

## **The complaint**

Mr R, Mrs W and Miss W complain about Euroins AD's handling of their travel insurance claim. My references to Euroins include its claim and complaint handling agent.

Mr R, Mrs W and Miss W and other people are insured on the policy but as Mr R has led the claim and complaint I'll just refer to Mr R unless the facts require otherwise.

## **What happened**

Mr R, Mrs W, Miss W, another adult and a child had a single trip travel insurance policy, Euroins AD was the insurer. Mr R has tried to contact the other adult that he, Mrs W and Miss W travelled with to see if that person wanted to be part of this complaint but he's been unable to do so.

In 2022 the return flight from Mr R and his accompanying travellers' holiday abroad to the UK was delayed by more than 12 hours due to air traffic control restrictions. The airline said the delay meant the planned crew for the flight were no longer available. The airline arranged and paid for a hotel for Mr R and the other travellers while the airline sorted out alternative arrangements.

In July 2022 Mr R made a claim on the travel insurance policy for delayed departure. In July 2023 Euroins declined the claim saying that the reason the airline gave for the flight delay/cancellation, 'air traffic control restrictions', wasn't a reason insured by the policy.

Mr R complained to us. He's unhappy that Euroins AD declined the claim and about how it handled his claim. He said he could have been spared a lot of distress and inconvenience if Euroins had told him the claim wasn't covered by the policy soon after he made the claim. He wants Euroins to pay the claim and compensation for his distress and inconvenience.

Our Investigator said Euroins reasonably declined the claim but its claim handling had been unfair. He recommended Euroins pay Mr R £200 in compensation for distress and inconvenience.

Euroins disagreed and wanted an Ombudsman's decision. It said Mr R didn't tell it the cause of the delayed flight when he claimed in July 2022. When Mr R emailed chasing a response it told him it hadn't received the travel delay claim form and although Mr R said he sent it by tracked post he never provided the tracking number. It was only on 5 May 2023 that it received the resubmitted claim form but Mr R still gave no information about the cause of delay, he just put 'flight cancelled'. It didn't receive information from the airline about the reason for the delayed/cancelled flight until 13 July 2023 and it sent the claim rejection letter on 20 July 2023.

## **What I provisionally decided – and why**

I made a provisional decision that I was intending to not uphold the complaint. I said:

'I note that Mr R hasn't been able to contact one of the people he travelled with who is insured by the policy. So the complaint has been made without all the eligible complainants joined to the complaint which is potentially a reason for the complaint to be dismissed. However, I think it's appropriate for me to deal with the complaint as given the outcome I'm intending to come to I don't think the other person has been prejudiced by not being a party to this complaint.

Euroins has a responsibility to handle claims promptly and fairly. And it shouldn't reject a claim unreasonably.

#### The claim

The policy terms and conditions say Euroins will pay travel delay benefit, up to the amount shown in the summary of cover, if:

*'the international departure of the public transport on which you are booked to travel is delayed by at least 12 hours...*

*as a result of:*

*a) strike or industrial action provided that when this policy was taken out, there was no expectation that the trip would be delayed;*

*b) adverse weather conditions;*

*c) mechanical breakdown or technical fault of the aircraft, coach, train or sea vessel'.*

The airline said the reason for Mr R, Mrs W and Miss W's delayed flight was due to 'air traffic control restrictions', which isn't one of the insured reasons for delay that the policy covered. So Euroins correctly declined the claim for flight delay/cancellation under the policy terms and in the circumstances I don't think I can reasonably say that Euroins should pay the claim.

#### Euroins' claim handling

Mr R had to wait about a year from the time he first made the flight delay/cancellation claim for Euroins to decide the claim. But I don't think Euroins was responsible for the delay. I'll explain why.

From information that I've seen, in early July 2022 Euroins sent a claim form to Mr R for his flight delay/cancellation claim. In September 2022 Mr R emailed Euroins chasing the claim giving the claim reference. In response Euroins referred to an email it had sent Mr R in August 2022 saying the claim had been accepted, but that was for a claim for medical expenses. I accept that could have been confusing for Mr R but he realised that Euroins was referring to the medical claim and on 3 October 2022 he emailed Euroins to say there were two claims and he was chasing a response for the flight delay/cancellation claim.

On 14 October 2022 Euroins emailed Mr R saying it was waiting for him to send a claim form for the flight delay/cancellation claim and it sent him a blank form to complete. On 18 October 2022 Mr R told Euroins he'd already sent the flight delay/cancellation claim form in July 2022 by tracked post. In mid November 2022 Euroins asked Mr R for the post tracking number. Mr R told Euroins he couldn't find the tracking number the post office had given him, which I think is understandable given that three to four months had passed since he'd sent the claim form in July 2022.

