

## The complaint

Mrs S and Mr S's complaint is about the rejection of a claim made under their pet insurance policy with Royal & Sun Alliance Insurance Limited ("RSA").

## What happened

In August 2023, Mrs S And Mr S were advised to have their dog put down after it had bitten Mrs S's hand. They made a claim under the policy with RSA for the cost of the euthanasia, cremation and the purchase value of the dog.

RSA said the policy covers costs relating to illness or injury and excludes claims related to behavioural issues. RSA therefore rejected the claim, as it said it was due to the aggressive behaviour of the dog.

Mrs S and Mr S are very unhappy with this. They say the dog was ill and this was the cause of the aggressive acts, rather than that the dog was aggressive. They say he did not have a behavioural problem. In response to the rejection of the claim, they provided comments from their vet practice which said that it was possible the dog had "*rage syndrome*" which is considered to be a neurological condition.

RSA said the comments from the vet were not persuasive, as he did not diagnose the condition but said it was possibility. RSA also said that the symptoms of rage syndrome include "*drooling, panting, inappropriate urination, unprovoked aggression, bad behavioural traits, or temperament disorder*", none of which were recorded in the vet's notes as being observed in Mrs S and Mr S's dog. RSA therefore did not change its position on the claim.

Mrs S and Mr S brought the complaint to us.

One of our Investigators recommended that the complaint be upheld and that RSA should reconsider the claim and pay Mrs S and Mr S £300 compensation. He said the only expert evidence provided is that of the vet and this suggests rage syndrome, so this is persuasive. Mrs S and Mr S confirm they accept the Investigator's assessment.

RSA does not accept the Investigator's assessment. RSA says the vet that supported Mrs S and Mr S's claim did not treat the dog, so his opinion has no greater weight than its in-house vets, who have said there is no evidence the dog had rage syndrome. In any case, Mrs S and Mr S's vet did not make a diagnosis that Mrs S and Mr S's dog had rage syndrome, he only referenced this as a possibility. RSA says this appears to be the vet responding to some research Mrs S and Mr S completed following the claim being declined and this diagnosis was not initiated by the vet. This condition was never mentioned whilst the dog was being treated and this has not been investigated or suggested by any vet that has actually seen the dog. It does not therefore agree that it has been established the dog was ill, and that this was not a claim arising from excluded behavioural issues.

As the Investigator was unable to resolve the complaint, it was passed to me.

I issued a provisional decision on this matter in July 2024. While I sympathised with Mrs S

and Mr S's position, I did not agree with the Investigator's recommendation and did not consider the compliant should be upheld. I have copied my provisional findings below:

"Mrs S and Mr S's policy provides cover for vets' fees, including for euthanasia as a result of illness or an accident. The policy documents says that:

*"by illness we mean:*

- *diagnosed illness;*
- *signs or symptoms of illness (undiagnosed illness)."*

The cover is also subject to various conditions and exclusions, including the following:

*"For all cover types we can't help you with the following:  
We don't pay for the treatment of, or training for diagnosed behavioural problems or for the cost of any administration fees your vet might charge."*

I have considered the vet's notes for Mrs S and Mr S's dog. I have summarised all the attendances that RSA considers relevant below:

November 2018 – The vet recorded that the dog had been attacked by other dogs and was fearful. The vet *"advised a behaviour consult"* but the owner wanted to try classes.

July 2019 – The dog attended the vet regarding a gastric issue. The vet has recorded they had to muzzle the dog, as he was very nervous being handled: *"very nervous on the table to start with so I put a muzzle on but then after taken this off he seemed more friendly"*.

October 2019 – The vet recorded *"very anxious so muzzled. No oral exam"*.

April 2020 – It is recorded that the dog had bitten Mr S's finger while he was trying to give the dog worming treatment. The vet records that she advised a behaviour consult and in the meantime not to do anything to cause anxiety to the dog.

August 2023 – The vet notes say the dog bit Mrs S on the hand *"badly"* when she tried to wipe sleep from his eye. *"Discuss behavioural consult to assess if this behaviour can be safely modified"*. The notes say they discussed the risk to other people and the possibility of putting the dog down. The records then state the Mrs S and Mr S opted to have the dog put down as he *"has now bitten 7 times"*.

The records also say Mrs S and Mr S told the vet the dog *"has never shown any aggression apart from these times and is generally a friendly dog"*. However, it is clear there were other incidents not recorded as the vet notes record two bites but there had been seven incidents altogether.

After RSA refused the claim on the basis that the claim was for costs relating to a behavioural issue, rather than an illness, Mrs S and Mr S provided the following comments from a vet at the practice at which the dog was treated:

*"Spoke to O. He says insurance not paying out because don't pay for aggression. I have not examined this animal with respect to this problem but talked it through and listened to his description of the issue. The description is of sudden outbursts of aggression (often with no discernable provocation) which he then seemed to "come round" from almost as would from a form of*

*seizure. Most of the time he was a happy friendly dog. No general daily disposition to aggressiveness. This was said to have been discussed with vet above (now on maternity leave). Due to his breed, "rage syndrone" was discussed. From my reading, description seems to fit the profile of rage syndrone, and it might then be considered neurological as opposed to behavioural, but it is hard to diagnose definitively as the condition is still poorly understood and debated."*

In the complaint to us Mr S also gave the following description of the incident in August 2023: the dog had "*bitten wife's hand ... his eyes went black pupils dilated after the attack he was shaking violently his pupils went back to normal as he came out of the seizure. He was dazed and didn't know what he had done.*"

While it is possible to make a retrospective diagnosis, I have to consider whether the comments of the vet, set ...[out] above, are consistent with all the other evidence available, including the contemporaneous vet's notes made at the time of the previous incidents.

