

complaint

Mr R complains about AXA Insurance UK Plc's service under his travel insurance policy. My references to AXA include its agents including its emergency assistance service.

background

Mr R was travelling abroad on his own when he fell and hurt his hip. He was transferred to an international hospital where he says staff told him he'd fractured the femur to his hip. His cousin contacted AXA on 21 February to tell it about the accident and make a claim. She told AXA that Mr R needed a hip replacement.

Mr R complains that AXA didn't repatriate him to the UK until 28 February. He says:

- There was a lack of assistance from AXA throughout the process and it left him stranded abroad waiting to be repatriated
- AXA failed to communicate with him and he was unable to contact it through the hospital
- AXA tried to insist he have surgery abroad which he didn't want
- AXA didn't transfer him to the UK hospital of his choice where his orthopaedic consultant was based
- AXA failed in its duty of care to him.

Mr R says he's been left with a limp and confidence issues. He wants AXA to pay him compensation for unnecessary suffering.

AXA said it followed the correct procedures to provide the most appropriate and medically necessary help. It apologised for any inconvenience but said it wasn't responsible for the delay as the repatriation took longer than expected because:

- It was very difficult to contact Mr R through the hospital and he didn't have a mobile phone and or access to emails
- The Foreign Commonwealth Office (FCO) advised against all except essential travel to where Mr R was so travel arrangements weren't straightforward
- Mr R's UK hospital of choice wouldn't accept him as he had to follow NHS procedure and be admitted to the hospital which is close to his home area.

Our investigator thought AXA had given reasonable service and wasn't responsible for the delays in repatriating Mr R.

Mr R doesn't agree and wants an ombudsman's decision.

my findings

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

Waiting to be repatriated was a very difficult time for Mr R and I'm sorry to see he says it's affected him long term. But I need to decide whether AXA handled his claim fairly and reasonably, and I think it did.

I don't uphold this complaint. I'll explain why.

Mr R felt he was left stranded as he received little communication from AXA. But AXA did make attempts to contact him and at first wasn't able to. He had very little access to a telephone or internet which meant it was very difficult for AXA and his family to communicate with him.

Initially AXA didn't have a phone number for Mr R. When it tried to call him on the 23 February the number was incorrect and it couldn't speak to him when it called the hospital on 24 February. The same date, Mr R's cousin told AXA that she had no contact from him.

I'm satisfied that AXA made reasonable attempts to contact Mr R and it's not responsible for the lack of communication.

From AXA's notes it managed to speak with Mr R later on 24 February. He told it he didn't want surgery abroad and wanted to be return to the UK.

Mr R says AXA tried insisting he have surgery abroad but I haven't seen any evidence to support that suggestion. On 25 February, before it was able to confirm cover, AXA was making detailed arrangements for his repatriation which doesn't support that it insisted he have surgery abroad.

AXA may well have spoken to Mr R about having surgery abroad. It would have been reasonable for AXA to do so as AXA needed to consider the options to decide what was in Mr R's best interests on the medical information it had and the circumstances.

As part of the repatriation arrangements AXA contacted Mr R's UK hospital of choice. The hospital told AXA on 26 February that it wouldn't admit Mr R and he should be admitted to a hospital close to his home area. AXA told Mr R's cousin and Mr R why the arrangements had been postponed. On 27 February AXA contacted a hospital local to Mr R's home who said he should be admitted through Accident and Emergency, assessed and treated accordingly. AXA updated Mr R and he was repatriated the next day.

It took AXA seven days from being notified of the claim to repatriate Mr R. I think that's a reasonable timescale given the communication problems, that travel arrangements were more complex given the FCO's advice about Mr R's location and Mr R's hospital of choice refused to admit him. None of those factors were AXA's responsibility. There's no evidence that it failed in its duty of care to Mr R.

I'm satisfied that AXA gave Mr R a fair and reasonable service in arranging his repatriation. There's no basis for me to make any compensation award.

my final decision

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr R to accept or reject my decision before 23 May 2019.

Nicola Sisk
ombudsman