

The complaint

Mr A has complained that Assurant General Insurance Limited (AGIL) didn't provide an equivalent replacement phone when he claimed against his mobile phone insurance policy.

What happened

Mr A's phone was damaged and he made a claim under his mobile phone insurance policy with AGIL.

AGIL deemed Mr A's phone as irreparable. So AGIL provided a replacement phone which it said was the same make and model. But Mr A said his phone had a physical dual SIM card option. AGIL said it provided a replacement phone with an 'e' embedded dual SIM option. So it said it had met the terms of the policy.

Mr A didn't agree and raised a complaint. But AGIL didn't uphold it. So Mr A asked us to look at his complaint.

One of our Investigators recommended the complaint should be upheld. She found that the replacement phone AGIL had provided was a different variant, although it was the same make and model. She said that this didn't put Mr A back in the position he was in before he claimed. And she didn't think this was a fair outcome.

So the Investigator recommended AGIL provide a replacement phone with the same specification as Mr A's damaged phone.

Mr A accepted the Investigator's recommendation. AGIL didn't agree. In summary it says this service has previously not upheld similar complaints and provided an example. AGIL says Mr A can convert his UK SIM to an e-SIM which would then allow him to use the physical SIM slot in his phone for any non UK SIMs. AGIL says many UK networks are moving towards an e-SIM.

AGIL says it will provide a replacement of the same make and model and provide the same variant where possible, subject to stock availability. In this case, it believes it has fulfilled the terms of the policy.

So AGIL wants an ombudsman 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.

AGIL's policy says where it provides a replacement phone, it will be; *"the same make, model and memory size. If we cannot do this, you will be given a choice of models with an equivalent specification."*

I've looked at the example view AGIL has provided which has been helpful. As AGIL has said it understands, this service takes each case on its own merit. I've considered AGIL's view that Mr A may be able to convert his UK SIM to an 'e' SIM by contacting his network provider.

Mr A says that he regularly travels internationally for work and so he requires this specific type of phone to allow him two SIM card slots: for UK and non UK use. Mr A says he travels to countries that don't support e-SIM capability.

It seems that AGIL accepts that it hasn't provided a replacement phone equivalent to the one Mr A had: the model variant code (specification) is different for Mr A's previous phone to the one AGIL provided as a replacement. AGIL didn't contact Mr A to give him a choice of models with an equivalent specification. I don't think it's fair to require Mr A to have to go to the trouble and inconvenience of looking to adapt his existing UK SIM. I think AGIL should have provided Mr A with the same make and model, with the specification of a physical dual SIM, as the phone it deemed irreparable, which Mr A was previously using.

So as things stand, I don't think AGIL put Mr A back in the position he was in before he claimed with the replacement phone it provided. This means I'm upholding Mr A's complaint in line with the Investigator's recommendation as set out below.

My final decision

For the reasons I've given above, I am upholding this complaint. I require Assurant General Insurance Limited to provide Mr A with a replacement phone of the same make and model of equivalent specification as the one Mr A previously owned. If this isn't possible, Assurant General Insurance Limited should give Mr A a choice of models with an equivalent specification in line with the remaining terms of the policy.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 25 April 2025.

Geraldine Newbold
Ombudsman