

## **The complaint**

Mrs Q and Mr Z complain about AWP P&C S.A.'s decision to decline their claim under their travel insurance policy for lost baggage.

Any reference to AWP includes its agents.

## **What happened**

Mrs Q and Mr Z made a claim under their policy after they lost a bag containing personal possessions, which included a considerable amount of jewellery, when they were in immigration on arrival at an airport in the UK. Mr Z spoke with AWP about what had happened a number of times. In the end, AWP declined the claim on the basis that the policy doesn't cover loss of baggage due to confiscation or detention by customs or any other authority.

Mr Z complained to AWP about its handling of the claim. It wouldn't alter its position on the claim itself, however it did offer £200 in compensation for the delays on the claim. Mr Z told us he had not received the £200.

Mr Z wasn't happy with AWP's response, so he asked us to consider the complaint. One of our investigators did this. He explained that he didn't think it should be upheld. He said, based on Mr Z's version of events, AWP's decision to decline the claim was reasonable. And he felt what AWP had offered in compensation for the delays was fair. He pointed out Mr Z had told us he hadn't received this amount and told AWP it should pay it.

Mr Z asked for an ombudsman's decision, as he was unhappy with the investigator's view with regards to the declination of his claim. So I considered his complaint. Having done so, I emailed AWP and said I didn't think it was entitled to rely on the abovementioned exclusion. I explained this was because – although Mr Z's account of what happened to his bag wasn't clear – what was clear is that he had not suggested it had been confiscated by customs or any other authority.

AWP responded to my email. It said it had now decided to settle Mrs Q and Mr Z's claim for the non-valuable items in their bag and for the bag itself. And it sent me a copy of the settlement letter it had sent to Mr Z.

## **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.

I am not sure why AWP wrote to Mr Z setting out what it was going to pay to settle his claim. As it should have responded to my email on the complaint rather than writing directly to Mr Z. However, it is obviously good for Mrs Q and Mr Z that AWP has now decided to settle the part of their claim relating to non-valuable items. So I've not considered this aspect further.

However, I do not consider AWP is entitled to rely on the exclusion relating to loss due to confiscation or detention by customs or any other authority to decline Mrs A and Mr Z's claim for valuable items either. As I've already said, Mr Z has never suggested this is what happened to his bag and there is no other compelling evidence to suggest it did. So, I think the fair and reasonable outcome to Mrs Q and Mr Z's complaint is for AWP to consider their claim for valuables in accordance with the remaining terms of their policy.

I agree with our investigator that the £200 AWP offered in compensation for the distress and inconvenience Mrs Q and Mr Z experienced as a result of the delays on their claim is fair, as it's in line with what I'd normally expect for the level of distress and inconvenience they experienced.

### **Putting things right**

For the reasons set out above, I've decided to uphold Mrs Q and Mr Z's complaint and require AWP to do the following:

- Consider Mrs Q and Mr Z's claim for the valuable items in their bag in line with the remaining policy terms.
- Pay Mrs Q and Mr Z the £200 it offered for distress and inconvenience if it has not done so already.

### **My final decision**

I uphold Mrs Q and Mr Z's complaint and require AWP P&C S.A. to do what I've set out above in the 'Putting things right' section.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs Q and Mr Z to accept or reject my decision before 17 January 2025.

Robert Short  
**Ombudsman**