

complaint

Mr M complains about AXA Insurance UK Plc's service under his travel insurance policy.

background

Mr M and his wife Mrs M have a joint travel policy with AXA. When Mr M was on holiday in Europe unfortunately he broke his foot. He's unhappy with the arrangements AXA made for returning him to the UK and how it handled his claim.

In summary, Mr M says: AXA's communication was poor, he and Mrs M never spoke to the same AXA person and had to repeat all the details, when they took their planned return flight Mr M had to struggle to walk to his plane seat unaided, there were no extra seats for them on the plane so Mrs M had very little room, she was so worried that she'd developed deep vein thrombosis (DVT) she'd gone to a hospital for a check up and there was no airport wheelchair when they landed early morning in the UK.

AXA accepted it had failed to organise wheelchair assistance and extra seats for the return journey. It apologised and offered £250 compensation for distress and inconvenience. Mr M says that's not enough. And he said when he phoned AXA to tell it that it had mistakenly sent a cheque for a lower amount its staff member was rude to him. He complained to us.

Our adjudicator explained why she thought AXA's offer of £250 compensation was fair.

Mr M didn't agree. He arranged for the adjudicator to speak to Mrs M who said £250 didn't take into account the stress and worry they'd both had. They think AXA should pay compensation to reflect the additional accommodation costs abroad it would have paid if it had arranged assistance on a later flight and the cost of the extra plane seats it should have booked. They say AXA owe them the cost of a new holiday as their holiday was ruined and Mr M is now worried about going away again.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

I'd like to reassure Mr M that I've seen the adjudicator's detailed note of the conversation she had with him and Mrs M, and their email of 11 November 2016. Although only Mr M made the complaint as they are joint policy holders I can consider compensation for both of them. They've clearly been upset by their experience. But as the adjudicator explained, we can only award compensation for distress and inconvenience caused by what AXA did wrong. And I can only look at what did happen, not at what might have happened.

I think AXA's offer of £250 compensation is fair and I'll explain why.

Mrs M's explained how frustrating it was to speak to different staff at AXA. But AXA acted reasonably by not having a dedicated staff member dealing with this matter. Staff availability and different shift patterns mean the same staff wouldn't have been available each time Mrs M called. Even though a password was given, it was reasonable for AXA to ask Mrs M questions to check her identity.

AXA should have arranged the extra plane seats and wheelchair assistance at the UK airport much sooner, in time for the planned return flight. It looks as if by the time it did try to make the arrangements it was too late to book the extra seats for the planned flight. And there was a breakdown in communication in not telling Mr and Mrs M there were no extra seats on that flight. They were expecting extra seats. When AXA spoke to Mrs M in the UK it told her it could have advised them to take later flights where extra seats were available. But I can't see from AXA's internal notes that it gave them that advice before they returned.

The lack of extra seating on the return flight caused Mr and Mrs M an uncomfortable journey. Mrs M feared she'd got DVT from her lack of space. Her medical check up showed that she hadn't but she was worried. And the lack of a wheelchair for Mr M at the UK airport caused them difficulties and stress. This could have been avoided if AXA had booked the seats and wheelchair when it should have, or it had told Mr and Mrs M they could have taken a later flight.

This doesn't mean that I should base my award on what AXA might have saved by Mr and Mrs M not staying abroad longer or not booking extra seats. I look at the overall actual distress and inconvenience that was caused by AXA. So although Mr M struggled to reach his plane seat which unfortunately caused him breathing problems, AXA's not responsible for the airline cabin crew's failure to help him get to his seat.

I've listened to the recording of the call between Mr M and AXA's staff member when he phoned about the incorrect cheque it had sent. I don't think AXA's staff member was rude to Mr M. She explained AXA's position, which Mr M didn't accept.

I know Mr and Mrs M will be disappointed that I'm not awarding more compensation, but for the reasons I've given above I think AXA's offer of £250 in total is fair. It's already paid £150 and it didn't send the remaining £100 at Mr M's request. AXA's offer's still open so he can now accept the remaining £100 (on his and Mrs M's behalf) if he wishes.

my final decision

I don't uphold this complaint. AXA Insurance UK Plc made a fair offer to pay £250 compensation for distress and inconvenience.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 19 December 2016.

Nicola Sisk
ombudsman