

The complaint

Miss H is unhappy that Legal and General Assurance Society Limited have declined a claim she made on her income protection policy.

What happened

Miss H made a claim on her income protection policy. Legal and General declined the claim. Miss H made a complaint to the Financial Ombudsman Service which wasn't upheld. She provided further medical evidence to Legal and General.

This further information didn't change Legal and General's position on the claim. They maintained their view that Miss H's absence was due to workplace stress and declined the claim. Miss H made a further complaint to the Financial Ombudsman Service.

Our investigator looked into what happened. She didn't think Legal and General had acted unreasonably when declining the claim, considering the available evidence. Miss H didn't agree and asked an ombudsman to review her complaint. In summary, she felt the further medical evidence and information she'd provided supported that she had a valid claim under the policy.

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 relevant rules and industry guidelines say that Legal and General have a responsibility to handle claims promptly and fairly. And they shouldn't reject a claim unreasonably.

The policy terms and conditions say that there is cover if the life insured cannot work due to incapacity caused by an illness or an injury which results in a loss of earnings.

Incapacity is defined as:

Your inability, caused by illness or injury, to carry out your gainful employment or gainful self-employment, if you are a houseperson your inability to carry out three of the Activities of Daily Living.

I'm not upholding Miss H's complaint because:

- It's for Miss H to demonstrate that she has a valid claim under the policy. It's not for Legal and General to prove she doesn't. I'm not persuaded that Miss H has demonstrated she had a valid claim under the policy.
- I think Legal and General reasonably concluded that Miss H was absent from work due to situational workplace issues. That's consistent with the contemporary medical evidence which consistently referred to ongoing workplace issues as being the cause of her absence. Therefore, I think they fairly concluded the barrier to Miss H was

workplace issues, rather than illness.

- I've considered the more recent medical evidence Miss H has provided from her GP which says that anxiety was a significant factor in Miss H's absence. But it goes on to say that the source of the anxiety was the stressful situation at work. And, in any event, I think it's reasonable for Legal and General to place more weight on the contemporary medical notes in the circumstances of this case.
- I've taken into account what Miss H has said about the workplace issues being related to wider regulatory action, which would have impacted her ability to work for another employer. I've not found her representations on this point to be persuasive. I still think it was reasonable for Legal and General to conclude the absence was caused by work related stress, rather than an illness.

My final decision

I'm not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss H to accept or reject my decision before 20 April 2025.

Anna Wilshaw
Ombudsman