complaint

Mr H's complaint is about the handling of a claim under his home emergency insurance policy with Acromas Insurance Company Limited.

background

Mr H made a claim under his policy on February 2018, as his boiler had stopped working. Acromas sent out a engineer who apparently diagnosed that a new fan was needed. This was fitted two days later and the boiler was apparently left working. However, Mr H says the boiler was faulty again a couple of days later.

There was also some extremely cold weather in early March 2018, which resulted in a burst pipe in the loft space above the boiler. Acromas attended on 6 March 2018 to repair that but while the engineer was in the loft space doing this, he slipped and fell part way through the ceiling.

Mr H says that this created a large hole in the ceiling above the boiler, and caused a significant amount of water (which had leaked onto the floor of the loft space from the burst pipe) to fall onto the boiler below and the carpet. Mr H says his boiler was deemed to be beyond economic repair due to this water damage.

Acromas says its engineer's elbow went through the ceiling and accepted responsibility for the damage to the ceiling and to the carpet below. However, it says the boiler had frost damage, as it had been out of action for days prior to its arrival. There was no water in the pipes, as various fittings had burst due to the bad weather and it was not responsible for the damage to the boiler.

Mr H had to replace the boiler at a cost of £2,000. Acromas paid a contribution of £250, which it says is all it is required to do under the policy.

One of our investigators looked into the matter. She didn't recommend that it be upheld, as she thought the evidence (including photos and video provided by Mr H) wasn't enough to establish that the boiler was beyond economic repair due to the contactor coming through the ceiling. The investigator said there had been evidence of water on the boiler before Acromas's engineer worked on the pipes in the loft space; and that the boiler casing and seals were in tact but there was water damage to internal components of the boiler (which would not therefore have come from outside the boiler).

Mr H doesn't accept the investigator's assessment, so the matter has been referred to me. In response to the investigator, Mr H has also said that the leak was caused by poor workmanship by Acromas.

I've summarised Mr H's submissions (made in support of his initial complaint and in response to the investigator) below:

- On 5 March 2018 his own engineer stated there was "*no water inside the boiler*"
- The Acromas engineer was in a rush and went into the garage roof space without appropriate ladders and soon after crashed through the ceiling making a large hole, bringing down surface water which got into the boiler.
- He made several repairs to the burst pipes. The mains water was then turned back on and he left saying another heating engineer would attend in the afternoon to sort

out the boiler. A few hours later a boiler engineer came, took one look at the boiler and declared it beyond economic repair as there was too much water inside. He did not even switch the boiler on.

- His own engineer came out again that evening. He told him that Acromas had not carried out some repairs properly. In particular it had used compression joints, which he says are not advised for this kind of repair, one of which were found to be loose and another had been tightened too much. This was right behind the boiler, so when it was turned on the water would leak from that pipe and go directly onto the boiler.
- That's the only explanation of why the water would have got into the boiler in such a short space of time. As soon as the engineer had turned the water on they had leaked into the boiler, so by the time the second engineer came out on 6 March 2018, it was full of water. There's no other explanation given it was dry the day before.
- He provided a report which said "*gas engineer should always cut broken pipe and solder new pipe for perfect repair compression is DiY- not engineering standard*"
- The policy provides repairs up to £1,000 and so Acromas should have exhausted this limit first by replacing parts, to see if it could be repaired before declaring it BER.

The investigator asked Acromas about the compression joints. It said these are a recognised and approved fitting method, commonly used in loft spaces due to the risk of fire from soldering fittings in an enclosed space with flammable insulation materials present. The investigator didn't think this changed anything, as she said there was still no substantive evidence that directly linked the water damage in the boiler to anything done by Acromas.

Mr H says his engineer felt because the boiler was in an open space and unrestricted, there was no danger of fire and so this type of repair should not have bene used; and in any event they had not been done properly. Mr H also said that compression joints might be acceptable if done properly but these weren't.

As the investigator has been unable to resolve the complaint, it has been passed to me.

my findings

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

Mr H has provided a copy of an independent engineer's report dated 5 March 2018, which says:

"frozen pipes to the rear of the boiler
the boiler was clean and dry
heat exchanger - slight crack - pressure dropping on start up
seals (appliance case etc.) - water on top of casing but seal good, no ceiling water found inside of boiler • fan(s) needs replacing"

I understand he was appointed to determine why the fan had been fitted by Acromas and the boiler would not start.

This confirms that pipes behind the boiler had frozen and that some water from the burst pipes in the loft area had fallen onto the boiler but also that none had entered the boiler.

