

The complaint

Mr M complains The Shepherds Friendly Society Limited (Shepherds Friendly) declined the claim he made under his income protection insurance policy.

What happened

The circumstances of this complaint will be well known to both parties and so I've summarised events.

In March 2024 Mr M purchased an income protection insurance policy provided by Shepherds Friendly. In April 2024 Mr M had surgery following a disc prolapse. He returned to work but suffered a recurrence of the injury and so had further surgery in August 2024. He submitted a claim to Shepherds Friendly but it was declined. Shepherds Friendly said it considered Mr M's injury to be pre-existing. Mr M didn't think this was reasonable and so raised a complaint.

On 17 February 2025 Shepherds Friendly issued Mr M with a final response to his complaint. It said it was satisfied the reason for Mr M's incapacity fell under the policy definition of a pre-existing condition. Mr M referred his complaint to this Service.

Our investigator looked into things. He said he didn't think Shepherds Friendly had demonstrated the back issues Mr M had suffered with prior to taking out his policy were related to the condition he was claiming for now. He said he thought Shepherds Friendly should re-consider Mr M's claim in line with the remaining terms of the policy.

Mr M accepted our investigator's view but Shepherds Friendly didn't agree with it. It said it had consulted its Chief Medical Officer (CMO) and it believed Mr M's history of back issues were related to the condition causing his claim.

I issued a provisional decision about this complaint and I said:

'I want to acknowledge I've summarised Mr M's complaint in less detail than he's presented it. I've not commented on every point he has raised. Instead, I've focussed on what I consider to be the key points I need to think about. I mean no discourtesy by this, but it simply reflects the informal nature of this Service. I assure Mr M and Shepherds Friendly I've read and considered everything that's been provided.'

I also want to be clear about what I've considered as part of this decision. Mr M has said he was unaware his financial advisor arranged a new policy in March 2024. This is something he would need to raise with his financial advisor and so it's not something I've considered as part of this decision. This decision focuses on Shepherd Friendly's decision to decline his claim.'

The relevant rules and industry guidelines explain Shepherds Friendly shouldn't unreasonably reject a claim.'

Shepherds Friendly has said it believes the condition Mr M has claimed for is pre-

existing. It has quoted the terms of Mr M's policy which state:

'2.1 For the purposes of this contract between you and us, you suffer from an Incapacity and are Incapacitated if you are not fit and able to work in your Own Occupation as a result of physical or mental illness or injury, provided that such physical or mental illness is not due to a pre-existing medical condition and is not excluded by the matters set out at paragraph 2.2 or 2.3 below.

A pre-existing medical condition is;

- Any condition, injury, illness, disease, sickness or related condition and/or associated symptoms, whether specifically diagnosed or not, which medical or other evidence shows you knew about or were experiencing symptoms of, during the three years immediately before the plan start date.*

And

- As regards to that pre-existing medical condition, you have not by the date of the claim, had a continuous period of 2 years from the start date of the plan where you have been symptom free, and/or where you have not had treatment, and/or where you have not consulted a doctor or asked for medical assistance.'*

So, I've considered whether it was reasonable for Shepherds Friendly to rely on this exclusion to decline Mr M's claim.

Mr M's GP notes from 4 December 2023 say he was experiencing paraesthesia in his right leg with associated back pain. It says he was diagnosed with sciatica 15 years prior and during examination Mr M had positive straight leg raising. The comments from the GP say they explained it was likely sciatica and they would refer him to a first contact physiotherapist.

The GP notes show at the end of December 2023 Mr M was seen by the first contact physiotherapist. The notes say Mr M had sciatica on and off for the last two decades and it had flared up in the last five months. The physiotherapist has said Mr M had positive straight leg raising and that he was educated about symptomatic management as well as sent a home exercise programme.

Shepherds Friendly has asked its CMO to review Mr M's medical history and provide their comments. They've said the diagnosis of sciatica refers to pain caused by the irritation or compression of the sciatic nerve, the well described causes of which are herniated disc, spinal stenosis or rarer causes such as bone spurs or tumours. They've said the positive straight leg raising typically indicates nerve root irritation or compression, often associated with disc herniation or other spinal conditions.

They've gone on to say whilst there seems little doubt the acute injury Mr M suffered with led to a further prolapse, in their opinion there is very strong evidence he had a pre-existing disc prolapse and nerve compression which progressed due to the subsequent injury.

Based on the evidence provided, I find what Shepherds Friendly's CMO has said to be most persuasive. I think the medical evidence shows Mr M has a long history of back related issues. I also note according to the NHS's website, the most common

cause of sciatica is a slipped disc. Taking all of this into consideration I think it was reasonable for Shepherds Friendly to conclude that it's more likely than not the symptoms Mr M was experiencing in December 2023 were related to the subsequent injury he suffered from in 2024.

Mr M has provided a letter from his GP from December 2024. In this letter the GP has said in their opinion neither of the episodes for which Mr M required surgery for are related to any previous back issues. However, the GP doesn't provide any rationale behind how he has come to this conclusion and so I don't find this to be more persuasive than the other evidence available.

As I think it was reasonable for Shepherds Friendly to conclude the symptoms Mr M was experiencing in December 2023 were related to the condition resulting in Mr M's claim, I think it was reasonable for it to say this falls under the policy definition of a pre-existing condition. And I think the policy terms are clear this is specifically excluded. It follows that I think it was reasonable for Shepherds Friendly to decline Mr M's claim.

I naturally empathise with Mr M given his ill-health, but for the reasons I've explained I don't require Shepherds Friendly to take further action in relation to his complaint.'

Shepherds Friendly didn't provide any further comments or evidence for me to consider. Mr M provided a detailed response but in summary he said:

- His policy began in 2021 but in 2024 he was contacted by a representative of Shepherds Friendly who said it was reviewing his policy to add a condition relating to Covid. He said at no point was he told his policy was being cancelled and a new one taken out.
- He had two appointments regarding suspected Sciatica, one in 2008 and another in December 2023. On both occasions this wasn't conclusive and there were no further investigations for herniated discs or back issues.
- At no time was there any treatment or investigations to show he had the problems Shepherds Friendly has said he had.
- He has provided evidence from a GP that the suspected Sciatica has no correlation with his injury.

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've reached the same outcome to the one I reached previously for much the same reasons.

Mr M has raised concerns about the way his policy was cancelled and reinstated following conversations with a representative of Shepherds Friendly. However, the documentation Mr M has provided shows the business Mr M says cancelled his policy and started a new one provides independent advice. So, I'm satisfied this isn't the responsibility of Shepherds Friendly and if Mr M is unhappy with any of the advice he received he would need to raise this as a separate complaint with the business responsible.

Whilst I acknowledge Mr M's appointment in December 2023 wasn't conclusive about the

cause of his back pain, I'm still most persuaded by what Shepherd Friendly's CMO has concluded. I think it is reasonable for Shepherd's Friendly to conclude it was more likely than not the symptoms Mr M was experiencing in December 2023 were related to his subsequent injury in 2024. This would mean the condition Mr M claimed for would fall under the policy definition of pre-existing and be excluded from cover.

I appreciate Mr M has provided a letter from a GP to support his position but as explained previously, the GP hasn't provided any medical rationale behind how he has come to this conclusion. So, I don't find this to be more persuasive than the other evidence available.

As I've said previously, I naturally empathise with Mr M given his ill-health but for the reasons I've explained I don't uphold his complaint.

My final decision

For the reasons I've outlined above I don't uphold Mr M's complaint about The Shepherds Friendly Society Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 10 December 2025.

Andrew Clarke
Ombudsman