

## **The complaint**

Mr B and Ms O are unhappy with the service they received from U K Insurance Limited when they made a claim on their travel insurance policy.

Although they are represented, I'll refer to representations having been made by Ms O throughout my decision.

## **What happened**

Mr B and Ms O were on holiday when Ms O had a fall which left her with a serious injury to her arm. She's unhappy with the emergency assistance she received from UKI which, she says, meant she was left in a lot of pain and with lasting difficulties in relation to her injury. Ms O also wanted UKI to pay for medication she had to buy.

Ms O complained but UKI didn't provide a final response letter.

Our investigator looked into what had happened and upheld the complaint. She thought UKI hadn't handled the claim promptly or fairly. She recommended UKI pay £1500 compensation for the distress and inconvenience caused. She also thought UKI should cover the costs of the medication Ms O received abroad (plus 8% simple interest) and an amount equivalent to Ms O and Mr B's portion of four nights accommodation costs as their holiday had been effectively cut short.

Ms O accepted the investigators findings but UKI didn't. They acknowledge there were some failings in the service Ms O received but they didn't agree the impact justified the award the investigator had recommended. They also said Ms O hadn't claimed for medication costs so 8% simple interest shouldn't be payable, and the policy didn't cover loss of enjoyment. So, they asked an ombudsman to review the complaint.

## **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.

The relevant rules and industry guidelines say that UKI has a responsibility to handle claims promptly and fairly. And, they shouldn't reject a claim unreasonably.

I'm upholding this complaint and directing UKI to pay £1500 compensation, a proportion of Ms O and Mr B's accommodation costs and the cost of Ms O's medication (plus 8% simple interest on that cost).

I say that because:

- I don't think Ms O received an acceptable level of service from UKI. For example, UKI has acknowledged Ms O's case should have been categorised as 'full assistance' as it was clear she may need assistance with the return journey to the UK due to the nature of her injuries. But it was incorrectly categorised, and I think this

most likely impacted on the level of service she received.

- There was also a lack of proactive communication from UKI to Ms O. When Ms O provided some medical documentation to UKI they didn't tell her they needed more information. This didn't happen until UKI were chased for an update and UKI has acknowledged this could have been obtained more quickly had they handled the case more proactively.
- UKI should have maintained more regular contact with Ms O and it should have been made much clearer to her what was happening at each stage in the repatriation process. Whilst UKI were reviewing medical evidence and looking into repatriation options I think they could have kept Ms O updated about their progress and the likely timescale for getting her home.
- This was at a time when Ms O was in a lot of pain and when she knew she needed to get home for surgery. She was left feeling as if UKI weren't helping her and that she needed to make her own plans to get home. This could've been avoided by clear and proactive communication throughout the claims handling process.
- When UKI did contact Ms O there were other issues which caused her further worry. UKI mentioned that they were booking a spare seat for her so that she had space on her left side. But that wasn't the side Ms O was injured on. Whilst I appreciate that there was no practical impact, as Ms O could have sat in either seat, I can entirely understand why this caused her further distress. UKI had received, and reviewed, the medical evidence so they should have known which side the injury was on. All of this caused her further worry that UKI didn't understand her situation.
- Ms O made her own arrangements to travel home. The journey was uncomfortable and very painful for her. UKI says this would have been avoided had they organised the repatriation so, in summary, that's not their fault. I'm not persuaded by UKI's arguments on this point. As I've outlined above, the communication and overall service Ms O received was poor, taking into account her injuries and the level of pain she was in. So, I think it's understandable she lost confidence and trust in UKI. I've found her testimony on this point to be credible and persuasive. I also note she was receiving a lot of pain relief which further supports her testimony.
- Overall, I think it's understandable Ms O didn't have confidence that UKI was handling her claim in the way it should. Had the communication been clearer she'd have understood what UKI was trying to achieve and the timescales.
- I've thought about what UKI has said about the impact on Ms O. They've said, in summary, it's unclear whether Ms O could have been repatriated any earlier due to issues with sourcing flights and potentially needing medical clearance if it was required by the airline. But this hasn't changed my thoughts about the overall outcome of this complaint. There were a number of mistakes, delays and miscommunications throughout the life of the emergency assistance claim. And, I think they had a big impact on Ms O at a time she was worried, in pain and in need of help. I think she rightly expected more from UKI when dealing with an emergency assistance claim such as this. And I think £1500 fairly recognises the acute distress and inconvenience she experienced during this time.
- I'm satisfied Ms O and Mr B weren't able to continue with their holiday as planned. Following her accident, the focus was on getting Ms O home for surgery and managing her pain. Although the policy doesn't cover loss of enjoyment it does cover cutting a trip short due to the illness or injury. I think it's fair and reasonable to

conclude Ms O and Mr B's holiday was effectively cut short on the date of the accident.

- I think UKI could have been proactive about offering to settle Ms O's medical expenses. They were aware of them in 2018 and didn't explain to Ms O what information they'd need to settle them. When Ms O complained about her experience, UKI didn't respond. So, there was a further missed opportunity to sort things out. Taking all of the above into account I think UKI should pay 8% simple interest on these costs.

### **Putting things right**

I'm upholding Ms O's complaint and direct UKI to put things right by paying her:

- £1500 for the distress and inconvenience caused by not handling her claim promptly and fairly
- The proportionate cost of Mr B and Ms O's accommodation from the date of the accident to the end of the holiday as it was effectively curtailed from the date of the accident.
- The cost of her medication plus 8% simple interest.

If UKI considers that it's required by HM Revenue & Customs to deduct income tax from that interest, it should tell Mr B and Ms O how much it's taken off. It should also give Mr B and Ms O a tax deduction certificate if they ask for one so they can reclaim the tax from HM Revenue & Customs if appropriate.

Mr B and Ms O should be aware that are likely to need to provide UKI with some further information and documentation in order for UKI to determine the correct amount and the applicable excess.

### **My final decision**

I'm upholding Mr B and Ms O's complaint and direct U K Insurance Limited to put things right in the way I've outlined above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B and Ms O to accept or reject my decision before 15 November 2022.

Anna Wilshaw  
**Ombudsman**