

complaint

Mr N has complained that Admiral Insurance Company Limited refused to settle a claim he made under his motor policy when he said his car was stolen.

background

Mr N said his car was stolen from his home while he was away visiting friends and he made a claim to Admiral. As part of Admiral's investigation, both keys to Mr N's car were analysed. The analysis showed that one of Mr N's keys had been used to drive his car while he was away. This key was in the hall of his home when he returned from his weekend, where he said he left it.

Whilst away with his family, Mr N had travelled from London to Scotland to buy another car. Admiral was concerned because Mr N didn't mention this in his original statement. It concluded that it was unlikely that Mr N's key was taken from his home to steal his car, and for the thief to return the key to its original place afterwards. It decided that an insurable event hadn't taken place, so it refused to deal with Mr N's claim.

Mr N complained as he was very unhappy with Admiral's decision, but its decision remained unchanged. So Mr N brought his complaint to us. The adjudicator who investigated it didn't recommend that it should be upheld. He was of the view that Admiral had reached its decision that an insured event hadn't taken place reasonably.

Mr N didn't agree, so the matter has been referred to me to decide.

my findings

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

Mr N bought his new car from a dealership garage in May 2014. In October he, his wife and children travelled in his wife's car on the Thursday evening to his wife's parents and stayed overnight. On the Friday morning, they travelled to London for the weekend and met with friends for lunch. Mr N said that the reason for travelling to London was because of a friend's birthday party on the Saturday night.

Mr N said that on Saturday morning their neighbour contacted his wife to ask if they had taken both cars as Mr N's car was not on the drive. Mr N realised that his car must have been stolen and he contacted the police. Later that day police officers went to his home and said that the house was secure as the officers had checked the outside doors which were locked. Mr N called Admiral to report the theft of his car. Mr N and his family returned home on Sunday evening.

Admiral asked Mr N to provide the keys for his car, which he did and these were then analysed. The analysis showed that one key, which appeared to be the key in Mr N's possession, had last been used on Thursday afternoon, which agreed with Mr N's return home from work. The second key was last used at around midday on Friday. This key was kept in Mr N's home in the hall. He said it was there when he returned home on the Sunday.

The officers who went to Mr N's home on the Saturday said there was no debris on the drive, and they checked the doors to the property but these were secure. However, Mr N later said that when he and his wife returned home on Sunday, his wife noticed that a side door wasn't locked, although there was no sign of a break in, and they later reported this to the police.

On the Sunday, the day Mr N and his family returned home, Mr N insured another car with Admiral. Admiral made enquiries as to when Mr N bought this car with the previous owner who lived in Scotland. The previous owner told Admiral that Mr N had paid a deposit for the car the Monday before, having made enquiries about the car around two weeks before then. On the Tuesday, Mr N had sent a text message to the owner confirming his flight details from London to Scotland for the Saturday when he would pick up the car.

Admiral said it was concerned as Mr N didn't mention this trip at all in his initial statement. It asked the police to review its check of Mr N's home and the attending officers reiterated that all outside doors were locked.

Mr N said that a site manager had a key to his home because of some work that needed doing from time to time. Admiral interviewed the site manager who confirmed that there were only two people who had access to the key, but neither of them had used it to enter Mr N's home for some time.

Mr N says that Admiral hasn't been able to prove that somebody else was able to access his home while he was away to take the key to steal his car. Mr N believes the door that the police officers are referring to isn't the same door that his wife noticed was unlocked after they returned on the Sunday. And even if it was secure when the officers attended, someone may have later used a key to enter his home to put the car key back, then leaving the back/side door unlocked.

He says that he didn't mention buying the car in Scotland because it wasn't directly relevant. He had been looking for some time for a car to replace his wife's car from a petrol fuel, to a diesel. He provided a copy of an insurance schedule to prove that he hadn't hidden buying the car for his wife from Admiral. He believes Admiral may not have provided us with the insurance schedule to imply that he deliberately deceived it.

Admiral's file did show us that Mr N insured the car he bought in Scotland with it. The insurance schedule shows the change of car under his policy. Mr N is listed as the only driver under the policy, so it doesn't prove that he bought this car as a replacement for his wife's car.

I think it was reasonable of Admiral to raise concerns about Mr N's initial statement as part of its investigation. Mr N and his family provided dates and times of his and his family's whereabouts from Thursday to Sunday. At no point did Mr N or his family state that he had travelled by plane from London to Scotland to buy another car. I think this was a significant trip to make during the weekend, and Mr N drove the car from Scotland home to the Midlands area. I therefore don't think Admiral's concern that this wasn't mentioned at all was an invalid one, particularly as it appeared Mr N had planned this trip since the Tuesday before.

Mr N says that Admiral has assumed he knowingly allowed someone to use the keys to his car, but they have no proof of that. However, it's for Admiral to be satisfied as to the circumstances surrounding the alleged theft. It wasn't satisfied based on the information it had.

I think that Admiral has shown that it properly investigated Mr N's claim. It obtained witness statements from Mrs N's father, Mr N's friend in London, Mr N's neighbours, the site manager, as well as information from the police who attended Mr N's home after he reported the theft. The analysis evidence from the locksmith shows that his car had been last driven using the coded key which Mr N said was in his hall and was there when he returned from his weekend trip. So I don't think Admiral was unreasonable in reaching its decision that an insured event hadn't happened.

my final decision

For the reasons given above, my final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr N to accept or reject my decision before 9 November 2015.

Geraldine Newbold
ombudsman