

The complaint

Mr G is unhappy with what Aviva Insurance Limited did after he sought assistance from his legal expenses insurance policy.

What happened

Mr G made a claim on his policy following a data breach. Aviva said that was caught by a policy exclusion. Subsequently Mr G contacted the legal helpline provided by his policy. He asked for advice on how to pursue the claim himself including what claim form he'd need to complete and where his nearest court was. He complained he hadn't been given clear information about that in his call. Aviva thought the adviser had provided advice in line with the service offered by the helpline.

Having listened to the call our investigator agreed with Aviva. Mr G didn't. He said in previous calls to the helpline he had been told what form to complete and could have been provided with details of his local court. After making his complaint Aviva had agreed that should have been done but then changed its position. 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.

I appreciate prior to his call to the legal helpline Mr G made a claim to Aviva which it declined. In this decision I'm only considering what happened in that subsequent call to the helpline. His policy says the helpline provides *"help and advice on a private legal matter for you or a member of your household"*. It says that advice is intended to *"help you understand what your legal rights are, what course of action is available to you, if that action can be taken by you or whether you need to consult with a lawyer"*. That's in line with the cover normally provided by a helpline like this which is for basic or general legal advice.

With that in mind I've listened to the call between Mr G and the adviser. They correctly told him any issues with the decision to decline his claim would need to be considered by the handlers responsible for that (and offered to put him in touch with them). Mr G then asked for advice on how he could pursue the claim himself. The adviser provided some general guidance on that which I think was in line with the service offered by the helpline.

Mr G queried what form he should use to submit his claim. The adviser provided details of forms that might be appropriate but suggested Mr G seek advice from the court on which of those would be right for the claim he wanted to bring. Again I think that was in line with the general advice service the helpline offered. I appreciate in Mr G's previous calls the adviser may have been able to give clearer guidance. But I don't think the advice in this case was unreasonable in the circumstances of this claim.

Mr G then asked where his nearest county court was. The adviser said that went beyond the service offered by the helpline and giving incorrect advice on this could disadvantage him. However, while I appreciate the adviser might not have been able to give Mr G a definitive

answer on that I think they could have given some further guidance. For example, he could have been directed to the government's court finder website. However, that website is straightforward to find and I haven't seen any reason why Mr G couldn't have located it himself. So even if Aviva was at fault here I don't think he's lost out because of that. That means there's nothing it needs to do to put things right.

Mr G says, after making his complaint, he was told this had been upheld but Aviva then changed position on that. Complaint handling isn't one of the activities our rules allow us to consider. So I can't look at in isolation. I could look at it when thinking about the overall customer service Aviva provided but I could only make an award for complaint handling if I was also doing so for something related to customer service more generally. That isn't the case here. So I won't be considering this issue further.

My final decision

I've decided not to uphold this complaint. Under the rules of the Financial Ombudsman Service, I'm required to ask Mr G to accept or reject my decision before 26 September 2025.

James Park
Ombudsman