

complaint

Miss R complains that AXA Insurance UK Plc (“AXA”) provided inadequate customer service and caused unnecessary delays, following her becoming unwell while on holiday.

Miss R’s complaint is brought on her behalf by a family member, Mr R. For ease I will refer to all submissions as having been made by Mr R. And my references to AXA will include its agents.

background

Miss R held a travel insurance policy with AXA.

Miss R travelled abroad on holiday with family members. She suffers with chronic fatigue syndrome. And unfortunately, during her outbound journey, she became unwell.

Miss R was taken to hospital within a few days of arriving at her holiday destination. Mr R contacted AXA to let it know what had happened and to request early repatriation to the UK for Miss R. AXA said it would need to review the medical report from the treating hospital to make a decision about repatriation. And it said it would likely provide an update the following morning.

AXA received the medical report and had it translated before passing it to its medical team. It was unable to provide more information the following morning, but called Mr R to let him know the medical report was being reviewed.

Mr R said Miss R’s condition deteriorated later that day. She was taken to hospital again and returned to her hotel late into the evening. Mr R sent AXA the medical report he’d been provided by the second hospital. This further medical report also needed to be translated before it could be reviewed by AXA’s medical team.

Around 48 hours after originally being contacted about Miss R’s situation, AXA relayed its decision about repatriation. It said based on the medical reports, it didn’t think it was medically necessary for Miss R to be repatriated early.

Mr R said he thought AXA had taken too long to make a decision and said it didn’t provide updates when it had promised. Mr R had told AXA that Miss R wanted to return to the UK early on a direct flight, and had said limited seats were available. He said once AXA had made its decision, there was no longer any availability for direct flights before the original return date. Mr R booked indirect flights instead, and said that the much longer journey was very difficult for Miss R.

AXA has since apologised that it took longer than it originally expected to make a decision about Miss R’s repatriation claim. And said it could have been more proactive in keeping her and her family updated.

Mr R said he had concerns about the necessity of a call from AXA requesting medical and flight information, considering AXA’s subsequent decision not to repatriate Miss R. And said this call led the family to think she was going to be repatriated. AXA said it asked for information which would ensure its medical team had the detail they needed to plan repatriation if this was decided necessary.

Mr R complained to AXA. Ultimately AXA said it didn't think it had done anything materially wrong. But it said it would cover the costs of curtailment for Miss R and a 'plus one' as a goodwill gesture.

Unhappy with AXA's response, Mr R brought the complaint to this service.

An investigator here looked into the complaint and said she didn't think AXA had dealt with the claim unfairly. And she said she didn't think AXA had caused any unnecessary delays.

Mr R disagreed with the investigator's view. He said Miss R's complaint is about delays and claim handling, and not the outcome of the claim itself. He asked for an ombudsman to make a decision, and raised additional points including the following:

- AXA had offered to assist with the family's own repatriation plans if it was unable to meet the claim, including wheelchair assistance at the airport. However Mr R said after AXA turned down the claim for repatriation, it didn't provide any further support;
- Miss R found it very stressful to be told by AXA that she might not be covered if she chose to repatriate herself early and a medical emergency were to arise. AXA said it was obligated to let Miss R know the potential insurance implications if she were to arrange her own flight home against medical advice; and
- the hospital had verbally told the family that Miss R needed to be repatriated, but didn't put this in writing. Mr R said AXA should have contacted the hospital about this.

And so the case has been passed to me to make a final 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.

Mr R has said Miss R's complaint isn't about AXA's decision to turn down her claim. But this service has an inquisitorial remit, and this issue seems to me to be intrinsically linked to Miss R's complaint about the time AXA took to make its claim decision, and the service it provided. So I've considered the complaint in its entirety.

Mr R has made a very detailed submission to us about this complaint. I won't be commenting on every point – instead I've concentrated on what I believe to be the main issues. And this reflects the informal nature of our service.

