

The complaint

Mr and Mrs B complain about British Gas Insurance Limited's handling of a claim under their home emergency policy.

For ease of reading I will refer to Mr B in my decision.

What happened

Mr B has had a home emergency policy with British Gas for many years. He says his boiler hasn't been working properly since November 2020. But the company says the work needed to replace pipework isn't covered by his policy.

Mr B's wife is disabled, and he's worried about the effect this situation is having on her, particularly as winter is approaching. He says British Gas installed a new boiler in 2007, which involved altering existing pipework and adding some new pipework. He says any issues should have been addressed when the boiler was fitted.

Mr B also says that a filter was incorrectly installed, and along with a lack of sludge inhibitor, this has contributed to the problems with his heating system.

British Gas says Mr B's heating system is affected by sludge build-up due to its "*one pipe system*" design. It says it has been removing blockages since 2015 and is not responsible for how the system was originally installed. It also highlights that the boiler wasn't installed under the terms of Mr B's home emergency policy.

British Gas says sludge builds up over time, and the process to remove it isn't covered under its policy. It says a power-flush would normally be recommended. But, the design of the system and age of the radiators mean there is a potential for this to cause damage. This leaves the only recommended option, which is to "*re-pipe*" the central heating system to resolve the problem.

Mr B referred his complaint to our service. Our investigator didn't uphold his complaint. He agreed with British Gas that the boiler wasn't installed under the terms of Mr B's insurance policy. This meant the installation wasn't something we could consider. He thought the pre-existing design fault wasn't something British Gas was responsible for under the terms of the policy.

Based on the evidence provided our investigator didn't think the company was responsible for the build-up of sludge, which was causing the blockages or for carrying out the repair work that was needed.

Mr B disagreed with this outcome and asked for an ombudsman to review his complaint. It has been passed 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 have decided not to uphold Mr B's complaint. I appreciate this will be disappointing for him, but I will explain why I think my decision is fair.

The policy terms say:

"Pre-existing faults

Your products don't include cover for any faults or design faults that:

- were already there when your boiler, appliance or system was installed;*
- existed when you first took out the product;*
- we've told you about before and you haven't fixed, or, if the work has been completed by a third party, where work, in our opinion, has not been completed to a satisfactory standard;*
- we couldn't reasonably have been expected to know about before, for example, faulty pipes that don't have the correct protection, or which are buried under concrete floors; or*
- prevent access because a part of your system has been permanently built over."*

British Gas has supplied records from its engineer visits. These show they dealt with several blockages causing problems with Mr B's heating system over the years. The records show the first was reported in February 2015, then again in March. Another blockage was resolved in March 2017 with several more repairs through to December 2019. The records refer to the poor design of the system and the need for it to be re-piped. An engineer dealt with another blockage in November 2020, at this time the records show Mr B was advised of the re-piping work that was needed.

When considering Mr B's complaint, I have relied, in part, on the expert opinion provided. British Gas's engineers say the ongoing issue with blockages are the result of a system design fault. The company says the only way to resolve this is to install new piping. Having considered the engineer records, in conjunction with British Gas's comments, I think this view is persuasive.

I say this because there have been ongoing issues with blockages with Mr B's heating system for over five years. British Gas's engineers have been able to resolve problems on each of the call outs and leave a working heating system. However, it's clear from the engineer records and Mr B's testimony that his system is not heating his home effectively and it's prone to continuing breakdowns. Based on this I think British Gas's view is persuasive that the design fault is the underlying cause of the ongoing problems.

I have also thought about Mr B's view that the incorrect installation of a filter and the lack of sludge inhibitor, has allowed sludge to build up when this could have been avoided.

The position of the filter relates to the installation and design of the system. This is not something covered by Mr B's insurance policy and so doesn't impact on my consideration here.

Sludge can and does build up in central heating systems over time. It's apparent parts of the system are quite old. I note British Gas doesn't mention sludge inhibitor, or the lack of it, as the likely cause of the ongoing problems. It says the system design is the underlying cause. I haven't been provided with an alternative expert view that shows a different cause.

Based on what I have read, I don't think Mr B has reasonably shown that a lack of sludge inhibitor is the underlying cause of the problems with his heating system.

The company explains blockages and sludge in the system can be resolved with a power flush. But it doesn't recommend this in Mr B's case. I understand this is because elements of the heating system are quite old, and together with the design of the system, this means the risk of damage is too great for a power flush to be attempted.

I sympathise with Mr B and the need to carry out expensive repairs. But having considered all the information, I think British Gas's view is persuasive that a design fault is the cause of the ongoing problems and the solution is to re-pipe the heating installation. Because of this I think the company acted fairly in relying on the terms of the policy when declining to carry out this work.

My final decision

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs B and Mr B to accept or reject my decision before 18 December 2021.

Mike Waldron
Ombudsman