



## Case study: Insurance

### COMPLAINANT'S REPATRIATION DELAY LEADS TO FURTHER MEDICAL TREATMENT

Themes: Travel insurance; repatriation; delay; communication error

Miss X was a keen marathon runner and led an active lifestyle. In February 2019, Miss X was on a ski trip in Europe when another skier crashed into her, causing a hip fracture. Miss X was admitted to the local hospital. The doctors confirmed she had an un-displaced hip fracture which they pinned. Miss X was told an operation was needed. Miss X contacted her travel insurance provider for help getting back home. Miss X's travel insurance provider informed Miss X that the overseas hospital could complete the procedure there, but Miss X was reluctant and reiterated her wish to return home to have the operation in her local hospital. The travel insurer engaged a third-party provider to arrange for Miss X's repatriation. Meanwhile, the hospital near her home was contacted and was ready for Miss X's admission upon her arrival.

It was not until one week later that the third-party provider had managed to arrange for a flight medic to meet with Miss X to assist with her return home. In the meantime, Miss X had kept going to the local hospital in Europe for pain treatment while awaiting her transportation home.

The flight medic suggested repatriation using a stretcher but was told this could take several more days to organise. Miss X insisted on making the journey immediately and the doctor prescribed a strong pain reliever to support her through the return journey.

Miss X travelled back to her home via a commercial flight, using three seats. While on the plane, she was forced by flight safety regulations to put her legs down and therefore experienced great discomfort. When the first flight landed, she took a connecting flight to get to her home and upon arrival was taken home. She then went to her local hospital. By this time, the hip fracture had displaced, and Miss X needed a full hip replacement. The hip replacement operation took place shortly after.

Miss X complained to her travel insurance provider regarding the delays she had experienced during her repatriation, which she felt had caused her further injury. Her travel insurance provider suggested compensation of £15,000 would be appropriate under the circumstances; however, the travel insurance provider only offered her £7,500 and told her to claim the other £7,500 from the doctor who first treated her in Europe following the accident. Miss X rejected their offer, and her complaint was referred to CIFO.

Miss X's travel insurance provider stated that the overseas doctor had recommended a procedure, but not a full hip replacement and that it was Miss X's decision to travel home without a stretcher so the procedure could be completed locally. Miss X's travel insurance provider also informed CIFO that the delays in Miss X's repatriation were due to the fact that Miss X's local hospital near her home had advised that an operation could not be done locally. However, Miss X's local hospital confirmed

to CIFO that they had provided confirmation the day after the ski accident that they were able to perform the operation, and that if appropriate travel could have been arranged sooner the fracture would not have displaced, meaning the full hip replacement would not have been required.

CIFO upheld the complaint on the basis that any subsequent issues were caused by the travel insurer's unreasonable delay in getting Miss X back home. CIFO initially recommended total compensation of £35,000 given the medical result, the impact on Miss X's active lifestyle, and the severe level of distress and inconvenience caused. Miss X's travel insurance provider disagreed with some of CIFO's conclusions and argued that the failure had been in some part, due to the overseas doctor and asked CIFO to reconsider. CIFO obtained external advice regarding the amount of compensation awarded by the courts in such cases and recommended compensation should be paid to Miss X to the value of £25,000 plus 8% interest from February 2019, the date of the complaint, for a total amount of approximately £30,000.