

The complaint

Mr RE's complained – in his capacity as representative of the late Mr E's estate – about the way the Royal London Mutual Insurance Society Limited dealt with the late Mr E's terminal illness claim.

What happened

Mr E bought a life and critical illness policy from Royal London in January 2021. A few months later, he was diagnosed with cancer which was soon found to be terminal. Mr E made a claim on his policy in late 2021. But he very sadly passed away before Royal London completed their assessment. Mr RE continued the claim as the executor of Mr E's estate.

Royal London gathered medical evidence to help them assess the claim. They noted from this that Mr E didn't disclose that, when he'd applied for the policy, he'd had a cough for more than three weeks and had consulted his GP about this. Royal London said, if they'd known this, they wouldn't have offered Mr E a policy. So they declined his claim and voided the policy.

Mr RE complained on behalf of the estate, but Royal London didn't change their decision. So Mr RE brought the estate's complaint to the Financial Ombudsman Service. An investigator considered the information and decided it had been fair for Royal London to rely on the information the GP had provided to them to say he'd made a misrepresentation. And that they'd acted in line with the relevant law in declining the claim and voiding Mr E's policy.

Mr RE contacted our service again in April 2025, saying he'd provided new evidence to Royal London which they'd refused to consider. This was considered and an ombudsman made a decision, dismissing the complaint, as he concluded Mr RE hadn't provided any new evidence.

In autumn 2025, Mr RE contacted us a third time. An investigator reviewed his new submissions and concluded that most of them related to the previous complaints – which we couldn't look at again. But he did identify that Mr RE had raised a new complaint, namely that the consent Mr E had signed in his lifetime to allow Royal London access to his medical records should only have been used to obtain records from Mr E's oncologist, not from his GP. The investigator considered this complaint, but concluded Mr E had been made aware Royal London would use it to obtain his GP records and hadn't objected.

Mr RE said the estate didn't agree with the investigator's view. So I've been asked to make a final 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.

Having done that, I'm not upholding the estate's complaint. I'll explain why.

First, I want to make clear exactly what I can consider. It's clear from Mr RE's submissions that he remains unhappy with Royal London's original decision to decline the claim. I understand that was upsetting, coming as it did on top of the loss of Mr E at such a young age.

But that issue was considered by an investigator on the first occasion Mr RE contacted us. And, as an impartial service, we have to be fair to both parties. It simply wouldn't be fair for us to investigate the same issues again in the absence of material new evidence. And I can't see that Mr RE had submitted any new evidence – rather, he's asked us to interpret it in a different way and reach a different conclusion. That's not something I can fairly do.

The only issue which hasn't been raised before – and which I can therefore consider - is the complaint that Royal London shouldn't have used the consent Mr E gave to obtain records from his GP. And I can't look at the full complaint Mr RE has made about this, because he has suggested that this consent doesn't comply with the Access to Medical Reports Act 1988 (AMRA). I can't make any judgment about what is, or isn't, lawful. That's an issue that Mr RE would need to pursue through the courts. All I can look at is whether Royal London acted fairly and reasonably in how they obtained Mr E's consent.

I think they did act fairly and reasonably. I've seen an exchange between Mr E and Royal London in which Mr E said:

"If you could email me the medical requirements for my GP/CONSULTANT that would be good."

In response, Royal London sent him copies of the requests they'd sent to both his GP and his consultant.

I'm satisfied from this exchange that Mr E provided consent to obtaining his records in the knowledge Royal London were requesting them from his GP as well as his consultant.

I can't make any comment on what records the GP provided or how Royal London used them to assess the claim because that issue was considered in the first complaint we investigated. But I am satisfied Mr E knew they were being obtained. And so I don't think Royal London need to do any more to resolve this complaint.

My final decision

For the reasons I've explained, I'm not upholding the complaint Mr RE's made on behalf of the estate of the late Mr E about the Royal London Mutual Insurance Society Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask the estate of Mr E to accept or reject my decision before 20 May 2026.

Helen Stacey
Ombudsman