

## **The complaint**

Ms F has complained about how Astrenska Insurance Limited's agents dealt with her home emergency insurance claim. I've referred to Astrenska throughout this decision for the sake of ease when referring to their agents.

We had originally set this complaint up against the claims administrator acting for Astrenska and then against another insurer. But I have checked the policy documents and these show the insurance company responsible for what happened is Astrenska.

## **What happened**

I have not gone into great detail in this section, but I have read everything Ms F has said about what happened and I understand the full sequence of events and timeline.

Ms F's boiler in her park home stopped working, so she contacted Astrenska to ask for help. They sent out a plumber who thought the problem was due to a blockage stopping the condensate pipe from draining. He said another plumber needed to attend and Astrenska arranged this. Astrenska sent out two plumbers the next time. One of them plunged the sink in Ms F's kitchen, as he thought this would clear the blockage that was causing the problem with the condensate pipe. He said when he left the boiler was working. However, shortly after he left sewage escaped through the waste pipes in to Ms F's wet room and contaminated many items in it that were at or close to floor level. And the boiler soon stopped working again.

Ms F complained to Astrenska and they eventually fixed her boiler by replacing a couple of parts. But this took nearly a month and Ms F was left without heating and hot water for most of February. Astrenska also arranged for a cleaning company to clean up the bathroom and Ms F has said they broke the shower head.

Ms F was sure the first three plumbers had misdiagnosed the problem with her boiler and that there was no reason for the second lot of plumbers to unblock the kitchen sink. And she thought it was this that had led to sewage entering her wet room. She complained to Astrenska about this, but they wouldn't accept the plumbers they'd sent out had done anything wrong. And they refused to compensate her for the fact she'd been without heating or for the contaminated items, which Ms F has said she had to throw away.

I issued a provisional decision on 9 March 2021. In this I explained why I considered Ms F's complaint should be upheld and what I thought Astrenska should pay to put things right. I set this out in the section headed 'What I've provisionally decided – and why' as follows:

*I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.*

*It seems from the reports provided by Astrenska that the problem with her boiler had nothing to do with the blocked pipes. I say this because Astrenska's engineers eventually replaced a pressure reducing valve (PRV) and a pressure gauge. And nothing they've said suggests there was a problem with a blockage. And – as Ms F has pointed out – I think if there'd been*

*a blockage her boiler pressure would have been too high, whereas I have seen photographs showing it was too low.*

*What I can see is that plumbers came out and took action which clearly resulted in sewage getting into Ms F's wet room. There was no intervening event, so I think it must have been what Astrenska's plumbers did initially which caused this. And I agree it flows from a misdiagnosis of the problem with Ms F's boiler. As, if the plumbers had realised the problem was with the PRV, which I think as experts they should have done, they would have had no need to unblock the sink. I appreciate Ms F appears to have had some problems with the pipework under her home, but she'd not had problems with sewage coming into her wet room prior to Astrenska's plumbers attending. So, I can't see why she'd have had a problem if they hadn't misdiagnosed the issue with her boiler and taken inappropriate action.*

*The sewage clearly contaminated a large number of items and I've seen several photographs showing this. And Ms F has produced a long list. Also, Miss F has estimated the cost of replacing these items at over £2,000. It's not clear from the cleaning company's report whether any of the items could have been salvaged, but it seems likely most of them couldn't have been, bearing in mind the type of items concerned and the fact they'd been contaminated with sewage. And Ms F has said the cleaning company told her to dispose of the items. Unfortunately, we've not been able to get any information from the cleaning company on this and whether their cleaner somehow broke the shower head in Ms F's wet room. Although, it is hard to see how he managed to break the shower head bearing in mind he was cleaning up the floor. This having been said, Ms F has said how he somehow got soaked by the shower. So, it seems possible he knocked it during the cleaning process or decided to use it to get water on the floor to help with cleaning up and damaged the head in the process.*

*But – based on the evidence I have I think it is most likely most of the items Ms F has listed were contaminated by sewage coming into her wet room and could not be salvaged. And this only happened because of negligence by the plumbers originally appointed by Astrenska. And I also think it most likely the cleaner Astrenska appointed broke Ms F's shower head. Bearing in mind the replacement cost of the items concerned, this means I think Astrenska should be making a substantial payment to compensate Ms F for this loss. Obviously, it is hard to know how many of the items she's listed were partly used or what it would cost to replace them without a more detailed analysis. And I need to come up with an amount that produces a fair and reasonable outcome. So, I think £1,500 would be fair in the circumstances, as this should enable Ms F to replace the vast majority of the items, but will reflect the fact some may have been partly used and the possibility some could have been salvaged.*

