

## **ACE Travel Insurance Update re Swine Flu - Sept 09**

Following the continuing media coverage on this pandemic, Philip Williams & Co has received a number of enquiries from concerned members about the Swine Flu or the H1N1 virus.

As this is such a hot topic we have put together a quick summary regarding the attitude taken at the claims stage to clarify the situation for your members who are travelling at present or are booked to travel in the near future. We hope this will provide some reassurance for them.

### **Cancellation/Alteration/Curtailment Covers**

Specified Perils – death, injury, *illness*, death of a relative, *quarantine/compulsory quarantine* etc.

### **Exclusions**

Typically, among other things, exclude:

- a. Any expenses incurred where a Journey is undertaken against the advice of a Qualified Medical Practitioner;
- b. Disinclination to travel;
- c. Any expenses incurred as a result of regulations or order made by any Public Authority or Government

### **Interpretation of the 'Public Authority' exclusion**

Where quarantine is shown as a specific peril: there is an ambiguity because the exclusion "regulations or order made by any Public Authority or Government" would appear to contradict the cover. Therefore, ACE will not invoke this exclusion for quarantine claims so claims are covered.

### **Interpretation for "refusal by an airline to permit an individual with suspected swine flu to travel"**

Such an event will not be covered as the nearest peril to cover this in ACE policies is "... the...sudden illness...of Persons Insured, Immediate Family Members, Travelling Companions or any person upon whom Your trip depends provided that such Cancellation, Curtailment or Rearrangement is confirmed as medically necessary by a qualified medical doctor. In other words, unless the patient is confirmed as being unfit to travel by a qualified medical doctor, then cover is not operative. BA's check in staff or screening system does not constitute a qualified medical doctor per the policy wording.

Note the attached quote from the ABI in the Daily Mail -

*Jonathan French, of the Association of British Insurers, said: 'The principle that people will need written confirmation of a diagnosis of an illness to make a valid claim still stands. If they are turned away from an airport, then it's the responsibility for airlines to provide any refund. That won't be covered by travel insurance.*

However, if:

- a) the customer was given a medical cert signed by a qualified medical doctor who had been hired by the airline to make such decisions at the airport check-in (for example), or
  - b) if the customer visited their own GP or
  - c) if the customer called NHS Direct later that day or the following day,
- then, subject to satisfactory evidence of formal medical diagnosis indicating they were in all probability ill at the departure date, a valid claim may exist.

## Customer Outcomes

**N.B. All outcomes are dependent on the particular circumstance. However, in general:**

1. Claims will be for only those charges which cannot be recovered from any other source.
2. Additional Expenses will generally be covered for 'alteration' of the Journey.

## Questions and Answers

### **Q1 People have been quarantined in China – should I cancel my trip?**

**A1** – No. This would be disinclination to travel which is excluded. There must be confirmation by a Qualified Medical Practitioner that the Insured Person is ill.

### **Q2. BA have refused to take me on the flight because I am suspected of having swine flu – will cancellation be covered?**

**A2:** See Interpretation for "refusal by an airline to permit an individual with suspected swine flu to travel" above.

### **Q3. If I get swine flu overseas - when should I return?**

**A3.** The policy of the medical unit at FirstAssist is that patients who are abroad and who present with flu-like symptoms (and who are highly likely to have swine flu) should remain abroad until they have fully recovered before attempting to travel back to the UK. **First Assist should be contacted immediately for advice and guidance.** This is both because travelling with the flu does potentially expose the patient to the risks of perforated ear drums and other upper respiratory tract complications but also for the pragmatic reason that they may be refused boarding either by the airline concerned or by health screening of outgoing passengers at the airport.

### **Q4. If I get swine flu overseas and I have serious complications - what can ACE do for me?**

**A4.** The overwhelming experience with this virus is that it produces mild, self-limiting disease which, more often than not, does not require any specific treatment. The most important consideration is the care of patients who find themselves in poorly resourced locations and who subsequently develop severe clinical illness - either due to the direct effects of the virus itself or because of a concomitant infection (most usually a bacterial chest infection). Even in remote locations our Assistance Providers expect patients that fall into this category to be admitted to hospital and they will obtain information on their clinical status from the local treating physicians. They are confident that they will be able to move patients with severe illness to centres of excellence using their regional air ambulance network providers and they will deal with each case individually if and when it occurs.