Ombudsman Decision
CIFO Reference Number: 25-000043
Complainant: Mrs M
Respondent: General & Medical Insurance Limited

The Complainant, who I shall refer to as Mrs M, holds a medical expenses policy (the policy) with General & Medical Insurance Limited (G&M). She complains that G&M incorrectly declined a claim for surgery on a bunion on the basis that she had pre-existing symptoms of the bunion.

Background

In May 2024 Mrs M was referred to a consultant regarding a bunion on her right foot and was recommended for surgery. When she submitted a claim to G&M it was rejected on the basis that Mrs M had pre-existing symptoms when her policy commenced and as such the cost of the surgery for her bunion was not covered.

Mrs M disputed that she had symptoms prior to the inception of the policy and referred to inaccurate statements made in the referring doctor's letter and provided another letter from her GP. The initial consultation with the Consultant was then approved, but following receipt of the Consultant's report the claim for reimbursement of the cost of the surgery was declined.

Mrs M did not accept G&M's position and referred the matter to CIFO.

The adjudicator agreed that symptoms of the bunion were present at the time the policy was put in place and that G&M had therefore been entitled to decline the claim. Accordingly, she recommended that the complaint should not be upheld.

[1] Financial Services Ombudsman (Jersey) Law 2014 Article 16(11) and Financial Services Ombudsman (Bailiwick of Guernsey) Law 2014 Section 16(10)

Mrs M remained unhappy and requested a Final Decision from an Ombudsman. She submitted:

- The referring doctor's report referenced matters that had not been discussed. It incorrectly referred to date of onset as 15 May 2022 and "years of bunions worsening".
- Whilst she had a small bump on her right foot she had not previously experienced any symptoms and had not consulted her doctor in the matter and provided a letter from her GP to confirm this.
- G&M referred to the incorrect statements made by the referring doctor and incorrectly referred to "*right foot pain existed before the scheme began".*
- No symptoms existed in January 2024.

G & M said it wished to emphasise the following points:

- As stated on the NHS website "*The main symptoms of bunions are hard lumps on the sides of your feet, by your big toes.".*

- Mrs M has confirmed in her email dated 10 September 2024 that the lump was present prior to the inception of the policy and said "*I can only reiterate that yes a lump was there but no pain whatsoever*."

- Mrs M is disputing the decision as she states the pain symptoms were not present, however Mrs M's consultant confirmed that bunions are a progressive condition and Mrs M herself confirmed that in her specific case, she had symptoms (a visible lump).

- Therefore, it remains that the condition was present prior to the inception of the policy.

- Symptoms does not exclusively mean pain, the presence of a lump (in Mrs M's case, a bunion) is itself a symptom of her foot abnormality (i.e. her bunion) and as Mrs M has confirmed in her email dated 10 September 2024, the lump was visible (i.e. present) prior the inception of the policy.

Findings

I have considered all the available evidence and arguments to decide what is, in my opinion, fair and reasonable in the individual circumstances of this complaint. Where necessary or appropriate, I reach my conclusions on the balance of probabilities; that is, what I consider is most likely to have happened, in light of the evidence that is available and the wider surrounding circumstances.

The policy was issued on 26 January 2024 as a moratorium underwriting policy defined within the policy as follows:

"*There is no need to complete a medical declaration on application. **Moratorium** underwriting means **you** will not be covered for any condition, or related condition which existed i.e. of which **you** have had symptoms, even if a medical opinion has not been sought, in the 60 months prior to the commencement of **your cover** with **us**. Such conditions, may automatically become eligible for **cover** providing the condition, or any related condition, does not remain present, including in **remission** and only when **you** do not have symptoms, or receive **treatment**, medication, tests or advice from your **G.P**. or **specialist** for such conditions, for a continuous period of 24 months after the commencement of **your cover** with **us** and prior to any consideration of **our** reinstating **cover** for that condition. **Your cover** with **us** will not provide benefit for **pre-existing long-term** medical conditions, or related conditions **you** have, which may require regular or periodic **treatment**, medication or advice, this is because the **moratorium** symptom free period starts each time **you** receive such **treatment**, so it is unlikely **you** will ever have two consecutive years free of **treatment***"

As such the question I must determine is whether Mrs M had symptoms of the bunion on her right foot in January 2024.

Mrs M's position is that she had not experienced pain or any other symptoms relating to the bunion and had not consulted a doctor on the matter. She accepted that she had a "*small bump*" on her right foot and had previously experienced a bunion on her left foot for which she had surgery some years previously.

The referral letter was written following a video consultation by Mrs M with G&M's online doctor on 15 May 2024 and said:

"Date of Onset: 15.05.22" and "*years of bunions – worsening – has had op 5 years ago – now other foot affected. Toes pushed painful".* Upon receipt of this G&M rejected the claim for a consultation with a consultant.

Mrs M said the content of the letter was inaccurate and denied making the statements reported. She produced a further letter from her GP which said:

"*I am writing to refer this patient who has a right sided bunion that has recently become symptomatic. The deviation is such that now her second toe is overlapping her third toe and rubbing on it causing pain as well as some pain in the bunion itself. … I have checked her notes and there have been no previous consultations regarding her right bunion or foot although she has had a bunion operated on twice on her other foot."*

G&M authorised an initial consultation with the Consultant.

The Consultant's report of 10 June 2024 said:

"*Thank you for coming back to see me today regarding your right foot, which has significant bunion symptoms.*

You have had ongoing medial eminence discomfort with significant restriction in footwear. It does bother you that your toes are crowding where your big toes is pushing the 2nd over the top of the 3rd, which is under-riding causing you pain.

…

You have tried a range of non-operative measures, including sleeves, splints and tape and alternative footwear, but you would like a more permanent solution for your right foot.

On examination today you have a moderate to severe hallux valgus on the right foot …

I have explained bunions (hallux valgus) are a progressive problem which get worse over time. Unfortunately, there is no exercise, insole or splint that can prevent their progression. Initial treatment is accommodating footwear (wider / softer). If symptoms continue despite a change in footwear, then surgery can be considered to correct the bunion.

…

I have reiterated the need to ensure all non surgical treatments have been tried prior to considering surgery … I have however offered surgery as an option …"

I have noted that the NHS UK website says: "*Bunions are bony lumps that form on the side of the feet."*

Having considered the Consultant's report, it is clear that a bunion is a progressive problem with surgery only being considered after non-surgical treatments have been tried. Further Mrs M admits that she had a "*small* *bump"* on her right foot prior to inception of the policy, referred to in correspondence as a lump and, whilst she had not experienced pain or consulted her GP about it, she did have knowledge of the symptoms of bunions having experienced the same condition in her other foot previously. Further she was seeking a consultation with the Surgeon who had operated on her left foot less than four months after commencement of the policy. It therefore seems likely, on the balance of probabilities, that in January 2024, aside from the bump on her foot, which in itself is a symptom of a bunion, she was experiencing some of the other symptoms that she reported to her GP and the Consultant.

I therefore conclude that Mrs M had symptoms of a bunion on her right foot in January 2024 and that G&M were entitled to decline her claim in accordance with the terms of the policy.

As regards Mrs M's complaint that the referring doctor made incorrect statements and that G&M incorrectly relied upon those statements, I am of the view that, notwithstanding any inaccuracies in the original referral letter, there was sufficient evidence within the Consultant's report and from Mrs M herself to support G&M's rejection of the claim.

Final Decision

My final decision is I do not uphold this complaint.

Douglas Melville
Principal Ombudsman and Chief Executive

Date: 22 July 2025