

The complaint

Mrs M complains about British Gas Insurance Limited (BG) who declined her claim under her home emergency policy.

What happened

Mrs M had a home emergency policy, which among other things covered her boiler for an annual service. The annual service was carried out by BG and about a month later Mrs M reported an intermittent fault with her heating system.

BG sent an engineer who adjusted the timer, topped up the pressure and repaired the fault. Mrs M didn't report any leak at the time and the engineer didn't detect any leak. On the checklist provided, the engineer indicated that he had checked for water leaks and the operation of the boiler.

Around a week later, Mrs M contacted BG and reported a water leak. It sent an engineer who found that a component part had failed. He replaced this and stopped the leak. But the leak had caused damage to Mrs M's property, so she contacted BG to complain. Mrs M said that it was because of the BG engineer's poor workmanship, in not being thorough enough during the annual service and subsequent visit, that caused the leak and damage to her property.

In its final response, BG said that the leak was as a result of a component part failing. The damage caused was because of the leak and not because of poor workmanship. It advised that Mrs M contact her home insurance provider.

Mrs M was unhappy with the outcome of her complaint and referred it to our service.

One of our investigators considered the complaint and thought it should be upheld. She concluded that the BG engineer's inspection wasn't thorough enough and had it been, the fault could've been detected earlier and may have alerted the fact that a leak was eminent. She recommended that BG pay for the damage caused to Mrs M's property as well as £300 compensation for the trouble and upset caused.

BG didn't agree with our investigator. It said that there were two separate faults. The first visit there was no report by Mrs M of a water leak, and none was detected by the engineer. The issue here was an intermittent heating issue. The subsequent visit was the water leak and the component failure, which was changed, and this rectified the leak. As there was no link between the two problems, BG couldn't be held responsible for the consequential damage. It also relied upon the policy terms and conditions. So, it asked for a decision from an ombudsman.

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.

My provisional decision

I considered the complaint and I thought the complaint shouldn't be upheld. I issued a provisional decision on 28 September 2021 and asked both parties to send me anything else by 28 October 2021. In my provisional decision I said:

Having done so, I'm minded not to uphold this complaint. I realise this will be a disappointment to Mrs M, but I hope my findings go some way in explaining why I've reached this decision.

The main issue of the complaint is whether BG were not thorough enough in its inspection of the boiler, which in turn led to the leak and damaged Mrs M's property.

Mrs M had a home emergency policy with BG that included an annual service. An annual service was conducted and during that service (from the checklist that had been left with Mrs M) the engineer drained the system, changed a TRV (temperature relief valve), pumped up the expansion vessel, cleaned filters, checked for any water leaks and serviced the boiler, leaving it in a good working condition.

I asked BG how engineers carried out annual services. It confirmed that its engineers would remove the front of the boiler casing and visually inspect the inside of the boiler for signs of water leaks, mechanical deterioration and signs of heat stress. The engineers would also always carry out a combustion check using a flue gas analyser; they would check the gas rate/pressure and the integrity of the flue; and would carry out a visual inspection of the combustion chamber.

BG also said that if any of the checks carried out highlighted any issue, such as a water leak or corrosion, further checks would be carried out and the appliance would be either repaired or made safe.

Mrs M provided the checklists from the engineers who attended in August and September. I have considered those reports. In August 2020, when the annual service was conducted, I can see that the engineer undertook all the checks outlined and checked for water leaks to the system. I think as no water leaks were detected, then it's reasonable to conclude that no water leaks were present. The second checklist in September 2020 notes that the leak was repaired.

Mrs M was asked to provide any expert evidence that could support her belief that BG failed to carry out a thorough enough examination of her boiler, which ultimately led to the leak and damage of her property. Mrs M has not provided this. So, the evidence that I have which is considered expert evidence, comes from the BG engineers who attended. If Mrs M can obtain expert evidence, then I will be able to consider this.

But currently there is no evidence to suggest that the faults were linked. At the annual service there was no water leak detected and Mrs M didn't report a leak. The following visit in which Mrs M reported that there was a leak, the engineer repaired that with a replacement part. So, I can't be satisfied that BG failed to carry out a thorough check of the boiler. Nor can I conclude that BG should be held responsible for the consequential damage to Mrs M's property. I am sorry to disappoint Mrs M but there is nothing further that I can reasonably ask BG to do, to resolve this complaint.

Responses to my provisional decision

Mrs M responded and said that:

- The ombudsman didn't have all the checklists.
- And confirmed that there was a leak that she believed was caused by BG.

BG had no further comment to make regarding the provisional decision.

I have carefully considered Mrs M's responses. I should point out that we look at the evidence provided by both parties, to give an answer to the complaint, that is both fair and impartial. I should also point out that I received and considered three checklists from Mrs M.

Mrs M was invited to provide any further evidence that she wished to be considered, which would include (but not limited to) an independent engineer who would be able to provide expert evidence on whether BG were responsible for the leak and the damage caused. Mrs M has not provided any expert evidence to support her complaint.

As I mentioned in the provisional decision, I am satisfied that BG are experts and I think it is best placed to provide expert evidence of what caused the leak.

BG said that there were two separate faults. The first visit there was no report made by Mrs M of a water leak, and none was detected by the engineer. The issue here was an intermittent heating problem. The subsequent visit in September 2020, was the water leak and the component failure. BG said that the component that failed was the cause of the leak. Once this was changed the leak stopped. It also said that as it was an internal part, it wouldn't have been picked up on any earlier service visit, especially as there had been no report of a leak from Mrs M. So, as there was no link between the two problems, BG couldn't be held responsible for the consequential damage.

In the absence of any expert evidence from Mrs M that could refute what BG has said, I don't have any other expert evidence that could counter what BG has said. So, I don't think it is fair that BG should be held responsible for the leak or the damage caused.

I understand how disappointed Mrs M will be, but I'm not satisfied that there isn't enough evidence to show that BG were responsible for the leak. So, I won't be asking BG to do anything more to resolve this complaint.

My final decision

For the reasons I explained, my final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs M to accept or reject my decision before 24 November 2021.

Ayisha Savage
Ombudsman