

# Claims examples

Professional Indemnity for  
Tour Operators and Travel Agents



## We pride ourselves on our fast and efficient claims service

Our dedicated team collaborates closely with insurers, loss adjusters and law firms.

Through these robust partnerships, we are well-equipped to deliver comprehensive solutions to meet the unique needs of both you and your clients when a claim arises.

[t-u-l.co.uk/claims](https://t-u-l.co.uk/claims)

## Claims example 1

Mr Brown contacted Coach Holidays Operator Ltd to enquire about a 5 day holiday to Northern France, which took in several sights and cities and also included hotel accommodation for the period of the stay and the journey by coach. After booking, the paperwork was sent through to Mr Brown confirming that the pick-up location was at Salisbury Bus Depot at 8am on 12<sup>th</sup> December, and stated that passengers ought to ensure that they were at the pickup location at least 45 minutes prior to coach departure.

Prior to the holiday start date, the Operator received notice that they would need to amend the start time of the tour in order to arrive at the ferry station in time for their crossing. They issued an email notice to customers to confirm this, and also followed up by phone, however the Operator issued the notice to an incorrect email address for Mr Brown and then failed to follow up. Passenger was not aware of the change to the itinerary and therefore, when the trip departed two hours earlier, Mr Brown was not there and was unable to travel.

This failure is as a direct result of the Operator making a change to the itinerary and then failing to alert the customer which resulted in a missed trip. The Operator accept that the loss is as a result of their error.

Customer contacts the insured to present a claim for the missed trip as a result of the itinerary change, along with their expenses in travelling to the Bus Depot. Subject to the excess, this claim is met by the policy.



## Claims example 2

Mr and Mrs Smith booked a trip to Portugal by coach, staying at what was described in the advertising material by the Operator as a 5\* luxury spa hotel. The trip was advertised as being 'all inclusive' and including food, selected drinks and with several excursions by coach included in the total cost of the trip. They were very much looking forward to their holiday.

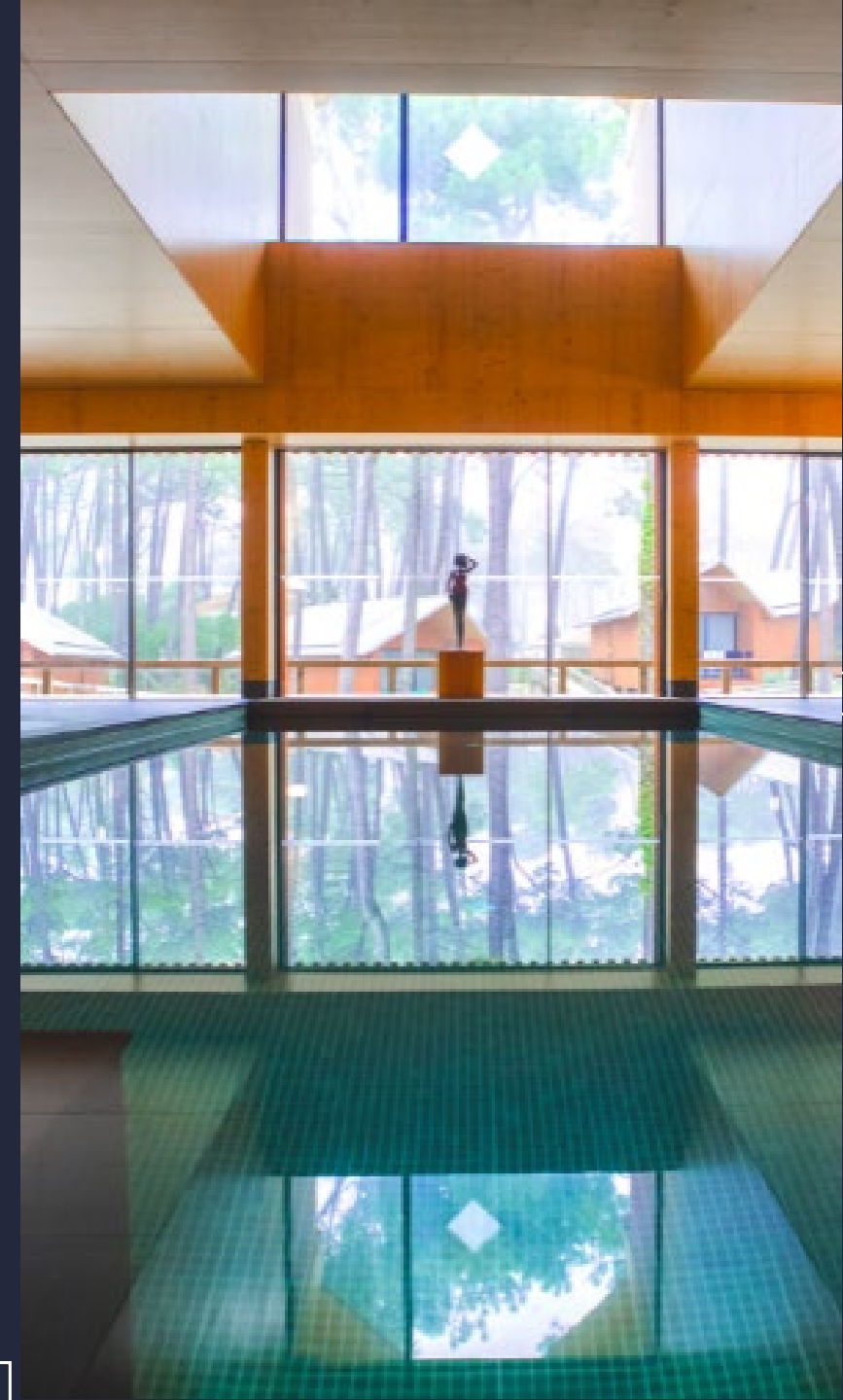
Mr and Mrs Smith arrived at the hotel, only to discover that it was undergoing a full refurbishment and the spa facilities were not available for the period of their stay. The restaurant was providing food and locally branded drinks as advertised, but the images on the website and in the advertising material were different to the reality. The hotel had building contractors operating from 8am until 7pm daily; there was dust and rubble in some areas of the hotel and for a couple of days the pool was out of use.

