

## **complaint**

Ms W complains that Allianz Insurance Plc mis-sold her a pet insurance policy. It didn't tell her that her cat's dental treatment wouldn't be covered even though she told it about his dental problem.

## **background**

In November 2014 Ms W adopted a cat. She saw a vet who recommended dental treatment. In April 2015 she took out pet insurance with Allianz.

In May 2015 Ms W paid for her cat to have dental treatment. She put in a claim to Allianz for the treatment costs of just under £500.

After looking at her vet's notes, Allianz turned down the claim. It said it had asked Ms W about her cat's health when she called it to buy the policy. She'd told it her cat had previously had a cold, treated with antibiotics and before that had suffered diarrhoea. She said there weren't any other health issues.

Allianz said Ms W hadn't told it about her cat's dental problem - gingivitis (inflammation of the gums). Her vet told her about this in November 2014, before she'd taken out the policy, and that her cat would need treatment. If she had told Allianz, it would've put an 'exclusion' on the policy for *'mouth and oral disorders'* for 12 months from the date the policy started. So it wouldn't pay the claim. It also added this exclusion, backdated to the policy's start date.

Ms W didn't agree. She said she'd told Allianz in detail about her cat's dental problem when she'd bought the policy. She'd been told dental treatment was covered. She stopped her monthly direct debit for the policy premium, and came to us.

Our adjudicator listened to the sales call, when Ms W had bought the policy. She didn't think Ms W had told Allianz about her cat's dental problem or the recommended treatment. She thought Allianz had fairly turned down the claim, and had been able to backdate the exclusion to the policy start date. She said it was unlikely Ms W could've got insurance for a condition she already knew needed treatment.

Ms W didn't agree, and thought the call recording had been tampered with. She also thought we'd taken Allianz' word for it, and hadn't been neutral. Her vet couldn't recommend anything about insurance and any details were only discussed later. She'd told Allianz about the recommended dental treatment in great detail. In response she was assured of coverage. She said Allianz wanted to make a sale. She wouldn't have bought the policy had she known dental treatment wouldn't be covered. Allianz only gave her its general rules about dental treatment.

## **my findings**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

I'm sorry to disappoint Ms W but I don't think Allianz has done anything wrong. I'll explain why.

Ms W phoned Allianz to ask for some information about dental treatment, having already done some research online. She took the policy out during this call.

*the sales call recording*

I've listened to the call recording. I've thought about Ms W's concerns that the call recording was tampered with. On balance, I don't think it was. The conversation, with questions and answers, flowed logically without any unexplained pauses, gaps or interruptions.

Ms W did indeed ask Allianz whether it covered dental treatment. She said this was a general enquiry. Allianz said its policy did cover dental treatment for 12 months from the date of a dental check-up by a vet. She said her cat had had a check-up which included his teeth. But she didn't say her vet had identified a problem and had recommended treatment. Allianz then went on to ask Ms W some specific questions about her cat.

*the questions Allianz asked Ms W.*

Allianz told Ms W it would need to ask her some 'underwriting' questions. It warned her it was important she gave it all the information she was aware of. It said if any information was not correct this could result in a claim not being paid, and could affect the cover.

Allianz then asked some questions, which I think were clear. I summarise them with Ms W's answers here:

- Allianz - if your cat has shown any sign of illness or injury or been unwell now or in the past, regardless of whether your cat was seen by a vet for the problem or you treated the problem yourself.
- Ms W - not that I'm aware of.
- Allianz - if your cat has been seen by a vet for any reason then?
- Ms W - I'd taken him for a check-up. He had a cold and was on antibiotics when I'd got him. He didn't have any ongoing health issues. He'd previously been neglected and had diarrhoea because he was fed bad food.
- Allianz - since then he's been fine?
- Ms W – yes
- Allianz – other than what you've already mentioned, have you discussed anything else with your vet? We need to know about any potential signs of illness or injury even if the vet didn't think there was anything to worry about at the time or even if the signs went away quickly?
- Ms W – no, no. I was just thinking maybe to take him for a check-up but other than that he's fine.

*did Ms W answer the questions to the best of her knowledge and belief?*

Ms W certainly did give Allianz some background about her pet's previous home, his cold and an episode of diarrhoea. During the call she spoke to Allianz's underwriter, who told her it had put an exclusion on her policy for '*upper respiratory tract infections*', because of the cold. So it wouldn't pay claims for that condition for 12 months. She wasn't concerned about

that as her cat would be an indoor cat, and his earlier cold was because he'd been left outside.

Allianz also clearly explained that it wouldn't cover her cat for any illness or injury he'd suffered from before she'd taken out the policy.

I've not heard anything to suggest Ms W told Allianz that her cat had any dental problem or that her vet had recommended treatment, either in the earlier part of the call or in response to its clear questions. And I think she made a careless mistake here. I say this as her vet's clinical notes say, in summary:

- mid-November 2014 - Ms W visited with her cat when she'd first got him. Most of his upper teeth were absent. The lower teeth had some gingivitis. The dentist said they'd plan dental (treatment) in a few weeks time when the cat had settled in.
- early December 2014 - Ms W had called to check if her cat's previous vet history had been sent, as she wanted to get insurance for the dental work that was advised. They advised that as it was a '*pre consisting*' (which I think is a typo for 'pre-existing') condition it was unlikely insurance would cover. Ms W was not happy that insurance would not cover dental work. So they advised her to contact insurance firm directly for advice when she'd decided which insurance company to insure with to get better and more accurate advice.

I've read what Ms W has said about her vet's comments. She's said we weren't there at those discussions, which of course is quite true. But the notes were recorded against the date, with later consultations added afterwards. The notes were dated before she applied for the policy. On balance, I think they were a record of the discussions on those dates.

*what would Allianz have done if Ms W had told it about her cat's dental problem and planned treatment?*

I've seen Allianz's underwriting notes. These are the notes that set out what risks the insurer is prepared to take on. If Ms W had told Allianz about her cat's dental problem, gingivitis, (even if she didn't know its medical name) I can see that Allianz would have put an exclusion on her policy for '*mouth and oral disorders*'.

And in my experience Ms W couldn't have got cover for her cat's dental treatment from any insurer. This is because she was aware of the problem and that he needed treatment.

All this means that I don't think Allianz mis-sold the policy to Ms W. And I think Allianz made a fair decision when it turned down Ms W's claim, and when it added an exclusion for mouth and oral disorders.

### **my final decision**

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms W to accept or reject my decision before 11 April 2016.

Amanda Maycock  
**ombudsman**