

The complaint

Ms E is unhappy that Aviva Insurance Limited (AIL) charged her an excess fee for a job which wasn't covered under her home emergency policy. She says it should've been mentioned to her during her annual boiler service check.

What happened

In summary, Ms E told AIL that she didn't have any hot water. AIL arranged to complete her annual boiler service and look into the matter at the same time. It said if there was a fault, she'd need to raise a claim directly with AIL.

The engineer found a fault, so Ms E contacted AIL to raise a claim. It charged her £50 excess up front.

AIL's engineer attended and diagnosed a fault with the blending valve in the thermal store cylinder. But AIL told Ms E the fault wasn't covered under her policy. Ms E asked for a refund of the excess fee but AIL refused. It said because the engineer carried out an investigation, the excess fee was payable.

Ms E complained because she was unhappy at having to pay the excess fee for an engineer to confirm she wasn't covered. She said the engineer who carried out the annual boiler service should've told her about the excess fee.

AIL looked into her complaint and sent its final response letter. It said that the excess fee was due under the terms of the policy so it wouldn't be offering a refund.

Ms E brought her complaint to this service.

Our investigator didn't uphold the complaint. He said AIL had charged Ms E in line with the policy.

Although Ms E didn't provide any further information, she said she didn't agree with the outcome and asked for the complaint to be considered by an ombudsman. So the complaint was 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've decided not to uphold Ms E's complaint for the following reasons:

- The annual boiler service is separate to any fault claims and the engineer can't raise a claim on behalf of Ms E.
- The policy clearly states that if a claim is made, Ms E would need to pay the excess before an engineer is sent.
- The claims engineer found the fault to be with a part of the thermal store cylinder.

- Ms E's policy does not provide cover for thermal storage units.
- The policy states that the excess will not be refunded if an engineer investigates the fault.
- The engineer investigated the fault so it's reasonable that AIL didn't refund the excess fee.

While my decision is brief, I'd like to reassure both Ms E and AIL that I've considered all the evidence. Some of the issues Ms E complained about are outside my remit so I haven't addressed them in my decision. I understand Ms E is aware of which issues they are.

Overall, I'm satisfied that the evidence indicates AIL handled Ms E's claim fairly and in line with the policy terms and conditions. I see no reason for AIL to refund Ms E's excess fee.

My final decision

For the reasons given above, my final decision is that I don't uphold the complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms E to accept or reject my decision before 19 April 2023.

Debra Vaughan
Ombudsman