Whilst in resort, the passengers contacted the Operator to complain, and were offered a move to another hotel for the final 2 days of the trip, albeit this was of a lower standard than the hotel which was originally booked. The guests declined this offer.

Upon return, they made a complaint in regard to the standard of the resort, and not being advised of the building works / refurbishment prior to travel to allow them the opportunity to consider an alternative. They said that the holiday was not as advertised.

After investigation, it is established that the Operator was aware of minor building works at the hotel, but not of the full extent of the works. The claim for compensation by the passengers is met by the policy as the insured failed in their duty to notify the guests and give them an opportunity to accept a suitable alternative.

After review of the Operators contract with the hotel, an indemnity is sought against the hotel to recover the costs paid by the policy.





## Claims example 3

Miss Green has limited mobility and is a wheelchair user. She enquires with the Coach Operator about a trip she has seen advertised, where she is keen to travel with her sister. She advises the booking agent that she is a wheelchair user and asks if the trip will be suitable for her needs. She is advised to complete a questionnaire to detail her requirements and she does so after booking and sends this back to the booking agent.

This information is passed to the Operator to check the suitability of the holiday meets with the requirements of the passenger. She is advised that the trip will be suitable.

Upon joining the tour, the passenger is allocated a front seat with extra room on the coach and her wheelchair is loaded by the driver into the luggage area. The trip starts well.

On arrival at the first accommodation, passenger discovers that there is only access via steps and pax has been allocated a room on a high floor by the hotel. They are fully booked and unable to offer the guest a room which suits her needs, they say that they do not have any available rooms to meet her requirements.

Due to this, she has to try to make her way up to the room and then is unable to leave again until the next day due to the difficulties in moving around the hotel. Her sister collects a meal for her from the buffet and brings it up to the room. The passengers try to make the best of the situation but are disappointed that they cannot make use of the evening at the hotel due to difficulties getting around.

After two nights at this hotel, the trip continues to another location and the guests are allocated a room which is suitable for their needs, the remainder of the trip goes ahead without any issue. The pax contact the operator to let them know that they have had difficulty and the coach driver has also reported back.

Upon return home, pax contact the operator with a complaint in regard to the two nights at the hotel where her needs were not met. The Operator accepts that the choice of this hotel was not suitable and therefore the claim is met by the policy, for compensation to the customer for the failure to provide suitable accommodation despite being fully briefed as to the passengers needs.

