

complaint

Ms W complains that AXA Insurance UK Plc's offer to pay her £500 for its delay in repatriating her to the UK under her travel insurance isn't enough compensation.

background

While abroad Ms W had to be admitted to hospital to be treated for a serious infection in a limb. She told AXA her infection was getting worse and she needed to return to the UK. AXA didn't repatriate her because at the same time the doctor who was in contact with Ms W's treating doctor told AXA that she was getting better. She was only repatriated after her friend in the UK arranged for the British Consulate representative to see Ms W. He told AXA her poor condition meant she needed to be returned to the UK for treatment as soon as possible.

AXA accepted it should have repatriated Ms W sooner. It offered her £200 then £500 compensation for her trouble and upset caused by its poor service.

Ms W complained to us. She doesn't think £500 is a fair sum for the distress AXA caused her. She feared she would need her limb amputating because she wasn't receiving proper treatment. She also believes that some of her treatment and permanent scarring would have been avoided if AXA had repatriated her sooner.

The adjudicator asked Ms W's consultant in the UK whether the delay in returning Ms W to the UK had made her condition worse. As the consultant said he wasn't able to comment on that the adjudicator thought AXA's offer of £500 was reasonable.

my provisional decision

I made the following provisional decision that Ms W's complaint should be upheld:

"In deciding what amount of compensation is appropriate I look at what AXA did wrong and for how long, any serious attempts it made to put things right and the effect on Ms W.

AXA was aware it was receiving contradictory information about Ms W's health and that the doctor it was relying on to make its decision about repatriation hadn't seen Ms W. It also knew that Ms W's other medical conditions put her at increased risk of serious problems and that medical facilities where she was were limited. It didn't make any attempt to speak direct to the treating doctor to find out the true situation even though Ms W asked it to on several occasions and provided the doctor's details. AXA should have done so.

AXA accepts it should have followed up on Ms W's concerns about her health and treatment and had it done so it would have returned her to the UK sooner. But I don't think the £500 it offers is enough to compensate Ms W for the amount of trouble and upset she went through as a result of AXA's poor handling of the situation.

AXA's notes show how upset Ms W was at being left, on her own, in the hospital abroad with her infection worsening, not being listened to by AXA. The notes say that she was '*desperate*' to return home. Her friend in the UK phoned AXA to ask them to repatriate Ms W as she was '*suicidal*' and '*frantic*'.

Although AXA acted comparatively quickly once the Consulate's representative confirmed

that Ms W should be repatriated, she had to wait a week from raising her concerns about her treatment to being returned. That was a considerable time for Ms W to wait when she was so highly distressed and some of that time could have been avoided if AXA had acted sooner.

There is the separate issue of whether the delay in returning Ms W meant her condition was worse resulting in her needing more extensive treatment and being left with permanent scarring. Ms W's consultant does say he is unable to comment on if the delay made the condition worse. But importantly he also says that her case was "*an emergency and should have been treated immediately*". He saw Ms W shortly after her arrival in the UK and he "*(felt) urgent surgical treatment was necessary along with medical treatment to prevent the infection spreading to other parts of the body*".

Even though the consultant can't specifically comment on Ms W's deterioration due to the delay, I don't think it's unreasonable to conclude from his other comments that there was some impact. Surgical treatment should have happened immediately and as she remained abroad it didn't. On the information available there is no evidence about what treatment could have been avoided had there been no delay and the impact on the extent of Ms W's scarring. But from looking at Ms W's photographs of the severity of her infection abroad and in the UK it is clear the infection had spread by the time she reached the UK. This would have meant surgery to a greater area was required although there is no medical evidence to quantify how much greater and over what time the infection spread.

Ms W is seeking a large sum of compensation, she has mentioned £20,000. She has gone through a traumatic experience and has permanent scarring due to the infection but any award I make for compensation is only about the effect AXA's poor service had on her. Even if AXA had acted sooner it would reasonably have taken AXA at least two days to arrange repatriation. As it was, Ms W was repatriated about a week after she told AXA her condition meant she needed to return home. I've no medical evidence to say exactly what difference those few days meant to the severity of her infection or what treatment and scarring could have been avoided had she returned a few days sooner. This is reflected in the sum I'm considering awarding.

Overall, I find that Ms W has suffered substantial distress, upset and trouble due to AXA's poor service and that £1,000 is an appropriate sum."

responses to my provisional decision

Ms W wanted to submit some more medical information and we gave her a deadline to provide that information. She sent in two further medical reports which we sent to AXA for comment. AXA said that it didn't think the reports added anything to her complaint and its offer remained at £500.

my findings

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

Ms W was hoping to be able to provide a report from her plastic surgeon who treated her following her return from holiday but no report from him has been provided. I've looked at the two reports that Ms W has sent in. Those reports are about her other medical conditions. They don't give any information about what difference, if any, the few days delay meant to the severity of her infection or what treatment and scarring could have been avoided had she

returned to the UK a few days sooner. So I've got no reason to decide that the compensation payment should be higher than the £1,000 suggested in my provisional decision.

AXA continues to think that its offer of £500 is fair but it hasn't given me any reasons why £1,000 isn't the right amount.

I've reviewed all the evidence that I have. For the reasons I gave in my provisional decision above I find that £1,000 is fair compensation for Ms W's trouble and upset due to AXA's poor service.

my final decision

My final decision is that I uphold Ms W's complaint.

I require AXA Insurance UK Plc to pay Ms W £1,000 for her trouble and upset due to its poor service in not repatriating her sooner.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms W to accept or reject my decision before 20 July 2015.

Nicola Sisk
ombudsman