

Travel and holiday injury

The Leigh Day guide for safer travel



Leigh Day



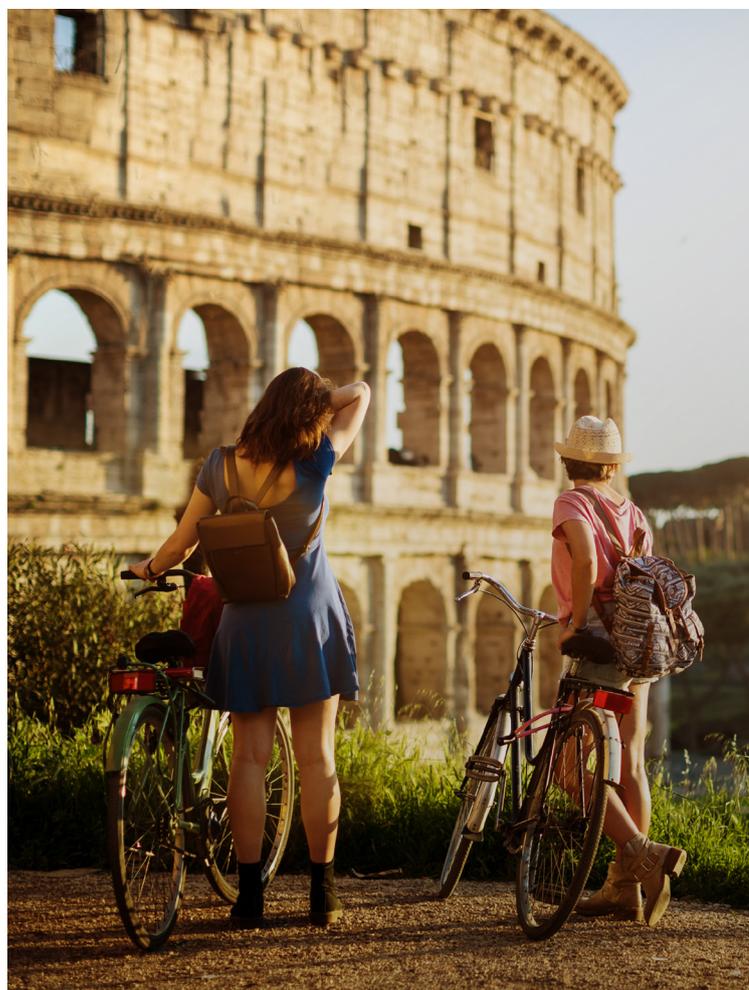
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Common travel pitfalls

Holidays are the highlight of the year for many people, but what happens if something goes wrong? What should you do to protect you and your family when the worst happens overseas?

To ensure you get the most out of your holiday, we've identified some of the most common travel pitfalls.



Inadequate travel insurance. Ensure your policy covers you for the destination you're visiting and the excursions and activities you plan to undertake to avoid potential fees if things go wrong.

Not obtaining an European Health Insurance Card (EHIC). If you're visiting an EU country, it's important you obtain a EHIC in advance. This entitles you to state healthcare at a reduced cost, or sometimes free, but it not an alternative to travel insurance.

Failing to inform your bank you're on holiday. Some banks will block any payments being made abroad if this is deemed as "unusual activity on your account". Make sure you contact them in advance so you can use your credit/debit cards without any issues.

Lack of research. If you're planning an adventure in an overseas country, it's vital you spend time researching the local laws and any activities you're planning. This will help you feel informed and can help keep you safe.

