

The complaint

Mr L is unhappy with the decision made by Assurant General Insurance Limited (AGI) following a claim for the loss of his mobile phone.

What happened

Mr L took out mobile phone insurance with AGI. In August 2023, Mr L reported the loss of his mobile phone, and a successful claim was made without speaking to an AGI representative.

On 5th December 2023 Mr L added a new phone to his policy. Five days after registering his phone, Mr L raised a claim for loss. AGI tried to contact Mr L to discuss his claim. Mr L informed AGI *'I recently received your text requesting a call to discuss details related to my mobile phone insurance claim. I appreciate your efforts to move the process forward, but I must convey that I am unable to make phone calls due to severe anxiety issues.... I kindly request an alternative method of communication, such as email or secure messaging, to discuss the required details for my claim. This would greatly help me navigate this situation without further exacerbating my anxiety.'*

Mr L was told the process of determining his claim would likely involve a verbal interview. Mr L told AGI *'I must express my deep reservations about the requirement for a verbal interview as part of the mobile phone insurance claim process. As previously communicated, I am currently unable to engage in phone calls due to severe anxiety issues.'* Mr L further requested that AGI *'provide specific details on the reasons behind the requirement for a verbal interview and whether there are alternative methods of communication that can be considered in line with relevant UK discrimination or equality laws.'*

AGI sent Mr L confirmation of a complaint logged about its service on 23 December. AGI also informed Mr L that *'this phone interview does need to be carried out to complete the claim process due to the claim details triggering some internal alerts. I appreciate this will not be the easiest thing for you to do but as we cannot proceed without this interview, I would advise you have a friend or family member with to help if you feel you need to.'* Mr L advised *'I must express that the continued insistence on a phone interview, despite my repeated and sincere explanations, makes me feel victimised and discriminated against. As a customer facing significant challenges, I expect a more compassionate and understanding approach in resolving this matter.'*

On 11 January 2024 AGI wrote to Mr L reiterating *'This interview is a necessary step due to some internal alerts being triggered. I have advised you may wish to have a friend or family member speak on your behalf once you have passed security or you may wish to speak support for a staff member in your local branch, but you have stated these options are not suitable to yourself.'* AGI didn't uphold Mr L's complaint.

Mr L wasn't happy with AGI's response, and referred his complaint to this service. Our investigator found that AGI had acted reasonably in reaching its decision on Mr L's claim, and didn't recommend AGI take any steps to put things right. Mr L disagreed with the investigator's view. As the complaint couldn't be resolved, it has been passed to me for decision.

I issued a provisional decision on Mr L's complaint. This is what I said about what I'd 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 reassure the parties that although I've only summarised the background to this complaint, so not everything that has happened or been argued is set out above, I've read and considered everything that has been provided.

I thank Mr L for taking the time to explain his personal circumstances, and everything that's happened since trying to make a claim. I understand it has been a difficult time for Mr L. Mr L says he can't agree to a verbal interview to discuss his claim because of his underlying anxiety, which makes engaging in phone conversations exceedingly distressing and often triggers panic attacks.

When we investigate a complaint about an insurer's decision on a claim, our role is to consider whether the insurer handled the claim in a fair and reasonable manner. So I've considered the evidence to determine whether AGI has acted fairly and reasonably when dealing with Mr L's claim.

I recognise the importance of AGI conducting a thorough investigation before reaching a decision to accept or decline Mr L's claim. I recognise that it would be easier, and quicker, to verbally discuss Mr L's claim with him. This would allow any discrepancies, or areas of concern, to be more immediately dealt with.

I've balanced AGI's need to complete a thorough and efficient investigation alongside Mr L's serious concerns about his welfare when using the phone. Mr L has explained at length the risk of the impact on his health, including severe panic attacks, when engaging in use of the phone. Mr L has explained that he suffers from severe anxiety issues, and a key trigger of his symptoms is engaging in use of the phone. From what Mr L has explained, although the most efficient way of answering AGI's concerns about his claim would be a verbal interview, this doesn't align with being a suitable method of communication for Mr L.

I've considered the alternative options put forward by Mr L. And I'm persuaded the option to discuss Mr L's claim by secure messaging would also allow AGI the opportunity to ask direct questions, and receive an immediate response. The timing of Mr L's response would allow AGI to ask any follow up questions in the same conversation. If secure messaging is a facility that AGI can use, I encourage it to do so for the purposes of determining Mr L's claim.

If the option to communicate by secure messaging, or providing Mr L with a list of questions in advance of a verbal interview, is not suitable for either party, AGI should communicate with Mr L using his preferred method of written communication. It is accepted that this would mean the claim takes longer to determine. However, given Mr L's explanation about his severe anxiety, and the impact on him being likely triggered by use of the phone, I'm persuaded the adjustment in communication with Mr L is fair and reasonable.

putting things right

I am minded to ask AGI to obtain any further information it needs for the purposes of assessing Mr L's claim by providing the option of communicating by secure messaging; or

If this option not agreed by either party, AGI should communicate with Mr L using his preferred method of written communication only.

my provisional decision

For the reasons given above, I am minded to ask Assurant General Insurance Limited to follow my directions for putting things right as detailed above.

The responses to my provisional decision

I invited both Mr L and AGI to respond to my provisional decision.

Mr L didn't respond to my provisional decision. AGI disagreed with the provisional decision. AGI provided reasons for why it thinks it would be more beneficial for it to verbally discuss the claim details with Mr L, rather than in writing.

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.

AGI says it would be more beneficial for it to verbally discuss the claim details with Mr L, rather than in writing. I've carefully considered AGI's detailed submissions explaining the reasons for this. But I'm persuaded AGI can still complete a detailed and thorough investigation by adopting the method of communication preferred by Mr L. AGI would be within its right to determine Mr L's claim in line with the policy terms and conditions once it has completed its investigation. The outcome of the claim is not the subject of this complaint.

In considering what's fair and reasonable, I'm also mindful that in the event that Mr L was having difficulties in communicating with AGI as a result of being deaf or blind, AGI would need to adapt the way it communicates. I'm satisfied what Mr L has described should be treated in the same way. Mr L has explained at length the risk of the impact on his health, including severe panic attacks, when engaging in use of the phone. Mr L has explained that he suffers from severe anxiety issues, and a key trigger of his symptoms is engaging in use of the phone. In the circumstances it is fair and reasonable for AGI to use the method of communication most suited to Mr L in order to investigate, and validate, his claim properly.

I've carefully considered AGI's submissions. But I don't think these comments materially change the outcome of Mr L's complaint, or my direction for putting things right. So I'll be directing AGI to put things right as set out in my provisional decision.

Putting things right

AGI must obtain any further information it needs for the purposes of assessing Mr L's claim by providing the option of communicating by secure messaging; or

If this option not agreed by either party, AGI should communicate with Mr L using his preferred method of written communication only.

My final decision

For the reasons provided I uphold this complaint.

Assurant General Insurance Limited is directed to follow my directions for putting things right as detailed above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr L to accept or reject my decision before 2 October 2024.

Neeta Karelia
Ombudsman