

## **The complaint**

Mr K, Mr K and Ms R are unhappy that Westfield Contributory Health Scheme declined a claim made under a group healthcare plan ('the plan').

## **What happened**

The details of this complaint are well known to both parties, so I won't repeat them again here. Instead, I'll focus on giving my reasons for my 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.

The relevant rules and industry guidelines say that Westfield has an obligation to handle claims promptly and fairly. And it shouldn't unreasonably reject a claim.

I know Mr K, Mr K and Ms R will be disappointed but, for the following reasons, I'm satisfied Westfield has fairly and reasonably declined to cover the therapy session, Mr K had towards the end of March 2023.

- Subject to the remaining terms and conditions of the plan, it covers therapies including chiropractic and physiotherapy – up to certain financial limits. That cover extends to dependent children.
- Under the terms and conditions of the plan, several conditions need to be met for a person to fall within the definition of 'dependent children', one of which is being under the age of 18. It also says a person won't be covered for dependent child benefits once they're 18.
- Considering the date of the therapy session, I'm satisfied Mr K had turned 18 when the therapy session took place. So, under the terms of the plan, I don't think the cost is covered.
- I've considered whether it's fair and reasonable for Westfield to rely on the terms and conditions in the circumstances of this case. I've listened to the call which took place shortly before the therapy session. Ms R asks Westfield's representative to go through what the plan covers as she couldn't locate her documents and the financial benefit remaining under different sections of the plan. I'm satisfied that Ms R didn't ask any specific questions about dependent children cover or the age someone had to be to benefit from the plan. And the representative didn't provide any information about that. Without a specific question, I don't think the representative reasonably ought to have provided information about the definition of 'dependent children'.
- After the therapy session had taken place, Westfield sent an email dated 31 March 2023 to say that Mr K was still on the plan and will be covered until his

22<sup>nd</sup> birthday. That was in response to an email that was sent to Westfield dated 25 March 2022, around the time of the therapy session, to say that Mr K was 18 years old and should be on the policy. It was Mr K and Ms R's belief that Mr K had been removed from the policy.

- Westfield updated the terms and conditions of the plan with effect of 1 April 2023. And the age limit for dependent children for some benefits was increased to their 22<sup>nd</sup> birthday. So, I'm satisfied that the email Westfield sent on 31 March 2023 (the day before the terms and conditions were due to change) was in reference to that, rather than confirming that the plan currently covered dependent children up to the age of 22.
- Whilst Westfield accept that this should've been made clearer in the email, I don't think Mr K, Mr K and Ms R have lost out as a result. The therapy session had already taken place by 31 March 2022, when the email was sent by Westfield. And I've seen nothing which persuades me that before the date of the therapy, Westfield had told them that Mr K was covered up to the age of 22. I'm satisfied that the terms and conditions in place at the time of the therapy session, make clear that Mr K needed to be under the age of 18 to have cover for therapies.
- Westfield has said in its final response letter that it will provide/training feedback to the representative who drafted the email dated 31 March 2023. I think that's a fair and reasonable response in the circumstances of this complaint.

### **My final decision**

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr K, Mr K and Ms R to accept or reject my decision before 14 December 2023.

David Curtis-Johnson  
**Ombudsman**