

The complaint

D complains Astrenska Insurance Limited unfairly declined a claim it made on its tools in transit policy.

What happened

In January 2025, D said tools from its vehicle, a van, had been stolen. It made a claim on its Astrenska policy, but it was declined. Astrenska said theft claims were only covered where forcible and violent means had been used to gain access. It said since D hadn't provided evidence of that, it wouldn't meet the claim. D complained but Astrenska didn't change its position, so D referred matters to the Financial Ombudsman Service for an independent review.

Our Investigator didn't recommend the complaint be upheld, he was satisfied Astrenska had fairly declined it.

D made a number of arguments in response, it said it's difficult to show a theft has occurred through the vehicle being unlocked by modern electronic and non-destructive techniques, because they don't leave damage. D also said it was concerned the policy wording doesn't reflect these modern methods of theft, and it places the policyholder in an impossible position. D also asked this Service to confirm what evidence would be sufficient for a claim under the policy to be met where electronic means had been used to access the vehicle. D also asked this Service to confirm if we would ever consider non-destructive electronic entry can ever meet the definition of forcible and violent entry.

As the matter wasn't resolved, it came to me to decide. I've already set out to D that I'm persuaded, in the circumstances of this case, that the claim was reasonably declined by Astrenska. D asked for a formal final decision to be issued covering its points made above.

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 largely down to an insurer to decide what risks it wants to insure, and those it doesn't. Astrenska's policy says it will not accept any claim for theft unless forcible and violent means have been used to gain access or entry to the motor vehicle.

When D made the claim, D provided photographs of the vehicle, but it said there was no visible signs of damage and so it could only assume the vehicle was unlocked by electronic means. It is for D to show forcible and violent means were used to gain access, to show it has a valid claim under the policy, and I'm not satisfied that it did. An assumption on D's part of the most likely entry to the vehicle is not enough, in the circumstances of this case, to show that forcible and violent means, or something that might reasonably be viewed as an equivalent of that, have been used to gain entry. As such, on the face of it, it is reasonable for Astrenska to decline the claim on the basis that D hasn't met the policy term for theft, given it hasn't shown forcible and violent means have been used to gain entry.

That being said, this Service takes a fair and reasonable approach to policy terms, and if D had been able to show that the vehicle had been opened and accessed via an electronic device, then we might take the view that this could fairly and reasonably be considered

'forcible' and 'violent', even if there was no visible damage. But key for this case, is that D hasn't shown this is most likely how the thieves gained entry to the vehicle.

Whilst it isn't for this Service to tell policyholders what evidence to provide, or how to successfully claim, there might be ways D could show the car was accessed electronically, such as through data held by the vehicle's computer system, if it has one. Or through evidence from a motor mechanic, explaining how D's type of vehicle could be accessed via electronic means (since my understanding is that not all vehicles can be accessed in this way). Or we might be persuaded by evidence from the police setting out that there had been a spate of similar thefts using a certain system known to unlock D's type of vehicle electronically. To be clear, I set these out as only examples of things we might possibly find to be persuasive evidence – only when such evidence is seen and considered in the context of a complaint could a finding on its persuasiveness, as that evidence related to those circumstances, be made.

D has provided some comments from the police already. But the comments from the police D has provided seem to be more generic, with D reporting that the officer told it the vehicle could have been accessed by electronic device, key cloning or lock picking. Given their general nature those comments are not enough to persuade me that a fair and reasonable outcome to the case is that Astrenska should meet the theft claim. It seems to me the police officer was simply giving options as to how the vehicle might have been accessed whilst showing no visible signs of damage. Rather than the police, being persuaded that it was most likely a certain method of entry has been used by a thief.

I accept that where electronic devices have been used to gain access to a vehicle that it may be more difficult to meet the 'forcible and violent' term, but it isn't for this Service decide how insurers write policy terms, or whether, on a wider scale, the terms reflect the modern world. That is the role of the regulator. The role of this Service is to consider individual complaints, based on the evidence of the parties. And having done so, whilst I understand the disappointment it will cause D, I've decided, on balance, that Astrenska has fairly and reasonably declined the claim.

My final decision

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask D to accept or reject my decision before 4 February 2026.

Michelle Henderson
Ombudsman