

## The complaint

Mr E and Mrs V have complained about Liverpool Victoria Insurance Company Limited. They are not happy that it turned down a claim under their motor insurance policy.

## What happened

Mr E and Mrs V made a claim under their motor insurance policy after their car was stolen. But when LV looked into the circumstances surrounding the claim it turned it down. This was because it didn't think the theft occurred as Mr E and Mrs V described and so it turned down the claim and suggested that the claim was fraudulent as the car wasn't driveable at the time of theft.

As Mr E and Mrs V were unhappy about this they complained to LV, but it maintained its position. LV said there were clear discrepancies in the claim, and it didn't believe the theft could've happened as described. So, Mr E and Mrs V complained to this Service.

Our Investigator looked into things for Mr E and Mrs V but didn't uphold their complaint. She didn't think LV had done anything wrong in declining the claim and cancelling the policy as it thought the claim was fraudulent.

As Mr E and Mrs V didn't agree the matter has been passed to me for review.

## 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.

Having done so, I don't think this complaint should be upheld. I know this will come as a great disappointment to Mr E and Mrs V, but I'll explain why.

I think it's important to explain I've read and taken into account all of the information provided by both parties, in reaching my decision. If I've not reflected something that's been said in this decision it's not because I didn't see it, it's because I didn't deem it relevant to the crux of the complaint.

This isn't intended as a discourtesy to either party, but merely to reflect my informal role in deciding what a fair and reasonable outcome is. This also means I don't think it's necessary to get an answer, or provide my own answer, to every question raised unless it's relevant to the crux of the complaint. And, in line with this, I don't propose to go over the finer detail of the issues here as both sides are fully conversant with the claim and what happened. Ultimately, I can't say that LV has acted unreasonably in turning down the claim given the clear discrepancies identified.

Although I can understand why Mr E and Mrs V believe that LV's delay impacted their ability to support their claim – as they feel they *may* have been able to gain CCTV evidence in support of their position if LV had acted quicker during the early stage of the claim. However, I think the evidence overall has presented understandable questions around the claim.

LV's investigations have shown that their car had major mechanical problems over a month before the claim was made which made the car undriveable - and LV has provided expert evidence in support of its position. So, I can understand why LV has questioned whether the car was stolen and abandoned or crashed 400 metres away from the shopping car park it was stolen from. I know there was a suggestion that there was CCTV available, but not retained, that *may* have shown the theft of Mr E and Mrs V's car, but I don't think this overcomes the stronger evidence that the car wasn't driveable.

I can see that Mr E and Mrs V have provided a spreadsheet outlining when they used the car, but this doesn't show any actual movement of the car just their suggested journeys. I'm not looking to question their account but there is clear evidence that their car wasn't driveable from the car's engine management system which I find persuasive. Indeed, I note Mr E and Mrs V's car was booked into a main dealership garage just before the theft, but the appointment was cancelled. So, on balance, I'm satisfied there was sufficient evidence to show that their car wasn't in a driveable condition before it was stolen.

Furthermore, there was no theft related damage to their car. I know that cars like Mr E and Mrs V's can be stolen using other technology, but I find it difficult to believe that the car was only moved 400 metres given the level of effort the criminals would require to take the car in the first instance.

Finally, I note LV has said that it would be happy to consider any independent evidence Mr E and Mrs V can provide in support of their position. And I would expect it to do so if they can gain any evidence now. I understand Mr E and Mrs V still have the car and if they can gain any expert evidence to show the car was driveable at the time of theft then I would expect LV to reconsider the claim and the fraud element.

### **My final decision**

It follows, for the reasons given above, that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr E and Mrs V to accept or reject my decision before 8 April 2024.

Colin Keegan  
**Ombudsman**