

The complaint

Ms H complains that Pinnacle Insurance Plc (Pinnacle) unfairly declined a claim for her dog's treatment under her pet insurance policy.

What happened

Ms H's dog developed a lump needing investigations and subsequent surgery. She says Pinnacle declined her claim based on a note her vet made in February 2022. This said the lump had been noticed at least two years ago. Ms H says Pinnacle used this to unfairly decline her claim under its pre-existing condition clause.

Ms H says she'd noticed a lump in late 2020. But when asked about it by her vet she incorrectly estimated it'd been around two years ago. She made this mistake because the year was now 2022 and she'd noticed the lump in 2020. However, she says it was actually noticed after the policy inception in August of that year.

Ms H says she wasn't called back to discuss this point further before Pinnacle sent her its final complaint response. She says this represents poor service.

In its final complaint response Pinnacle says a clinical note from February 2022 confirms Ms H noticed a lump at least two years earlier. The policy inception in August 2020, so this meant she was aware of the lump before this. Pinnacle declined the claim on this basis. But it apologised for failing to call Ms H prior to issuing its final decision to her complaint.

Ms H didn't think she'd been treated fairly and referred the matter to our service. Our investigator didn't uphold her complaint. He says Pinnacle was entitled to rely on the information contained in Ms H's dog's clinical records. This indicated the condition she claimed for was known about prior to the policy inception. He thought it was fair that the business declined the claim on the grounds that it related to a pre-existing condition.

Ms H didn't think this was fair. She says her dog had a full check-up by her vet on the date the policy inception, and no lump was noticed. She says the vet used a stethoscope and so would definitely have been aware if a lump was present. Because she didn't agree with our investigator's findings she asked for an ombudsman to consider her complaint.

It has been passed to 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.

Having done so I'm not upholding Ms H's complaint. I'm sorry to hear about her dog's illness. I understand this must be very distressing for her. But I'll explain why I think my decision is fair.

Ms H's policy terms and conditions say:

"What we will not pay for

Any condition or symptom, or anything related to it, that you were aware of or has been noted and/or checked by a vet, before this policy started."

I've read the clinical records for Ms H's dog. I've copied the pertinent excerpts below:

"Consultation date: 3 August 2020

Had episode today when on Wlk, dropped ball on floor and seemed to circle around it, stumbled slightly, seemed disorientated. O says this happened two days ago and once a few months ago too... Poss seizures? Neural? O has only noticed the problem on walks although it is nt brought on by a lot of exercise. Has an episode of disorientation, drops a ball stares straight down, occ weakness and almost falls then is ok and back to palying again...CE NAAD – HR104 strong and regular with no PDs nor murmur.."

"Consultation date: 21 January 2021

In to check lumps – LHS chest has bony mass palpable ~ 2-3cm, feels assoc rib in ventral 1/3 chest just behind elbow...O thought another smaller mass midline chest, think this is normal sternum...Ddx for mass – prev injury/bone callous or possibility of bone tumour. No pain on palpitation, NAD otherwise on exam. ?whether has been there a long time and only now apparent dt weight loss?? Need L4 in 1mth, options reckon then to see if any change or in for xray be4 then. O to consider."

"Consultation date: 23 March 2021

Gained some weight back, OR mass now feels smaller so suspect more prominent when leaner...Bony mass rib attachment suspect old injury?... O to monitor."

"Consultation date: 10 February 2022

Annual booster L4; also ow mentioned hard/bony lump FL armpit near cage ribs to check again. Been there for at least 2 years that ow remembers, not causing any discomfort, ow think likely she did something in the past but didn't noticed as she is good at hiding pain. No other concerns reported."

Based on these records there was no mention of the condition that is the subject of Ms H's claim, at the time of the first consultation, which was on the day the policy incepted. However, the clinical records from 10 February 2022 are very clear that Ms H said the lump had been there for at least two years. This indicates Ms H was aware of the lump at least six months prior to the policy incepting.

I've thought about her comments that she made a mistake when she responded to the vet's question. She says she was responding on the spot without access to a calendar or the clinical records. I note what she says about it being 2022 when she was asked the question and she remembered identifying the lump in late 2020. This is why she said it was at least two years ago that she noticed the lump.

Having considered this point, I'm more persuaded that the clinical records show Ms H knew about the lump prior to her policy incepting. She doesn't dispute that the vet's entry in the clinical record is accurate. But says she made a mistake in the response she gave. However, Ms H said it was at least two years ago when the lump was noticed. This means she thought she'd noticed it either very early in 2020 or further back into 2019. Whereas if she noticed it in late 2020 this was just over a year ago. There is a big difference. This

indicates Ms H was aware of a lump at the time the policy inceptioned, albeit she may not have known its significance at the time.

I acknowledge what Ms H says about the consultation that occurred on 3 August 2020. This didn't report issues regarding a lump. But I also note her comments that the lump has grown significantly since this time and was initially fairly small. It's possible a lump was present at the consultation in 2020 but as it wasn't brought to the vet's attention it wasn't noticed given its small size.

I can see Pinnacle apologised for not calling Ms H back before issuing her with its final complaint response. I think it was appropriate to provide an apology. But although I'm naturally sympathetic toward Ms H I can't reasonably ask Pinnacle to do more.

My final decision

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms H to accept or reject my decision before 7 February 2024.

Mike Waldron
Ombudsman