

complaint

Mr and Mrs P have complained about the way AXA Insurance UK Plc handled a claim they made under their travel insurance.

background

Mr and Mrs P were abroad when Mr P was taken into hospital with high fever and heavy breathing. Mr P stayed in hospital for weeks and had an operation to his lungs.

Mr P was recovering from the operation and AXA arranged for an air ambulance to fly him back to the UK.

Mr and Mrs P have made a number of complaints about the way AXA dealt with the claim. They said that AXA delayed confirming cover and also that it repatriated Mr P against his doctor's advice. This led to him getting deep vein thrombosis (DVT). I will deal with Mr and Mrs P's complaints in more detail in my findings.

AXA rejected the complaint so Mr and Mrs P complained to us. Our adjudicator didn't think that the complaint should be fully upheld. He thought that AXA should pay Mr and Mrs P £250 for the trouble and upset it caused them.

Mr and Mrs P didn't agree.

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 appreciate that this must've been a very difficult time for Mr and Mrs P. And I understand that thinking about what happened is still difficult for them.

delay in cover

Mrs P contacted AXA when Mr P was taken to hospital. AXA said it would need to see a medical report to confirm cover for the treatment. It took AXA over a week to confirm that it would provide cover. Mrs P said that she was very anxious during that time.

I don't think it was unreasonable for AXA to ask to see a medical report. And also to want to contact Mr P's GP in the UK. It needed to see if the illness was linked to a pre-existing medical condition. AXA was able to confirm cover in just over a week. I think this was reasonable in the circumstances. During that time it was in contact with Mrs P and it was giving her updates.

AXA accepts that it delayed asking for Mr and Mrs P's utility bills and it should've done this sooner.

blood donation

When Mr and Mrs P were told by the doctors that Mr P would need to have an operation they were also told that it was the law of the country they were in that they would have to donate blood. This was to make up for the blood that would need to be given to Mr P.

Mrs P said she was told the operation was necessary to save her husband's life. She says she became very anxious and tried to find people in the country where they were who could donate blood as she couldn't. Mr and Mrs P feel that AXA should've done more to help them with this. And it shouldn't have been left to Mrs P to do this herself while having to care for her husband who at some point needed 24 hour care.

AXA is there to provide assistance to Mr and Mrs P. And from what I've seen, when AXA was told about the need to find blood it started making its own enquiries. Those enquiries eventually showed that there was no need for this because Mr and Mrs P weren't resident in that country. So AXA clarified the confusion with Mrs P and Mr P's doctor on the same day. And the confusion was created by the hospital staff, not AXA. It was an unfortunate position for Mrs P to be in at such a stressful time but I can't see that AXA was responsible for this.

air ambulance and developing DVT

AXA arranged for Mr and Mrs P to be flown back to the UK with an air ambulance. Mr P was flown at sea level to make sure his condition didn't get worse.

Mr and Mrs P said that it was too early for Mr P to be flown home. They say his doctors said he wasn't ready to fly back. I've seen a medical report from Mr P's treating doctors which is dated the day before he was flown back. It said he was not fit to fly. But it's not clear whether this was by commercial flight or whether he was also not fit to fly by air ambulance.

AXA's own medical officer said that Mr P could be flown back with an air ambulance flown at sea level. I also note that AXA spoke to Mr P's doctor before Mr P was repatriated. The doctor said he had concerns. When AXA said it had made arrangements so that Mr P's needs were met, for example by flying at sea level, the doctor said it would've been preferable for Mr P to finish his treatment abroad. He didn't categorically say Mr P wasn't fit to fly. AXA said the repatriation was going ahead and the doctor made the necessary arrangements to prepare Mr P for the flight.

After coming back to the UK Mr P developed DVT. He was treated for this for three months. Mr and Mrs P say it's because he was flown back too early. They've sent a letter from the doctor who treated Mr P abroad. The letter says that the DVT happened as a result of Mr P lying still for a long time due to the flight. The doctor also said that Mr P would've been taking blood thinning medication but it's not always possible to eliminate the risk of DVT.