*I also think Astrenska's failure to diagnose the problem with her boiler as quickly as it should have done, along with the distress of having sewage come into her home caused Ms F a great deal of distress and inconvenience. She would always have been without hot water and heating for a period. And I can see Astrenska did offer to fund some heaters, although Ms F couldn't afford to pay up front for large ones. However, bearing in mind the issue with her boiler seems as though it should have been fairly obvious, Ms F shouldn't have been without heating and hot water for more than a week or so. And she certainly shouldn't have had sewage enter her wet room. And Ms F has a disability and I can see how this made the situation even more difficult and distressing for her. So I think this warrants a substantial payment in compensation. And I think £750 is appropriate.*

I gave both parties until 23 March to provide further comments or evidence.

Ms F responded to say she agreed with what I'd provisionally decided.

Astrenska responded in detail disagreeing with what I'd provisionally decided. They don't agree the plumbers they sent out originally misdiagnosed the problem with Miss F's boiler. And they think the action the second lot of plumbers took of unblocking her kitchen waste pipe was appropriate in the circumstances. So they don't think they should have to pay Ms F compensation for distress and inconvenience or for the items she says were contaminated by sewage. They've also suggested it was waste water and not sewage that came up in Ms F's wet room. And they've also challenged the extent of the damage and the replacement cost of the items concerned.

### **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.

I corresponded with Astrenska in detail on the action taken by the plumbers they sent out. And, although I have taken into account what they've said, I still think their plumbers misdiagnosed the problem with Ms F's boiler. Astrenska has argued that it was perfectly reasonable of them to conclude there was a blockage which was stopping the condensate pipe from draining. And they also think the fact the boiler started working after this shows clearing the blockage was the right course of action. But I don't agree. I accept Ms F's testimony that the pressure in her boiler was too low. And this doesn't suggest to me that there was a problem with the condensate pipe. And Ms F has very clearly described how the plumbers Astrenska sent initially and the second time didn't really check the boiler. And I accept her testimony on this, as she has maintained throughout her complaint to Astrenska and when she complained to us that the first two sets of plumbers didn't appear to be well equipped or properly check what the problem with the boiler really was. And I think if the plumbers had carried out a proper test of the boiler they'd have realised the PRV had failed and they could then have replaced it. It seems from what Ms F has said that the engineer working separately on the damaged flu to her boiler diagnosed this as the problem. So I can't see why Astrenska's plumbers couldn't have worked this out.

If Astrenska's plumbers hadn't misdiagnosed the problem with Ms F's boiler they wouldn't have attempted to remove a blockage by plunging the sink, which Ms F has said wasn't even blocked. And it was clearly their attempts to do this which led to movement in the blockages in the pipes under Ms F's home and waste water of some sort coming into her wet room. And I still think this, along with the delay the plumber's misdiagnosis caused Ms F warrants a payment of £750 in compensation for distress and inconvenience, as set out in my provisional decision.

I have noted what Astrenska have said about the extent of the damage to the items in Ms F's wet room. And I can see why they think it was waste water and not sewage that entered it. However, the report from the cleaning company says they sanitised, which suggests to me it could well have been sewage. And I think it is possible this was the case if there were blockages in pipes leading to the soil pipe. Plus, Ms F has said it smelt like sewage. I appreciate, the latest update from the cleaning company provided by Astrenska says it wasn't sewage. Nevertheless, it was clearly contaminated water of some sort. And with Ms F's health conditions, I can understand why she was concerned and felt the items in her wet room were contaminated. And I can't see any other way Ms F's shower head could have been broken other than by the cleaning company, as I accept her testimony that it was working fine before the cleaner went in her wet room and that he came out having somehow got wet.

So I still think it was the misdiagnosis by Astrenska's plumbers which directly led to contamination of many items in Ms F's wet room and the damage to her shower head. However, I am willing to accept the extent of the damage and replacement cost is very hard

to estimate. But I also have to bear in mind Ms F is a vulnerable consumer with a disability and it was not easy for her to work out what items needed replacing. And she has provided a very comprehensive list of items. But, I've now decided that it would only be fair and reasonable to make Astrenska pay £750 to cover damaged items, as opposed to £1,500, due to the lack of clarity on the extent of the damage and the need to replace everything.

### **Putting things right**

As set out above, I think Astrenska should pay Ms F a total of £1,500 in compensation. This is made up of £750 for distress and inconvenience and £750 for damaged and contaminated items.

### **My final decision**

For the reasons set out above, and in my provisional decision, I've decided to uphold Ms F's complaint and I require Astrenska Insurance Limited to pay her £1,500.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms F to accept or reject my decision before 28 April 2021.

Robert Short  
**Ombudsman**