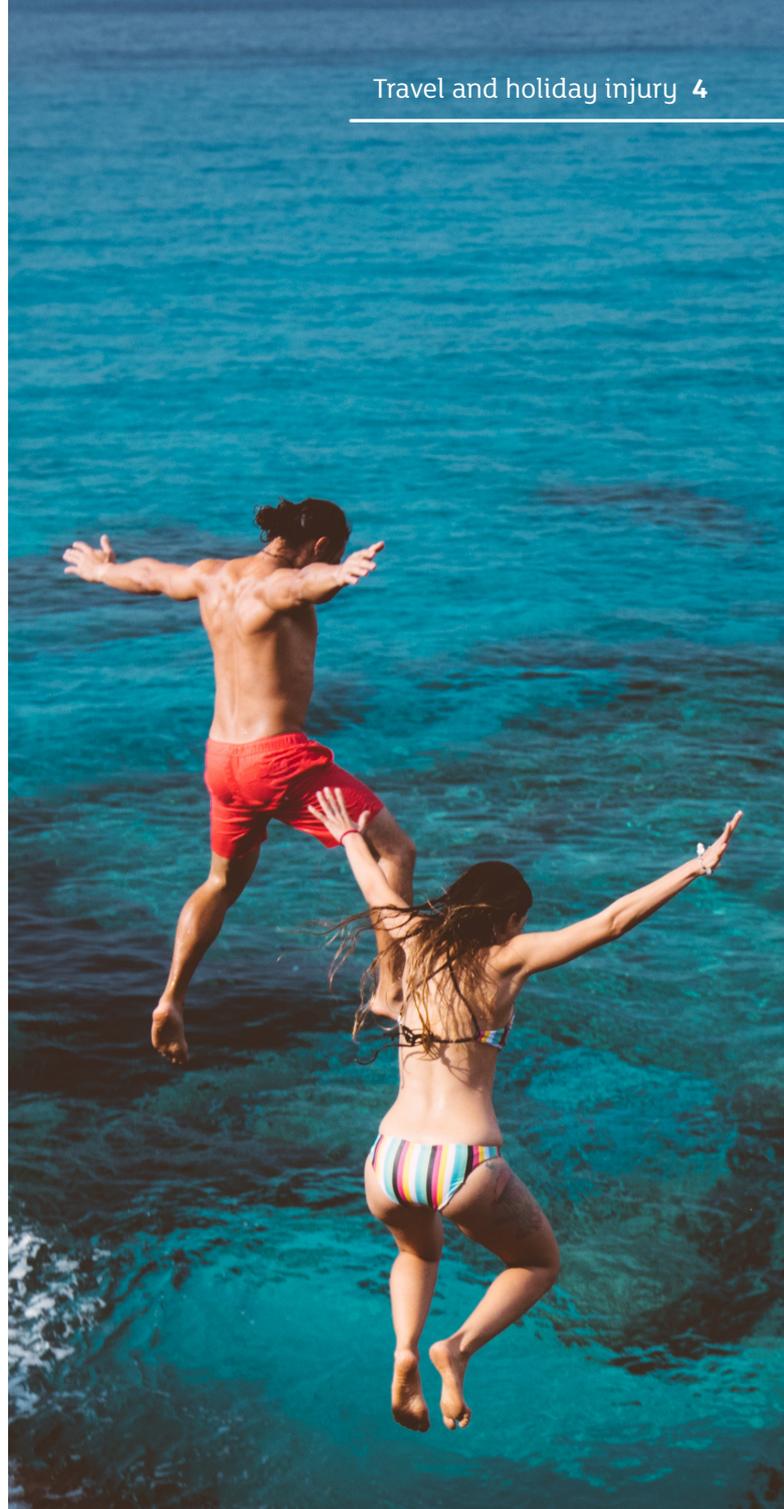
Read on to find out how to prepare for your trip and what to do if things go wrong.

The importance of holiday insurance

It might not be the most exciting part of the holiday but making sure you have the right insurance is just as important as checking that your passport is in date.

In some cases, even a relatively minor injury on holiday can cost thousands of pounds. The price of medical treatment abroad varies significantly depending on the country you're travelling to.

Be particularly prepared for a hefty bill if you're outside the European Union. Even within the EU, your EHIC, which you should always have with you when you travel, may not provide sufficient cover for an injury. Costs can soon escalate.



Before your trip:

- Take out private travel insurance. If travelling within the EU, then your EHIC is essential but it is not an alternative to travel insurance. It is crucial that you understand the limitations of the card.
- The NHS website explains that a free EHIC will entitle you to basic state medical treatment at a local hospital and does not provide private medical treatment, cover for lost or stolen property or repatriation to the UK if your injuries are serious.
- Travel insurance, subject to any exclusions within the policy wording, will provide this cover. It is therefore crucial that travellers obtain both the EHIC and private travel insurance cover before their trip. Failure to do so may result in expensive medical and travel costs back to the UK.

Tips for getting the right private insurance cover

1. Always take out adequate travel insurance

When looking for travel insurance don't always default to the cheapest policy. Make sure that your cover is inclusive of any holiday activities you're planning, such as backpacking, cycling or skiing.

2. Read your policy carefully – INCLUDING THE SMALL PRINT

Remember, your travel insurance is a contract between you and the insurer. You must read all the terms and conditions and the small print. Be aware, an insurer is unlikely to accept a claim that you didn't know your travel insurance excluded.

Pay attention to the most important part - the exclusions section – to understand what you aren't covered for under the policy. Some people don't realise until it's too late that their travel insurance won't cover them for certain activities, travel within select countries or pre-existing medical conditions.

