

The complaint

Miss K complains that The Original Holloway Friendly Society Limited (hereafter “Holloway Friendly”) unfairly declined her income protection claim.

What happened

Miss K has an income protection policy. It is underwritten by Holloway Friendly and designed to provide a regular benefit in the event of incapacity by illness or injury.

Miss K made an income protection claim in March 2023. She explained she hadn’t been able to work since February 2023 because of her mental health. And she provided Holloway Friendly with evidence she felt supported her position. That included certificates to show she’d been signed off work by her GP for anxiety and depression, and stress at work, and medical evidence from abroad.

Holloway Friendly declined Miss K’s claim in May 2023. It said the available medical evidence didn’t sufficiently demonstrate how her illness prevented her from working, and the policy definition of incapacity hadn’t been satisfied because of that. It maintained that position following further correspondence with, and ultimately a complaint from, Miss K too.

Unhappy with Holloway Friendly’s position Miss K referred her complaint to this service and one of our investigators looked at what had happened. But they didn’t think Holloway Friendly had acted unreasonably so didn’t recommend Miss K’s complaint be upheld. They also said the further evidence Miss K had told us she now had in support of her claim would need to be given to Holloway Friendly in the first instance.

Miss K disagreed with that opinion and asked that her complaint be decided by an ombudsman. She said reaching an opinion based only on the information Holloway Friendly had available to it at the time was perplexing, Holloway Friendly hadn’t sought any additional information when she’d claimed beyond requesting a letter from her GP, and all requests had been complied with. Miss K also shared some wider detail about the difficulties she’d faced with her ex-employer, and reiterated why she felt she had a valid claim.

So the matter is now for me to decide.

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.

While I’m sorry to hear of the circumstances and difficulties Miss K has described I won’t be upholding this complaint.

Holloway Friendly had a responsibility to consider this claim promptly and fairly, and not reject it unreasonably. The income protection cover available to Miss K was set out in the relevant policy documentation. I won’t recite these in full here, but I note the policy’s Key Facts said:

“What does injury or illness mean?”

Our definition of injury or illness is ‘The total inability to perform all the essential duties of your own occupation and that you are not following any other occupation for profit or reward’. We refer to this as incapacity.”

The policy insurance certificate reflected that too, and the policy terms and conditions also said:

“The following words are defined below because they have a special meaning.

Incapacity

Any illness or injury occurring during the cover period for which you seek treatment or consultation by a Doctor which prevents you from engaging in your normal occupation.”

So it wouldn't be enough for Miss K to show that she was unwell, she would need to show, by way of medical evidence, that her illness totally prevented her from performing all the essential duties of her occupation.

Miss K provided Holloway Friendly with much testimony about her health and how it affected her ability to work at the time of her claim. She also provided it with some medical evidence to support her position too, namely:

- Certificates from her GP showing she was signed off work with depression, anxiety and depression, and stress at work.
- A letter from her GP which explained she'd reported symptoms of low mood and stress. Miss K had told her GP she'd been prescribed medication from a psychiatrist in a country I'll call "P" – she'd complained of irritability, low mood, lack of concentration, and excessive worries, and had been diagnosed there with mixed anxiety and depression and emotionally unstable personality.

The GP letter said Miss K continued to suffer from anxiety and depression and it was *“affecting her day-to-day life greatly to a point that she finds it very difficult to work or to maintain a job at present. She has been referred to our local mental health service for further psychological support.”*

- Medical evidence from a psychiatrist in P which said Miss K had been diagnosed with emotionally unstable personality and depressive anxiety disorder, was undergoing psychiatric treatment, and was in receipt of medication.

While I'm sorry to read about the difficulties Miss K as described, I don't think it was unreasonable of Holloway Friendly to find that the medical evidence provided alongside her testimony didn't demonstrate incapacity in line with the policy terms. Let me explain why.

Both the GP certificates and the documents from P lacked detail about the impact of Miss K's health on her ability to perform the essential duties of her occupation. The GP's letter also made much reference to what Miss K had herself reported. And while it noted she was finding it difficult to work or maintain a job, it too contained little detail about the actual impact of her health on her ability to perform the essential duties of her occupation.

I understand Miss K says Holloway Friendly didn't seek any more information from her, but I think it important to highlight that it was for Miss K to demonstrate that she met the policy's requirements. Holloway Friendly did give Miss K an opportunity to provide further evidence,

when she appealed its decision, and it set out what that evidence would need to demonstrate too.

Miss K says she has further medical evidence which will support her claim now, but while I thank her for providing it to us it'd be inappropriate of me to comment on it here. As far as I understand matters this evidence didn't form part of her original claim or complaint to Holloway Friendly, and it hasn't been shared with it in the first instance either.

For all of the reasons given above I'm not persuaded that Holloway Friendly declined this claim unreasonably. I think it reached a reasonable position based on the evidence made available to it, and declined the claim in line with the relevant policy terms. So I'll not be interfering with its position.

My final decision

My final decision is that I do not uphold this complaint against The Original Holloway Friendly Society Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss K to accept or reject my decision before 28 December 2023.

Jade Alexander
Ombudsman