

## **complaint**

Miss H complains that Homeserve Membership Limited poorly serviced her boiler causing damage to it under her home emergency policy.

## **background**

Miss H has held a policy with Homeserve to cover her boiler for several years. In February 2015 a Homeserve engineer attended and carried out an annual service. He found the boiler to be in a working condition.

In April 2015 Miss H arranged for a private engineer to inspect the boiler as she required a Gas Safety certificate. This engineer found that the boiler was producing dangerous levels of carbon monoxide and had some other faults. He turned the boiler off and informed Miss H that he didn't think the boiler was worth repairing.

Miss H immediately complained to Homeserve. She told it that the private engineer believed its servicing engineer had falsified his service sheet and had left the boiler in an unsafe condition. And that these failures would be reported to Gas Safe and Trading Standards. Homeserve then arranged for the boiler's manufacturer to send an engineer to inspect the boiler.

The manufacturer's engineer agreed that the boiler was beyond economical repair due to the number of new parts it needed. In particular he noted that the flue seal was defective. He also pointed out that the emergency gas lever was missing. On receiving this report Homeserve arranged for its Accredited Compliance Auditor to attend and investigate the causes of the carbon monoxide readings.

This engineer found that the causes of the high levels of carbon monoxide were due to faults with the turret flue seal. He said that this was a non-serviceable item and its failure wasn't caused by the servicing engineer. He also said that the boiler could be repaired. So Homeserve didn't agree that its engineer had caused the problems with Miss H's boiler.

Homeserve did think that Miss H had suffered some inconvenience and distress by its handling of her complaint and so offered her £40 compensation.

Miss H didn't agree with Homeserve's decision and asked it several questions. Homeserve provided answers but didn't change its mind. Miss H complained to this service.

Our adjudicator investigated Miss H's complaint. He didn't recommend it should be upheld. He thought that there wasn't enough evidence to reach the conclusion that the annual inspection in February 2015 had fallen short of the regulation requirements and noted that Gas Safe had said the same thing. As although the Compliance Auditor wasn't an 'independent' engineer, being an employee of Homeserve, he was still a qualified gas engineer and his was the only report provided.

## **my findings**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

The issue for me to decide is whether Homeserve's engineer failed to carry out a proper annual inspection, falsified his service sheet and left Miss H with a boiler in a dangerous condition.

I've seen the correspondence between Miss H and Homeserve. She's asked them many questions challenging the findings of the Compliance Auditor's report. I've also seen that Homeserve has answered the points she's raised. I appreciate Miss H doesn't agree with the answers but I don't have an engineer's report that supports her view.

Miss H says that the missing emergency gas lever proves that the servicing engineer couldn't have carried out part of the service that he said he did. But the evidence isn't clear when this lever went missing as the engineer that reported it was the third one to inspect the boiler. Miss H's private engineer didn't notice it wasn't there. So I can't say when the lever went missing.

Miss H also says only the private engineer who worked on the boiler was independent so his views carry more weight. But I don't have report prepared by him and Gas Safe weren't able to support the view he gave to Miss H.

Miss H also says it was Homeserve engineers who damaged her boiler because they were the only ones who worked on it. Homeserve doesn't agree. Looking at the number of engineers who inspected the boiler I can't say who was responsible.

So while I understand how concerned Miss H was when told her boiler was producing high levels of carbon monoxide I'm not able to say this was due to the actions of Homeserve. So I'm also unable to say that the engineer falsified his records. I'm not upholding Miss H's complaint.

### **my final decision**

I'm not upholding Miss H's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss H to accept or reject my decision before 10 July 2016.

Jocelyn Griffith  
**ombudsman**