3. Take your policy documents with you

Taking your policy documents on holiday with you will ensure that you have the specifics of what you're covered for and who to contact if things do go wrong.

4. Apply for a European Health Insurance Card

If you're travelling in Europe, [apply for your EHIC](#) well in advance. Many insurance policies expect that you'll use this card to reduce your hospital bills, and the insurer may not fully cover your costs if you don't.

5. Pay close attention to the excess

It is important to consider the amount of insurance excess payable when choosing your policy, especially if you're taking out insurance on behalf of a group.

Do your homework and shop around for the best policy for you. Many excesses are from £50 to £150 and are applicable to all claims. If you're forced to cancel a holiday, it's important to consider whether this excess is payable per person, per incident or both.

Alternatively, if your bag is lost, damaged or stolen, is the excess payable per item, per bag or per claim?

6. Know what to do if your insurer won't pay out

If your travel insurers refuse to pay out for a claim under the policy and this refusal has been upheld after you've complained, remember that you do have options.

The Financial Ombudsman Service is a free and independent service set up to help consumers who want to complain about a financial institution, including the insurance industry.

The ombudsman will review the facts of your claim in an objective manner and rule whether the decision was reasonable. If you aren't happy with the decision then you can ask for a formal, final decision by the ombudsman and thereafter, the courts.

What do you need to do if you are injured in another country?

In the event of an incident, and once you've ensured that the injured person has the specialist care they require, it is important that you try to gather as much information as possible while at the location.

Keep any paperwork relating to the holiday itself, including any documents relating to organised trips or outings.

Take photographs with your camera or phone of all the surroundings and those involved, and make sure you have all the names and contact details of witnesses.

Don't accept any offer of compensation from the hotel, tour operator, cruise ship owner, insurer or any other party that has caused your incident without first seeking independent legal advice from a specialist lawyer. We can help.

Contact us for advice as soon as you can on **+44 (0)800 6895854** following an injury.

Even within the EU, your EHIC, which you should always have with you when you travel, may not provide sufficient cover for an injury. Costs can soon escalate, even for minor injuries.

Where there is a potential claim, and depending on the circumstances, our lawyers can contact insurers to request an urgent interim payment to alleviate any immediate financial hardship.

Be careful of entering into an agreement with local lawyers in relation to any potential claim. Entering into an agreement without speaking to a specialist lawyer may jeopardise bringing a claim in the UK and may mean you receive a lower amount or nothing at all.

If you've suffered an injury in a hotel or onboard a cruise ship as part of a package holiday then it may be possible to bring a claim in the English courts against the tour operator, hotel, cruise line operator or any other party responsible for your injury.

Claims are often complex and different time scales are likely to apply for the purposes of bringing a claim in different jurisdictions (countries) for injuries. We recommend that you instruct a specialist travel lawyer with the experience in dealing with these types of claims, rather than a lawyer without this specialist international experience.

Below are some simple steps to follow if you've been injured overseas:

- Ensure the injured person is receiving the appropriate emergency care.
- Obtain original or copies of medical records and reports for any treatment received, including results following any scans, x-rays or analysis of any samples taken.
- Photograph and film the incident location.
- Photograph the severity of the injury when it happened or shortly afterwards.
- Retain a copy of any completed incident reports or complaint forms.
- Ensure you have details for the local police involved, including a reference number if applicable.
- Get names, postal and e-mail addresses, and phone numbers of any witnesses, including other holidaymakers, who may have seen or been involved in the incident.
- Obtain contact details for any member of the British Consulate with whom you've had contact.
- If someone writes something down and claims it's a record of the incident, don't agree with the document and don't sign the document until you've consulted a specialist travel lawyer acting on your behalf.
- Ensure you have the contact details for any travel insurer or representative with whom you've had contact while abroad.
- Keep receipts relating to any expenses incurred as a result of the incident/injury e.g. travel expenses to and from the hospital, additional accommodation expenditure incurred, medical expenses for treatment, medication, phone calls, and subsistence costs while at hospital.
- Keep all original (or at least a copy of) holiday booking documentation.
- Contact your insurers as soon as you can.
- Seek expert legal advice to deal with any civil or criminal matters that arise.

