

## **The complaint**

Mr B's complaint is about the handling of a claim he made on his Aviva Insurance Limited ('Aviva') legal expenses insurance policy.

Mr B says Aviva treated him unfairly.

## **What happened**

The details of this complaint are well known to both parties, so I won't repeat them again here. Instead, I'll focus on giving my reasons for my 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.

Having done so, I agree with the conclusions reached by the investigator. Before I explain why I wish to acknowledge the volume of submissions Mr B has made and his strength of feeling about his complaint. Whilst I've read everything he's said, I won't be addressing it all. That's not intended to be disrespectful. Rather, it's representative of the informal nature of the Financial Ombudsman Service. Instead, I'll focus on the crux of Mr B's complaint, namely whether Aviva have treated him unfairly.

In this decision I will only address Mr B's concerns that were put to Aviva and considered by them up to the point of their final response letter dated 4 March 2025. I can't consider anything that has happened before Mr B's previous complaint to the Financial Ombudsman Service because that was concluded separately.

The bulk of Mr B's complaints are about the actions of the appointed Solicitors or what has unfolded because of the litigation and what action has been taken in respect of this by those Solicitors. I can't comment on his complaints in respect of this, so I won't be addressing what he says about the litigation in the same way that the investigator has. The actions of Solicitors fall outside my remit. They have their own codes of conduct and a separate regulator. If Mr B is unhappy with their actions, he will need to raise this with those Solicitors first. If he still remains dissatisfied, he can refer his complaints to the Legal Ombudsman.

The only issues I can consider in relation to the conduct of the appointed Solicitors are what Aviva did when Mr B raised his complaints with them. From what I've seen Aviva have taken action when Mr B has raised concerns. This includes his belief that the third party's claim is fraudulent and the time it has taken to progress things. Aviva did pass Mr B's concerns onto the appointed Solicitors on each occasion, and I can see that they chased them where necessary. But the proceedings Mr B is involved in are not straightforward. As things stand the appointed Solicitors could not take on this claim until another firm pursuing Aviva's outlay was able to stand down in the litigation. This was so the appointed Solicitors could pursue both Aviva's outlay and Mr B's claim for bodily injury together to ensure that Mr B wasn't prejudiced by separate proceedings. I appreciate this means the progress of Mr B's claim has been slower than he would have wanted it to be and I accept that it has taken a toll on



his health as he says. But this isn't something I can hold Aviva responsible for. Aviva have sought to ensure Mr B's claim isn't prejudiced by appointing representatives in this way and I can't hold them responsible for the time it has taken as they are not in control of the proceedings that govern this. From what I've seen the proceedings have taken longer than expected as a result of the third party's stance too, which Aviva aren't able to control.

Mr B is unhappy that Aviva referred him to the firm that was pursuing their outlay for updates on the litigation at one point. I can see that Aviva's claims handlers were no longer instructed by Aviva because the appointed Solicitors had taken over his claim. Looking at the context in which the direction was made, I don't think Aviva acted unreasonably here. Mr B was seeking updates on whether the third party had accepted liability. As Aviva weren't handling the litigation themselves, they said the best option was for Mr B to contact the relevant firm himself. I appreciate Mr B might not have wanted to do so but given Aviva didn't have up to date information available to them, I think it was reasonable to signpost him to the relevant firm where he could obtain that information. And I don't think that's something they needed to do for him themselves as part of his claim.

Mr B says Aviva's online portal doesn't provide him with accurate information. It's not clear whether his submissions relate to the portals for the other firms of Solicitors involved in his claim. From what Aviva said, they share a portal with the third-party insurer and the information on it in June 2023 was correct in so far as it stated that the third party accepted liability. Whilst that was true then, the third party are yet to reimburse Aviva for their outlay, and the matter is still ongoing. Mr B is in any event aware of where things stand with the third party in this case so I'm not sure why the status of the portal would be of concern to him.

I understand that Mr B feels there have been a catalogue of errors on Aviva's part throughout their handling of his claim. I understand that he's found it hard to deal with Aviva, but our role is not to comment on each and every aspect of his claim, nor to claims handle for him. Rather it's to look at whether Aviva treated him unfairly. I accept that there have been some minor errors along the way, like when Aviva said they were waiting on a response from the original firm they appointed when they should have clarified it was actually the firm they instructed to recover their outlay. But they corrected this misinformation very quickly and apologised, which is what I would expect to see in such circumstances. And given the matters he's complained about don't appear to have had any obvious detriment to his claim, I don't think I can reasonably say that Aviva did something wrong, such that they need to put things right. Ultimately, Aviva are the funders of his litigation. They can't control how that litigation unfolds with certainty of how the appointed firm manages the litigation.

Finally, Mr B is unhappy about the actions of the third party and their Solicitor. Again, this is not something I can hold Aviva responsible for. I appreciate Mr B's claim is causing him considerable stress and frustration. Whilst I'm sorry to hear about the impact this has had on him, I can't say that Aviva have treated him unfairly.



**My final decision**

For the reasons set out above, I don't uphold Mr B's complaint against Aviva Insurance Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 25 November 2025.

Lale Hussein-Venn  
**Ombudsman**