

## **The complaint**

Mr and Mrs R complain about how AWP P&C S.A. ('AWP') handled an emergency medical assistance and repatriation claim under their travel insurance policy.

All references to AWP include the various agents appointed to handle claims and complaints on its behalf.

## **What happened**

Mr and Mrs R held a travel insurance policy, provided by AWP.

Unfortunately, while on holiday abroad, Mrs R had an accident and was admitted to hospital where she underwent surgery. Mr R notified AWP about the claim and AWP requested a medical report from him.

Around four days after Mrs R was first admitted to hospital, Mr R told AWP she was ready to be discharged and sent it a medical report. After translating Mrs R's medical report, AWP reviewed it and began discussing plans with Mr R for repatriation by road. However, Mr R subsequently told AWP that Mrs R's treating doctor recommended she should only travel by air. AWP ultimately arranged flights for Mrs R and a nurse escort to return to the UK, departing around twelve days after Mrs R had first been admitted to hospital. Mr R arranged for a family member to fly over from the UK to accompany Mrs R back too, as he was unable to travel with her.

Mr R complained to AWP about the delay in repatriating Mrs R and about a request for a fit to fly certificate which was made to them by the nurse escort, amongst other things. AWP sent Mr and Mrs R a final response to their complaint saying, overall, it thought it had followed standard procedures within expected timeframes.

As Mr and Mrs R remained unhappy, they brought the matter to the attention of our Service. One of our Investigators looked into what had happened and said he didn't think AWP had acted unfairly or unreasonably in the circumstances. Mr and Mrs R didn't agree with our Investigator's opinion, so the complaint has now been referred to me to make a decision as the final stage in our process.

## **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.

Mr and Mrs R also complained to AWP about issues relating to their claim settlement after they returned to the UK, for which AWP paid them £150 compensation. As this complaint only relates to the emergency medical assistance provided by AWP and to Mrs R's repatriation, I won't be commenting on anything else in this final decision.

My role is to make an independent and impartial decision which I think is fair and reasonable to both parties in the circumstances. In doing so, I've taken into account relevant industry

rules set out by the regulator which require insurers to handle claims promptly and fairly. I've also considered what I think was good industry practice by travel insurers when handling emergency medical assistance and repatriation claims at the time.

If I decide that I think AWP acted unfairly or unreasonably in the circumstances, then I can award compensation for the impact of this on those insured under the policy. But I have no power to require an insurer to change its operating processes or procedures.

When making this final decision, I haven't addressed every complaint point raised and, as our Service is an informal alternative to the civil courts, I'm not obliged to. However, I want to assure Mr and Mrs R that I've carefully thought about everything they've said. I have no doubt their experience abroad was traumatic, stressful and worrying for them, and I hope Mrs R's recovery has gone well.

I understand there was some confusion about which business was responsible for what in this case. I can appreciate the commercial arrangements weren't straightforward for Mr R and Mrs R to understand. Ultimately, AWP as the underwriter of their policy, is responsible for the performance of obligations under the travel insurance policy. AWP is entitled to outsource these obligations to third parties. This isn't unusual and it isn't unreasonable, but AWP retains responsibility for what happened here.

The terms and conditions of Mr and Mrs R's policy, in common with most if not all travel insurance policies on the market, say the responsibility for making decisions about repatriation lies with AWP's medical team. I'd expect AWP to take all the available medical evidence (including the opinion of the treating doctor) into account when making such decisions and act in the best medical interests of the policyholder, without any undue or excessive delay.

Being admitted to hospital abroad, especially in a country where English isn't the first language, will inevitably be distressing and inconvenient. The availability of English-speaking hospital staff abroad is outside of an insurer's control, but it isn't practical for an insurer to provide an agent to attend and translate for a policyholder in every case, nor would I generally expect it to.

I also don't think it's reasonable to expect an insurer to be in a position to begin making repatriation arrangements immediately upon a policyholder's request. An insurer is entitled (and, indeed I'd expect it to) see medical reports and satisfy itself that cover under the policy is in place first. It was likely never going to be possible, in these circumstances and based on the timeline of events, for AWP to arrange a repatriation within two working days as Mr R wanted.

