

The complaint

Mrs H complains that Amtrust Europe Limited (Amtrust) declined a claim for damage caused by a leak from her boiler and provided poor service under her home emergency policy.

What happened

Mrs H had her boiler serviced, but it broke down a few weeks later. Amtrust attended and made a repair and the boiler worked as normal afterwards. But a few weeks later hot water began pouring out of the boiler in the early hours of the morning. The water supply was turned off at the mains, but hot water continued to drain from the boiler, soaking walls, the kitchen worktop and a convection oven and microwave.

Mrs H called Amtrust's emergency helpline and gave the details. She says she told it she was without running water and had children in the house. Amtrust said someone would call back to advise when an engineer would attend. Mrs H says she stayed up the rest of the night but Amtrust didn't call back, so she called again around 9.00 a.m. and was told no engineer had been booked. Amtrust said an engineer would attend between 12.00 and 6.00 p.m. that day.

Mrs H's husband took the day off work and Mrs H went in late. When the engineer arrived, he discovered a pipe was disconnected and said another pipe was blocked. Mrs H says the engineer asked her husband where the securing clip for the disconnected pipe was. This couldn't be found so the engineer had to return the next day to finish the repair.

Mrs H says the clip must have been left off when the engineer fixed the boiler a few weeks earlier. She says the convection/microwave oven was ruined and the kitchen damaged and she and her family had been inconvenienced by not having heating and hot water for 36 hours.

Mrs H complained to Amtrust, saying the problem must be due to the earlier repair being done incorrectly and that the emergency response provided wasn't adequate. Amtrust rejected the complaint saying it had acted appropriately in respect of the boiler. But it apologised for poor service when Mrs H made the emergency call in not immediately booking an engineer. It said it would waive two months premiums, £47.46 in total as compensation for this.

It said the earlier repair was unrelated to the failed connection clip and its engineer would have had no need to touch this part. And without the clip in place the failure would have occurred as soon as the heating was used not weeks later. It said push on clips can fail with age and it had advised at the last service, two months before the leak occurred, that the boiler should be replaced due to its age.

Mrs H referred her complaint to our service and our investigator didn't uphold it.

She said Amtrust had complied with the terms of the policy by attending within 24 hours of Mrs H's emergency call. Our investigator said it didn't appear the leak was due to the earlier work of the engineer, given this was 17 days before. She said Amtrust didn't need to do

anything further. Mrs H said the heating wasn't on all the time and the clip wouldn't have come loose by itself and the clip was missing from inside the cover so the engineer must be responsible.

As Mrs H doesn't agree it has come 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.

Having done so I am not upholding the complaint. I'll explain why.

I know my decision will disappoint Mrs H as what happened was very distressing for her and her family. Whilst I don't think Amtrust is responsible for the flood and resulting damage it may be worth Mrs H exploring whether any other insurance she holds would cover the incident like a buildings and contents policy if she hasn't already considered this.

The Emergency Response

Amtrust accepts there was problem with a call out not being booked properly after Mrs H's initial call. However, the terms and conditions of the policy says it will provide an emergency response within 24 hours of being called. And whilst Mrs H was disappointed by this initial response, Amtrust did send an engineer inside this timeframe. So, it hasn't treated Mrs H unreasonably here and it has apologised and offered compensation for this.

The Leak

Mrs H's boiler is relatively old having been installed in 2002. It is of a design using many push fit clips to secure hoses and pipework. I understand that these do become prone to sudden failure with age and can detach with some force and be lost. For this reason, this type of design is generally not a feature of modern boilers.

I can see from Amtrust's service records that it serviced the boiler around two months before the leak occurred and recommended that it be upgraded. Around a month later the boiler required repair, which perhaps indicates parts were coming towards the end of their serviceable life.

Amtrust says the leak occurred from the expansion hose connecting to the boiler's pump, which is under pressure and without the clip the hose would have detached immediately, not weeks later. I think it is unlikely that the clip was left off after the earlier repair as the problem would have occurred straightaway and on the balance of probability, I don't think Amtrust has made an error.

I can see how stressful the whole situation was for Mrs H and her family, but I can't say that Amtrust was responsible for the problem. It did attend within the timeframe set out in the policy. And I think the offer to waive two months premiums as a gesture of goodwill and the apology for the initial failure to book an appointment was reasonable, so I won't be asking it to do anything more.

My final decision

My final decision is that I do not uphold the complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs H to accept or reject my decision before 23 February 2021.

Nigel Bracken
Ombudsman