

### **complaint**

Mr B complains that The Prudential Assurance Company Limited didn't inform him that the unemployment benefit under his term assurance policy wouldn't pay out if he wasn't resident in the UK when he told them that he had moved abroad.

### **background**

I issued my provisional decision in October 2014, a copy of which is attached. In that provisional decision I concluded that the complaint should not be upheld for the reasons set out in that decision.

Neither Prudential nor Mr B have provided any further evidence in response to my provisional decision.

### **my findings**

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

No new evidence has been provided for consideration since my provisional decision and I confirm that my opinion remains as set out there.

### **my final decision**

My final decision is that I do not uphold this complaint and I make no award.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr B to accept or reject my decision before 15 December 2014.

Helen McKenna  
**ombudsman**

## COPY OF PROVISIONAL DECISION

### **complaint**

Mr B complains that The Prudential Assurance Company Limited didn't inform him that the unemployment benefit under his term assurance policy wouldn't pay out if he wasn't resident in the UK resident when he told them that he had moved abroad.

### **background**

Our adjudicator felt the complaint should be upheld in part. He felt Prudential should have done more when it received Mr B's email saying he was now living abroad.

Prudential didn't agree, saying the policy documents explained the implications of living abroad and that the unemployment benefit might still have been payable depending on who Mr B's employer was. It added that it felt it would have been prudent for Mr B to have considered the consequences of moving abroad and it wasn't reasonable to expect it to ask such questions of customers.

As agreement has not been reached on the matter, it has been referred to me for review.

### **my provisional findings**

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

It's not disputed that Mr B told Prudential in 2008 that he had left the UK and was living abroad. Mr B feels that Prudential should have advised him at that point that elements of his policy wouldn't pay out because he was no longer resident in the UK.

The evidence indicates that the policy was suitable at the time of sale and I'm not persuaded that Prudential's obligation to Mr B extended to providing advice during the term of the policy. The terms of the policy documents make it clear that his country of residence is relevant to the unemployment benefit and I don't think it is unreasonable for Prudential to have expected Mr B to have checked this himself. As a result I don't feel it was inappropriate for Prudential not to have asked further questions of Mr B or to have told him to seek financial advice when he told them was living abroad.

I appreciate that my decision is likely to come as a disappointment to Mr B but on the evidence provided I don't feel it would be reasonable to direct Prudential to repay part premium payments to Mr B in respect of the unemployment benefit.

### **my provisional decision**

My provisional decision is that I do not uphold this complaint and I make no award.

Helen McKenna  
**ombudsman**