

## **The complaint**

Mr and Mrs S complain that AWP P&C SA (AWP) caused damage after repairs were carried out as part of a claim under their home emergency policy.

## **What happened**

On 27 June 2021 Mr and Mrs S reported a blockage in their home toilet and made a claim under their home emergency policy.

The following day AWP sent out a drainage engineer who was unable to clear the blockage from inside the property and so went outside and removed the access cap on the soil stack pipe. This allowed him to clear the blockage with a mini hose. He then resealed the cap.

On 10 July 2021 Mr S noticed some leakage from the access cap in the soil stack pipe outside the property. He thought it might be an expansion leakage following the repair to his toilet so didn't report it at that time but took a photo. He took another photo on 31 July 2021 and reported it to AWP. Mr S thought the leak was caused by the engineer who originally attended to unblock the toilet. AWP said that the policy did not cover "making good" and that he should claim on his home insurance.

Mr S contacted AWP again to report that the leak was continuing. AWP said that as the leak was outside the property it didn't come within the terms of the policy which only covers internal damage. Mr S complained as he thought the drainage engineer had caused the damage by not correctly sealing the soil pipe when he dealt with the toilet blockage. AWP said there was no evidence that the engineer was responsible for the leak and declined to deal with the damage.

Mr and Mrs S brought their complaint to this service. Our investigator thought that the complaint should be upheld. He said that as the leak became apparent soon after the repair it was likely to have been caused by the engineer. He said that AWP should carry out repairs or pay Mr and Mrs S the cost of carrying out the repairs themselves. He also awarded £100 compensation for distress and inconvenience.

AWP said that there was no evidence that the engineer was responsible for the subsequent leak and asked for the matter to be considered by 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.

Mr and Mrs S's complaint is not about a claim for a leak outside of their property, which would not be covered under their policy, but for damage caused to a soil stack pipe that they say was not properly sealed when the toilet was repaired. They think the engineer was responsible for this.

Mr and Mrs S's repairs were carried out by AWP's approved engineer. If the repairs weren't

done to an acceptable standard, or the engineer caused additional damage, we'd expect AWP to put things right.

I've not seen a report from either AWP or Mr and Mrs S detailing what the cause of the leak is - so I've based my decision on the information before me. I've looked at Mr S's photos of the leaking soil pipe dated 10 July 2021 and 31 July 2021. You can clearly see that fluid is coming from the pipe.

Mr S is clear that the pipe had not been leaking before the engineer's attendance and that fluid is coming from the access cap. He says that he first noticed the leak a few days after the repair – and hadn't noticed it sooner as it had been raining. Mr S says he didn't report it straight away as he thought the leak may be due to expansion leakage and that it would subside. He then reported it to AWP when the pipe was still leaking a few weeks later.

I've looked at the engineer's brief account of the repair and the work he carried out. He said that *"there was an access cap on the stack so removed it carefully"* and then *"siliconed the access cap back on"*. As there was no leak before the repair, and the leak was evident soon afterwards, I think on balance it's more likely than not that the leak was caused by the engineer not properly sealing the cap. It's therefore reasonable to expect AWP to put right the damage caused by their engineer.

I also agree with our investigator that Mr and Mrs S have suffered distress and inconvenience as a result of the damaged pipe. They have waste water coming from the pipe and running across a pathway providing access to their garden. This is very unpleasant. It has also caused Mr and Mrs S distress and worry about the effect this is having on their property. I think that an award of £100 compensation is fair.

The repair work to the pipe hasn't been carried out, so I require AWP to either carry out the repairs, or pay Mr and Mrs S the cost of the repairs so that they can arrange for the work to be done.

### **My final decision**

My final decision is that I uphold this complaint and require AWP P&C SA to:

- arrange for repairs to the soil stack pipe, or pay a cash in lieu sum to Mr and Mrs S to have the repairs carried out themselves, and
- pay Mr and Mrs S £100 compensation for distress and inconvenience.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S and Mrs S to accept or reject my decision before 5 August 2022.

Elizabeth Middleton  
**Ombudsman**