

The complaint

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

Miss J is unhappy that a member of UKI staff spoke inappropriately to her in phone calls that took place in November and December 2022, that a call with UKI's panel firm wasn't recorded properly and that she received letters from the Court and panel firm saying the panel firm would receive papers about her legal claim after they stopped acting for her.

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 for these reasons:

- UKI have accepted that the content of the calls Miss J had with a member of their staff was inappropriate. That was because the person she spoke to talked about their own personal mental health problems, family circumstances and told her other personal things. UKI have apologised and paid Miss J £400 in compensation for this. So, the issue for me to decide is whether that's enough to compensate her.
- I don't think the person Miss J spoke to intended to make her feel uncomfortable, but I appreciate why this might have caused her concern on reflection, especially given her own personal circumstances. Given what she's said about the impact of these conversations on her, I think £400 is adequate compensation. That's because that figure is representative of situations where a business does something that causes a consumer quite a lot of stress and worry and I can see why the tone of the conversations Miss J had would have had that effect on her in this case.
- Miss J was concerned that UKI told the panel firm that she had a developmental disorder, when this wasn't correct. There's nothing in the calls I've listened to or the correspondence I've seen that supports this so I can't say UKI did tell the panel firm this. Miss J was invited to supply the email she said she saw in which this was contained but hasn't provided anything. As such I can't say UKI did something wrong here.
- Miss J is unhappy that a call between her with UKI wasn't properly recorded. Whilst this is unfortunate, our role isn't to punish businesses in circumstances where things haven't gone as they should. And given I've already determined that UKI did something wrong and Miss J hasn't said anything that makes me think the advisor she spoke to during the call recording that cut off did anything more than talk to her about his personal circumstances, which I appreciate might have caused her to feel uncomfortable on

reflection, I don't think any further compensation is appropriate here.

- I haven't seen anything that supports Miss J received letters from the Court and panel firm saying the panel firm would receive papers about her legal claim after they stopped acting for her. I have seen a Court Order setting out that the panel firm were no longer acting for her and that she would be classed as a litigant in person. It's normal for that Order to be sent to the panel firm because they were a party to that application. But that doesn't mean they were sent correspondence about Miss J's legal claim after they stopped acting for her specifically.
- Miss J has given reasons why the panel firm stopped acting for her which she doesn't consider to be reasonable. I can't determine whether the panel firm were right to stop acting for her as the actions of those Solicitors aren't within my remit. That complaint point is the subject of another complaint she's brought to the Financial Ombudsman Service and which I've determined by way of a different final decision of today's date, so I won't be dealing with it here.
- Miss J has said that UKI's conduct- particularly in relation to their asking for evidence from her that the panel firm had said they weren't going to be sent court documents and providing her with referral rights to the Financial Ombudsman Service- made her feel discriminated against. I don't agree that the approach UKI applied here meant Miss J was treated unfairly in her circumstances nor that UKI were wrong to ask her for evidence of the assertions she'd made when they had evidence to the contrary.
- In response to the investigator's view, Miss J has said that UKI allowed her claim to be abandoned for no good reason, that they didn't get the panel firm to ask the neurologist to amend his report and that they left her to deal with the claim herself. She also said she wants to be released from her obligations to UKI without charge and for them to understand how bad their panel firm was, and she feels UKI have behaved unprofessionally. I can't consider these complaints here. Some of them have already been raised with the Financial Ombudsman Service and addressed in final decisions issued by me both in October 2023 and in another decision of today's date. Others have not been raised with UKI at all and they don't form the subject matter of the complaints she brought in this particular case. Miss J is free to raise her complaint about not being released from her obligations with UKI without charge with UKI directly if she hasn't already done so.

For these reasons, I don't uphold Miss J and Mr S's complaint.

My final decision

I don't uphold Miss J and Mr S'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