

The complaint

Mr S complains about AXA Insurance UK Plc (“AXA”) for declining his theft claim. He wants AXA to accept and settle his claim.

What happened

Mr S insured his home with AXA, via an intermediary, in April 2021 and renewed each year.

He previously made a claim around August 2022, which was declined.

In late April 2023, Mr S suffered a burglary at his home. He believes that thieves accessed his home through a Velux type window on the roof, as scaffolding was around the building at that time.

He says that around £15,000 - £20,000 worth of jewellery was taken. Mr S reported this loss to police and obtained a crime reference number. He advises that the police accepted that there had been forcible entry through the roof window, and that the police prepared a report, but did not provide him with a copy of this.

In July 2023 Mr S submitted a claim to AXA for the stolen items. AXA requested evidence of forcible entry from Mr S to support his claim. AXA says that Mr S did not provide this.

AXA ultimately declined the claim. It explained that the policy set out that theft of contents or specified items from within a building is only covered where there are signs of damage caused by the thief (or violence or deception) to get into the building.

AXA said that Mr S had not provided evidence of forced entry into the property and so had not supported his claim.

Mr S complained. AXA maintained its view.

Mr S contacted us. He feels that the decision from AXA is unfair and that he met the policy requirements by providing the crime reference number. He thinks that AXA could obtain the report from the police, and that this would support his claim.

Our investigator looked into this matter and considered that AXA ought to try to obtain the police report. She recommended that AXA then reconsider the claim, and that AXA pay to Mr S £150 compensation for his distress and inconvenience. The parties did not accept that recommendation.

The parties did not accept that recommendation.

I issued a provisional decision in respect of this matter in May 2024. In that provisional decision I set out that I did not think the complaint should be upheld and that I did not think AXA was wrong in its assessment, based on the evidence it had been provided with to date.

That provisional decision has been shared with the parties and they have been invited to comment.

Mr S has responded making further submissions and providing further copies of photographs showing debris around the window. The business has not commented further.

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.

Mr S has made a number of comments in response to my provisional decision.

I can summarise these as:

- That I have misunderstood his complaint as being about AXA, whereas it is about one of AXA's agents;
- That he maintains that he has provided sufficient evidence to show that he suffered a break in and theft;
- He has referred to various consumer protection legislation and considers that I have failed to apply this;
- He argues that if the decisive issue is that he does not have the police report then I should wait until he receives this; and
- He refers to negative reviews of the agent businesses he dealt with and considers that they have behaved poorly.

I have considered Mr S's comments and have looked again at the photographs he has provided to us. I do, however, remain of the view set out in my provisional decision.

To address his comments, firstly I acknowledge that his concerns were primarily about the agent businesses who assessed and administered claims on behalf of AXA. When considering complaints about insurance services, we assign the complaint to the business who underwrites the policy as they are responsible for any actions taken in respect of the policy or claim, either by them or their agents. Consequently, it was appropriate to treat this complaint as being about AXA, which was the underwriter of Mr S's policy.

I do not agree that Mr S has provided sufficient evidence of the break in, and as I explained in my provisional decision, I think AXA made a reasonable decision based on the evidence that Mr S has provided. It is Mr S's responsibility to first demonstrate that an insured event has taken place. His policy covers theft from the home only where there is evidence of forced entry or deception for the thieves to access the building. Mr S has provided photographs which appear to show that thieves entered through a roof light, but he has not shown that entry was forced. AXA is entitled to request this and if evidence of force is not provided, is reasonable to decline the claim on the basis that the insured event has not been demonstrated. He feels that AXA should pursue obtaining the police report which he says supports that there was forced entry. I consider that this is Mr S's responsibility as he has a relationship with the police officer and it is his information to request. If he now obtains this and it is supportive then I would expect AXA to respond to that evidence. I do not, however, think it is AXA's responsibility to seek out the evidence which is more appropriately sought by Mr S.

I have considered and borne in mind relevant legislation in respect of this case, but the test this service applies concerns what is fair and reasonable.

I do not consider it necessary to wait for Mr S to obtain the police report as I can assess what AXA has done to date. If Mr S now obtains the police report and provides it to AXA then AXA would need to make a further decision. We could then look at that decision if necessary.

Mr S has referred to negative reviews of the agent companies. I have not considered these as we look at the facts and circumstances of this individual complaint. Reviews by others on different circumstances are not relevant to this.

Consequently, I remain of the view set out in my provisional decision and I do not uphold Mr S's complaint. I do not ask AXA Insurance UK Plc to do anything further.

My final decision

For the reasons given above, and in my provisional decision, I do not uphold Mr S's complaint and do not ask AXA Insurance UK Plc to do anything further.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 12 August 2024.

Laura Garvin-Smith
Ombudsman