Tips for cycling abroad

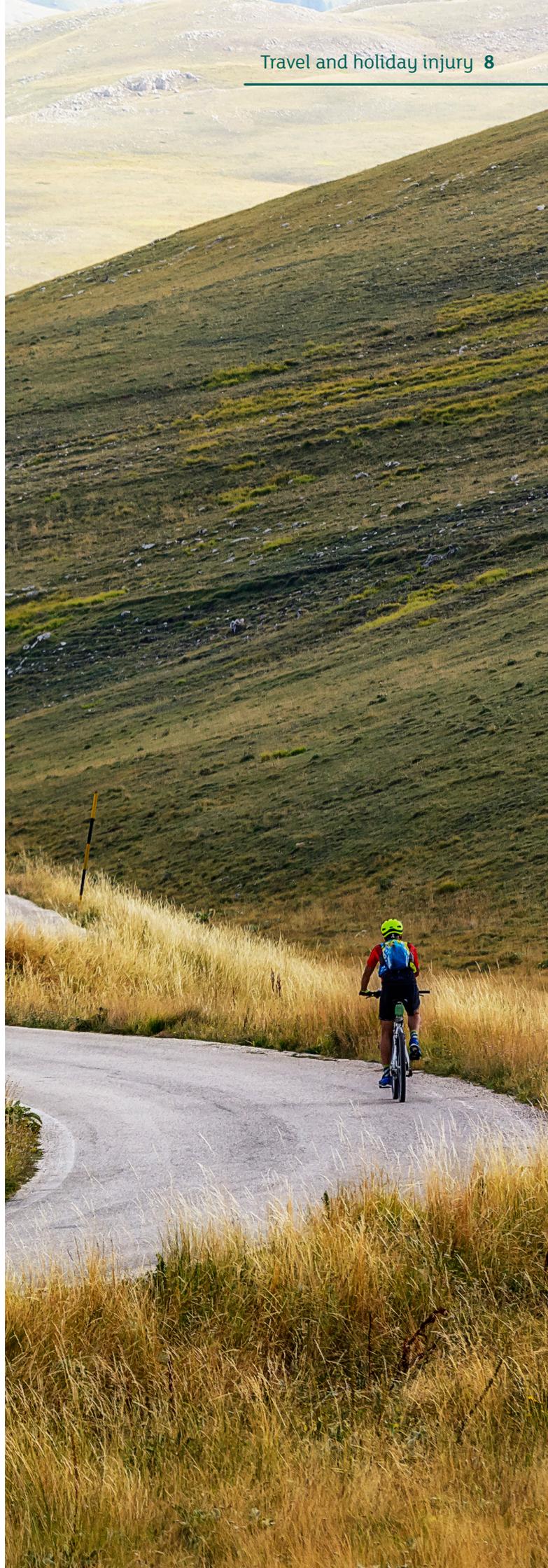
Whether it's a leisurely family cycling holiday to Italy, a charity bike ride to Paris or an intense training camp in Majorca, cycling holidays overseas have never been so popular.

British Cycling membership* provides liability insurance of up to £10 million, subject to terms and conditions, in the event that a claim is made against you when cycling abroad. But membership does not provide cover for medical bills or repatriation. It's especially important to take out insurance if you're cycling outside of Europe. Medical treatment, especially in America, can be staggeringly expensive.

So, do get travel insurance** before you leave. It may well be the best purchase of your trip.

*British Cycling's terms and conditions can be found [here](#). British Cycling membership does not cover legal advice and assistance for incidents occurring abroad.

**Travel insurance is not included with British Cycling membership but competitive rates for British Cycling members can be obtained online at www.policydirect.co.uk or by calling 01795 597170.



To make the most of your cycling abroad, we would recommend the following tips:

- If you're taking your own bike, invest in a proper bike bag or box to transport it. Always take special care of the forks, handlebars, saddle and rear ends, making sure they're correctly protected.
- When you arrive at the airport you're travelling to, check there has been no damage to your bike during the journey. If there has, take photographs of any damage.
- If hiring a bike, make sure that you have one which is the right size and that you're renting off a reputable dealer.
- As well as ensuring you're riding on the correct side of the road in a foreign country, get used to making sure you're checking for traffic coming from the correct direction at junctions.
- Take a written copy of your contact information with you, with 'In case of emergency' written in the correct language if possible. Also include the name of the hotel you're staying at. Keep a copy of your health insurance with you and your EHIC.
- Never rely solely on your phone for navigation. Some areas may not be covered for GPS or network coverage and your battery may run out – a paper map is always the best failsafe.
- Make sure you have a plan if you were to have a collision or a mechanical issue – could you get back to your hotel? Would you know who to call? Do you know any local taxi companies?
- Always take a minimum of two inner tubes with you in case of punctures, and of course a good pump.
- Learn a few sentences in the local language in case you're stuck in a remote place. Alternatively, have the appropriate dictionary downloaded or use a translator app on your phone.
- Contact local cycling clubs and ask if you can join them for a ride or for route suggestions. Details will probably be available at local cycling shops.
- Source a local café for mid or end of the ride – it's important.

