

## **The complaint**

Miss P's complaint is about delays and the general handling of a number of claims she made on her Royal & Sun Alliance Insurance Limited ('RSA') legal expenses insurance policy.

All references to RSA include their claims handlers.

## **What happened**

Miss P made three claims for professional negligence on her RSA legal expenses insurance policy. She says she sent RSA all of the documents relating to those claims, but they failed to process them properly. She complains of delays, the panel firms reaching outcomes she didn't think were accurate as well as RSA failing to deal with her complaints properly.

Miss P wants an apology from RSA, financial compensation, her claims processed in a timely manner and for all the questions she's raised to be addressed.

RSA considered Miss P's complaints and accepted that there were a number of service failings on their part. They said that in relation to one of her claims, Miss P asked to be called back twice, but her calls weren't returned. RSA apologised for this and offered Miss P £50 in compensation for this. They also recognised that there was a delay of about 2 months in Miss P's files being properly shared with the panel firm appointed, for which they also apologised and offered her £100 in compensation for the distress and inconvenience caused. Beyond this, RSA didn't agree they had done anything else wrong. Unhappy, Miss P referred her complaint to the Financial Ombudsman Service.

Our investigator considered Miss P's complaint but didn't think it should be upheld. She said she thought the compensation RSA had offered her was adequate to compensate her for the impact of the distress and inconvenience they'd caused. The investigator didn't think RSA was responsible for the actions of their panel firms and that where there were delays, RSA chased them in a timely manner. Miss P 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 won't be upholding Miss P's complaint against RSA.

Miss P has made both detailed and lengthy submissions about her complaints against RSA. I don't intend to address them individually. That's not intended to be disrespectful to Miss P. The approach I've taken to determining her complaint is representative of the informal service we provide.

I can see that Miss P has also made a number of other submissions after she made her complaint to RSA, which RSA haven't had the opportunity to address. I won't be considering those here because the nature of the service we provide means that both parties need to be

given the opportunity to properly consider each other's cases and comment on them accordingly. And we don't generally consider additional or new submissions made after the time for a business to comment on them from the outset has passed.

Looking at the nature of the complaints Miss P has made, I agree that there were service failings by RSA. RSA themselves accepted this was the case with regard to returning Miss P's calls and allocating one of her claims to a panel firm in a timely manner. Miss P has also talked about a time where RSA failed to respond to one of her emails. In addition, she's unhappy that RSA didn't acknowledge her initial complaint and didn't relay the apologies of the panel firms to her. Even if I upheld all of these complaints, I wouldn't award more than the £150 RSA have offered to compensate Miss P for the failings they've accepted. That's because I'm not persuaded there was a significant impact on Miss P beyond the frustration and inconvenience caused that warrants a higher award. So, I think that the amount RSA have offered adequately compensates her for the complaints she's made in respect of the service she received. I know Miss P feels she should be entitled to more in light of her health conditions, but I think the sum offered is enough to recognise the added stress this might have caused her in her particular circumstances and it's consistent with the types of awards we make in similar matters.

I appreciate that Miss P is unhappy with how the panel firms dealt with her claims, but I can't comment on that. They are separate firms of professionals with their own codes of conduct and a separate regulator. If Miss P remains unhappy with their actions, she can complain to them directly or to The Legal Ombudsman. From what I can see, when Miss P raised concerns with RSA about queries she'd raised that weren't responded to, RSA addressed these by chasing the panel firm for responses where needed. That's in line with what I would expect to see.

Miss P is also unhappy about the conclusions the panel firms reached in respect of her claims- specifically that they didn't have reasonable prospects of success. It's a requirement of virtually all legal expenses insurance policies that any intended claim has a reasonable prospect of succeeding. Miss P's policy is no exception. That means her claims needed to have over 51% prospects of success in order for RSA to cover them.

Our role isn't to evaluate the advice being given to an insurer by a firm of Solicitors or a Barrister. Instead, and as the investigator explained, we look at whether the insurer has acted fairly. So long as they have got advice from suitably qualified lawyers, we won't generally question their reliance on that advice, unless we think it was obviously wrong or based on factual mistakes. RSA did this. And they obtained a Barrister's opinion where they thought this was more appropriate. I think that was reasonable in the circumstances. If Miss P remains unhappy with opinions she's received, she can challenge them by obtaining her own legal opinion from a legal professional of equal standing to the professionals that provided the advice. If that happens, I'd expect RSA to reconsider her claims.

**My final decision**

For the reasons set out above, I don't uphold Miss P's complaint against Royal & Sun Alliance Insurance Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss P to accept or reject my decision before 18 December 2023.

Lale Hussein-Venn  
**Ombudsman**