From what I've seen this doctor didn't see or examine Mr P after he came back to the UK. So without examining Mr P I don't think the letter is strong enough evidence that the early repatriation was the cause of the DVT. And also there's no evidence to say whether Mr P would've developed DVT regardless of whether he was flown back when he was, or a week later as suggested by that doctor.

AXA said the reason for the repatriation was because it was worried about Mr P's stomach bloating which he suffered from since he was admitted to hospital abroad. It says the hospital wasn't able to find the reason for the bloating. Also AXA's medical officer didn't feel that the risk of DVT increased any more than had Mr P stayed in hospital. He said this is because he was flown at sea level and had been given medication to prevent blood clots.

I'm persuaded by AXA's evidence that flying Mr P at sea level didn't increase the risk of DVT any more than had he stayed in hospital.

not enough notice for the air ambulance

Mr and Mrs P said that they weren't given enough notice that they'd be flown back when they were. They said that their passports were far away and they could only get them by ferry.

AXA had initially arranged the air ambulance at short notice but when Mrs P explained that it would take a long time for her to get the passports AXA delayed this by a day. Mrs P said she was exhausted and had to rush to get the ferry. She then had to come back and clean the flat she was staying in and get ready for the flight. I appreciate that this must've been very difficult for Mrs P but unfortunately I don't know what AXA could've done differently. AXA didn't know that the passports were left somewhere far away and it gave Mrs P time to get them.

delay in getting the luggage

Mr and Mrs P said that the air ambulance had no space for their luggage. So Mrs P suggested it was couriered to them after they got back. Mrs P said that Mr P's suitcase arrived first but hers didn't arrive until a few days later. Again I understand that this would've added to an already stressful situation but I think this was most likely the courier's fault and not AXA's. Mr and Mrs P have acknowledged this. Mr and Mrs P should consider complaining to the courier company if they're still unhappy about this.

Air ambulances tend to carry a lot of medical equipment to ensure patients' safety. So there is often not enough space for large suitcases. I don't think AXA could've done anything to avoid this.

Mrs P also said that the ambulance that took Mr P to the air ambulance was very old and the ambulance staff seemed very inexperienced. AXA arranged the ambulance but it doesn't employ the ambulance staff. So I don't think that AXA can be held responsible for this.

no guarantee of payment

Mr and Mrs P say that as they were about to leave the hospital they were stopped by staff because the bill hadn't been settled. They were told that they couldn't leave without paying it.

Mr P was still recovering from a serious operation and Mrs P said she was exhausted and stressed. She had just come back from where she'd been to get the passports and hadn't had much to eat or rest.

AXA had agreed to cover the claim days earlier. It says it wasn't given the updated estimate by the hospital. I can see that the hospital increased the estimate again on the day Mr P was leaving the hospital. But AXA knew that Mr P was leaving that day and it should've chased the hospital for the bill. It shouldn't have let things get to the point where Mr and Mrs P weren't allowed to leave the hospital. For that reason I think that AXA must pay Mr and Mrs P £250 for the trouble and upset they were caused.

curtailment and hospital benefit

AXA said it paid £1000 hospital benefit. This is the maximum it has to pay under the policy. So it doesn't have to pay anything else.

Mr and Mrs P may be entitled to claim under the curtailment section of their policy and I think AXA should reassess this part of the claim. Under this section Mr and Mrs P can claim for unused, non-refundable travel, accommodation costs or pre-booked excursions they had to cancel.

my final decision

For the above reasons, I'm partly upholding Mr and Mrs P's complaint against AXA Insurance UK Plc. AXA must pay £250 to Mr and Mrs P for the trouble and upset it caused them.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr and Mrs P to accept or reject my decision before 1 April 2016.

Anastasia Serdari
ombudsman