

The complaint

The estate of Mr G complains that BUPA Insurance Limited has unfairly declined claims made under a private medical insurance policy.

The complaint has been brought to this service by Mrs G, the wife of the late Mr G.

What happened

The late Mr G held a private medical insurance policy which was insured through BUPA. Tragically, the late Mr G was diagnosed with a terminal condition and decided that he wanted to spend his remaining time at home. Mrs G became his primary carer with support from Macmillan nurses until he sadly passed away.

Mrs G has said that in the time prior to his death, the late Mr G had contacted BUPA in order to sort out his affairs. She says he was told that his policy provided a £1000 benefit which was designed to assist with funeral costs and that he could claim £100 per night for NHS hospital stays during the time he received nursing at home.

A claim was submitted to BUPA for payment of these benefits, but it rejected the claim. Unhappy with this, Mrs G complained to BUPA. It said that the policy did cover costs incurred for nursing care at home, but as it appeared no costs for nursing care were charged, it couldn't make any payment. And in relation to the funeral benefit, it said this wasn't included within the policy cover and, having checked all recent calls it couldn't locate any conversation where funeral care was discussed.

Mrs G brought her complaint to this service. Our investigator looked into the matter but didn't find that BUPA had declined the claim unfairly. She found that the nursing care cover section within the policy provided cover for the cost of home nursing following a private inpatient stay. As Mrs G provided the majority of the care with the assistance of Macmillan nurses, there was no cover under the policy. Our investigator said that the policy didn't include any cover for funeral costs and so she couldn't say BUPA had acted incorrectly when declining the claim.

Mrs G disagreed with our investigator's opinion. As no agreement could be reached, the matter 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 noted the circumstances, I would like to take this opportunity to offer my sincere condolences to Mrs G on her loss. I appreciate just how difficult a time this must have been for her and, to not receive the financial support she believed she was entitled to would have not made this any easier. However, despite my natural sympathies for her situation, I won't be upholding this complaint. I'll explain why.

NHS cash benefit

Mrs G says BUPA told her husband that he would receive a benefit for nursing care at home. Under Benefit 7 of the policy wording, cover is provided for home nursing. The policy says the following:

We pay for home nursing immediately following private in-patient treatment if all the following criteria apply:

- *the home nursing:*
 - *is for eligible treatment*
 - *is needed for medical reasons ie not domestic or social reasons*
 - *is necessary ie without it you would have to remain in the recognised facility*
 - *starts immediately after you leave the recognised facility*
 - *is provided by a nurse in your own home, and*
 - *is carried out under the supervision of your consultant.*

You must have our written confirmation before the treatment starts that the above criteria have been met and we need full clinical details from your consultant before we can determine this.

We do not pay for home nursing provided by a community psychiatric nurse.

From reading this section of the policy, it is clear that BUPA will cover the cost of nursing at home if this is provided following private inpatient care and is provided by a nurse in the home. In this particular instance, it was Mrs G who carried out the majority of the nursing duties herself, with assistance from Macmillan nurses. So, it doesn't appear that there are any private nursing costs to consider, so this section wouldn't apply. I understand Mrs G has suffered loss of earnings during the time she was caring for her husband, but this isn't something that the policy provides cover for.

Section CB6.2 of the policy provides a cash benefit for each day that the policyholder receives treatment for cancer under the NHS which could have been covered privately. And it does mention treatment at home. But this benefit is specifically for the treatment of cancer – it would appear from the information provided that Mr G wasn't receiving such treatment but end of life care, so this wouldn't apply.

Based on what I've seen and read in the policy, there isn't cover for Mrs G's loss of earnings or a cash benefit available for the time she was caring for her husband at home. So I'm satisfied that BUPA's decision to decline this claim is fair and reasonable.

Cash payment for funeral costs

Mrs G has also told us that Mr G was told by BUPA that a claim could be made for £1000 towards funeral costs. Mrs G has provided a screen shot that her husband passed to her which refers to this funeral grant. BUPA has said that that there is no cover under the policy for funeral costs.

I've taken this opportunity to fully review the policy terms and conditions booklet. This is a private medical insurance cover and there isn't any mention of funeral costs being covered. So, I'm persuaded that Mr G's policy didn't include any benefit for such expenses. Mrs G said that her husband told her he had been given this information by BUPA. BUPA has looked through its call records with Mr G and has said that it couldn't locate any calls where funeral costs were discussed.

I've thought about this matter carefully. While I don't have any reason to doubt what Mrs G has been told by her late husband, in order for me to uphold this complaint I would need evidence of a policy being in force which provides cover for such events. And, as mentioned previously, the private medical insurance policy Mr G had with BUPA doesn't include such cover.

The screenshot Mrs G has provided is a small excerpt from what would appear to be a policy booklet or similar document – but this doesn't prove Mr G had this particular cover. BUPA has reviewed the calls it had with Mr G and says it cannot find any conversations in which funeral care has been discussed. While I know this will be disappointing for Mrs G, without evidence of a valid policy being in existence, I'm not persuaded that BUPA has acted unreasonably when declining this claim.

My final decision

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

Under the rules of the Financial Ombudsman Service, I'm required to ask the estate of Mr G to accept or reject my decision before 9 November 2023.

Jenny Giles
Ombudsman