

The complaint

Mr H complains about how Mulsanne Insurance Company Limited (“Mulsanne”) handled and declined a claim for the theft of his car under his motor insurance policy. When I mention Mulsanne I also mean its suppliers and investigators.

What happened

Mr H had a motor insurance policy with Mulsanne covering his car.

In February 2023 Mr H’s car was taken from outside his home. He said he’d used the car during the day, then went out in the evening.

He said he returned to his house in the early hours of the following day using a private hire vehicle. He didn’t remember if the car was still outside his house or not.

The following morning, Mr H realised he’d missed a call from the police telling him his car had been found crashed nearby to his house.

He reported his car as stolen and made a claim from Mulsanne. He had one key for the car, which he still had. He sent it to Mulsanne.

Mulsanne looked into his claim and asked for further details about Mr H’s movements that evening. He wasn’t able to evidence part of his story and changed some detail.

Mulsanne examined the key. It showed it’d been last used just before 11pm that day, rather than much earlier in the day as Mr H had said.

Mulsanne declined the claim. It said it thought Mr H had breached the fraud condition in the policy wording.

Mr H also complained about Mulsanne’s slow handling of his claim. Mulsanne looked into it and agreed it hadn’t handled the claim well enough, meaning that it’d taken longer to deal with it rejecting the claim than it should have. It offered Mr H £100 compensation.

As Mr H remained unhappy, he brought his complaint to this service. He complains about Mulsanne’s service and asks that Mulsanne settle his claim.

Our investigator looked into it and thought it wouldn’t be upheld. She said she thought Mulsanne acted fairly in its investigation of the events and she thought the amount of compensation it’d offered Mr H was fair.

Mr H didn’t agree with the view and asked that his complaint was reviewed by an ombudsman. So it has been passed to me to make a final decision.

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.

I'd like to begin by noting I've set out the background above in less detail than the evidence in the file. I want to assure Mr H that I've read and considered all the available information, but I'm not going to comment on every point made and raised. No discourtesy is intended by my approach which reflects the informal nature of this service as an alternative to the courts.

Having considered the information in the file, I'm not upholding the central part of Mr H's complaint. I realise this will be a considerable disappointment to him and I'll explain why I've arrived at this decision.

Our approach in cases like this is to consider whether the insurer has acted in line with the terms and conditions of the policy, and fairly and reasonably.

I can see from the file I have that the car was taken from the driveway outside Mr H's home. He told Mulsanne he'd used the car during the day, then parked it up and took a visit to a local pub, before heading on to a nearby city.

During the times of his journey to the city, which were confirmed by him, the police and a family member tried to contact him about his car, which had been found crashed. But he said he didn't get these messages until he woke up the following morning.

Mulsanne used a telephone interview with Mr H to get his version of events.

It had concerns with these. So, it asked a forensic key expert to investigate the key. This key was confirmed by Mr H as being the only key he had for the car, and Mulsanne confirmed this with the selling dealership.

The key report said definitively that the key was used just before 11pm. The expert says the specific type of key cannot be 'hacked' or cloned. The key recorded the use of the car at the time in question, and likely that the airbags were deployed which seems to fit with the collision.

It's this service's approach that an expert report is given appropriate weight, and I think in this case it shows what likely happened that evening wasn't as Mr H described.

I've looked at the various strands of evidence explored by Mulsanne, including the police report (which took some considerable time to obtain), the key report, the telephone interview, and the various pieces of evidence it asked Mr H for.

Mr H has expressed his unhappiness that Mulsanne didn't interview some family and friends he said were witnesses, but I can see Mulsanne says these people wouldn't be independent. In later correspondence with this service when he disagreed with the view, Mr H says Mulsanne hasn't taken "all aspects of my claim" into consideration. But I'd also say that it doesn't need to – there are key parts of Mulsanne's investigation that are central to its rejection of Mr H's claim that he hasn't been able to provide evidence to overturn.

To be clear, it's not my role to establish how the car was taken. It's my role to examine Mulsanne's actions and decide whether it has acted fairly and reasonably. And taking everything into consideration, I think it has.

But I can see that Mulsanne didn't progress his claim well. It seems to have waited a long time for each response before chasing, then when it did receive an answer it progressed with further questions rather than running several lines of investigation at the same time. I can see that the rejection of his claim has had a substantial impact on Mr H, but I think it's

fair I say that most of this is due to the claim's status rather than the delays caused by Mulsanne. Mulsanne has offered Mr H £100 compensation for these delays and I think that's fair.

If Mr H now wishes to accept Mulsanne's offer then he can contact it and make arrangements for payment.

I can see from the file that Mr H's car has now been returned to him. I'm not able to see from the file whether he has the V5 and key in his possession, which formed part of his approach to this service. If he hasn't received those then I'd ask that Mulsanne return them, and if Mr H remains unhappy with that process he can make a further complaint to Mulsanne about that matter.

My final decision

Mulsanne Insurance Company Limited has already made an offer to pay £100 to settle the complaint and I think this offer is fair in all the circumstances.

So my decision is that Mulsanne Insurance Company Limited should pay Mr D £100 if it hasn't already done so.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 7 August 2024.

Richard Sowden
Ombudsman