

The complaint

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

What happened

Mr C and Ms W were on holiday. Ms W tested positive for Covid-19 on a Lateral Flow Test. Mr C also tested positive and they were unable to travel home as planned. They claimed for their additional flight and accommodation costs.

AWP said they needed a certificate confirming Mr C wasn't fit to fly. Mr C and Ms W complained to AWP but they said they needed the certificate. Unhappy, Mr C and Ms W complained to the Financial Ombudsman Service.

Our investigator looked into what happened and upheld the complaint. In summary, he thought the circumstances were covered by the policy and there was no requirement for Mr C to provide the certificate that he wasn't fit to fly.

Mr C and Ms W accepted our investigator's findings. AWP didn't respond and so the case has been referred to me 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.

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

The policy terms and conditions say:

“What is covered

We will pay you up to £10 million for the following expenses which are necessarily incurred within 12 months of the incident as a result of your suffering unforeseen bodily injury, illness, disease and/or compulsory quarantine (including being diagnosed with an epidemic or pandemic disease, such as COVID-19).

5. Reasonable additional transport or accommodation expenses incurred, up to the standard of your original booking, if it is medically necessary for you to stay beyond your scheduled return date.

Special conditions relating to claims

5. In addition to the 'General claims information required' shown under the 'Making a claim' section on page 34, where appropriate, you must also provide us with:

c. written confirmation from the treating doctor of the dates and reason you have to

be confined on medical advice to a hospital or your trip accommodation...”

And:

“If you need to go home early, the treating doctor must provide a certificate confirming that you are fit to travel. Without this the airline can refuse to carry any sick or injured person.”

I’m upholding this complaint because:

- There’s no requirement in the policy terms and conditions for Mr C to provide evidence that he wasn’t fit to fly.
- Mr C has provided evidence of a positive lateral flow test demonstrating that he tested positive for Covid-19. I’m satisfied that he followed the relevant guidance from the NHS and the health department of the country he was visiting. This indicated he should self-isolate and not fly.
- Given that Mr C was testing positive for Covid-19 I don’t think he could reasonably have obtained a medical certificate. As medical practitioners often won’t have a face to face appointment with someone who is testing positive for Covid-19 any certificate would have most likely been based on Mr C’s reporting of his condition and the positive lateral flow test.
- I also note that Mr C and Ms W contacted AWP for advice following Mr C testing positive for Covid-19. Based on the available evidence I don’t think they were told that they should obtain a medical certificate. And, in any event, for the reasons I’ve already explained I don’t think it was reasonable to request one in the specific circumstances of this case, bearing in mind the policy terms and Mr C’s requirement to self-isolate.

Putting things right

AWP needs to put things right by reassessing the claim in line with the remaining policy terms and conditions. They should complete the reassessment within 28 days of Mr C and Ms W confirming that they accept my final decision.

My final decision

I’m upholding Mr C and Ms W’s complaint and direct AWP P&C SA 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 C and Ms W to accept or reject my decision before 23 May 2024.

Anna Wilshaw
Ombudsman