

## **The complaint**

Mr E complains about British Gas Insurance Limited (BG), regarding safety issues with his boiler, under his home emergency policy.

## **What happened**

Mr E had a boiler that was around 25 years old, that hadn't been installed by BG. He also held a home emergency policy with BG since 2006. Under the policy, it provided cover for an annual service of his boiler.

Mr E decided to use BG to supply and install a new boiler. During a pre-installation meeting, it advised Mr E that the existing flue wasn't to current regulations and would have to be relocated from its position, for the new boiler to be installed.

Mr E said that he was also told by an independent engineer that the flue needed to be moved as the position of it could cause incomplete combustion, so was unsafe.

Mr E was unhappy to have found this out as he said that BG should have warned him that the flue was illegally installed and therefore unsafe. Mr E said that this should've been raised during the annual service visits and BG had compromised his family's safety as a result.

Mr E changed his boiler at a cost of £3,600 and complained to BG about the safety concerns.

There was a delay in BG responding to Mr E's complaint and he referred his complaint to our service. Ultimately, BG in its final response explained that the existing flue was not current regulations therefore it had to be moved upon the installation of the new boiler. This didn't mean that the original installation was completed incorrectly. It was completed in line with regulations at the time of installation and the annual service visits that took place, were completed on this basis.

It confirmed that it didn't fail to check his boiler or flue and that there was no danger or risk posed by the installation of Mr E's old boiler and flue. It advised that the issue was that a new boiler could not be installed to the existing flue.

One of our investigators considered the complaint and didn't think it should be upheld. She concluded that she considered the impact on Mr E and that it was only until recently that he had found out about the flue. And as the annual service visits didn't highlight any safety concerns, it wasn't fair or reasonable for BG to pay compensation.

BG accepted the view. Mr E did not. He maintained that BG hadn't answered the following question: what were the changes to the regulations regarding the flue and when did those changes happen? He relied on his old boiler's manual and photos that showed that the flue had always been in the incorrect position, which should've been found during the annual service. So, he 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.

Having done so, I won't uphold this complaint. My findings are broadly the same as our investigator, which I expect Mr E will be disappointed with, but I will explain why I think this is fair.

The main issue with this complaint is whether the flue in its previous position, was unsafe. Mr E also questioned when the regulations changed regarding his previous flue and what were those regulations.

Mr E had a home emergency policy that covered his boiler, central heating system, drains, plumbing and electrics. Mr E decided to buy a new boiler at a cost of £3,600 from BG. During a pre-installation visit, BG advised Mr E that the position of his flue was not up to current gas regulations standard and would need to be re-positioned.

Mr E believes that he was unsafe for several years because of BG's negligence. In that, he felt that it had failed to advise him that the flue was illegally installed and therefore unsafe, during the previous annual services that his boiler had had since 2006. Mr E was asked to provide expert evidence from an independent engineer who could confirm this.

No written expert evidence was provided, but Mr E said that he had an informal chat with an engineer who told him that the flue was unsafe.

BG was asked about the safety of the flue and why it hadn't been pointed out to Mr E before the pre-installation visit. It said that the boiler had been installed around 25 years ago and BG hadn't installed it. It said that at the time of installation, the flue was likely to have complied with the regulations at the time.

It further confirmed that during annual service visits and in particularly the emission tests carried out, there was no cause for concern regarding safety. BG also advised that as the flue, was not 'current' regulations it had to be moved upon the installation of the new boiler. It explained that this didn't mean that the original installation was completed incorrectly, as it was completed in line with regulations at the time of installation. It also provided evidence that further explained the position of a Not to Current Standards (NCS) installation and guidance that gas safety engineers adhere to:

*'NCS situations were removed to reflect the fact that an NCS is, by its very nature, NOT unsafe – and therefore has no place in an Unsafe Situations Procedure. The installation may not be correct, or not in accordance with the standards, but it is not unsafe.'*

Mr E hasn't provided enough evidence that is contrary to BG. He said that he had an informal chat to an engineer, but I have no information from Mr E about the experience or expertise of that engineer or even if he is gas safe registered.

Mr E said that he believes that the installation of the old flue was at risk, but BG has provided evidence to show that although the installation wasn't in accordance with the current standards, there is no evidence to suggest that it was unsafe. So, I'm satisfied that the old flue wasn't unsafe or posed a risk to Mr E and his family.

I have also considered the installation manual that Mr E provided. He said it shows that the installation of the previous flue was illegal. But BG has confirmed that it didn't install the original flue. It has also confirmed that it was likely at the time to have been installed as per

the regulations and although the installation wasn't up to current regulations, it wasn't unsafe.

Further Mr E hasn't provided any other evidence to show of any safety or health issues and I understand that the new boiler and flue have now been installed by BG. So, I can't be satisfied that the original flue was unsafe, and that BG was negligent. Accordingly, I can't fairly ask BG to do anything further 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 Mr E to accept or reject my decision before 22 December 2021.

Ayisha Savage  
**Ombudsman**