I also have to bear in mind that this vet did not see the dog or treat him.

RSA says that the comments above do not amount to a diagnosis but simply state that rage syndrome is a possible reason for the aggression. I agree with RSA. The comments above say the profile "*seems to fit the profile of rage syndrome and it might then be considered a neurological disorder*" but that it is "*hard to diagnose definitively.*" (My emphasis.) This does not therefore amount to a diagnosis of the condition.

I have also borne in mind that while the comments say that rage syndrome was discussed with the treating vet previously, none of the notes of the attendances reflect this. There is no mention in any of the notes I have seen that Mrs S and Mr S thought this was related to any illness and the vet does not mention this at all. The incidents referred to and the need to muzzle the dog all seem to have been while the dog was being handled which caused the dog stress, leading it to bite, and the vet advised more than once that a behavioural consult was required.

I have also considered the other common symptoms of rage syndrome. None of these appear to have been mentioned to the vet at any of the attendances. The only mention of the dog seemingly being in a seizure was in the referral of the complaint to us. I find the contemporaneous evidence more persuasive.

The evidence provided by RSA about common symptoms of rage syndrome also says that ... the aggression would be unprovoked. However, I agree with RSA that it seems there was a pattern to Mrs S and Mr S's dog's aggressive acts, as it was recorded as having occurred when he was being handled. Having read the vet's notes, I agree with RSA that it demonstrates that the dog was likely anxious when being touched, around the face in particular, and this is the cause of the incidents that happened. This is further supported by the fact the dog had to be muzzled when at the vets in 2019.

Having considered all the evidence carefully, I do not think that Mrs S and Mr S have established it is more likely than not that their dog had an illness which led to this claim, as opposed to a behavioural issue. I do not therefore think RSA has acted unfairly in rejecting the claim.

I know that Mrs S and Mr S will be disappointed with this decision, having already received a recommendation from the Investigator that their complaint should be

upheld. However, both parties are entitled to appeal to an ombudsman - the final stage in our process - and it is my role to review the matter afresh and make my own decision as to the appropriate outcome. It is only an Ombudsman's decision that is binding. Having received this complaint, I am required to determine it by reference to what is, in my opinion, fair and reasonable in all the circumstances of the case. And having considered everything carefully, I have provisionally determined that the complaint should not be upheld for the reasons set out above."

### **Responses to my provisional decision**

I invited both parties to respond to my provisional decision with any further information or arguments they want considered.

Mrs S and Mr S have confirmed they do not accept my provisional decision. They have made several points in response. I have considered everything they have said but have summarised the main points below:

- the dog "*never bit anybody*". He was good with children, other people and other dogs, he just did not like going to the vet.
- He had warned them with a growl and nipped them when trying to remove ticks but that is not aggressive behaviour.
- When they first contacted RSA, it asked for a bank statement to show the payment they made for the dog seven years before. Banks don't keep bank statements that long, so this was a red flag.
- There were problems in communicating about the claim, as RSA had the email address incorrectly recorded, which they say was a convenient mistake but RSA had no difficulty taking the premiums for seven years.
- The dog could not be treated for behavioural problems as he didn't have any.
- They witnessed the dog going into a rage and having a fit when he bit Mrs S, which was totally out of character for him and was a symptom of rage syndrome as confirmed by the vet who is an expert and highly regarded.
- RSA has tried everything in its power to avoid paying the claim and the way they have been treated is disgusting.

RSA has not responded to my provisional 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.

Mrs S and Mr S said in response to my provisional decision that the dog had never bitten anyone before this incident with Mrs S and had only growled or nipped them in warning when having ticks removed. However, this is not consistent with the vet's records. The records say that the dog had bitten Mr S in 2020. In addition, the vet's note says they told the vet in August 2023 that the dog had "*bitten 7 times*". I have no reason to doubt that this is an accurate record of what they told the vet. In addition, the vet had to muzzle the dog at appointments. The vet's records also show they recommended a behavioural consultation and there is no mention of a possible illness being the cause of the aggressive acts.

I have considered the comments from a vet at the treating practice provided by Mrs S and Mr S again. Having done so, I am still of the opinion that this does not amount to a diagnosis and does not establish the dog had rage syndrome, or any other illness. The vet said it was a possibility but did not see or treat the dog. And as stated in my provisional decision the

only reference to any other symptoms of rage syndrome was in Mr S's complaint to us; there is no reference to any such symptoms in the vet's notes.

I therefore remain of the opinion that the contemporaneous vet's records are more persuasive and they indicate the aggressive acts were a behavioural issue, particularly when the dog was being handled.

Having considered all the evidence carefully again, I therefore remain of the opinion that Mrs S and Mr S have not established it is more likely than not that their dog had an illness which led to this claim, as opposed to a behavioural issue. I still do not therefore think RSA has acted unfairly in rejecting the claim.

Mrs S and Mr S have also commented on RSA request for proof of payment for their dog. I do not think this was untoward in the way they have suggested. It is a normal part of the claim process as far as I am aware. Mrs S and Mr S are also unhappy about an issue with their email address. I do not think this was raised previously. While such matters are annoying, I have not seen any evidence that this affected the outcome of the claim or complaint. I do not therefore intend to take these matters any further.

### **My final decision**

I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs S and Mr S to accept or reject my decision before 11 September 2024.

Harriet McCarthy  
**Ombudsman**