

The complaint

Mr and Mrs R are unhappy with an independent review Aviva Insurance Limited arranged of claims on their legal expenses insurance policy.

What happened

Mr and Mrs R have legal expenses insurance. Aviva is the insurer and underwrites the policy but claims are handled on behalf of Aviva by its claims handler ("A").

Mr and Mrs R made a number of claims on the policy but were unhappy with the way those claims were being dealt with, so Aviva appointed another claims handler ("L") to review the claims.

L set out its comments on each of the claims and some recommendations for how to proceed but Mr and Mrs R were unhappy with the review. And they didn't feel L was independent, saying it was part of the same group of companies as A.

Aviva didn't uphold their complaint so Mr and Mrs R referred it to this service, referring to various concerns about the way their claims had been handled. Our investigator explained that he couldn't consider anything that we had already dealt with in other complaints and his investigation was limited to considering the independent review arranged by Aviva.

The investigator didn't think this complaint should be upheld. He said:

- It was fair for Aviva to arrange the review, as this provided a way of replying to the concerns Mr and Mrs R had raised.
- The review covered each of the claims in a detailed way and included recommendations for next steps.
- When L was appointed it was independent of A and although it was incorporated into the same group of companies as A, it nevertheless carried out an independent review.

Mr and Mrs R disagree and so the complaint has been passed to me to determine.

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.

Mr and Mrs R have made a number of claims on their policy. In the course of this investigation they have referred to lots of issues concerning their claims. But we have already dealt with some of these in other complaints and issued decisions on those. I can't consider any of the points that have already been investigated.

I appreciate that Mr and Mrs R have found themselves in very difficult circumstances over recent years and dealing with these claims has been very upsetting for them. They have concerns about the way the claims have been dealt with and the way various solicitors have handled their cases. I can't consider any actions taken by the solicitors. And in this decision

I'm only considering the specific complaint about the independent review Aviva arranged. I know this will be very disappointing for them but I can't comment on all of the issues they have raised.

Turning to this complaint, I've taken into account the requirement for insurers to deal with claims promptly and fairly, and that they shouldn't reject claims unreasonably.

Aviva had a number of claims from Mr and Mrs R. It referred them to solicitors to assess and, where cover was provided under the policy, to act for Mr and Mrs R. But they were unhappy with the way the claims were being handled and raised various concerns. In these circumstances I think it was reasonable for Aviva to arrange a review. It meant someone independent could look into their concerns and check that the claims were being dealt with correctly.

When Aviva appointed L to carry out the review it was going through the process of being incorporated within the same group of companies as A. So L was a separate company when it was asked to carry out the review. Even when it became part of the group, it remained a separate company and the assessor was sufficiently independent to review things with a fresh pair of eyes. I don't think there was any reason why Aviva should not have appointed them to carry out the review.

The assessor gave a review of each claim and recommendations for how to proceed with them. In the circumstances think that was a reasonable way to deal with the claims.

Mr and Mrs R have referred to ongoing issues with some of their claims but I can't consider those within this decision. If they remain unhappy with the way any of the ongoing claims are being dealt with they can make fresh complaints and, if unhappy with the response from Aviva or from A on its behalf, we may potentially be able to consider those as fresh complaints.

My final decision

My final decision is that I don't uphold the complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr R and Mrs R to accept or reject my decision before 23 August 2023.

Peter Whiteley
Ombudsman