

## **The complaint**

Mr M is unhappy that British Gas Insurance Limited declined claims under his home emergency policy following a heating problem and a burst water tank.

## **What happened**

Mr M had a British Gas homecare policy which covered his boiler and included an annual service. In February 2020 an engineer came to service the unit. But he said the boiler was leaking emissions from the flue and needed to be turned off and isolated. Mr M and his wife are both disabled and vulnerable and they were left without any heating overnight.

The following day another engineer arrived with some heaters. But the second engineer said the repairs wouldn't be covered by the homecare policy as the flue was over one metre long. And he suggested a number of options for repairing or replacing the heating system.

Mr M said the water tank in the loft began leaking a week or so after the engineer had turned off the heating. Another British Gas engineer drained the tank before turning off its water supply. But he didn't try and fix the leak. Mr M said he wasn't aware the flue wasn't covered. He's found the situation very stressful. And he should've been offered a discount to the replacement quote from British Gas as he'd been a loyal customer for many years. Mr M says he and his wife were without normal heating for four weeks. And his electricity bill was much higher because of the portable heaters. So he wants compensation for the stress and inconvenience.

British Gas said it'd attended the property on a large number of occasions in the last ten years. And it'd advised Mr M that the system was getting old and difficult to repair. British Gas said its engineer had taken the right action by isolating the boiler.

The flue wasn't covered under the terms and conditions of the policy. So the engineer had given some options for repairs, replacing the full system or asking for a third-party quote. The engineer also told Mr M they could still get hot water from the immersion tank.

British Gas said Mr M called back later that day but unfortunately a different engineer went to the wrong property and Mr M was visited the following day to complete some tests and discuss the various options. British Gas said it also provided some fan heaters to Mr M. Its heating sales adviser visited Mr M and provided a quote to replace the full system, but Mr M hadn't followed it up.

British Gas said a number of different parties had also visited Mr M to look at the problem. And a new heating system had now been installed via the local council. So it felt any of them could've potentially caused the water cylinder to leak and it wouldn't take responsibility for the problem. It'd acted correctly within the terms and conditions of the cover.

Mr M wasn't satisfied with British Gas' response. So he contacted our service and our investigator looked into the matter. She could see Mr and Mrs M were both very vulnerable with daily carers. And it was the carers who'd help them apply for a grant for a new heating system.

British Gas' terms and conditions stated it wouldn't cover repairs or replacements to flues that were over one metre in length. So she could see why it'd applied the exclusion and declined the claim. But given how vulnerable Mr and Mrs M were, she didn't think it was right they were left without any alternative heating until the next day.

Our investigator said the policy covered repairs to the hot-water cylinder and cold-water tanks. So Mr M's leak should've been dealt with. Instead British Gas had referred Mr M to the third party who'd installed the new boiler. But the new system hadn't been installed until over three weeks later. And she thought British Gas could've done more to help. Mr and Mrs M had been left without a proper heating system for four weeks. And she recommended British Gas consider £500 compensation for the trouble and upset caused.

British Gas didn't agree. So it's asked for an ombudsman's final decision. Fan heaters had been left the following day. And Mr and Mrs M did have other forms of hot water available. British Gas said there were third parties present when it'd come to look at the water tank. And when the sales adviser had attended there were multiple tradesmen also quoting for the same work and trying to repair the problem. So it felt it was possible the leak could've been caused by one of the third parties. And it wouldn't be covered by the service contract.

### **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.

Mr M had a homecare agreement with British Gas to help look after his heating system. Both Mr and Mrs M are very vulnerable and have daily carers to help. So they would've relied on the cover provided by British Gas for peace of mind. And I can understand their concern when the engineer said the flue wasn't covered and he had to turn off the heating for safety reasons.

British Gas says its terms and conditions make it clear it would only work on flues up to one metre in length. And I think British Gas did the right thing when it discovered the flue was causing potentially dangerous fumes. It needed to make sure Mr and Mrs M were safe. So it shut down the heating and hot water system. Although it says Mr M could've still got hot water from a different source.

But British Gas left a vulnerable couple without heating overnight and a planned return visit that day didn't happen because the engineer went to the wrong address. Mr M says the second engineer said the first engineer should've arranged some alternative heating immediately. And I think that's right, especially given Mr and Mrs M's situation.

On follow-up visits Mr M was advised the whole heating system should be replaced. British Gas said it was quite old and becoming difficult to repair. But although British Gas provided a quotation for around £6000 it didn't mention whether financing or grants might be available.

I realise Mr M didn't get back to British Gas about what he wanted to do. But the couple are quite elderly and need daily care. And it must've been very confusing and worrying to be without proper heating and facing a large replacement cost.

I understand the carers who visit every day were responsible for looking into a grant to help Mr and Mrs M. But they had to wait for around four weeks before the council were able to arrange the installation of a new system. And during that wait they had to rely on electric heaters which added about £400 to their electricity bill.

Mr M said the leaking water tank damaged some linen and bedding. And the leak happened about three weeks before the new boiler was installed. So British Gas should've repaired the leak under the homecare policy.

Mr M has confirmed the only engineers who attended his property were from British Gas. He'd had other tradesman installing insulation. And the firm who installed the new system had used the British Gas survey to plan the new system. They hadn't attended before the actual fitting.

Although I think British Gas was entitled to decline the initial claim when it discovered the flue was outside the length covered by the homecare policy, I do think it should've done more to sort out some overnight heating for Mr and Mrs M.

And I do think it should've responded differently when Mr M reported a leak from the water tank. It was aware Mr and Mrs M were vulnerable and in difficulty. And although they hadn't decided on a replacement system through British Gas they were still covered by the homecare policy. Mr M said one of its engineers told him the previous engineer should've drained the tank and turned off the water supply to it when the heating system had been turned off. So it's possible the leak could've been avoided if British Gas had dealt with the first problem differently.

British Gas says other parties were also looking at the heating system and its possible one of them was responsible for the tank leaking. So it told Mr M to contact the company who'd installed his new heating system. British Gas' engineers and sales adviser said they'd seen other tradesmen at the property. But Mr M said that related to his housing insulation.

I wouldn't expect British Gas to cover damage caused by another business. But it seems the leak occurred before the new system was installed. And I've not seen any evidence to suggest anyone else was responsible for causing the leak. So I don't think it was right for British Gas to decline the claim and leave the leak unfixed. It would only have added to the distress and inconvenience Mr and Mrs M were already suffering.

I can see Mr M has now obtained help from his local council and a new heating system has been fitted. But he and his wife were without central heating or hot water for over three weeks. And they are both vulnerable and at risk of serious health problems.

British Gas was entitled to rely on the terms and conditions of the homecare policy to decline to repair the flue. But I think it could've done more to help Mr and Mrs M through a very difficult time. And the leak should've been fixed under the policy which covers 'all repairs to the plumbing system on your property including: the hot water cylinder and cold- water tanks....'

### **Putting things right**

I don't underestimate the upset this has caused Mr and Mrs M. Based on everything I've seen I think British Gas was wrong to decline the claim for the leaking water tank. A vulnerable couple were without a proper heating and hot water system for nearly a month. And it was the efforts of their carers who helped them through such a difficult situation and to find financing for a new system.

As a new heating system has now been installed I think it's right that British Gas compensate Mr M for the considerable trouble and upset he was put through. I can see our investigator recommended British Gas pay Mr M £500 compensation. And I think that's the right amount for the trouble, worry and inconvenience caused.

**My final decision**

My final decision is that British Gas Insurance Limited should pay Mr M £500 for the trouble and upset he's experienced.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 23 December 2020.

Andrew Mason  
**Ombudsman**