

The complaint

Mr and Mrs B's complaint is about Euroins AD declining a claim they made on their travel insurance policy.

What happened

Mr and Mrs B were due to go on holiday on 27 May 2023. On 19 May Mr B tested positive for Covid-19 on a lateral flow test at home. On 21 May he attended the accident and emergency department and tested positive for Covid-19. The following day he cancelled the holiday.

Euroins declined to cover the cancellation claim. They said that there was cover under the policy, but Mr B had tested positive eight days before the flight. So, they said they wanted evidence he wasn't fit to travel.

Our investigator looked into what had happened and didn't uphold the complaint. She thought Euroins had fairly declined the claim. Mr B highlighted that he'd been encouraged by his holiday provider to cancel and some of the NHS guidance about Covid-19 at the relevant time.

In December 2023 I issued a provisional decision which said:

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

The policy terms and conditions say there is cover for cancellation for:

You or a Close Relative or Travelling Companion being:

- a) medically diagnosed with Covid-19 or being personally instructed to self-isolate by the NHS test and trace service or being compulsorily quarantined on the orders of Your/their treating Medical Practitioner, due to Covid-19, suspected Covid-19 or exposure to someone who has been diagnosed with Covid-19.

It says:

If you cancel the trip due to bodily injury, illness or complications of pregnancy or childbirth, You must provide a medical certificate from the Medical Practitioner of the person whose condition has led to the cancellation stating that this was necessary, unavoidable and unexpected.

I'm intending to uphold this complaint because I don't think it's fair and reasonable for Euroins to decline the claim. I say that because:

- Mr B attended the accident and emergency department six days before he was due to travel and tested positive for Covid-19 on arrival in the emergency department. Given that he was testing positive and seeking emergency

assistance I think it's reasonable to conclude he was feeling very unwell.

- The notes suggest that Mrs B and their daughter were also having symptoms of Covid-19 on that date. That's consistent with what Mr B said to his holiday provider on the following day as he said his wife and daughter were also feeling unwell.
- Given that NHS guidance is not to visit a GP when symptomatic for Covid-19 I don't think Mr B and his family could have done much more in the circumstances. Even if they'd contacted their GP the practitioner would have had to rely on their reporting of their symptoms. So, it seems unlikely this would have added much weight to the medical evidence that's available.
- NHS guidance at the relevant time was to stay at home for five days after a positive test and avoid meeting others who are more likely to get seriously ill for a further ten days after your positive test. Mr B says he continued to test positive on lateral flow tests during the week before travel. I think that's credible as he'd been so unwell and it's not uncommon for some people to test positive for longer periods of time than others.
- I also bear in mind that Mr B was told by the holiday provider he was recommended not to travel and that he could be refused boarding by the airline or entry by the hotel in the country they were visiting.
- Taking all of the above into account I'm satisfied that it's fair and reasonable for Euroins to settle the claim in line with the remaining policy terms.

Putting things right

Euroins needs to put things right by settling the claim in line with the remaining policy terms.

Mr B responded to confirm that he didn't have any additional points to add. He explained he'd experienced a recent family bereavement and remained of the view that he'd provided all the relevant information in support of his claim. Euroins didn't respond to my provisional decision before the deadline. So, I need to make a decision.

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.

I'm very sorry to hear of Mr B's recent bereavement and offer my condolences to Mr B and his family.

As neither party has made any further representations there is no reason for me to reach a different outcome to my provisional decision. For the reasons I've outlined above, and in my provisional decision, I'm upholding this complaint.

Putting things right

Euroins needs to put things right by settling the claim in line with the remaining policy terms.

My final decision

I'm upholding Mr and Mrs B's complaint about Euroins AD 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 Mr and Mrs B to accept or reject my decision before 7 February 2024.

Anna Wilshaw
Ombudsman