Mr R also raised some new points, which I referred to AXA for its comments.

time taken to make a claim decision

I've seen evidence that AXA contacted the first hospital directly for a medical report, straight after being made aware of Miss R's situation. However the hospital advised AXA to obtain a copy from Miss R's family.

The medical report AXA received was in a foreign language, so needed to be translated before AXA's medical team could review it. And as Miss R attended hospital for a second

time, a further medical report then also needed to be translated. So taking this into account as well as the circumstances of Miss R's condition, I don't think the time taken for AXA to reach a decision on her repatriation request (approximately 48 hours) was unreasonable.

assessment of the claim

AXA said the medical reports it had received didn't confirm any diagnosis which justified a curtailment on medical grounds, so it turned down the claim.

Mr R said he was verbally told at the hospital that Miss R should return home as soon as possible. I've considered what Mr R has said. However, the medical reports didn't contain a recommendation for Miss R to be repatriated, and Mr R said the hospital refused to put those comments in writing. This leads me to think that those comments were not substantiated by any medical evidence and were most likely a personal rather than professional opinion, expressed by a member of staff at the hospital.

AXA received medical reports from two hospitals, and it relied on these when making a decision about repatriation. I think that was reasonable and I don't think it was necessary for AXA to contact the hospitals for further information. The medical reports didn't specify that repatriation was necessary, so I'm satisfied that AXA's decision not to repatriate was fair.

I accept the indirect journey back to the UK was more difficult and unpleasant for Miss R due to her condition. However as I've said, I don't think the time AXA took to make its decision, or the decision itself, was unreasonable in the circumstances. So I don't think AXA is responsible for Miss R being unable to return home on a direct flight.

I note that Miss R also made a claim for medical expenses incurred abroad, and AXA met that claim.

communication

I think the questions asked during the call with the AXA's nurse were reasonable, as AXA would have needed the information it asked for if a decision to repatriate was made. And, by asking for this information in advance, AXA was proactively minimising any potential delay. Nothing that AXA said in this call persuades me that Miss R or her family were told she would be repatriated.

AXA let Miss R know that she wouldn't be covered if a medical emergency were to arise in the event of flying against medical advice. I think this was relevant and necessary. At the point this information was first given, AXA's medical team hadn't completed its review of the hospital medical reports, so it didn't know whether or not Miss R was medically fit to fly.

Mr R said AXA didn't meet the commitments it made around the amount of time it would need to make a decision. And he said AXA didn't always keep in contact when it said it would. AXA accepted that making a decision took longer than it had originally expected. And it apologised for not being more proactive in providing updates during that time. I think that's sufficient, as I've already established that I think the time AXA took to make its decision overall, wasn't unreasonable in the circumstances.

Mr R has said that after AXA declined the claim, it offered no further assistance. And he said it didn't arrange wheelchair assistance at the airport, having previously offered this.

I've listened to the calls between Mr R and AXA's medical assistance helpline. Mr R asked if AXA could help him to find direct flights home which he could book himself. AXA agreed to do this. It was unable to find a direct flight and called Mr R back to let him know. Mr R then confirmed he would be booking indirect flights as this was all that was available.

Mr R asked AXA to contact him again after the family had arrived home, to discuss his complaint further. And I can see that AXA did this. I've seen no evidence that Mr R asked AXA for any other assistance with the family's return journey.

AXA made an offer to pay curtailment for two nights for Miss R and one of her family members and calculated this to be £600.49. It paid this to Miss R, but said she returned the payment. Whilst this offer is greater than I would have awarded, I think it's fair and reasonable in the circumstances. And so I don't think AXA needs to do anything more.

my final decision

I'm aware that AXA Insurance UK Plc has made an offer to pay £600.49. I conclude that such an offer is fair and reasonable in all the circumstances. So my decision is that AXA should pay Miss R £600.49.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss R to accept or reject my decision before 27 April 2020.

Gemma Warner
ombudsman