

The complaint

Mr R has complained about AXA's poor handling of a theft claim he made under a home insurance policy which he shares jointly with Mrs R.

As Mr R is the lead complainant, I will refer to him in my decision on behalf of Mr and Mrs R.

All reference to the insurer AXA in my decision include agents acting on its behalf when dealing with Mr R's claim.

What happened

In December 2023 Mr R reported a burglary at his home to his insurer AXA. He said a thief or thieves accessed their home via a cat flap with a tool to obtain keys left on a worktop inside the home to gain entry. The cat flap was damaged.

Mr R wants AXA to meet his claim. He's unhappy that AXA first relied on a 'safe' exclusion to decline part of his claim.

In January 2025 AXA declined the claim in full, relying on a separate theft endorsement under the policy. AXA says there was insufficient evidence to support that thieves caused damage to gain access to the home.

One of our Investigators thought AXA had reasonably declined the claim. Mr R said there was a police forensic report (in addition to the report provided by AXA). He disagreed with the Investigator's view, and wanted this service to obtain additional evidence.

Our Investigator said that if Mr R could provide further information to AXA – to show damage to the cat flap - AXA should consider this.

The Investigator found that AXA's handling of the claim had been poor, had caused delays and should have been clearer and more pro-active with the claim.

For the distress and inconvenience caused, the Investigator recommended AXA pay Mr R £300 compensation in addition to any previous compensation offered or paid.

AXA accepted the Investigator's findings.

Mr R didn't agree. He provided a copy of an additional police report along with photos of the door showing the removed cat flap.

In summary Mr R says;

- AXA accepted his claim and accepted the photos he provided in January 2024 as sufficient to meet the theft policy endorsement.
- The cat flap was locked. Thieves broke it to gain access. AXA's agent and the police report confirmed forced entry.
- The terms of the policy were not sufficiently brought to his attention when he bought the policy.
- AXA refused to attend Mr R's home to inspect the damage.
- AXA took almost a year to reach its decision. It didn't follow up with Mr R about the theft endorsement until it issued its letter in January 2025 declining the claim.

I issued a provisional decision on 18 March 2025 and intended to uphold the complaint.

Both parties accepted my provisional 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.

As both parties have accepted my provisional decision, my final decision is on the same lines.

AXA's decision to decline the claim

AXA set out a theft endorsement under the policy schedule along with the full policy wording when Mr and Mrs R bought their policy.

AXA says;

Section 5A Specified items inside the home.

"For theft claims, cover isn't provided;

Unless there are signs of damage caused by the thief (or thieves) to get into the Home or violence or deception was used to gain entry;

As this term was highlighted under the policy schedule, I'm satisfied AXA was clear enough about the endorsement when Mr R bought the policy.

I've looked at the photos provided by Mr R. They show the door after the cat flap has been removed, and of the door after the cat flap area has been boarded up. We asked AXA to comment on the photos, one in particular which showed damage to the cat flap area.

In response, AXA says that the police report said the cat flap was broken, but there was no evidence later of damage. As there was no evidence of damage caused on entry, it fairly declined the claim.

Mr R believes the police would have taken photos of the damaged cat flap. I've seen the police report, a copy of which has been provided by Mr R and AXA. There is no evidence to suggest the police took photos of the damaged cat flap before removal to support Mr R's claim. This is further supported by email exchanges between Mr R and the attending officer on 24 December 2024. The officer said that no photos were taken (by the police).

Key comments from the police report are:

"unknown offenders have gained entry through a side door cat flap and opened the door using a key which was inside."

"forensics....powder exam negative"

"no forensic opportunities"

So I'm satisfied that AXA received all of the relevant information from the police in order to decide on the claim. However, Mr R explained that nobody told him he needed to take photos of the damaged cat flap before he removed it and boarded up the area on the door for safety.

I've listened to a recording of a call between AXA and Mr R on 2 January 2024. In this call AXA told Mr R due to the amount of the stolen valuables being claimed for, his claim would be assessed by a Loss Adjuster (LA) and they would come out to visit Mr R at the home.

AXA confirmed receipt of the photos Mr R had provided of the boarded up cat flap. AXA said;

"We have done our initial validation here, to assess claims, forced and violent entry have to be proven, which you provided have providing the photos, so we can see that."

Mr R says this statement proves that AXA had accepted the photos he'd provided to validate his claim. I agree that AXA could have been clearer about next steps in assessing Mr R's claim. And I can understand why Mr R believed at this stage that he had done enough to validate this part of the claim.

Mr R wanted further information to understand why it was necessary for a LA to visit his home. He believed it was a waste of time and said he had already answered questions about the claim and provided photos.

