

The complaint

Mrs S is unhappy about how British Gas Insurance Limited dealt with claims under her home emergency policy.

What happened

In October 2018, Mrs S contacted British Gas because there was a water leak in her bathroom. She said an engineer attended and spent less than two minutes at her home. He lifted a tile and told her that there was nothing wrong in the bathroom.

In April 2019, Mrs S contacted British Gas again for the same issue, as the problem had got worse. The engineer took photos of the damage caused by the leak, told Mrs S there was no problem and that she should apply silicone. Mrs S asked if a leak detector could be used to trace the problem. The engineer spoke to someone else about this and they laughed and decided it wasn't necessary. Mrs S says she felt angry and belittled.

Mrs S then contacted a private plumber, who identified that the bath was collapsing and the sink was tilting. This was due to a leak in a neighbouring property. As a result, Mrs S made a claim on her home insurance. She and her family had to move into a hotel for a number of weeks so the issue could be resolved.

Mrs S complained to British Gas about the October 2018 visit. British Gas apologised for the engineer's conduct and said that an internal investigation would be conducted.

Mrs S complained to this service. Our investigator upheld the complaint and said that British Gas should pay Mrs S £150 for the distress and inconvenience caused. British Gas said that £150 was too much money, but it would pay £100. Mrs S said that £150 was not enough for the level of disruption that she experienced.

As neither party accepted the investigator's view, the case has been referred to me for a final decision.

I issued my provisional decision on 8 June 2020. In my provisional decision, I explained the reasons why I was planning to uphold the complaint. I said:

"The first issue is whether the October 2018 engineer's visit was of a satisfactory standard. According to British Gas' records, the engineer who visited in October 2018 repaired the bath waste. Its records also show British Gas phoned her two days after the visit to check her level of satisfaction. The notes said "Happy call complete, customer wanted the report sent over to her". I am aware that Mrs S says that she does not remember being contacted by British Gas to check whether she was satisfied with the visit. I asked British Gas for the call recording. It told me that at that time it didn't record the calls, so was unable to provide one.

When British Gas responded to Mrs S's complaint, it said "The local office manager spoke with you ... An apology was given for the engineer's conduct and you were advised that an internal investigation would be conducted". I asked British Gas what about the engineer's conduct required an apology and for the outcome of the internal investigation. British Gas

told me the local office manager and the person who investigated the complaint had both left the organisation, so it wasn't possible to tell me the reason for the apology or the outcome of the investigation. It said that particular engineer had an "outstanding track record" and that it thought the apology was for the overall situation and because the customer was unhappy, as it was general practice to apologise for the inconvenience caused.

Mrs S said a second engineer's visit, in April 2019, was also unsatisfactory. I asked British Gas about this visit, including why the record of the visit appeared to give a date a few weeks after it actually took place. British Gas wasn't able to explain this. I therefore don't know when the record was completed or how accurate it is.

I asked British Gas about its efforts to identify the source of the leak and, again, due to a lack of records, it was unable to provide any details. However, British Gas said that by telling Mrs S that she needed to replace the sealant it had therefore identified the underlying issue. British Gas said that although the records didn't say that the engineer had identified that the leak was coming from a neighbouring property, if he had, he would have informed the customer as that was company practice.

Following the second visit, Mrs S paid for a private plumber to attend, who identified a leak from a neighbouring property. Mrs S then claimed on her home insurance. The insurer's inspection report said: *"There is a high possibility that water has been leaking through the damaged silicone seal for years and eventually caused the floor to rot and collapse causing the current damage."*

I have thought about all of the above. Although I accept that the engineer who visited in October 2018 might normally have received good feedback, I think the evidence clearly shows that there was an issue with the visit. When Mrs S complained about the engineer's conduct, British Gas investigated and specifically apologised for the engineer's conduct and said an internal investigation would take place. The complaint handler who then wrote to Mrs S followed the "general practice" of apologising for the inconvenience caused, but also repeated that British Gas had apologised for the engineer's conduct. Given that those people were familiar with the details of the case, I'm satisfied that there were issues with the engineer's conduct which meant that the visit was unsatisfactory.

For the second visit, it seems there is agreement that the only advice given by British Gas was for some sealant to be applied.

The question is whether British Gas should have done more to find the source of the leak. The issue was, ultimately, dealt with under a home insurance claim. The insurer assessed that it was a high possibility that the water had been leaking for years. On that basis, I am currently of the view that British Gas wasn't fair or reasonable in how it dealt with the claim and that if the engineer had investigated more in October 2018, it is highly likely that he would have found the source of the leak. Mrs S might still have needed to claim on her home insurance, but she could have done so sooner and it might have limited the extent of the damage.

I am currently minded to require British Gas to refund the £50 excess that Mrs S paid for the October 2018 engineer's visit and £300 for the distress and inconvenience caused by the circumstances of this case, including that she felt she was belittled by an engineer and that her concerns were ignored."

I asked both parties to send me any more information or evidence they wanted me to look at by 8 July 2020

British Gas said that it had no further evidence to provide, but that it thought the amount of compensation was too high.

Mrs S provided a copy of a bank transaction that she said was the payment to the private plumber who she had to call out to find the leak.

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've decided to uphold the complaint. I remain of the view that what I said in my provisional decision about the money British Gas should refund and the level of compensation that it should pay is appropriate in the circumstances of this case.

Putting things right

British Gas must refund the £50 excess that Mrs S paid for the October 2018 engineer's visit and £300 for the distress and inconvenience caused by the circumstances of this case, including that she felt she was belittled by an engineer and that her concerns were ignored.

My final decision

For the reasons I've given above and in my provisional decision, my final decision is that I uphold this complaint and that British Gas Insurance Limited is required to:

- Refund the £50 excess that Mrs S paid and pay 8% simple interest* from the time she paid the excess to the date of settlement.
- Pay Mrs S £300 compensation for the distress and inconvenience caused.
- Pay the compensation within 28 days of the date on which we tell it Mrs S accepts my final decision. If it pays later than this it must also pay interest on the compensation from the date of my final decision to the date of payment at 8% a year simple.

*If British Gas Insurance Limited considers that it's required by HM Revenue & Customs to deduct income tax from that interest, it should tell Mrs S how much it's taken off. It should also give Mrs S a certificate showing this if she asks for one, so she can reclaim the tax from HM Revenue & Customs if appropriate.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs S to accept or reject my decision before 6 August 2020.

Louise O'Sullivan
Ombudsman