

The complaint

Mr and Mrs O complain that AXA Insurance UK Plc didn't treat them fairly when they called to go through medical screening.

What happened

Mr and Mrs O had booked a package holiday abroad. Alongside the booking, they took out a single trip travel insurance policy to cover their holiday. In line with the policy terms, they called AXA's medical screening line to provide it with information about their health.

During the call, Mr O told AXA that Mrs O carried a gene which could make developing a serious illness much more likely. So she'd undergone preventative surgery to reduce the chances of developing the illness and had had the first stage of reconstructive surgery. She was waiting for the second part of the reconstruction surgery to be booked. Mr O asked AXA whether, if the surgery was scheduled either before the trip departure date or while they were away, Mrs O would be covered.

Ultimately, AXA told Mr and Mrs O that they wouldn't be covered for cancellation or curtailment of the trip due to the scheduling of the second surgery. It said the potential surgery was a circumstance which could, at the time of booking the trip and taking out the policy, have been reasonably expected to lead to a cancellation or curtailment claim. This was specifically excluded from cover. It let Mrs O know that if she suffered a complication of the surgery while abroad, this would be covered under the Emergency Medical Expenses section of the policy.

Mr and Mrs O were very unhappy with the service they'd received from AXA's screening line. They said that the language the call handlers had used was very upsetting and that they'd lacked compassion. They said that AXA had treated Mrs O's previous surgery as being the same as cosmetic surgery, despite the fact that it had been carried out to prevent serious illness.

AXA didn't respond to Mr and Mrs O's complaint within the eight-week complaint response period set out in the regulator's rules. So Mr and Mrs O asked us to look into their complaint.

Subsequently, AXA made an offer of settlement directly to us. It told us that its screening line had given Mr and Mrs O the wrong information. It said it would only have excluded the surgery had Mrs O been given a surgical date ahead of booking the trip and taking out the policy. And it added that a gene couldn't be classed as a pre-existing medical condition. It offered to pay Mr and Mrs O £200 compensation.

Our investigator felt that AXA's offer was fair and reasonable. But Mr and Mrs O disagreed. So the complaint was passed to me to decide.

I contacted AXA and asked whether, in the specific circumstances of this complaint, it would be prepared to increase its offer of compensation to £400. AXA agreed with this proposal.

However, Mr and Mrs O remained unhappy with AXA's offer. They said that AXA hadn't

contacted them directly or apologised for its error. And they felt that the mistakes it had made were very serious. They also felt that Mr O had been paid only a small amount less compensation for a considerably less serious matter.

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.

Having done so, while I don't think AXA has treated Mr and Mrs O fairly, I think it's now made a fair offer of compensation to reflect this and I'll explain why.

First, I'd like to reassure Mr and Mrs O that I've carefully considered all they've said and sent us. It's clear that they've found dealing with AXA very upsetting and Mrs O has told us this affected her sense of confidence and self-worth. I don't doubt how worrying it must've been for Mr and Mrs O when AXA wrongly told them that they wouldn't be covered if they had to cancel or cut short their trip had Mrs O's second surgery been scheduled at the time of the trip.

Mrs O told us that the holiday had been the family's first holiday since she'd been through the surgery and one that she and Mr O had promised their family as something to look forward to. It seems then that the holiday was a very important trip for Mr and Mrs O and their family. Mrs O has told us that AXA's mistake caused them worry and stress, which affected their ability to enjoy such an important holiday.

It's clear Mr and Mrs O feel strongly that AXA's medical screening team used inappropriate terminology to discuss Mrs O's surgery and that the staff had lacked compassion. I've listened very carefully to the calls between Mr O and AXA. I don't think there was any intention on AXA's part to use offensive or inappropriate terminology and I think, at times, they were simply reflecting wording that Mr O had used to describe Mrs O's previous and future surgery. I do acknowledge at one point though, one of AXA's team did say that Mrs O's surgery was the same as cosmetic surgery. I've taken into account that this was set against a background of a call during which I think the call handler took pains to distinguish the surgery Mrs O had been through from general cosmetic surgery. But I appreciate that this was upsetting for both Mr and Mrs O, as I can understand it may have felt that it minimised Mrs O's experiences. So I think it's fair for the compensation award to also reflect the impact of this part of the call.

I've thought carefully about what fair compensation should be here, to reflect both the upset the erroneous information caused Mr and Mrs O and the resulting impact on their holiday. I appreciate Mr and Mrs O are unhappy that AXA hasn't contacted them directly during this matter or that it hasn't apologised to them. As AXA didn't provide a complaint response within eight weeks, Mr and Mrs O had the right to bring their complaint to us without receiving a final response from AXA and they did so. Therefore, AXA responded directly to our request for information by making a settlement offer.

In my view, a total amount of £400 compensation is a fair award to recognise the impact I think AXA's mistakes had on Mr and Mrs O and the worry it caused them during a special holiday. So I'm pleased that AXA has now agreed to make such a payment. I also think it might bring some closure to Mr and Mrs O were AXA to send them a written apology for its mistakes directly to acknowledge that it didn't treat them fairly during the medical screening process, although this doesn't form part of my directed award.

My final decision

For the reasons I've given above, my final decision is that I uphold this complaint.

I direct AXA Insurance UK Plc to pay Mr and Mrs O £400 compensation.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr O and Mrs O to accept or reject my decision before 21 November 2022.

Lisa Barham
Ombudsman