In a call the following day, AXA's agent discussed this requirement with Mr R. While speaking to a manager, Mr R was advised;

"If you have issues you need to go to the insurer. We have to carry out a physical visit... We need to be at your property – the incident happened at the house – you've provided info about locks etc – we have to come out and look at that to see all the info – and we need to look where they came in – and we need proof you had those items."

From listening to both calls, while I think AXA could have been clearer in the first call, I think it was explained to Mr R in the follow up call why a visit was necessary and that his claim was under consideration. I think the need to see *"where they came in from"* got lost in the call as Mr R didn't agree that a home visit was necessary in order to validate the stolen items – as he had provided evidence of the items.

In any event, AXA's agent subsequently agreed that a home visit wasn't necessary. The reason for this being that Mr R had provided photos and explained that the cat flap had been removed.

Key comments from AXA's agent in relation to the theft endorsement from an email to Mr R dated 19 January 2024 reads;

"Thank you for the images of the back door."

Granted, the policy is not specific as to whether photos should be taken or not. However, the policy does advise that any requests for information (which includes photos) is accommodated to help Insurers (or their agents) to validate your claim.

As advised, proving there is damage sustained as a result of someone breaking (in) is pivotal to the claim because of the Theft Explanation endorsement on your policy as below. The onus of proof rests with you, hence our request for photos."

While I'm satisfied that Mr R was made aware at this stage of what was required in order to satisfy the theft endorsement part under the policy, the fact is Mr R took reasonable steps, without advice to the contrary, to secure his home following the theft. And so he didn't take photos of the damage cat flap before removal. But took photos when advised photos were needed.

Mr R says AXA's agent refused to visit his home. This was in January 2025 following its decision to decline his claim by applying the theft endorsement. I think this decision was reasonable as nothing has changed since Mr R provided the photos in January 2024. Our Investigator asked Mr R to provide photos of the damaged cat flap in February 2025. In response, Mr R provided a copy of the photos already seen by AXA and this service.

So the remaining issue is whether Mr R has done enough to prove his claim. Having carefully considered all of the information available and the photos Mr R has provided, I think on balance he has. One of the photos shows the plastic fixing to the removed cat flap is damaged and broken. I don't consider the police report's choice of wording as 'broken' to

mean the cat flap wasn't damaged by thieves. I think Mr R has reasonably shown there are signs of damage caused by the thief (or thieves) to get into his home.

So I think AXA should deal with Mr R's theft claim.

Safe endorsement

Mr R has raised a separate complaint against the broker about not making it sufficiently clear about a 'safe' exclusion under AXA's policy. I have addressed that complaint separately against the broker. If AXA intends to apply the safe exclusion when dealing with Mr R's claim, it will need to liaise with the broker as I intend to uphold Mr R's complaint against them and they will need to step into the shoes of AXA and meet any claim under the safe exclusion.

AXA's handling of the claim

It's clear to me that AXA's handling of Mr R's claim was very poor. While some of the delay was due to AXA considering if part of the claim should be declined for another reason, I think AXA could have progressed Mr R's claim much sooner. As an example, it's not clear when AXA requested a copy of the police report – but from the notes available AXA's agent didn't ask Mr R for his permission to do so until August 2024. This is unreasonable and caused an unnecessary delay in reaching a decision. I agree with Mr R that it is unreasonable for AXA to take over a year to reach a decision on their claim.

For the distress and inconvenience caused by the poor handling of Mr R's claim, I think AXA should pay compensation of £500. I have increased the compensation award to take into account that I find AXA's decision to decline the claim was unreasonable.

Mr R has made a series of Subject Access Requests to AXA. If he remains unhappy with the information provided by AXA to him, he can contact the Information Commissioners Office (ICO), details of which are available on their website.

My final decision

My final decision is that I uphold this complaint. I require AXA Insurance UK Plc to do the following:

- Deal with Mr and Mrs R's theft claim.
- Pay Mr and Mrs R £500 compensation for the distress and inconvenience caused by its poor service, delay and decision to decline the claim.

AXA Insurance UK Plc must pay the compensation within 28 days of the date on which we tell it Mrs R accepts my final decision. If it pays later than this it must also pay interest on the compensation from the date of my final decision to the date of payment at a simple rate of 8% a year.

If AXA Insurance UK Plc considers that it's required by HM Revenue & Customs to withhold income tax from that interest, it should tell Mr and Mrs R how much it's taken off. It should also give Mr and Mrs R a tax deduction certificate if they ask for one, so they can reclaim the tax from HM Revenue & Customs if appropriate.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr R and Mrs R to accept or reject my decision before 5 May 2025.

Geraldine Newbold
Ombudsman