Acromas came back out on 6 March 2018 to repair the burst pipes and the boiler. The engineer's report says:

"Arrived to find boiler isolated and water on garage ceiling. Due to weather several burst in void above garage ceilings and pipes had come out of compression fittings under boiler. I've made various repairs to pipework, put water back on and ok. Boiler won't pressurise due to damages. Boiler won't turn on either due to water damages. Gas SE is attending. Unable to test boiler. Cold water supply on. CR aware of damage to ceiling.

The engineer also said that by the time he arrived the pipes were dry- *i.e*. the water had drained out of them - and the ceiling above the boiler (and through which the engineer fell) was saturated. This report also says that there were compression joints under the boiler which had come out (presumably due to the frozen water inside the pipes) and water damage having already occurred. There is no evidence available to me that Acromas fitted those joints.

After the incident, another Engineer visited the property and the report stated:

"Pipes had frozen and burst in roof space above boiler in the garage, a … plumber has been out to repair the pipe work today, however the boiler is severely water damaged with many components requiring replacement...boiler has been confirmed as BER. Note, plumber has damaged celling in garage."

Mr H says his own engineer came out again that same evening, as the secured pipe was still leaking, and recently produced a report from him dated 6 March 2018. This was not provided previously; in earlier correspondence Mr H says he got his engineer out but "*he didn't make an official report he just confirmed that the boiler did look worse for wear but preferred to turn the boiler on & test properly, the circuit board main pcb was now wet but could easily be replaced none of which was* …[Acromas] *prepared to do or even attempt It was as it was easier to just deem the boiler Ber".*

Mr A did not provide this evidence before but says it is just his engineer's notes from the attendance on 6 March 2018 rather than a formal report. This report says:

"Tradesman fell through loft space came to repair frozen pipes. He made DIY compression repair found 1 loose fitting hence water goes into the boiler!!! (1 possible overtighten – new olive fitted) we retighten the repair and informed customer the repair is poor…[Acromas] *to revisit and check water main to house, as boiler is isolated if leaks are done properly water should be able to switch back on without issues.*

Gas engineer should always cut broken pipe and solder new pipe for perfect repair, compression is DIY- not engineering standard."

While this refers to poor compression fittings, Acromas's engineer had said these had come apart and caused water to enter the boiler by the time he arrived.

Acromas came out again on 10 March 2018:
"water was on and no pipes were leaking, all ok noticed boiler had been switched back on even though had label on it saying dangerous and not to, also water all inside pcb from original leak so switched it back off also checked rest of plumbing in case of leak somewhere else no leaks found unable to contact customer to ask reason as to why he had called us out again but no leaks found in house."

Acromas came back out again on 12 March 2018 to check all the work done on 6 March 2018, including in the loft space and confirmed they were all okay and there were no leaks.

Having taken all this into consideration, I am not persuaded that there is enough evidence to establish that Acromas's engineer caused the damage to the boiler. Pipes had burst in the loft space above the boiler and behind the boiler. The pipes that Mr H's engineer has referred to as having been poorly repaired appear to be the same ones that Acromas's engineer said had come apart due to freezing behind the boiler. And he said there was already water damage to the boiler.

Mr H has also said that the water damage may have been caused by Acromas's engineer falling through the ceiling. The photos and other evidence provided clearly show that the hole created by the engineer is not directly above the boiler. Water had already apparently come through the ceiling the day before when the burst pipe emptied itself of water. Mr H's engineer had also found the leak from the pipe above had caused water to pool on the top of boiler casing. Therefore, I don't accept that the hole made by Acromas's engineer could have damaged the boiler directly, even if there was a significant amount of water sitting on the floor of the loft space (which is disputed). Mr H says Acromas has accepted the damage to the carpet and so it must also accept the damage to the boiler. The carpet is below the boiler but water will spread in a carpet so even if the carpet directly below the boiler was wet, this doesn't mean the water came from directly above it. But in any event it also doesn't meant that water got into the boiler that way.

I am not therefore persuaded that him falling through the ceiling – in an area not directly above the boiler – caused water to flood the boiler and damage internal components and render it beyond repair.

Having considered all the evidence available to me, I am not satisfied that it has been established that Acromas caused the boiler to fail and be beyond economic repair. There was at least one burst pipe (caused by freezing weather) above the boiler and frozen pipes, which had come apart, leading to the boiler. It seems to me more likely that these were the cause.

my final decision

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 25 March 2019.

Harriet McCarthy
ombudsman