

The complaint

Mrs P complains DAS Legal Expenses Insurance Company Limited handled her home emergency claim poorly.

What happened

In August 2021 Mrs P made a claim on her DAS home emergency policy. She wanted DAS to deal with a rat infestation in her home. It accepted the claim and sent a contractor to begin prevention work. However, as Mrs P was unhappy with its service she instructed her own pest control contractor.

In September 2021 DAS responded to a complaint from Mrs P. It accepted there was a delay to the initial visit to her home. DAS apologised for the delay. It offered Mrs P £30 compensation to recognise any distress and inconvenience caused. She wasn't satisfied with the response. She asked DAS to reimburse her the £300 she paid her own contractor. It refused the request, saying it hadn't agreed to the work beforehand.

In May 2022 our investigator considered the complaint. She didn't recommend DAS reimburse Mrs P the £300. But she felt it should increase its offer of compensation to £100. DAS didn't object, but Mrs P did. She wants to be reimbursed what she spent on her contractor. So the complaint was 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.

As this is an informal service, I haven't addressed here every point or piece of information provided for this complaint. Instead I've focused on what I consider to be the key issues and evidence. But I would like to reassure Mrs P and DAS that I've considered everything they provided.

Mrs P's policy says DAS will arrange and pay for a contractor to take action to resolve an emergency caused by an insured event. Vermin infestation which prevents the use of the loft or one or more rooms is listed as an insured event.

The policy also says DAS won't pay for any work it hasn't authorised in advance. Mrs P didn't receive authorisation to arrange her own contractor. However, if I thought DAS hadn't taken reasonable steps to try to resolve the infestation, I might decide it would be fair for it to reimburse Mrs P anyway.

Mrs P felt DAS's pest control service was inadequate. As she was concerned about the potential health impact she arranged her own contractor. I've considered her points including how long DAS's contractor spent at her home, the type of poison used and time between visits. She feels that had she not arranged her own pest control she would still have an infestation.

However, having also considered DAS's comments I can't say it was given a reasonable opportunity to deal with the infestation. It's explained its infestation programme and what happened at each visit. It says an infestation usually takes two to four weeks to deal with. I accept its possible DAS's service may not have been successful - but unfortunately it wasn't given reasonable time to try to resolve the problem. So it wouldn't be fair for me to require it to reimburse Mrs P's costs.

Our investigator said DAS should pay Mrs P £100 compensation in total. Having considered everything that seems a reasonable amount to recognise the unnecessary distress and inconvenience it caused her by cancelling two appointments. The visits did take place at later dates. But the delays caused Mrs P additional distress and inconvenience at a time when she was already concerned about the health and safety of her family.

My final decision

For the reasons given above, I require DAS Legal Expenses Insurance Company Limited to pay Mrs P a total of £100 compensation (including the £30 already offered).

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs P to accept or reject my decision before 7 July 2022.

Daniel Martin
Ombudsman