

The complaint

Mr & Mrs H are unhappy that British Gas Insurance Limited hadn't complied with legal requirements regarding the electrics linked to their boiler and that British Gas serviced the equipment for several years and never resolved the problem, leaving them in danger. This is under the British Gas HomeCare home emergency policy.

Mr and Mrs H want compensation for living with the danger, the worry, and the stress this caused them when they found out and the delays in putting matters right.

What happened

The issue as far as Mr and Mrs H are concerned wasn't about the fitting of the boiler. Although I accept that is where the problem stems from. Mr and Mrs H's issue is that year on year BG have come back and carried out annual health checks under the policy. Over the year's BG haven't referred to any issues or faults. It was only when Mr and Mrs H had a kitchen leak the problem was uncovered.

Mr and Mrs H's own electrician found that even after the electrical system had been turned off the boiler electrics were still live. The electrician said this shouldn't be possible and the boiler shouldn't have been fitted in this way as it was non-compliant with regulations.

At this stage Mr and Mrs H were very concerned and had to turn off the system frequently and go without heating until BG were able to put it right. They want BG to compensate them for the trauma they suffered when they found out about the problem, the danger BG had left them exposed to over several years and the delay they suffered without heating until it was put right. Unhappy with BG Mr and Mrs H brought their complaint to this service.

Our investigator upheld the complaint. She accepted that Mr and Mrs H were very worried when their electrician explained what the problem was and the potential danger. However, she also pointed out that even though Mr and Mrs H's worry was real she could only make an award for an actual loss rather than a potential loss that didn't occur. Our investigator didn't think the delay in putting the matter right was unreasonable either. But she did think

BG should pay compensation for the poor service, the inconvenience they suffered and having to go without heating due to the non-compliant system until it was put right. She said BG should pay Mr and Mrs H £300.

BG disputed it had ever known about this element of the complaint and Mr and Mrs H felt the award was too low. So, the complaint was passed on for an ombudsman decision.

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.

It was disappointing for BG to initially say it was unaware of this complaint. As this case needed a jurisdiction decision before the merits could be considered and it was pointed out to BG that emails discussions with Mr and Mrs H were headed *"RE: Electricity, dangerous fault"* and within the body of the emails Mr and Mrs H referred to *"the danger you left us in"* and similar comments so I don't accept, especially at such a late stage that BG didn't know Mr and Mrs H were upset about this. I think it has been part of their dissatisfaction from the start. BG may have focussed on something else or another element of their complaint but that doesn't change that Mr and Mrs H clearly brought it up and it was part of their complaint.

Mr and Mrs H said they had been BG customers for more than 40 years. They said they could have had cheaper policies elsewhere but had stuck with BG as they felt they would be *"safe and secure with such a major brand as BG"*. Mr and Mrs H said, *"To learn, by accident, we could have been injured or worse for nearly 4 years since our boiler was fitted has left us devastated and let down"*. I understand their point. It's clear from what they said that Mr and Mrs H had a HomeCare policy for peace of mind, to make sure their equipment was running safely and correctly – and as far as this situation showed the policy and BG didn't deliver on that over a period of years.

The electrician who found the issue noticed the neutral wire for the boiler had been borrowed from another socket to service the boiler. This was done by BG. Mr and Mrs H contacted BG to get the problem resolved.

Although I accept Mr and Mrs H's point that they were worried about what could have happened its clear that nothing did and the system was put right (once the issue had been found) within a reasonable time frame. Although its clear that Mr and Mrs H did have a

period during the winter where they were unable to use their heating properly for a short period.

It doesn't appear to me that the electrician who uncovered the problem was any better qualified than anyone from BG who had serviced the boiler for several years and not dealt with the system being non-compliant. In fact, he uncovered the issue on one visit and BG hadn't noticed it over several years. I don't think that's reasonable I think that's poor service from BG.

For the poor service, the problem being allowed to run over several years I think £300 compensation for Mr and Mrs H's distress and inconvenience is a fair and reasonable outcome.

In fairness to BG it has today reviewed the correspondence further, accepts it should have noticed this was part of Mr and Mrs H's complaint and agrees that the £300 this service has asked it to pay is reasonable.

Putting things right

- Pay Mr and Mrs H £300 compensation for their distress and inconvenience.

My final decision

I uphold this complaint.

I require British Gas Insurance Limited to:

- Pay Mr and Mrs H £300 compensation for their distress and inconvenience.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs H and Mr H to accept or reject my decision before 14 February 2023.

John Quinlan
Ombudsman