

The complaint

Ms M and Mr T complain that AXA Insurance UK Plc acted unfairly and unreasonably when dealing with Ms M's claim under a travel insurance policy. They want more compensation.

What happened

Ms M and Mr T had a travel insurance policy with AXA. They went on holiday, and Mr T had an accident, fracturing his hip (neck of femur). He was repatriated by air ambulance as Mr T needed to remain in a flat position. Ms M and Mr T felt AXA delayed the repatriation by at least a week between 26 April and 7 May 2019 and complained.

AXA agreed that it had taken longer than normal to complete the repatriation due to a difference of opinion between the treating doctor and AXA's medical team. The dispute was about whether to use a commercial flight and a stretcher, and AXA accepted once the treating doctor explained why a stretcher was needed, it should've considered an air ambulance sooner. It offered £150 compensation; later increased to £250 as AXA accepted it also should've discussed the hotel costs with Ms M earlier. AXA said that it wasn't informed Mr T was fit to fly until 29 April, and confirmed that the policy didn't offer the extra on-the-ground assistance Mr T expected, such as arranging for extra medication for Ms M or dealing with personal matters in the UK.

Ms M and Mr T complained to us as they wanted more compensation for service failings. The investigator's view was that the complaint shouldn't be upheld. He said £250 compensation was fair and reasonable as he didn't think AXA could've got Mr T home any earlier as the companies involved needed seven days' notice and the official confirmation Mr T was fit to fly was received on 29 April 2019 (meaning 6 May was the earliest return date). Mr T was returned using a flight booked for someone else according to the investigator.

The investigator said AXA did take too long to realise it needed an air ambulance, though there was a dispute being the medics advising AXA and the treating doctor. He said it should've realised by 2 May that a stretcher was required and AXA shouldn't have waited for an independent doctor to see Mr T and advise. But it didn't delay repatriation significantly in the investigator's view due to the notice required to arrange a flight.

Ms M and Mr T disagreed. They said AXA could've made plans in advance and so get them home earlier. The investigator explained that the medical evidence was that Mr T wasn't declared fit until 29 April and it was too risky for insurers to try to book arrangements until the ability of the patient to travel was certain. He also explained that he'd thought about what would've happened if AXA had realised earlier an air ambulance was needed, and the evidence in his view showed Mr T wouldn't have been able to fly home much earlier. Ms M and Mr T felt AXA should've offered more help with language and welfare issues.

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.

When I refer to AXA, I'm also referring to its agents. The relevant rules and industry guidelines say that AXA has a responsibility to handle claims promptly and fairly. And it shouldn't reject a claim unreasonably.

The core of this complaint is about the repatriation of Mr T. The policy Ms M and Mrs T had wasn't one that offered the services Ms M and Mr T argue should've been provided, such as supplying Ms M's medication or translation services. The policy limited the amounts recoverable for expenses.

Mr T's repatriation wasn't simple for two reasons – the need for him to lie flat and the location. It's worth remembering that AXA could only proceed on the information it received from the various doctors involved and could only pick from a limited number of options to get Mr T home safely. Having looked at the evidence available to me, it wasn't until 29 April 2019 that the treating doctor told AXA that Mr T was fit to fly and answered the questions it raised about his current health. It was this date that the doctor also said Mr T needed a stretcher.

Until a patient is confirmed by a doctor as fit to fly, it isn't fair or reasonable to expect insurers to make arrangements as it could lead to wasted costs. I appreciate that Ms M and Mr T say plans could've been made but repatriation plans are complex and depend on the exact medical condition of the patient at the time, and often involve timetables. Little can be done in advance, particularly when spaces are limited and booked quickly.

Both Mr T and AXA's medical team thought using a commercial flight was a reasonable option. Only one airline locally would allow the use of a stretcher and it required seven days' notice. Allowing for the necessary time in making arrangements, I don't think getting Mr T home before 6 or 7 May was possible if he flew commercially.

But there was a dispute between AXA's medical team, doctors who specialise in repatriation, and the treating doctor. It took the treating doctor time to respond to questions and explain why he felt Mr T needed to remain flat. This isn't AXA's fault. But I think it should've considered an air ambulance at an earlier date, both due to location and Mr T's need to remain flat. Certainly, by 2 May, AXA should've started to explore this option, rather than the options it chose to explore. I can appreciate why it sent an independent doctor to see Mr T to advise further, but a fair and reasonable approach would've been to consider the air ambulance earlier, which would've negated the need to send the independent doctor.

It often is quicker than seven days to arrange an air ambulance and I can see in Mr T's case, it was arranged in a timely way once AXA decided to do so. I think if AXA had acted earlier, Ms M and Mr T probably would've been home a day or so earlier, but I bear in mind that matters were made easier by the fact other air ambulance journeys for third parties were being organised at the same time (though in the end Ms M and Mr T travelled without other patients). I can't say Ms M and Mr T suffered financial loss based on the evidence before me.

But the delay did cause stress and uncertainty at a time when Mr T was unwell and in a foreign country. Neither Ms M and Mr T spoke the language, which increased their upset. I note that AXA accepted that it also didn't discuss the issue of hotel costs promptly with Ms M. I'm satisfied that AXA's failings caused trouble and upset to Mr T and Ms M, but compensation must be limited to that caused by AXA, not the whole situation, which was no doubt difficult. Money never truly compensates for trouble and upset. Taking into account all the circumstances, I think the offer of £250 is fair and reasonable for the trouble and upset

caused by the delayed repatriation and failing to discuss hotel costs earlier. Much of Ms M and Mr T's upset are about matters for which AXA wasn't responsible.

My final decision

My final decision is that I don't uphold the complaint and leave it up to Ms M and Mr T whether to accept the offer of £250 compensation from AXA Insurance UK Plc. Under the rules of the Financial Ombudsman Service, I'm required to ask Ms M and Mr T to accept or reject my decision before 7 October 2020.

Claire Sharp
Ombudsman