

The complaint

Mr D is complaining that HELVETIA GLOBAL SOLUTIONS LTD ('Helvetia') has declined a claim he made on his Guaranteed Asset Protection ('GAP') insurance policy.

What happened

In November 2021 Mr D took out a GAP insurance policy when he bought a car. In November 2023 he claimed against his car insurance policy for the car's theft. His insurer settled the claim. Mr D also contacted Helvetia to claim against his GAP insurance policy. Helvetia instructed a third-party company to investigate the alleged theft. Following this, Helvetia had several concerns about the veracity of the claim. In particular, it raised the following:

- Mr D had contacted the insurer only a few days before the theft to change details on the insurance policy which initially had the car stored in a garage, but changed it to say it was actually on a driveway.
- Mr D had been actively trying to sell the vehicle for a period of time before the incident.
- The manufacturer had advised him he was in negative equity on the finance.
- The finance agreement allowed for 6,000 miles usage a year, but Mr D had travelled around 29,000 miles in the vehicle.
- It had asked Mr D to provide all the CCTV footage, but he'd only provided a small section of it.
- It believes the footage Mr D has provided shows the car was taken through the use of a coded key. However, the key expert it instructed advised that the car's keys couldn't be cloned. It acknowledged the car could be stolen through the use of relay theft, however it said it would require two people to be involved. In this case there was only one person there.

Due to the concerns it had, it didn't believe the car had been taken in the way Mr D has described. So it declined Mr D's claim.

Mr D didn't agree with Helvetia's conclusions. Mr D and his solicitor have provided detailed submissions, but in summary, they've said the following:

- The CCTV footage he has only last 30 days and Helvetia didn't ask for the CCTV footage until after this time frame.
- The Police had advised him the thief had taken the car through relay theft.
- He acknowledged he'd exceeded the permitted annual mileage usage from his finance provider. But he said he'd discussed this with the finance company and any resulting charges would have been added to any new finance agreement when he acquired a new car.
- He maintained he changed the details on the insurance policy because he'd noticed a discrepancy. He said that this actually resulted in a premium refund.

Our Investigator didn't uphold this complaint. He said he found the key report persuasive that this car wasn't stolen by relay theft or that the key could be cloned. So he thought Helvetia's

concerns surrounding how the car could be stolen were fair. He said he thought a lot of concerns Helvetia raised were largely circumstantial. But when considering this alongside the concerns about how the car could be stolen, he didn't think Helvetia had acted unfairly.

Mr D – through his solicitor – didn't agree with the Investigator's opinion, but reiterated the points he's raised before and maintained it was unfair for Helvetia to decline the claim. And he asked for an ombudsman to consider this complaint.

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.

I've decided to not uphold this complaint and I'll now explain why.

I first need to make clear it's not for this Service to decide whether a consumer has committed fraud. Our role is to assess whether an insurer has acted fairly and reasonably taking into consideration all the evidence available.

In this case Helvetia has raised a number of concerns it has surrounding the veracity of the claim and also Mr D's actions. Mr D has also provided detailed submissions surrounding why he thinks Helvetia's decision was unfair. I've considered all the comments both parties have said surrounding these, but I've focussed on what I consider to be the key points raised. I don't mean any discourtesy about this, but it simply reflects the informal nature of this Service. I assure Mr D and Helvetia, however, that I have read and considered everything they've provided.

I think the majority of Helvetia's concerns are largely circumstantial. While they do raise some cause to have concerns about what's happened, I don't think it would be enough alone for Helvetia to show the claim didn't happen as Mr D described. However, I think its concerns arising from the CCTV footage and the comments from the key forensic report are fair.

Mr D has said the Police advised him that the car was stolen through the use of relay theft. However, I think it was fair for Helvetia to say this was unlikely. The key report highlights that relay theft requires two people to be involved. And I think this is fair. How relay theft works is one person is close to the house with a device and that device picks up the signal from the car keys inside the house. It then relays that signal to a secondary device that's by the car. The car then believes the car keys are next to the car, which unlocks the car and allows the thief to drive off with it.

However, the CCTV footage doesn't support this happened here. In this case, a single individual walks up to the car and then a few seconds later the car is driven off. I'm satisfied from this that it was fair for Helvetia to say relay theft wasn't used to take the vehicle. Mr D has said a second thief could be standing up to 100 metres away and still enact a relay theft – i.e. could have been there, but not seen on the CCTV footage. While that is the case, I also can't ignore that the individual walks up to the car and doesn't seemingly have anything else with him – i.e. the secondary device needed to complete the relay theft. And I think it's unlikely a relay theft could have been enacted in the few seconds the individual was next to the car. So I don't think it was unreasonable for Helvetia to say relay theft wasn't likely in this case.

Helvetia has said the car had to have been taken through the use of a pre-coded key based on what can be seen from the CCTV footage. And I think that's fair. Crucially, the key forensic report has said it wouldn't have been possible to clone the car keys – i.e. the car

could only have been driven through one of the car's pre-coded keys. Given all this, I don't think I can reasonably say Helvetia's concerns surrounding this claim was unfair. So I'm not going to interfere with its decision to not cover this claim.

My final decision

For the reasons I've set out above, it's my final decision that I don't uphold this complaint.

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

Guy Mitchell

Ombudsman