

complaint

Mr S complains that Liverpool Victoria Insurance Company Limited ("LV") unfairly declined a claim he made on his motor insurance policy following the theft of his car.

background

Mr S says he locked the car, which was parked on his driveway. He'd left the spare key in the boot by mistake. The car was stolen overnight but the alarm didn't go off and there was no sign of forced entry. It hasn't been recovered. LV declined the claim as the policy excludes the theft of a car where a key is left in or near to it. Mr S says he wasn't made aware of the exclusion. He thinks the car was targeted by professional thieves and that the spare key wasn't used in the theft.

Our adjudicator thought LV had acted reasonably. He thought LV had highlighted the exclusion sufficiently and that there was no evidence of how the car was stolen.

Mr S disagreed. He asked for a review of the complaint 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.

We think not covering a claim if a key's left in or around a car is a significant exclusion. An insurer must be able to show it's drawn it to the attention of a consumer. Mr S says he wasn't aware of the exclusion. But LV's shown it's set out in the policy *and* on the *key facts* sheet. I think that's a fair way of highlighting it.

Mr S says he'd have had to go onto LV's website and download all the documents to see the exclusion. He thinks that's not reasonable, but I disagree. The exclusion wasn't 'buried' in a place that was hard to find. And LV's welcome letter advised Mr S to read the policy documents carefully. Even if he'd only looked at the key facts sheet, Mr S would have seen the exclusion.

Mr S didn't leave the key in the car deliberately. He says normally it was never left in there, so Mr S knew it was important to keep the keys away from the car when it was unattended. I don't doubt he normally does that and that this was a rare oversight on his part.

It isn't possible to say for sure how the car was stolen. Mr S has suggested a key could have been cloned when the car was in a garage a short time previously. It seems the alarm didn't go off and there was no broken glass around, so it doesn't seem the car was broken into.

I think it's possible thieves used a cloned key or another 'technical' method of getting into the car that didn't cause any damage to it. But it's also possible the car was unlocked and the spare key was used to drive it away. Mr S is sure the car was locked and that's also Mrs S's recollection. But they *may* be mistaken. LV has no way of knowing, as there's no independent evidence either way.

Mr S thinks it's highly unlikely that a prospective thief not only found the car unlocked, but then took the time to search it thoroughly, thus finding the key in the boot. The car and the thief would have been in full view on his driveway whilst all that took place. But I think it's fair

to say that opportunistic thefts are fairly common. During the night the chances of a thief who works quietly being observed are much reduced. And the likelihood of a professional theft taking place on the *one* occasion the key was ever left in the car does seem slim.

What I have to consider is whether LV's decision was *reasonable*. At the moment the undisputed fact is that the car was taken whilst the spare key was inside it. LV had given notice that its theft wouldn't be covered in those circumstances. I have a great deal of sympathy for Mr S's situation, but I don't think LV's acted unfairly. And it's said if the car's found, or if any evidence of cloning the key emerges, it will reconsider its decision.

As I don't think Mr S has shown LV's acted unreasonably, I don't think there's a basis on which I can uphold his complaint.

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 Mr S to accept or reject my decision before 11 April 2016

Susan Ewins
ombudsman