Procedures for obtaining medical reports can vary from hospital to hospital and country to country, and it's not unusual for a travel insurer to ask a policyholder to assist in obtaining such information. AWP very clearly told Mr R from the outset that it needed to see Mrs R's medical reports, and I don't think it was unreasonable for AWP to ask Mr R to provide this information to it directly. I understand the treating hospital told Mr R that it was usual practice for an insurer to contact it directly, but AWP's notes suggest otherwise and the hospital at one point refused to speak to AWP directly, which I think reasonably supports AWP's position that Mr R may have been better placed to obtain the information it needed more quickly. It may have been helpful if AWP had also attempted to obtain a medical report directly from the hospital as well as asking Mr R to provide this but, even if it had done so, I don't think this is likely to have allowed AWP to make repatriation arrangements much sooner than it did for reasons I've gone on to outline below.

I think there were delays by AWP in arranging to translate Mrs R's medical report when it did

receive it, and in AWP reviewing that medical report. Overall, I think AWP could have taken action on this sooner, potentially saving around one day of delay but, again, I'm not satisfied this impacted on the ultimate timeline of Mrs R's repatriation overall.

I say this because the first time AWP was made aware (verbally) of the treating doctor's recommendation that Mrs R shouldn't travel by road was five days before the repatriation flight departed. I don't think it was unreasonable that AWP was pursuing plans for a road repatriation based on the available medical evidence up until that point, and that was Mr and Mrs R's clearly stated preferred option.

AWP didn't start to arrange a repatriation flight until it had the treating doctor's recommendations in writing the following day, which I don't think was unreasonable. When AWP received the treating doctor's recommendations in writing, I'm satisfied it took action to make repatriation arrangements within a reasonable timeframe. The repatriation arrangements in this case weren't as straightforward as simply booking a flight. AWP needed to arrange for an available medical escort, which included booking the escort's outbound flight to the country in question and allowing them an appropriate rest period once they arrived. It simply wasn't possible for AWP to arrange repatriation flights as quickly as Mr R wanted it to, and I also don't think it was unreasonable for AWP to fail to arrange an earlier flight suggested by Mr R when cover under the policy hadn't been confirmed at that point.

I don't think AWP had an obligation to provide a multilingual nurse escort and I don't think any inability by the nurse escort to communicate with local staff meant he wasn't medically competent.

I can't offer any definite explanation as to why the nurse escort may have told Mr and Mrs R that a fit to fly certificate was needed, other than to say I think it's likely this was a miscommunication or a misunderstanding by the nurse. There's no record on AWP's file that a fit to fly certificate was needed and it appears AWP organised all the necessary airline clearances directly but, in any event, the situation surrounding this didn't affect Mrs R's eventual repatriation anyway.

I've reviewed AWP's contact notes in detail to understand the timeline of events in this case. I understand Mr R was unable to access a printer when AWP sent certain forms to him. I don't think there was any duty on AWP to foresee this situation and pre-empt it with an explanation of an alternative means of filling out the forms in its initial contact with Mr R. As soon as Mr R made AWP aware of his difficulties, it provided a solution to him that same morning. So, I don't agree that this situation caused an unnecessary or unreasonable delay.

Mr R asked AWP to keep him updated daily. I'm satisfied that AWP was reasonably proactive in attempting to do this. AWP provides a 24-hour emergency medical assistance service, and I've seen no evidence of any delays caused as a result of its medical team apparently not working at weekends. Given the circumstances here, I don't think AWP's suggestion that Mr R should contact his caravan insurer in relation to returning his vehicles to the UK was unreasonable. I think AWP was simply attempting to be helpful in a situation where it couldn't offer him any direct assistance with these arrangements.

In summary therefore, I think there were times when AWP could have acted more efficiently, and it could have managed Mr and Mrs R's expectations about expected timeframes more clearly. However, I don't think there were any excessive delays or failings on the part of AWP which impacted the timeline of Mrs R's repatriation. So, overall, I don't think AWP's handling of this claim was unfair or unreasonable in the circumstances.

I'm sorry to disappoint Mr and Mrs R, but I won't be directing AWP to do anything more.

**My final decision**

My final decision is that I don't uphold Mr and Mrs R's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr and Mrs R to accept or reject my decision before 29 December 2025.

Leah Nagle  
**Ombudsman**