

## **complaint**

Mrs N has complained about Inter Partner Assistance SA (IPA). She isn't happy about the way it dealt with a claim under her home emergency policy.

## **background**

Mrs N had a problem with her boiler. So she looked to make a claim under her home emergency policy in September 2018. IPA's engineer attended initially and then refused to re-attend. This was because it believed the problem with Mrs N's boiler was pre-existing.

Mrs N's representative wasn't happy about this and complained to IPA and then this service. IPA referred to its engineer's notes and said that he got the fan on the boiler working and the heating was working when he left. However, he said that Mrs N told him that there had been a problem with the fan for a while and that she didn't want to pay a call out charge so left it until the boiler wasn't working and called IPA. As the issue was pre-existing the engineer wouldn't re-attend.

Mrs N maintained that the engineer wasn't at the property for very long and that the boiler wasn't working when he left. Her representative maintains that the boiler was working fine until it broke down on this occasion and questioned what the engineer had said.

Our investigator looked into things for Mrs N but didn't uphold the complaint. Although he acknowledged that IPA didn't deal with the complaint very well, especially as it didn't give referral rights to this service, he didn't think it had done anything wrong. This was because he felt IPA was entitled to rely on the engineer's evidence from the time of attendance.

As Mrs N didn't agree the matter has been passed to me for review.

## **my findings**

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 don't think the complaint should be upheld. I know this will be very disappointing for Mrs N and her representative but I will explain why.

I can understand how very frustrating this must be for Mrs N as she knows what was and wasn't said at the time the engineer attended. But I have to base my decision on the available evidence. And the attending engineer has been clear that the problem had been ongoing according to Mrs N.

I've considered Mrs N and her representative's account in detail and that of IPA. I don't think that the engineer would have anything to gain from not telling the truth. And it's possible the fan failing could well have happened over time. I know Mrs N's representative feels that the engineer has been untruthful. He feels the disclosure of the commercial contract between the engineer and IPA may shed some light on this. But I don't think that is necessary and it is commercially sensitive information anyway. Without anything to suggest otherwise I'm satisfied that the engineer acted reasonably and professionally.

I know Mrs N's representative says that the boiler was in full working order when it was serviced in January 2018. Indeed he has provided a copy of the service record. But I haven't been provided with any report or detail surrounding the condition of the fan at that time. And it is possible that the fan deteriorated in the eight month period after it was serviced.

I've asked Mrs N's representative what they did to get the boiler repaired or if they could provide some evidence supporting their position that the damage wasn't pre-existing. And it would seem that the boiler hasn't been repaired. Without any independent evidence I can't say that IPA has done anything wrong. But I would expect IPA to reconsider its position if Mrs N provides any evidence to support her position that the problem with the fan wasn't pre-existing.

So, despite my natural sympathy for Mrs N I don't think IPA has acted unreasonably in declining the claim. The policy doesn't cover problems that pre-date the policy or are due to lack of '*proper maintenance*'. And without any evidence to the contrary I can't say it has acted unreasonably. Plus, I note that the attending engineer noted other issues in relation to the electrics with the boiler that would need looking at privately as well.

I know Mrs N's representative has also raised questions around the timescales involved in responding to the home emergency. And I agree that the response times could have been quicker. But I think the main concern is the failure to repair the boiler and I don't think the response time overly affected things here. It is understandable that gas boiler emergency attendance was stretched at that time of year. And I think the impact was minimal as it appears that Mrs N has lived with the problem since - although I accept that any delay is frustrating.

Finally, I agree that IPA should've told Mrs N that she was able to complain to this service if she wasn't happy. But I don't think this has affected things as she did complain to us and we have considered her complaint in full. And I can see that the investigator has highlighted the failings here to IPA in any event.

So, from the evidence available I think that IPA has acted reasonably in following its engineer's guidance. I say this as there isn't any independent evidence to support Mrs N's position and I would expect there to be. However, if Mrs N gains any supporting evidence from an independent engineer I would expect IPA to look at things afresh.

### **my final decision**

It follows, for the reasons given above, that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs N to accept or reject my decision before 5 January 2020.

Colin Keegan  
**ombudsman**