

## **The complaint**

Mrs W, on behalf of herself and the estate of the late Mr W, has complained about the way Aviva Insurance Limited handled the claim for expenses they made on a travel insurance policy.

Mrs W has been represented by her daughter in making this complaint. However, for ease, I will just be referring to Mrs W in this decision.

## **What happened**

Mr and Mrs W were on a cruise when Mr W fell and broke his hip. A separate complaint was made in relation to how that matter was dealt with. This complaint is about the claim for expenses that was submitted after they had returned to the UK.

In response to the complaint, Aviva said that feedback had been provided to handlers where the service could have been clearer or better. It acknowledged that it missed out car parking fees from the claim and offered £100 compensation for inconvenience, which Mrs W did not accept at that time. It also apologised for the experience Mrs W had endured during a difficult time.

Our investigator didn't think the level of compensation offered properly reflected the stress and inconvenience that had been caused. So she recommended that Aviva should pay a total of £250.

Mrs W disagrees with the investigator's opinion and so the complaint has been passed to me for 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.

Firstly, I'd like to say how sorry I am for Mrs W's loss.

Our investigator has previously set out where Aviva's handling of the claim fell below standard, including:

- Making claim payments piecemeal for separate items, rather than settling the claim as a whole, which created confusion.
- Causing delays by asking for documentation that had previously been provided, including asking for the cruise booking details in October 2023 when that had already been provided in February 2023 as part of the medical claim.
- Sending an email in August 2023 specifying a certain settlement amount, only to pay a lesser amount into her bank account, having not explained that the figure was subject to authorization.

Aviva accepted the investigator's recommendation. However, its acceptance fell short of Mrs W's expectations in that she was hopeful of a more fulsome apology and an acknowledgement that a change was needed to its systems and processes to stop such mistakes happening again.

It's important to make clear that we're not the industry regulator. We have no power to regulate the financial businesses we cover, nor to direct them to change their processes or procedures. Our role is to investigate individual complaints made by consumers to decide whether, in the specific circumstances of that particular complaint, a financial business has done something wrong which it needs to put right.

Mrs W says that £250 can in no way be seen as appropriate compensation for what she has experienced and the hours that her daughter has put into making the complaint. When looking at how someone has been inconvenienced, we wouldn't routinely consider it in terms of an hourly rate. And as our investigator has already explained, we would not be able to consider compensation for her daughter acting as her representative, as she is not the policyholder. Instead, we look at the overall impact that the poor service has had.

Furthermore, as an alternative dispute resolution service, our awards are more modest than Mrs W might expect, although I appreciate she has said that it is not about the money and that she would give any payment to charity.

I have a great deal of sympathy for Mrs W's situation. Having to make a claim, and then a complaint, would no doubt have added to the upset at what was already an extremely difficult and sad time.

Aviva said in its final response letter that feedback had been given to the individual handlers involved. Overall, I consider that that, together with £250 compensation for distress and inconvenience, is a fair and reasonable way to resolve the complaint.

### **My final decision**

For the reasons set out above, I uphold the complaint and require Aviva Insurance Limited to pay Mrs W a total of £250 compensation.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs W and the estate of Mr W to accept or reject my decision before 23 October 2024.

Carole Clark  
**Ombudsman**