

complaint

Miss B complains that Hastings Insurance Services Ltd cancelled her car insurance policy after it found out she worked in a betting shop.

background

Miss B took out the policy online. She gave her occupation as 'assistant manager retailing'. Hastings cancelled the policy because it doesn't provide cover for people who work in the gambling industry.

The adjudicator recommended that the complaint should be upheld after Hastings was unable to provide proof that Miss B was given the option of 'gambling' when she completed the section about her job online. He also said that there was nothing to alert Miss B that her policy could be cancelled if she didn't provide accurate information about her job. He asked Hastings to remove the record of the cancellation from internal and external databases and pay Miss B £100 for the trouble and upset caused.

Hastings didn't think the adjudicator had taken a balanced view of the complaint. It said Miss B hadn't acted with the 'utmost good faith' required when taking out insurance. Hastings accepted that it couldn't provide 'comprehensive' proof that Miss B had been given the option of 'gambling' when she filled in the online form, but said that neither had she been able to provide evidence that 'gambling' wasn't an option when she completed the application. Hastings asked for the case to be reviewed by an ombudsman.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Miss B needed to use reasonable care when she completed the online application. She had disclosed that she worked in the gambling industry when obtaining other online quotes. She also gave Hastings the name of the betting shop where she worked when she phoned to query the payments on the policy. She has consistently said that she wasn't given the option of 'gambling' when she completed the online form for Hastings.

Hastings' suggestion that Miss B should prove that 'gambling' wasn't an option is clearly unrealistic. Hastings is much better placed than Miss B to obtain the relevant screen shots, but hasn't been able to do so. Nor is there any other evidence that Miss B was told that her occupation could make the difference between getting a policy and having cover refused.

Hastings says Miss B may have deliberately withheld the information that she worked in a betting shop in order to get a better car insurance quote. Although that's possible, I think it's more likely that Miss B is right when she says there was no opportunity to say what her job was at the time she completed the request for a quote. This is in line with the fact that she immediately confirmed the name of the betting shop over the phone to Hastings and the surprise she expressed when the policy was cancelled. This was Miss B's first car insurance policy. So I don't think she would have known that her occupation might affect whether she could get car insurance, unless this was made clear at the time she was buying a policy.

In the absence of evidence either of a specific question or any explanation about the importance of providing accurate employment information, I have concluded, on balance,

that Miss B exercised reasonable care when completing the online request for a car insurance quote. I agree with the adjudicator that Hastings should now take steps to ensure that the record of the cancellation is removed from the insurance data bases. I also consider Hastings should pay Miss B £100 to compensate her for the trouble and upset that cancellation of the policy caused her.

my final decision

I uphold the complaint. I require Hastings Insurance Services Ltd to:

- Remove all record of the cancellation from internal and external insurance data bases;
- Provide a letter to Miss B confirming that the policy was cancelled in error;
- Pay Miss B £100 for the trouble and upset she suffered.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss B to accept or reject my decision before 14 December 2015.

Melanie McDonald
ombudsman