

The complaint

Mr C complains that Aviva Insurance Limited took too long to resolve a claim under his motor legal expenses insurance policy.

What happened

The detailed background to the complaint is well known to both parties, so I only intend to provide a brief summary of the key events here.

- In 2018, Mr C was involved in a road traffic accident when his car was hit from behind by a third party.
- Aviva settled the claim and instructed solicitors to recover its outlay from the third party's insurers (TPI). Mr C's uninsured losses were included.
- TPI agreed to pay the outlay and losses in November 2022, two months before the case was due in court.
- Mr C raised a complaint as it had taken four years to recover his losses. He says he was asked to fill out multiple forms and dealt with several firms of solicitors who caused delays. He wants Aviva to pay compensation for the distress and inconvenience this has caused him.
- Aviva didn't uphold the complaint, so Mr C brought it to our service. But our Investigator couldn't find any avoidable delays which Aviva were responsible for, so he didn't think it needed to do anything to put things right.
- As Mr C didn't agree, his complaint has been passed to me to decide.

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'll start by clarifying that complaints about the advice, service, or conduct of a firm of solicitors fall outside the remit of our service. Solicitors have their own rules and regulations, and complaints about them can be referred to the Legal Ombudsman.
- As solicitors are independent of Aviva and don't work on its behalf, we wouldn't hold Aviva liable for their actions. The solicitors have the sole responsibility for the day to day conduct of the legal case. While they may be obliged to provide Aviva with updates and seek permission for any major steps in the litigation, Aviva isn't required to monitor or supervise the way in which the solicitors progress a claim.
- I understand that Mr C was unhappy with the solicitors first appointed on his claim and he raised concerns to Aviva. As a result, Aviva changed the firm of solicitors. I'm

satisfied this was the right action to take in the circumstances and I can't fairly expect Aviva to do anything more than that.

- Legal action can be a lengthy process and it's unfortunate that this case took four years to conclude. But I haven't identified that this was a result of anything Aviva did or didn't do. As a party to the litigation with its own losses to recover, Aviva would've been just as keen as Mr C to see the claim resolved.
- From the information available, I can see that the TPI disputed liability and filed a defence. There were also delays in receiving the police report. And a witness was required to give evidence. This was also during a time of national lockdown due to Covid-19, which had an impact on how firms were able to operate and caused backlogs in the court system following its closure.
- Whilst Mr C may believe this could've all progressed more quickly, I haven't seen any delays which Aviva are responsible for. So I won't be asking it to do anything more to put things right.

My final decision

For the reasons I've explained, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 27 September 2023.

Sheryl Sibley
Ombudsman