

The complaint

Mr T complains that AWP P&C S.A declined a claim he made on his travel insurance policy.

What happened

In July 2023 Mr T sought help from his GP because he was experiencing symptoms of depression and anxiety. His GP prescribed medication and increased the dosage in August 2023. Mr T was due to go abroad for a sporting event in September 2023 but cancelled the trip due to his symptoms. He claimed on his travel insurance policy.

AWP declined the claim because they said that it wasn't medically necessary to cancel the trip. Mr T complained but AWP maintained their decision to decline the claim was fair. Unhappy, Mr T complained to the Financial Ombudsman Service.

Our investigator looked into what happened and didn't uphold the complaint. He thought that AWP had acted fairly based on the available medical evidence and the policy terms and conditions. Mr T didn't agree and asked an ombudsman to review his complaint. He highlighted the medical evidence which he said supported that it was medically necessary to cancel the trip. He also said that there seemed to be a fundamental disregard for mental illnesses. 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.

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.

I have a lot of empathy for Mr T's circumstances and what he's said about the impact that his symptoms were having on him at the relevant time. However, I'm not upholding this complaint.

The starting point is the relevant policy terms and conditions. The policy does cover cancellation due to illness. But it says:

6. In addition to the 'General claims information required' shown under the 'Making a claim' section on page 36, where appropriate, you must also provide us with:

....

c. a medical certificate from a doctor to confirm that you or your travelling companion are not fit to travel or that they have recommended you or your travelling companion do not travel as a result of a relative's medical condition;"

Mr T's GP provided a report to AWP. In response to the question, 'In your opinion was the patient fit to travel?' the GP selected 'no'. However, further commentary on was also included on the form which said:

Patient dropped the paperwork at the surgery. A clinician has not advised that it was medically necessary to cancel the trip.

There was also a note added to the question I've outlined above which said:

Mr T had a med 3 (sick note) in place from 25/08/2023 for 3 months, as a result of his depression. He has been struggling with low mood and stress and we had increased his medication on 8/8/23. He was also awaiting a consultation with his mental health nurse.

The circumstances he has described above are the reasons given for him being unable to travel. No clinician has advised that it was medically necessary to cancel the trip, however, the patient did not feel well enough to travel in light of his symptoms.

Although the GP did select the box to say that Mr T wasn't fit to travel I think the additional context given on the form was important. The additional commentary indicates that the clinician hadn't said it was medically necessary to cancel the trip but that Mr T didn't feel well enough to travel. Taking this into account I don't think it was unreasonable for AWP to place more weight on this commentary when deciding if the policy requirements were met. So I don't think it was unreasonable for AWP to conclude that Mr T was fit to travel given the additional commentary the GP provided. So I think that was fair and reasonable in all the circumstances for AWP to decline the claim.

My final decision

I'm not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr T to accept or reject my decision before 6 June 2024.

Anna Wilshaw
Ombudsman