It's vital cyclists know what to do if they are involved in a cycling incident.

We've listed some essential tips below:

1. If you don't think you're seriously injured, get clear of the road to avoid traffic.
2. Seek medical attention immediately from the nearest medical centre. If you suspect you've had a head injury, call an ambulance and do not continue to cycle.
3. Exchange details with the driver, if relevant, or any witnesses. Then gather evidence or information from the scene of the incident.
4. File an incident report with the police as soon as possible and contact your insurer.
5. Remember to keep any receipts or invoices in relation to the injury and keep a note of any treatment received.

View the full guide in the [What you need to do if you are injured in another country?](#)



Tips for skiing

There are key things that you can do to ensure you're well prepared for a skiing holiday, all of which are essential to keeping safe while on the snow.

We recommend reading the following tips before you venture onto the slopes:

- Ensure you have taken out adequate holiday insurance. Make sure that this includes cover for winter sports as not all policies do. Not checking whether your insurance covers winter sports can lead to all kinds of problems if emergency medical care, repatriation home or legal assistance is needed while abroad.
- Some insurers insist skiers wear a helmet when on the slopes. Read the T&Cs of your policy to ensure you're fully covered.
- Stay alert and be aware of your surroundings. Keep an eye out for signs and markings and ensure you follow them. These are in place for your safety and should be obeyed.
- Ensure your mobile phone is on your person and fully charged.
- Keep a copy of your travel insurance policy with you and remember to take your EHIC. It's also advisable to carry a note with the name of the hotel you're staying at and your emergency contact information, just in case.
- Dress appropriately. Your clothing protects you from the elements and impact of a crash. It should fit correctly so it's comfortable and provides the protection you need. Layering is also a good idea and allows you to add or remove items as the temperature changes.
- If renting ski equipment, make sure your boots and helmet fit. If you're a beginner, the staff in the rental shop will be able to select the most suitable skis for your size and ability. Once you have these, the instore team will calculate the correct 'DIN' settings for your ski bindings before adjusting them. It's vital you provide accurate information when asked to supply your weight, boot length, ability level and age.
- Ski resorts categorise the slopes based on people's experience, so always be sensible and know your own capabilities. This means never going on a slope that is beyond your skill-level.
- Learning to ski is about taking it gradually, never putting yourself at risk or endangering others. Always use an official ski school and don't over-estimate your ability.
- Before you go, it's essential that you familiarise yourself with the rules of the slope, such as who has right of way. The rules for conduct are provided by the [International Ski Federation](#).

It's important to know what to do if you're involved in an incident.

Key tips are listed below:

1. Ensure you have the number for the ski patrol to hand wherever you're skiing.
2. Make sure you get the medical attention that you need immediately, and never leave an injury untreated, even if you believe it to be minor.
3. Once treated, obtain a report from the patrol about the incident and get the details of any witnesses who saw the event.
4. Retain any receipts or invoices related to the event and keep track of any treatment that you have received.

Check our full guide in the [What you need to do if you are injured in another country?](#)

Finally, if you do need any advice following an incident it's always best to seek the assistance of a trusted travel lawyer who knows the law as it applies not only in the UK but also in the country in which you had the incident.



The Leigh Day travel law team

All legal systems are different. Making a claim for an injury which wasn't your fault, and which happened in another country means you need an expert at dealing on behalf of UK citizens with the law in other countries.

Leigh Day has a specialist team of travel lawyers who only take on these types of cases. They act for holidaymakers and business travellers who have found themselves injured, through no fault of their own, while they have been travelling or staying in another country and need to make a legal claim for compensation.

The team deals with a range of cases, including road traffic collisions when abroad, injuries at hotels or on cruise ships, and sporting injuries that occur during the winter and summer holiday seasons.



Clare Campbell, Travel Litigation Partner

Clare specialises in incidents abroad including road traffic collisions, claims under the Package Travel Regulations, workplace incidents abroad, maritime and aviation cases, incidents in America and large group illness litigation.

For more information about incidents or injuries abroad, please contact us for free, no obligation advice

 +44 (0)800 6895854

 travelclaims@leighday.co.uk

Alternatively contact Clare Campbell

 0161 393 3551

 ccampbell@leighday.co.uk