

The complaint

Mrs S is unhappy that AWP P&C S.A. declined to pay a claim she made on a private medical and dental insurance policy.

What happened

Mrs S made a claim on her employer's private medical and dental scheme for dental treatment she had whilst abroad. The claim was declined as AWP concluded the dental treatment took place after the end date of the scheme (as the employer had chosen a new provider).

Mrs S complained to AWP but they maintained their decision to decline the claim was fair. Unhappy Mrs S complained to the Financial Ombudsman Service.

Our investigator looked into what happened and upheld the complaint. He thought AWP should put things right by paying the claim, 8% simple interest and £100 compensation.

Mrs S accepted the investigator's recommendation but AWP didn't. They didn't think evidence relating to the claim supported that Mrs S had the treatment before the scheme ended. In particular they didn't think her flight information and information about the clinic supported that Mrs S could have had the treatment when she said she did. So, the complaint was 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 has a responsibility to handle claims promptly and fairly. And they shouldn't reject a claim unreasonably.

I'm not persuaded that AWP fairly declined the claim in the circumstances of this case. I say that because:

- I'm persuaded, on balance, that it's most likely Mrs S had treatment before the scheme ended.
- I think it's plausible, given the flight time and time difference, that Mrs S could have attended the clinic on the same day as her flight for treatment, even if it was a short distance away and the clinic closed at 6pm. I note that the dentist indicated she was admitted urgently after her arrival at the airport. If AWP had concerns about the detail Mrs S gave in her testimony or the wider circumstances of the admission it was open to them to contact the clinic directly for further comments or records.
- Mrs S did initially provide the wrong flight details to AWP. I think that's understandable given that she travelled to the relevant country more than once in a short space of time. She's since provided the correct flight details which, in my view,

corroborate her testimony that she travelled to access treatment before the scheme end date. And, in any event, I've found her testimony to be credible and persuasive.

- I've considered the information provided by the dental clinic. They explained that Mrs S had attended before the end date of the scheme. However, the invoice was generated at a later date. AWP hasn't provided any compelling evidence that this update from the dentist is incorrect.
- AWP hasn't provided any further reasons that the claim should be declined. So I'm upholding Mrs S's complaint as I don't think it's been fairly declined, based on the available evidence.
- AWP didn't provide any detailed or specific comments in relation to the compensation our investigator recommended. I think Mrs S has been caused distress and inconvenience by her claim being unfairly declined. It's clearly caused her a lot of worry, particularly because the amount of money she spent on the treatment was significant. So, I think it's fair AWP pay her a total of £100 compensation for the distress and inconvenience caused.

Putting things right

AWP needs to put things right by paying Mrs S:

- The value of the claim up to the relevant policy limits
- 8% simple interest on the value of the amount to be settled. This should be calculated from the date that the claim was first declined until the date payment is made. 8% simple interest per annum from the date the claim was first declined to the date of settlement. If AWP considers that they are required by HM Revenue & Customs to deduct income tax from that interest, they should tell Mrs S how much it's taken off. They should also give Mrs S a tax deduction certificate if she asks for one, so she can reclaim the tax from HM Revenue & Customs if appropriate.
- £100 for the distress and inconvenience caused by her claim being unfairly declined.

My final decision

I'm upholding this complaint and direct AWP P&C S.A 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 S to accept or reject my decision before 5 November 2024.

Anna Wilshaw
Ombudsman