

The complaint

Miss N complains that Ageas Insurance Limited declined her claim and cancelled her car insurance policy.

What happened

Miss N had a car insurance policy underwritten by Ageas, which she took out on 29 May 2023.

On the same day, she made a claim after a third party driver crashed into her parked car. Miss N wasn't in the vehicle at the time. As I understand it, Ageas also insured the third party.

After carrying out investigations, including interviewing Miss N, Ageas declined the claim and cancelled Miss N's policy.

They said they weren't satisfied the accident happened as Miss N had described. And they suspected it was not genuine and fraudulent.

Miss N complained to Ageas, but they maintained they had good grounds for deciding that the claim wasn't genuine. So, Miss N brought her complaint to us.

Our investigator looked into it and thought the complaint should be upheld. She thought Ageas had grounds to decline the claim, but not to conclude that it was fraudulent and cancel the policy.

She said Ageas should reinstate the policy, refund any charges associated with the cancellation, and remove any data relating to the incident from external databases.

Ageas disagreed and asked for a final decision from an ombudsman.

I didn't agree with our investigator's view, so I issued a provisional decision. This allowed both Miss N and Ageas an opportunity to provide any further information or evidence and/or to comment on my thinking before I make my final decision in this case.

My provisional decision

In my provisional decision, I said:

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

Miss N took out her policy less than a day before the alleged accident occurred. The third party had taken out his policy eight days before that.

Miss N provided information about the accident to Ageas when she notified them of the claim, in later correspondence, and in the interview Ageas' agents carried out.

There are several inconsistencies and anomalies in the information she provided.

One – Miss N told Ageas she didn't know the third party driver. Evidence from social media suggests she does in fact know him.

Two – when Miss N was interviewed – by video link – she said she was overseas at the time. Evidence suggests she wasn't overseas.

Three – when she was interviewed, Miss N at first told the interviewer that there was no-one in the room with her. She later agreed that there was someone in the room after the interviewer asked about a voice which could be heard on the link. Miss N said it was her partner.

Four – Miss N told Ageas her car was parked away from her home because she was visiting her sister overnight. During the interview – and after Miss N had been asked for her sister's details – she said that was untrue.

She said she'd been picked up from where she parked her car by a man with whom she was having an affair. She said she'd lied because she didn't want her partner to find out about the affair. This seems odd given that Miss N had said her partner was in the room with her when the interview was taking place.

Five – Miss N has given Ageas two different names for her sister. Given that she did so within a short space of time, that would appear not to be likely due to confusion between married and maiden names, for example.

Ageas could find no trace of Miss N's sister at the address they were given, as a current or previous resident. Miss N has told them her sister has now moved overseas.

Miss N has refused to provide Ageas with her mobile phone details, which might be used to verify her whereabouts at and around the time of the incident.

Ageas have told Miss N they think the third party staged the accident because his car had a serious issue prior to the collision which would have required very extensive and expensive repairs.

Whilst that doesn't immediately establish that Miss N had any reason or motive to collude with the third party, I think there is enough evidence (as set out above) for Ageas to conclude that Miss N hasn't told them the truth about the accident.

Ageas also tell us that, since the incident, they've found out that Miss N didn't disclose a previous claim (made in 2022) when she took out the policy with them.

In short, as things stand - and given the information we've seen so far - I don't think it's unreasonable or unfair for Ageas to conclude that it's more likely than not that Miss N made a fraudulent claim. And so, it's not unfair or unreasonable for them to decline the claim and cancel the policy.

If Miss N and/or Ageas have any more information or evidence to add, no doubt they'll provide it in response to this provisional decision."

So, I said in my conclusion that I was minded not to uphold Miss N's complaint, as things stood.

The responses to my provisional decision

Ageas haven't responded to my provisional decision. I assume that's because they agreed with it.

Miss N *did* respond. She said confusion may have arisen in the video interview with Ageas' agents because she doesn't speak English very well.

She sent a screenshot of a mobile phone message confirming a flight booking for her on 25 June 2023 to the country she said she was in when the interview took place on 26 June 2023.

And she sent a Google timeline showing that she was in and around the town where the accident had allegedly occurred – and driving (another car) – for much of the day immediately after the alleged accident on 28 May 2023.

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.

Miss N hasn't explained what confusion she thinks may have arisen during the interview because she doesn't speak English very well.

I'm satisfied that on balance it was unlikely that any confusion arose about whether someone else was in the room with her and who that was.

It's also very unlikely any confusion arose over the fact that Miss N now said the version of events she'd previously provided – that she was visiting her sister on 28 May 2023 – was untrue. Miss N gave a fairly pointed and lengthy explanation of that inconsistency.

I now have conflicting evidence about where Miss N actually was during the course of the interview. But even if Miss N were in fact overseas, as she suggests, that means only that she wasn't lying about her whereabouts at the time of the interview.

Ageas had a number of other reasons to doubt what they were told by Miss N (as outlined in my provisional decision above). All of those reasons still stand. Miss N has provided no information or evidence to explain the apparent inconsistencies in the information she provided to Ageas.

I'm unsure why Miss N has provided evidence of her whereabouts on the day after the alleged accident. I don't think that has been in dispute. And it certainly wasn't central to Ageas' reasons for not believing that Miss N had provided them with a true account of the events in question.

So, having considered the further evidence and information provided by Miss N, I have no reason to change my view on the case, as set out in my provisional decision.

My final decision

For the reasons set out above and in my provisional decision, I don't uphold Miss N's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss N to accept or reject my decision before 28 March 2024.

Neil Marshall
Ombudsman