

The complaint

Mr H complains about Arc Legal Assistance Limited ("Arc") for failing to answer his calls when he needed to use his home emergency cover. He wants Arc to increase its offer of compensation to reflect his distress.

What happened

Mr H insured his home and also held additional home emergency cover. His home emergency cover was administered by Arc.

In March 2023, Mr H suffered a burglary. Intruders broke into his home while he and others were there and took car and house keys, along with other items.

Mr H called out the police and tried to call Arc, to get help in securing his home and changing the property locks. He called Arc twice, at around 2.30 am and 3.00 am.

Neither call was answered, despite ringing for a long period.

Mr H had to stay up to ensure his home was secure, and it appears that the intruders tried to return, before he scared them away.

The following day, Mr H contacted his home insurer, and they were able to provide a contractor to secure his home.

Mr H contacted Arc and submitted a complaint. The agent he spoke with explained that the business had experienced technical difficulties the previous night and that had meant that calls were not answered.

Arc responded to Mr H's complaint. It upheld his complaint and apologised. It offered him £50 compensation.

Mr H was not happy and contacted us.

Our investigator looked into this matter and did not recommend that Arc do anything further. Mr H did not accept that view and asked for an ombudsman 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.

Firstly, I extend my sympathies to Mr H. The burglary he experienced sounds extremely distressing, and I can understand how he would have felt with his home being left insecure after the break in.

I do, however, agree with my colleague's view and I do not ask Arc to do anything further.

Arc has accepted, and I agree, that it failed to provide a proper service when it did not

answer his calls in the early hours of the morning after the burglary. It has explained that it experienced a technical issue and has apologised and offered compensation.

I appreciate that Mr H does not think that the compensation offered is sufficient to reflect the upset he experienced and I agree that it does not, but I consider that the upset he felt was primarily caused by the burglary, rather than by Arc's failure to answer his two calls. I understand that this failure will have exacerbated his upset, but he was able to get his other insurer to secure his home the following day.

I have considered what Arc would have been able to do if it had not failed to answer the calls and, it ought to have made a claim to Mr H's home emergency insurer which ought to have secured Mr H's home.

In my view, Arc's failure meant that Mr H experienced a delay in getting his home secured, but fortunately this was less than a day.

Mr H has explained that he feels that Arc ought to pay him around £500 compensation. I understand his view but I do not agree, and the sum that Arc has offered is in line with our approach to compensation.

I appreciate that Mr H will remain unhappy, but I think that Arc has acted reasonably in its actions and offer since its failure, and I do not ask it to do anything further. I hope that Mr H and his family have recovered well from their experience in the burglary.

My final decision

For the reasons given above I do not uphold Mr H's complaint and I do not ask Arc Legal Assistance Limited to do anything further.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 29 December 2023.

Laura Garvin-Smith
Ombudsman