of the witness statements provided.

I recognise this will be disappointing for Mr S and I am sorry he has been the victim of a crime, but I am satisfied One Insurance did consider the additional evidence provided in October 2024 and it provided a fair and reasonable explanation as to the reason it didn't change its decision to decline Mr S's theft claim.

Therefore, I don't uphold Mr S's complaint and don't require One Insurance to do anything further in this case.

My final decision

For the reasons I have given I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 12 February 2025.

Sally-Ann Harding
Ombudsman