As I haven't seen any evidence that Euroins received the flight delay/cancellation claim form in July 2022 I can't say it delayed in assessing the claim from July to November 2022. The

first time Euroins knew it didn't have the flight delay/cancellation claim form Mr R had sent was on 3 October 2022, and it sent him another claim form to complete on 14 October 2022, which was within a reasonable timescale.

On 14 November 2022 Euroins sent Mr R another blank claim form for him to complete. There's a lack of information about what happened from that date until 5 May 2023 when Euroins say they received the claim form from Mr R without full information about why the flight had been flight delay/cancelled. The notes with the claim form sent to Mr R were clear that Euroins would need *'Written evidence from the carrier (airline, coach company, cruise company, rail line etc.) confirming the exact reason for the delay together with the original date and time of departure and the eventual date and time of departure'*. So I think each time Euroins sent the claim form to Mr R it had clearly told him what information it needed from the airline. Euroins couldn't tell Mr R whether or not the flight delay/cancellation claim was covered by the policy terms until it knew from the airline the reason for the delay/cancellation.

On 7 June 2023 Euroins again asked for information from the airline confirming the reasons for the flight delay/cancellation. Euroins say it received the information from the airline on 13 July 2023. It was only then that Euroins could have known whether or not the claim was covered by the policy terms and it sent Mr R the claim rejection letter on 20 July 2023, so within seven days, which was a prompt response.

On 26 July 2023 Mr R complained to Euroins about its claim handling and claim decision. When Mr R complained to us Euroins said it hadn't issued a final response letter to Mr R as he hadn't disputed its claim decision, which wasn't correct.

Mr R also says when he called Euroins he wasn't put through to its claims handlers and instead was told to contact them by email, which caused further delays. It's for Euroins to decide if the business process it wants to use is for its claim handlers to be contacted by email only. Given the timescales I've detailed above, I don't think the process meant there was an unreasonable delay in Euroins responding to Mr R's emails.

There were aspects of Euroins' service that could have been improved. It wrongly referred to the medical expenses claim when Mr R had given it the flight delay/cancellation claim reference. It should have sent its final response letter to Mr R sooner than it did, although that didn't disadvantage Mr R as he was still able to complain to us.

I understand why Mr R was annoyed and frustrated about the time Euroins took to make the claim decision when he thought Euroins had the flight delay/cancellation claim form in July 2022. But for the reasons I've given above I don't think Euroins made Mr R wait a year for it to respond to his claim. From the evidence I've seen Euroins only received the flight delay/cancellation claim form in May 2023 and only received the reason for the delay/cancellation, which enabled it to make a decision on the claim, in July 2023 and it then gave Mr R its decision within seven days. Once Euroins received the claim form it acted within a reasonable timescale.

As I don't think Euroins unfairly handled the claim overall, I've no basis on which to say it should pay compensation for any distress and inconvenience Mr R had in making the claim'.

## **Responses to my provisional decision**

Euroins didn't respond. Mr R said he'd again tried, but was unable, to contact the person he'd travelled with who wasn't currently a complainant. He thought that was key to my provisional decision. Our Investigator explained to Mr R that wasn't the case and asked if he had any further evidence when he had sent the claim form to Euroins. Mr R said he didn't

have any more evidence to send, but he still thought the claim could have been resolved at the start but he hadn't been able to speak to Euroins and its only email wasn't helpful.

### **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 want to reassure Mr R that the reason for my decision isn't because not all the eligible complainants were joined to the complaint.

I've detailed above why I think Euroins correctly declined the claim for flight delay/cancellation and why, overall, I don't think that Euroins unfairly handled the claim.

Mr R hasn't been able to provide any evidence to support that in or around July 2022 Euroins received the claim form. So I don't think Euroins could have reasonably made a decision sooner than it did. From the evidence I've seen Euroins only received the flight delay/cancellation claim form in May 2023 and it only received the reason for the delay/cancellation, which enabled it to make a decision on the claim, in July 2023. It then told Mr R its decision about the claim within seven days.

I agree with Mr R that Euroins' email to him wrongly referring to the medical expenses claim when he'd given it the flight delay/cancellation claim reference wasn't helpful. But for the reasons I've given above I don't think that email caused the delay in Euroins being able to decide the claim.

I understand Mr R would have preferred to speak to the claim handler about his flight delay/cancellation claim. But that isn't Euroins' business process and it can decide the business process it wants to use for its claim handlers to be contacted. I've set out above that I don't think the process meant there was an unreasonable delay in Euroins responding to Mr R's emails.

I'm sorry to disappoint Mr R but for the reasons I've given in my provisional findings and these findings I don't uphold his, Mrs W and Miss W's complaint.

### **My final decision**

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr R, Mrs W and Miss W to accept or reject my decision before 13 June 2024.

Nicola Sisk  
**Ombudsman**