

The complaint

Mr H is unhappy with the service Aviva Insurance Limited provided when considering a claim he made on his legal expenses insurance.

What happened

Mr H has an employment dispute for which funding is being provided on a legal expenses policy he holds with Aviva. In May 2024 he emailed Aviva and queried the indemnity limit applicable to his claim and whether that could include cover he had with a different insurer. Aviva provided a response to Mr H's query on 5 June. It accepted that hadn't been done within its normal response timeframe (five working days) but thought the issue raised by Mr H had been addressed in previous contact about a different claim.

Our investigator thought Mr H was concerned about an approaching limitation deadline for this claim which would likely have exacerbated the impact on him of Aviva not responding to his email. He thought it would be fair for Aviva to pay Mr H £100 in recognition of the distress and inconvenience he was caused by that.

Mr H agreed with his outcome. Aviva didn't agree. It said proceedings were already underway in relation to his claim so it didn't think deadlines would have been a concern for Mr H. And it reiterated that his query about the application of the other policy had been addressed on another claim. So I need to reach 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.

The relevant rules and industry guidelines say Aviva has a responsibility to handle claims promptly and fairly.

I've separately considered whether the other policy Mr H held should provide cover for his claim. So I'm only looking in this decision at Aviva's response to the email he sent on 17 May. There clearly was a delay in responding to that; Mr H didn't receive a response to the issue he'd raised until 5 June (over two weeks later) and only after he'd raised a complaint including this issue.

I've thought about the impact of that on him. I accept that didn't in itself delay his claim and I'm not clear whether Mr H did have deadlines to meet at that time. However, regardless of that I think dealing with an ongoing Employment Tribunal claim will in itself have been a stressful experience which will likely have exacerbated the impact on him of Aviva's failure to provide a timely response to his email.

And while I appreciate the answer to his question may have been similar to a response previously provided I understand that related to a different claim with different circumstances. So while that may have been helpful in general terms to Mr H I don't think it provided a specific answer to the point he'd raised on this claim. Given that I think the

modest compensation our investigator recommended (and which Mr H has accepted) is a reasonable way of resolving this complaint.

My final decision

I've decided to uphold this complaint. Aviva Insurance Limited will need to pay Mr H £100. Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 12 February 2025.

James Park
Ombudsman