

complaint

Mrs H complains about the service that AXA Insurance UK Plc ("AXA") gave when handling a claim under her travel insurance policy.

background

Whilst on holiday abroad, Mrs H fell and suffered a double fracture to her femur and hip. She was taken by ambulance to the local public hospital as the nearest private hospital wouldn't have been able to x-ray her given the time of night. The public hospital doctor decided not to operate. He recommended that Mrs H be sent back to the UK for surgery and this was arranged for a few days later. But the planned date was put back by three days, delaying Mrs H's return.

Mrs H's family made numerous complaints to AXA about the care she was receiving at the public hospital and asked for her to be transferred to the private hospital. They complained that she was getting inadequate pain relief, a lack of basic nursing care, and the insanitary conditions at the hospital. After four days, a private nurse was arranged for Mrs H who noticed that she'd developed pressure sores. Only then did AXA agree to transfer Mrs H to a private hospital, where she was operated on the following day. Unfortunately Mrs H picked up an infection during this operation which delayed her recovery. Mrs H was flown back to the UK and spent a further six weeks in hospital.

Mrs H says she should've been transferred to a private hospital as soon as possible. Had that happened, she would've been operated on sooner and she would've suffered less pain and wouldn't have had to suffer the poor standards of care and hygiene at the public hospital.

AXA says it isn't responsible for the care provided by the local public hospital, although it does accept that the standard can't be compared to that of a UK NHS hospital. It also says it's not in a position to dispute decisions made by an attending doctor. It points out that under her policy, private treatment isn't covered unless specifically authorised by AXA. It's said that it disagrees with some of the responses that Mrs H was given by AXA's Assistance Team and that Mrs H was given incorrect information. It offered her £100 compensation, which Mrs H rejected.

Our adjudicator upheld Mrs H's complaint. She thought Mrs H had remained in pain and Mrs H's family had raised this with AXA. So she said AXA should've acted sooner, either to have provided a nurse earlier, or to have moved her to another hospital. She considered that AXA's offer of £100 compensation was too low, and recommended that AXA pay £500 for the unnecessary pain and distress Mrs H suffered.

AXA doesn't agree but has offered £250 which Mrs H has rejected. So the matter has been referred to me to make a decision.

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've decided to uphold Mrs H's complaint.

Mrs H's policy says *"AXA Assistance has the medical expertise, contacts, and facilities to help should You be injured in an accident or fall ill"*. So I think that AXA should've ensured

that any hospital it chose, or required its policyholder to remain at, was able to provide a satisfactory level of care.

I accept AXA can't know about the conditions in every hospital but it should've responded promptly when concerns were raised by Mrs H's family. This was especially so given the issues of inadequate pain relief and care, and that conditions were insanitary. But it appears it was only when a private nurse noticed Mrs H had developed pressure sores that AXA agreed to move her to a private hospital. The operation was carried out the following day, six days after Mrs H's fall. But I don't think that AXA can be held responsible for the infection Mrs H picked up.

I think £500 is fair and reasonable and in line with our approach to compensation. The family had raised concerns about the level of care and AXA failed to act promptly on those concerns. As a result Mrs H suffered pain and distress.

my decision

For the reasons given above, I uphold Mrs H's complaint and require AXA Insurance UK Plc to pay Mrs H compensation of £500.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs H to accept or reject my decision before 13 November 2015

Nigel Bremner
ombudsman