

## **The complaint**

Mr and Mrs C are unhappy that AWP P&C SA declined a claim they made on their travel insurance policy.

## **What happened**

Mr and Mrs C cut short their trip when Mrs C and her daughter tested positive for Covid-19. They were on holiday in the UK and made their way back to the mainland. They claimed for various costs including their unused accommodation costs.

AWP declined the claim as Mrs C didn't provide evidence of logged lateral flow tests. Mr and Mrs C are unhappy with the service they received and because their claim has been declined.

Our investigator looked into what had happened and upheld the complaint. She didn't think it was fair for AWP to decline the claim, based on the policy terms. She recommended AWP reassess the claim and pay £150 for service issues.

Mr and Mrs C accepted the investigator's findings. AWP didn't agree and asked an ombudsman to review the complaint. They referred to the policy terms and said it was reasonable to request medical confirmation of a diagnosis to support a claim for curtailment due to illness.

## **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 AWP has a responsibility to handle claims promptly and fairly. And they shouldn't reject a claim unreasonably.

I'm upholding Mr and Mrs C's complaint because:

- There's no requirement in the policy terms for Mrs C to provide AWP with evidence of a positive Covid-19 test result by logging a lateral flow test. If that was a requirement, it should be made clear in the policy terms.
- There's independent testimony, which I find persuasive, which confirms Mrs C and her daughter tested positive for Covid-19 and that it prompted them to cut short their trip.
- Mrs C has explained why she didn't take a photo of the lateral flow test – she and her daughter were unwell. I also note she was also trying to sort out how to leave where she was staying. Mrs C explained that she'd obtained the lateral flow tests from the place where she was staying.
- In the specific circumstances of this case I don't think it would be fair and reasonable

to expect Mrs C to provide other evidence, such as a medical certificate, in support of the fact that she and her daughter had Covid-19. She was in a remote location and, in any event, wouldn't have been able to see a medical practitioner face to face. So, it's unlikely that she'd have got more persuasive evidence even if she'd been able to speak to a medical professional.

- Even if I agreed with AWP that the curtailment of the trip wasn't medically necessary I think it would be fair and reasonable to step outside the policy terms in the individual circumstances of this case. The holiday was a community-based holiday and Mr and Mrs C would have been confined to a single room with their young daughter. So, I'm still persuaded their decision to cut the trip short was fair and reasonable in all the circumstances.
- Taking all of the above into account I don't think it was fair for AWP to reject the claim. I think they should reassess it in line with the remaining terms and conditions.
- AWP didn't dispute our investigator's findings about the service Mr and Mrs C received. I think they experienced distress and inconvenience by not receiving responses within the timeframes they were given and having to chase AWP. I also think they were caused inconvenience by their claim being unfairly declined. This had an impact on Mr and Mrs C because it worried them and took up their time unnecessarily. So, I think AWP should pay them £150 compensation to reflect this.

### **Putting things right**

Within 28 days of the date that AWP are told that Mr and Mrs C have accepted my decision they need to put things right by:

- Reassessing Mr and Mrs C's claim in line with the remaining policy terms and conditions
- Paying them £150 compensation.

### **My final decision**

I'm upholding Mr and Mrs C's complaint about AWP P&C SA and direct them to put things right in the way I've outlined above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs C and Mr C to accept or reject my decision before 18 August 2023.

Anna Wilshaw  
**Ombudsman**