

The complaint

Ms A complains that AWP P&C SA mishandled her claim on a home emergency insurance policy.

Where I refer to AWP, I refer to the above-named company and I include its home assistance provider and others insofar as I hold AWP responsible for their acts or omissions.

What happened

For the year from late October 2020, Ms A had a home insurance policy with home emergency cover. It was branded with the name of a bank. AWP was the insurer responsible for dealing with home emergency claims.

Ms A has shared with us that she was caring for two children with disabilities.

In summer 2021, Ms A had water leaking from a toilet cistern. So she called AWP for help. It sent an engineer who stopped the leak.

In late September 2021, Ms A again had water leaking from the toilet cistern. So she again called AWP for help. It declined to send an engineer.

Ms A contacted a number of plumbers, but none were able to help. In the end, a good neighbour fixed the leak.

Ms A complained to AWP that it should've fixed the leak. By a final response dated late November 2021, AWP turned down the complaint.

Ms A brought her complaint to us in mid-January 2022.

Our investigator recommended that the complaint should be upheld. He didn't think that AWP had demonstrated that it declined the claim in line with the policy terms or that AWP's actions were reasonable. He recommended that AWP should pay Ms A £150.00 compensation for the distress and inconvenience caused.

Ms A agreed with the investigator's opinion.

AWP didn't respond to the investigator's opinion. So the investigator asked for an ombudsman to review the complaint.

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.

AWP's final response said that – in September 2021 - Ms A had reported that she couldn't see where the leak was coming from. AWP said it only covered leaks that were accessible or visible. But AWP hasn't sent us the relevant policy terms.

Ms A has sent us an Insurance Product Information Document. That says that the policy covers failure of plumbing or drainage that would result in water damage inside the home. The IPID doesn't highlight any term that leaks had to be visible or accessible.

In any event, Ms A has sent us a photograph of water escaping down the outside of the toilet cistern. She has also sent us a statement from the good neighbour concluding as follows:

"I simply lifted the lid of the cistern and could see that the water level in the cistern was too high. It was a simple matter of adjusting the ballcock, once the water level was lower the leak stopped. It did not take me long to stop the leak and I did not need any materials."

So I find that the leak in September 2021 was visible and accessible. In any event, I consider that AWP should've visited Ms A again and fixed the leak again.

AWP declined to help – unfairly in my view. So Ms A spent time trying and not succeeding in finding a plumber who wasn't too busy to help. She had to put down towels to catch the water – and to change them when they went smelly. I accept her statement that she was worried about water damaging her home. I find it likely that Ms A suffered inconvenience in using the toilet and in taking care of her two children.

Ms A has said she gave the good neighbour some wine and some stout. I've thought about directing AWP to compensate her for the cost of that. But I've decided against it because I think the good neighbour would've done it for nothing, and Ms A just wanted to express her thanks.

Putting things right

The investigator recommended £150.00 for distress and inconvenience and Ms A accepted that. I find that amount of compensation fair and reasonable.

My final decision

For the reasons I've explained, my final decision is that I uphold this complaint. I direct AWP P&C SA to pay Ms A £150.00 for distress and inconvenience.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms A to accept or reject my decision before 12 September 2022.

Christopher Gilbert
Ombudsman