

## **The complaint**

Mr and Mrs C are unhappy with the assistance received from U K Insurance Limited ('UKI') on their travel insurance policy ('the policy') after Mr C became unwell whilst abroad.

All reference to UKI includes its medical assistance team. And as this relates to assistance received by Mr C, I'll refer to him throughout.

## **What happened**

The details of this complaint are well known to both parties, so I won't repeat them again here. I'll focus on giving the reasons for my 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.

UKI has an obligation to handle insurance claims fairly and promptly. And it mustn't unreasonably decline a claim.

## **Relevant terms of the policy**

The policy terms and conditions provide cover for emergency medical and travel costs. It says:

We will pay up to £10,000,000 for each insured person if you are injured, become ill, are quarantined or die while you are on your trip, including:

Emergency medical costs outside your home area

- Emergency medical, surgical and hospital treatment...

## **Has UKI acted fairly and reasonably by not covering surgery abroad?**

I know Mr C will be very disappointed, but I'm satisfied UKI acted fairly and reasonably by concluding that it would cover the costs of Mr C being repatriated to the UK so that treatment could be continued there rather than staying abroad for surgery. I'll explain why.

- Mr C first sought medical attention abroad with lower back pain on or around 21 March 2024. And because the pain didn't improve, the contact notes reflect that he subsequently had injections and was prescribed with pain relieving medication. An MRI took place on 5 April 2024 and at a follow up medical appointment a few days later, Mr C was told that the MRI revealed degenerative disc disease with a prolapsed disc. Surgery was recommended with discectomy plus recalibration of the canal. Surgery was booked for 25 April 2024.
- There was around three weeks between the date of the MRI and the intended surgery date. And during that time Mr C wasn't in hospital, but he was undergoing

physiotherapy sessions on the advice of UKI. And there is some evidence that suggests his symptoms were improving (particularly when he wasn't mobile).

- Emergency isn't defined by the policy terms, but I think in the context of medical treatment a reasonable person would reasonably consider an emergency to be something along the lines of a sudden and serious illness or injury which needed quick action/treatment.
- I'm satisfied that UKI fairly concluded that the surgery Mr C had been booked in for whilst abroad didn't amount to emergency treatment, covered under the policy. I think that's supported by Mr C not going ahead with the surgery and returning to the UK as he originally intended towards the start of June 2024.
- UKI did offer to repatriate Mr C back to the UK by air ambulance so that he could continue treatment there. I'm satisfied that it was taking steps to do that on the advice of its medical team and in conjunction with the physiotherapist providing treatment abroad. I think that was fair and reasonable in the circumstances of this complaint.
- Overall, I'm also satisfied that Mr C had reasonable time to decide whether to agree to repatriation, go ahead with the surgery that had been booked or decide to stay abroad and cancel surgery. Ultimately, Mr C chose not to cut short his trip to be repatriated back to the UK to continue treatment. That, of course, was a choice for him. By doing so, I find UKI acted fairly and reasonably by concluding that it would limit the cost of any medical fees incurred whilst abroad to the repatriation costs it would've incurred repatriating Mr C back to the UK.

### **Other issues**

In its final response letter dated July 2024, UKI accepts that there were service failings including:

- it didn't send copies of the hospital treatment records it had to Mr C's GP although Mr C had asked UKI to do this.
- there were times when it could've been clearer in telling Mr C what was happening and the further medical information it was requesting, to decide whether surgery was required. UKI accepts that this would've been worrying for Mr C as he'd been booked in for surgery and the hospital was asking him to attend a pre-surgery assessment.
- being promised call backs that didn't happen.

It's apologised and paid Mr C £200 compensation to reflect the distress and frustration caused by this poor service. I'm satisfied this would've been a very difficult time for Mr C and the above errors would've unnecessarily exacerbated his upset and worry. I find that £200 fairly reflects the impact on him.

I've also considered other issues raised about the assistance Mr C received whilst abroad. That includes:

- changing its position about whether physiotherapy was required whilst abroad.
- the information about the support he'd receive on return to the UK.

Having considered the first medical report, UKI's medical team did advise Mr C to attend another medical facility for re-assessment to ensure that a disc displacement wasn't the cause of symptoms rather than recommend physiotherapy at that stage. I don't think that was unreasonable given the medical report received at the time.

It was after UKI's medical team were made aware of the results of the MRI that they recommended physiotherapy. I've seen nothing which convinces me that this recommendation was unreasonable. And I'm satisfied that physiotherapy was now being recommended because the cause of Mr C's symptoms had been established by a diagnostic test (the MRI).

Based on UKI's contact notes with Mr C, I've seen nothing which persuades me that Mr C was told if he opted not to be repatriated by air ambulance and decided to remain abroad, (taking his original return flight back to the UK), UKI would still arrange for him to be transported to a UK hospital on his return.

I'm satisfied that it's likely that UKI would've arranged his transportation to either his home address or suitable medical facility had repatriation by air ambulance gone ahead, depending on any finalised treatment plan and the medical necessity at the time. However, having opted to stay abroad, I've seen no evidence that Mr C contacted UKI to request further assistance returning to the UK. So, I don't think it would be fair and reasonable for me to find UKI should've provided further assistance to Mr C when he returned to the UK in June 2024 or that it should've arranged for him to be transported or transferred to hospital for treatment. Nor should it have been involved in arranging a treatment plan then.

### **My final decision**

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr and Mrs C to accept or reject my decision before 3 December 2024.

David Curtis-Johnson  
**Ombudsman**