

The complaint

Mr B complains that Covea Insurance plc (Covea) has unfairly refused a claim he made on his personal accident insurance and also that it didn't make it clear that a condition he suffers from meant he couldn't make a successful claim.

What happened

Mr B has a personal accident policy which is designed to pay out varying amounts of money if he's injured in an accident. Mr B had a fall and subsequently had a knee replacement. He made a claim for benefits related to his stay in hospital. Covea considered the claim but said it need not meet it because the accident hadn't been the reason for the knee replacement.

Mr B complained but Covea didn't change its position, so he asked us to review his complaint.

Our investigator thought Covea had assessed Mr B's claim fairly because the medical evidence provided by Mr B's doctor said the only reason for the surgery was osteo arthritis – not the accident.

Mr B says that's unfair because no one told him he wasn't covered for pre-existing illness and that the accident made his condition worse, so Covea ought to meet his claim.

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'm sorry Mr B has been through a difficult time and trust he's now recovered.

I'm afraid I can't uphold this complaint, for much the same reasons as our investigator gave.

Mr B has a personal accident policy. That's a type of policy meant to help after an accident. Mr B claimed for a daily amount to cover his stay in hospital – about £177 a day.

The policy terms and conditions say a benefit or part benefit will be paid if an accident worsens a pre-existing condition. In this case that would mean that Mr B's fall made his already existing arthritis worse and led to the surgery.

Covea says that in these circumstances they ask for a medical opinion about how much the accident affected the pre-existing condition. Mr B's doctor responded to say that the *only* reason for surgery was the osteo arthritis. Osteo arthritis is a disease that worsens over time, and there's no suggestion from the doctor that this only developed after the fall. I think it's reasonable for Covea to rely upon the medical opinion when deciding whether to meet a claim or not. Here there is no medically confirmed link between the accident and the subsequent operation, and I think Covea has applied the terms and conditions of the policy fairly.

Mr B says he's been paying for the policy for many years and no-one ever told him he wasn't covered for pre-existing conditions. But Mr B has a personal accident policy. Policies like this

don't normally cover medical costs or pay benefits for illness, including pre-existing ones.

If Mr B thinks he was sold a policy that didn't suit his needs he may be able to complain to the business that sold it to him. However, that wasn't Covea, so I can't comment on that in this decision.

My final decision

My decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 26 October 2023.

Susan Peters
Ombudsman