

The complaint

Mr H complains that BUPA Insurance Limited refused to refund his private medical insurance premiums after finding out he was not eligible to make a claim.

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 the 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 policy terms make it clear that to be eligible to make a claim, the member must be a resident in the UK and registered with a UK GP.
- Mr H moved abroad permanently in 2012. BUPA says that if Mr H had made a valid claim for treatment in the UK since 2012, this would have been paid. I've considered this argument. However, I think medical information provided to BUPA in the event of a claim would have likely brought to light that Mr H wasn't living in the UK and so wasn't eligible to claim.
- On balance, I'm satisfied that BUPA has not been on risk to pay a claim since 2012, and so the fair outcome is for BUPA to return the premiums paid.
- Mr H says he told BUPA in 2012 that he was leaving the UK and was reassured that he could still be covered. BUPA doesn't have a record of this conversation as it only keeps information from the past seven years.
- I therefore appreciate that BUPA had no way of knowing that Mr H had been living abroad until this came to light during a conversation between the parties in 2021. Because of this, I only require BUPA to pay interest from the date it became aware in 2021 that Mr H wasn't a UK resident, rather than the date he moved abroad in 2012.

My final decision

My final decision is that I uphold this complaint.

I require BUPA Insurance Limited to refund the premiums Mr H paid between the date he moved abroad in 2012 and the date the policy was cancelled in 2021. Interest* should be added at the rate of 8% simple per annum from the date BUPA found out about Mr H's residential status in 2021 to the date of settlement.

If BUPA considers that it's required by HM Revenue & Customs to take off income tax from that interest, it should tell Mr H how much it's taken off. It should also give Mr H a certificate

showing this if he asks for one, so he can reclaim the tax from HM Revenue & Customs if appropriate.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 21 October 2022.

Chantelle Hurn-Ryan
Ombudsman