

complaint

Ms Q complains that Society of Lloyd's (SoL) has declined her contents insurance claim.

background

Following a burglary, Ms Q submitted a claim to SoL for a number of items she said had been stolen. SoL turned down the claim as Ms Q wasn't able to provide any evidence of ownership. Unhappy with this, Ms Q brought a complaint to this service.

Our investigator recommended the complaint be partly upheld. She thought SoL had acted reasonably by turning down the claim, but thought it should pay £75 compensation for poor service.

SoL agreed with our investigator's recommendations, but Ms Q didn't. The matter has therefore been passed to me to consider.

my findings

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

In making this claim, it's Ms Q's responsibility to show that a burglary took place and that she owned the items she's claiming for.

Ms Q says her garden shed was broken into and a number of items stolen – a man's bike, a child's bike, a pressure washer, a strimmer, a lawnmower, and a toolbox containing tools.

When SoL assessed the claim, Ms Q wasn't able to provide evidence of ownership of any of the items. SoL had concerns about this. Since bringing her complaint to this service, Ms Q has provided a product registration card for the pressure washer and a manual for the child's bike. But SoL still has concerns about the claim.

I should point out that very few people are able to provide evidence of ownership for every item that they own. Because of this, I generally don't think it's reasonable for an insurer to refuse a claim if a policyholder can't prove they own every item that's being claimed. However, if an insurer has concerns about the validity of a claim (as it does here) I need to consider the facts to decide whether it's reasonable for the insurer to turn down the claim.

Ms Q says she purchased the two bikes in December 2012. Although she doesn't have the receipts, she knows where she bought them and says they cost £600 and £300. She bought them for her ex-partner and his son. She confirmed her ex-partner moved out two years earlier.

SoL initially asked Ms Q for her ex-partner's contact details as it thought he may have taken the bikes with him when he moved out. Ms Q refused to provide his details as the break-up hadn't been amicable.

I don't think it was unreasonable for Ms Q to refuse to provide her ex-partner's contact details in the circumstances. But I see she says she bought the bikes using a credit card or debit card. So I would have thought it'd be fairly straightforward to obtain a copy of her relevant statement showing the purchase, particularly since she knows the month and year they were purchased.

Ms Q says her credit card provider has told her it can only provide a copy of her statements going back to 2013. But she hasn't provided confirmation of that from her provider.

I appreciate that Ms Q has now provided a manual for a child's bike. My concern with this is that she wasn't able to find this manual when SoL assessed the claim, and she told SoL that she could have obtained a manual from a friend if she'd wanted to. Without confirmation from Ms Q's credit card provider that it can't provide her with a copy of her bank statement from December 2012, I don't think it was unreasonable for SoL to turn down the claim for the bikes.

Ms Q says her father purchased the pressure washer online in 2014 and she reimbursed him for this with cash. SoL says it asked Ms Q for her father's contact details to verify this, but she was reluctant to give them. Ms Q disputes this and says SoL never asked her for this information.

I can see that SoL asked Ms Q for her ex-partner's details, but I haven't seen that it asked her for her father's contact details. Nonetheless, Ms Q was aware that SoL wanted her father's contact details before bringing her complaint to this service. But she didn't provide this information for it to look into this aspect of her claim further. I appreciate Ms Q has since provided a product registration card for a pressure washer, but in the circumstances, I think she should provide SoL with her father's contact details so it can contact him about the purchase. Since the item was bought online, presumably he paid using a credit/debit card or online payment service, so should be able to evidence the purchase.

Ms Q says she bought the strimmer and lawnmower in 2014 and 2016 respectively. She knows where she purchased them and says she bought them using a bank card. I think it would therefore be fairly straightforward for Ms Q to provide SoL with the bank statements showing these two purchases. I can understand SoL's concerns that Ms Q hasn't done so.

Ms Q says she purchased the toolbox and tools between 2008 and 2016. If she is able to provide SoL with the various bank statements that show the purchases of the above items, I'd expect it to settle the claim including the toolbox and tools.

Overall, whilst I wouldn't normally expect a policyholder to provide evidence of ownership of every item in a claim, given that Ms Q purchased the majority of the items herself within the last six years, I think she should be able to evidence this by way of bank/credit card statements. As she hasn't done so, I don't think it was unreasonable for SoL to turn down the claim.

Our investigator thought Ms Q had been caused some unnecessary upset by SoL's handling of the claim. She recommended SoL pay £75 compensation. I think it's arguable whether or not Ms Q was caused any particular upset or inconvenience by SoL's handling of the claim. But I accept that Ms Q made a Subject Access Request which SoL didn't comply with. In light of this, SoL has agreed with the investigator's recommendations to pay £75, which seems fair.

my decision

For the reasons set out above, my final decision is that I partly uphold this complaint. I require Society of Lloyd's to pay Ms Q £75 compensation.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms Q to let me know whether she accepts or rejects my decision before 27 March 2018.

Chantelle Hurn-Ryan
ombudsman