

The complaint

Ms M complains about how AWP P&C SA dealt with a claim against her travel insurance policy. Reference to AWP includes its agents.

What happened

The details of this complaint are well known to both parties, so I won't repeat them again here in full. In summary, Ms M has travel insurance underwritten by AWP as a benefit of a bank account. Ms M booked a trip with her two daughters and their children. On 7 February 2022 - the day of arrival - Ms M fell in the accommodation and hurt her wrist. She says that her wrist hurt and the swelling increased, so on 9 February 2022, Ms M got a taxi to the hospital and contacted AWP about a claim.

On 9 February 2022, the treating doctor said that Ms M had broken her radius bone and needed an operation. Ms M was very worried about having the operation as she is a carer for one of her daughters and is the only one who can manage her medical condition and also assists in looking after one of her grandchildren. AWP suggested that she could have the operation in the UK and Ms M agreed, as it meant that she could leave hospital and look after her daughter and grandchild.

Ms M says that later on 9 February 2022, the treating doctor said that she could have the operation that afternoon and leave the hospital the following day – 10 February 2022. Ms M says that she contacted AWP about that, but no one came back to her. As AWP hadn't authorised the operation, Ms M left the hospital on 10 February 2022, not having had the operation, in order to care for her daughter and granddaughter. She continued to contact AWP as she needed a fit to fly certificate. On 11 February 2022, AWP said that it was sending Ms M a fit to fly certificate and arranging a taxi to the airport.

Ms M says that AWP shouldn't have suggested that she have the operation in the UK. She says that as she couldn't get the information she needed from AWP she stayed in hospital overnight unnecessarily. Ms M says that she could have had the operation on the afternoon of 9 February 2022 and been discharged on 10 February 2022 but as AWP didn't get back to her, she remained in pain. Ms M says that AWP didn't assist her and made mistakes. She says that she and her family didn't enjoy their holiday. Ms M wants AWP to reimburse her for the cost of the holiday and compensation for distress and inconvenience.

AWP upheld Ms M's complaint, apologised for the poor service she'd received and offered her compensation of £100, later increased to £200. Ms M didn't think that was sufficient and pursued her complaint.

One of our investigators looked at what had happened. He thought that AWP should pay Ms M compensation of £350 for distress and inconvenience arising out of its poor service.

AWP agreed with the investigator, but Ms M didn't. She said that AWP's negligence and lack of communication had ruined a holiday for five people, especially her daughter who

has a medical condition. Ms M said that she will never feel secure going abroad again. She says that AWP left her for five days with a broken arm and she didn't know whether she could return home as planned. Her family wouldn't have left her, so they also didn't know if they would be able to return home as planned. Ms M says that she was in pain and felt abandoned by AWP. She says that compensation of £350 isn't sufficient.

As there was no agreement between the parties, the complaint was passed to me to decide.

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.

It's clear and quite understandable that Ms M has very strong feelings about this matter. I'm conscious that I've condensed what I don't doubt was a very worrying time into a short narrative. That reflects our service that, wherever possible, aims to be informal. I'm satisfied that I've captured the essence of what happened. I trust that Ms M won't take as a discourtesy the fact that I focus on what I consider to be the central issue, that is whether AWP have done enough to put things right

The relevant rules and industry guidance say that AWP has a responsibility to handle claims promptly and fairly. It's common ground that Ms M received poor service from AWP. We've asked AWP for its claim, contact and call notes for Ms M's claim but it hasn't provided them. So, I accept Ms M's chronology of events.

Based on what Ms M says, AWP was first aware of her claim on 9 February 2022. Initially, Ms M agreed to defer the operation she needed until her return to the UK but changed her mind. AWP should have contacted Ms M promptly following her enquiry about having the operation that day. AWP was at fault in failing to contact Ms M between 9 February 2022 and 11 February 2022.

AWP hasn't explained why it said that Ms M could wait for the operation until her return to the UK. I don't think that I can safely conclude that if AWP had dealt promptly with Ms M's enquiry on 9 February 2022, it would have necessarily led to it authorising immediate surgery. But Ms M was left in an uncertain position at an already worrying time. And her distress and inconvenience was compounded by the fact that she is a carer for one of her daughters and assists in the care of one of her grandchildren. Ms M was in the frustrating position of repeatedly contacting AWP for assistance between 9 February 2022 and 11 February 2022.

The remaining issue for me to decide is what AWP should do to put matters right. Only Ms M has the benefit of this policy, so there's no basis on which I can award compensation for the benefit of her family. And the policy doesn't cover loss of enjoyment, so whilst I appreciate that Ms M's accident spoiled her trip, that's not something covered by the policy.

I can award compensation for Ms M's distress and inconvenience caused by AWP's poor service. Considering everything, I think that total compensation of £350 is fair and reasonable in this case. In reaching that view, I've taken into account the nature, extent and duration of Ms M's distress and inconvenience caused by AWP's poor service.

Putting things right

In order to put things right, AWP should pay Ms M compensation of £350 in relation to her distress and inconvenience.

My final decision

My final decision is that I uphold Ms M's complaint. AWP P&C SA should now take the step I've set out above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms M to accept or reject my decision before 24 May 2023.

Louise Povey
Ombudsman