

## **complaint**

Mr R's complaint arises from his home emergency insurance policy with British Gas Insurance Limited.

## **background**

In April 2017, Mr R made a claim under his policy with British Gas as his washing machine was faulty. British Gas attended later that month, the contractor said that he'd have to come back with some parts. Around a week later, he returned to fit the parts. This required the washing machine to be pulled out from under the units and disconnected from the supply pipes. The engineer therefore had to turn off the water supply using a valve. The engineer fitted the parts and the machine was working again.

Mr R says that when he and his family came back from a holiday some time later, they noticed a damp smell in the kitchen and a water damaged plinth. On investigation, Mr R says he found a large volume of water underneath the kitchen unit and across the wooden floor in the kitchen and dining room. Mr R's own engineer came and fixed it. He told Mr R the leak was from the dishwasher valve and it is common for these to fail after they have been used as it was when the washing machine was fixed.

Mr R had to make a home insurance claim for the damage to the property, which he says involved around £10,000 worth of repairs. Mr R is very unhappy about this. He had to pay a £350 excess under that policy and had to put up with huge upheaval while the repairs were carried out. This was especially difficult for his wife who suffers from a medical condition effected by stress. This was all also in the lead up to Christmas. Mr R says this has led to his wife developing a further condition resulting in her having to give up work all caused by this.

Mr R says British Gas failed to respond to him about this and the work was started by his home insurer. Eventually he says a British Gas manager attended and Mr R says he confirmed that the failure of the valve is a common fault and that British Gas had not dealt with the complaint properly. Mr R says the manager told him that it British Gas had contacted him earlier *"we could have sorted this all out for you"*, which is an admission of its liability. Mr R therefore says the possibility of the valve failing after use should have been considered when repairing / reconnecting the machine and full and rigorous tests carried out. Mr R therefore says it was British Gas that disturbed the valve and caused the subsequent leak; and it did not respond to his complaint properly and ignored questions he had raised.

Mr R has asked British Gas to reimburse the home insurance excess he had to pay, compensate him and review its policies.

British Gas doesn't agree that it did anything that caused the leak. It has said it would only replace a part if it was faulty and in April 2017, the valve in question was not faulty nor was it leaking. The valve failed five months after its visit; it only turned the valve on and off, if the leak is because a spindle has broken then this is component failure.

British Gas also says that its manager made no admission of liability for the leak. The manager meant that by the time he was sent round, the repairs had been made and so he couldn't inspect the appliance and the damage. British Gas also says that Mr R had already made the claim under his home insurance policy and so the home insurer could counterclaim against it, if it thought that it was liable. That insurer has not done so.

One of our investigators looked into the matter. She did not recommend that it be upheld. She said there had been around five months between the repairs carried out by British Gas and the leak from the washing machine. She said while the engineers' reports confirm the cause of the leak was the faulty valve, there was no evidence that this was the fault of British Gas, or when the leak started.

Mr R does not accept the investigator's assessment. He says:

- no one else has touched, altered or tampered with the area in question where the leak came from.
- The British Gas manager who attended saw the faulty valve and told him that this was a common fault with these parts. If it's a common fault, which he and Mr R's own engineer both have confirmed, why did the engineer who attended not check this piece of equipment properly to make sure it was working properly?
- The same British Gas Manager then went on to say he wished his customer service department had followed correct procedures and contacted him earlier *"as we could have sorted this all out for you"*. This is critical. Why would he have said this if he didn't think British Gas was culpable? It was an admission.
- The investigator has been very one-sided and essentially refuted anything he's provided and gone on the side of big business as knowing more, this essentially calls into question his integrity and is essentially calling him a liar.
- She has also prejudged the next stage of the complaint and outcome.
- He and others in the legal profession cannot understand how the investigator reached her conclusions given the evidence provided and that on balance of probabilities British gas caused the leak.
- The investigator asked him to contact the engineer that attended but didn't say that he must have an engineer who clearly stated British Gas did this. He would have thought this would be part of our investigation.

Mr R did get a further letter from the engineer that fixed the leak. It said among other things, *"it was explained to me a representative from ... [British Gas] had attended a short time before, 1 to 2 weeks approx. from memory and removed the washing machine from under the worktop to make a repair...water would have had to be isolated at said control valve for it to be removed and then re-connected and water restored after the repair. These valves are known to leak when they have been undisturbed for a period of time and then utilised. Given the age of the valve (easy to determine given it appearance) I personally would have considered it good practice to have the valve replaced...As this was not done the valve has leaked and caused extensive damage"*.

The investigator did not consider that this changed anything and so the complaint 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. While we have an inquisitorial remit, in that we can ask each party for further evidence and seek clarification about any issues that aren't clear, it is for the parties to provide the evidence in support of their case. We would not normally obtain reports from third parties in support of one side or another.

Mr R and his family clearly had a lot of upheaval during the repairs and I have no doubt that this would have been stressful for them all and would have impacted on his wife's condition. However, despite my natural sympathy for their position, I agree with the investigator that there is not enough evidence to be reasonably sure that the leak only happened because British Gas's engineer did something wrong while fixing the washing machine five months earlier in April 2017.

British Gas's engineer's notes say that the machine "*requires tub rear, seal and element ... fitted parts tested all ok*". It is accepted that he would have turned the water to the machine off by the valve that later leaked. Mr R says that British Gas's engineer should have rigorously checked the valve to ensure it was working and his engineer told him it would have been good practice to have changed it (which is confirmed in the report as cited above).

There is no suggestion that the valve was leaking in April 2017. The valve was therefore apparently working then, so I am not convinced that British Gas needed to do any other tests at that stage, or that they would have prevented the leak happening five months later. The valve was not leaking or faulty in April 2017 and there is no evidence that the leak started immediately after this attendance. It leaked around five months later.

Mr R's engineer says it would be good practise to have changed the valve, as it is a common problem that valves fail after being used for the first time in a while. He also says the British Gas manager confirmed this but British Gas denies this and says it would have had no reason to change a valve that was not faulty. I would find Mr R's engineer's evidence about this more persuasive, if there had not been such a long period of time between British Gas using the valve and the leak. He thought the repairs to the washing machine had taken place only a couple of weeks earlier. So even if it might be likely that a valve will fail when it's used after a long period of not being used, there is no evidence that it did fail for this reason, given the period of time that had lapsed.

Having considered everything, I am not persuaded that there is sufficient evidence that it was the fact the valve had been used which led to it failing five months later; or that this is something British Gas should have known was likely to happen and could have prevented. I do not therefore consider that British Gas is responsible for there leak or the resultant trouble and financial loss this caused Mr R.

### **my final decision**

I don't uphold this complaint against British Gas Insurance Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr R to accept or reject my decision before 4 March 2020.

Harriet McCarthy  
**ombudsman**