

## **The complaint**

The estate of Mr C has complained that Scottish Friendly Assurance Society Limited ('Scottish Friendly') has unfairly declined to pay an accidental death claim.

## **What happened**

The late Mr C had a life insurance policy, underwritten by Scottish Friendly.

The estate made a claim for accidental death benefit which was declined. Scottish Friendly said that following Mr C's accident, the chain of causation had been broken and so the policy terms hadn't been met.

The estate complained and unhappy with the response to its complaint, referred the matter to the Financial Ombudsman Service.

Our investigator looked into the complaint but didn't think Scottish Friendly had done anything wrong.

The estate disagrees and so the case has been passed to me for 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.

Having done so, I don't think this complaint should be upheld and I'll explain why. But firstly, I'd like to say I am very sorry to hear of Mr C's passing.

- The relevant rules and industry guidelines say an insurer should handle claims promptly and fairly. And shouldn't unreasonably reject a claim.
- The policy says it will pay a benefit if the life insured dies as a result of an accident.
- Accident is defined as "an event resulting in bodily injury occurring whilst this Policy is in force, where the injury is directly and solely caused by accidental, violent and external means and where the injury is not self-inflicted."
- Accidental death is defined as "death occurring as a direct result of an Accident".
- Scottish Friendly said the death didn't occur as a direct result of the accident. This is because following an Inquest, the Coroner's report said on a balance of probabilities, the clinical course and outcome would have altered if appropriate action had been taken when Mr C was first admitted to hospital. The conclusion of the Coroner as to the death says: "Died due to recognised complications of a necessary surgical procedure to treat accidental injuries and to which a failure in medical intervention contributed."

- I don't think Scottish Friendly unfairly declined this claim based on the Coroner's report and conclusion which clearly shows a failure in medical intervention contributed to the death. So I can't fairly ask Scottish Friendly to pay the claim for accidental death as the evidence shows death didn't occur as a direct result of an accident.

### **My final decision**

For the reasons set out above, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask the estate of Mr C to accept or reject my decision before 9 February 2024.

Shamaila Hussain  
**Ombudsman**