

The complaint

Miss J and Mr S's complaint is about a claim Miss J made on their U K Insurance Limited ('UKI') legal expenses insurance policy.

All references to UKI include their claims handlers.

What happened

Miss J made a claim on hers and Mr S' UKI legal expenses insurance policy for cover to pursue a personal injury claim.

Miss J has made several complaints against UKI which have been considered by them in a number of final response letters. This specific complaint is about the panel firm they instructed ceasing to act for Miss J, UKI offering her an alternative firm of Solicitors to act for her from their panel and UKI suggesting she could appoint her own firm of Solicitors.

Our investigator considered Miss J's complaint and concluded that it shouldn't be upheld. Miss J doesn't agree so the matter 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.

Having done so, I don't uphold Miss J's complaint. This is why.

Miss J is unhappy about the service provided by the panel firm, including a dispute about a medical expert and report. I've considered those complaints separately in a decision I issued in October 2023 in which I said that these weren't matters I could consider because they were referred to the Financial Ombudsman Service over six months after UKI issued their final response letters, and there were no circumstances that applied that meant we could look at things outside those time limits.

In this complaint, Miss J wants me to consider the conduct of the panel firm when they decided to stop acting for her. But that's not something I can determine either. The panel firm's conduct falls outside my remit because they are independent professionals with their own codes of conduct and regulator. If Miss J remains unhappy with their decision to stop acting for her, then the recourse open to her is to raise this with them directly or complain to the Legal Ombudsman. I understand this is a route she's pursued. I can't however comment any further on that.

Where a policyholder is unhappy with the firm of Solicitors appointed by an insurer, and they raise this with the insurer, I'd expect the insurer to raise this with the panel firm and where appropriate, take proactive action. In this case UKI did that. In Miss J's case, both firms of appointed by UKI stopped acting for her because they felt there had been a breakdown in their relationship. Despite this UKI asked the first panel firm whether they'd represent her again when the second panel firm stopped acting for her. They did this but also stopped

acting for her for similar reasons as before. So, I think UKI did what they could to secure Miss J alternative representation when relations broke down with the panel firms.

Following both firms ceasing to act for her, UKI said that Miss J should find a Solicitor to act for her. Given the reasons why both panel firms appointed stopped acting for Miss J, I think this was reasonable in the circumstances. I appreciate that Miss J has said she had trouble finding a Solicitor of her own because of the time limit left to run on her claim, but I don't think this is something UKI were responsible for. UKI could have taken the view that Miss J was in breach of her policy terms for failing to cooperate with the panel firms because of the reasons they cited for ceasing to act for her. That was a legitimate policy term they could have relied on to refuse to provide cover at all going forward. Given they didn't do that and gave her the option to find her own Solicitor, I think UKI did all they could to assist her in the circumstances.

When reaching my decision, I can assure Miss J I've taken into account her difficult personal circumstances and the impact this has had on her but there's nothing that makes me think UKI treated her unfairly.

My final decision

For the reasons I've set out above, I don't uphold Miss J and Mr S' complaint against U K Insurance Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss J and Mr S to accept or reject my decision before 9 January 2024.

Lale Hussein-Venn
Ombudsman