

The complaint

Mr J has complained that Aviva Insurance Limited ('Aviva') declined his claim.

What happened

Mr J has a travel insurance policy, underwritten by Aviva. He went abroad on holiday but returned early after he sustained injuries. He made a claim for unused costs as a result of cutting his trip short.

Aviva declined the claim as Mr J didn't see a medical professional and didn't contact Aviva before cutting his trip short and returning home. Had he done so, it said it would have advised him to seek medical assistance rather than return home.

Mr J complained but Aviva maintained its decline. Unhappy, Mr J referred his complaint to this Service.

Our investigator looked into the complaint but didn't think Aviva had unfairly declined the claim.

Mr J disagreed and in summary, made the following comments:

- He wasn't in a position to contact Aviva due to his mental health issues.
- He provided Aviva with evidence in relation to a linked claim to show his mental health had deteriorated and this should be enough to show that he needed to come home early.

And so the case has been passed to me for a final 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.

Having done so, I don't think this complaint should be upheld. I'll explain why.

The relevant rules and industry guidelines say an insurer should handle claims promptly and fairly. And shouldn't unreasonably reject a claim.

The policy explains how to make a claim and on coming home early it says:

"Check that the reason you need to cancel or come home early is covered. Contact the medical emergency helpline before returning home. For medical claims, we will send a medical certificate for completion by the patient's doctor to confirm the reason for your claim."

Under the cancelling or coming home early section, the policy says:

“We’ll pay the costs shown below if an insured person unavoidably has to cancel their trip or come home early if one of these events happens...illness, death, injury or quarantine of an insured person...”

Under the section ‘we won’t cover’, the policy says:

“Costs for coming home early unless these have been authorised by us before the insured person arranges them.”

I think the policy clearly sets out that Mr J needs to contact Aviva before returning home early, if he wants to make a claim on the policy under the coming home early section. Mr J did not contact Aviva and returned home following a fall and injury. He says as he was suffering from anxiety, he was unable to contact Aviva.

Aviva has said that if Mr J had made contact, it would not have advised him to come home early but would have assisted him in obtaining medical attention.

Mr J has provided a document which refers to the cancellation of a different holiday. He says this shows that his reason for cutting his trip short was his anxiety. But the information he has provided is about a different holiday and not the trip which this complaint relates to. I would expect Mr J to provide medical evidence to Aviva confirming that coming home early was medically necessary. Without such evidence, I don’t think Aviva unfairly declined the claim.

I note Mr J says he was too unwell to contact Aviva before coming home early. But I can’t fairly ask Aviva to pay a claim with no clear medical evidence showing Mr J’s illness or injury was the reason for returning home early.

My final decision

For the reasons set out above, I don’t uphold this complaint.

Under the rules of the Financial Ombudsman Service, I’m required to ask Mr J to accept or reject my decision before 28 July 2023.

Shamaila Hussain
Ombudsman