

The complaint

Mr M is unhappy XL Insurance Company SE declined his sickness claim under his Partner Protection policy.

What happened

Mr M holds a Partner protection policy with XL through his employer. This policy provides him with set benefits in certain situations, such as severe sickness preventing him from working.

Mr M put in a claim under his policy in April 2020. He's explained that on 24 March 2020 he called 111 as he was experiencing coronavirus symptoms. He was issued with an 'Isolation note' which said he'd been told to stay off work. The note was dated to start on 24 March 2020 and end on 30 March 2020.

XL declined Mr M's claim as it said the personal details on the note didn't match his policy details. So it couldn't be sure that it was Mr M who was unwell. Mr M disagreed and brought his complaint to our service.

Our investigator contacted XL and asked for more information on the complaint. It provided a one-page summary in December 2021. This simply said Mr M's name and date of birth didn't match his NHS note. Since then our service has contacted XL on a number of occasions to obtain documentary evidence of its position, but we haven't had a full response to this request. So the investigator carried out a 'no-file' view in November 2021 and upheld Mr M's complaint on the basis the personal details he provided us matched both the NHS Isolation note and his driving license. XL didn't reply to this assessment, so the complaint has been passed to me for a 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.

Mr M brought a second complaint to our service which related to a different claim under his policy in 2020. On this complaint I can see the personal details for his cover; and these match what we hold on file for Mr M and also match his NHS Isolation note. It's possible his information has been updated, but as XL hasn't replied to any of our file requests, I can't know this. What I can see is Mr M's details on his driver's license and our case, both match the Isolation note. And these details do also match what I can now see are the details for his policy with XL, provided to us in January 2022, but relating to a different 2020 claim.

Without any information from XL to explain its stance, I can't agree it's acted fairly. I've seen nothing that shows Mr M's personal details didn't match his Isolation note from the NHS. Our records suggest it does have the correct details. So on that basis, I can't agree it was fair for XL to decline Mr M's claim on these grounds.

Our investigator set out that XL should pay the value of this claim, subject to the remaining terms and conditions. I agree with this, as it's not our role to assess claims, only the actions of XL. So this means XL will now need to revisit Mr M's claim. It's possible it may need further information from him in order to determine if, had it not been for the confusion around his name and date of birth, this claim would have been successful. I encourage Mr M to work with XL in this situation.

Putting things right

XL Insurance Company SE needs to reassess Mr M's claim under the remaining policy terms, accepting that the Isolation note provided is for him. If this leads to a successful claim, it should award 8% simple interest on this payment from the date the claim should have been paid, until the date it is paid.

My final decision

For the reasons set out above, I uphold Mr M's complaint against XL Insurance Company SE.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 6 April 2022.

Amy Osborne
Ombudsman