

complaint

Mr and Mrs B complain about the service they received from British Gas Insurance Limited under their home emergency insurance policy.

background

Mr and Mrs B have arranged home emergency insurance policies with British Gas each year since 2004. The policy provides cover for breakdowns for their boiler and central heating systems. It also provides for an annual service to be carried out.

In both 2004 and 2008 Mr and Mrs B were advised by British Gas to have a powerflush undertaken on their system. And in 2008, when a blockage occurred in the system, they were advised by British Gas to have a Magna filter fitted. Mr and Mrs B followed all the advice given by British Gas.

In 2017 Mr and Mrs B decided to have a new boiler fitted. Mr and Mrs B said the engineer that fitted the boiler had told them the water in the system was badly contaminated and advised them to complain to British Gas.

Mr and Mrs B complained to British Gas about the quality of its annual services. They said that the level of contamination in the water system should've been picked up by British Gas' engineers especially as debris had to be cleaned out of the Magna filter at each of the services.

British Gas sent an engineer out to inspect Mr and Mrs B's water system. He found the water system was now clear. The engineer said that debris would be expected in the filter as this would show it was doing its job of stopping contaminants getting into the boiler. The engineer also said that the presence of debris in a filter wouldn't be enough to cause the servicing engineer to do further checks on the water system.

British Gas agreed with its engineer. It also said that it as it hadn't undertaken any repairs involving Mr and Mrs B's water system the level of contaminate in the system wasn't something that had required checking.

Mr and Mrs B were unhappy at British Gas' response and complained to this service. Our investigator didn't recommend that Mr and Mrs B's complain should be upheld. She said that although the filter had required cleaning when the annual service was carried out she didn't think this was enough to say that British Gas should've known that the system was contaminated. And in the absence of any evidence that British Gas should've been aware of the problem it wasn't reasonable to ask it to repay Mr and Mrs B's premiums or compensation.

Mr and Mrs B disagreed with our investigator's view. They said they had a photo of the water tank that showed the level of contamination. And that the engineer who'd fitted the new boiler had taken a sample of the original water which Mr and Mrs B had kept. They thought British Gas should test it

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.

I've seen that originally Mr and Mrs B had two boilers, one for the central heating and one for the hot water which they'd found wasn't very efficient. They decided in the summer of 2017 to replace the two with one new efficient boiler and arranged this with a third party to fit.

I haven't seen a report from the engineer that fitted the boiler. Mr and Mrs B say it was this engineer who advised them to complain due to the level of dirt he'd found in the water system. I've seen a photo of the water tank and have shown that to British Gas. British Gas agrees it shows there is sludge and debris in the water tank.

But British Gas says it wouldn't check the water tank unless it had a reason to do so when investigating a fault or problem with a boiler. It wasn't part of a general annual service. British Gas said that on checking the work sheets for Mr and Mrs B's boilers there's no record of it carrying out any repair work.

Mr and Mrs B say that the level of contamination should've been evident from both the colour of the water when cleaning out the Magna filter and the water in the radiators if they were bled to remove air pockets. But I've seen that engineers would expect to see debris and dirt caught in the filter as that meant it was doing its job. It wasn't unusual for the filter to need cleaning during an annual service.

I don't have any evidence that the dirt in the system was causing any obvious problems with the boiler or central heating system so I can't reasonably say that if the radiators were bled it would've been obvious there was an issue with the water system.

The policy defines an annual service as "*a check each year to ensure your gas boiler, appliance or central heating is safe and working properly*". Under the heading "*Annual service*" the policy then says that the engineer will check that the boiler and ventilation is working safely and in accordance with the "*relevant laws and regulations*". And that a checklist will be provided showing "*exactly what we've looked at*". I haven't seen any evidence that British Gas should've routinely checked the water system as part of a service.

I appreciate that Mr and Mrs B feel British Gas should've checked the water taken from their original system. They said British Gas had only tested the new water after the new boiler was installed and as the system had been cleaned by then it was inevitable nothing would be found. But I don't think testing the original water to establish if it was contaminated would assist. I don't think British Gas has denied there was contamination in the water system. What it has said is there was no reason it would've been aware of it and that the level of service it provided was in accordance with the home emergency policy.

I think British Gas has acted reasonably. The policy provided for an annual service and emergency repairs. I've not seen any evidence that there was a reason for British Gas to check the water system. I'm not upholding Mr and Mrs B's complaint.

my final decision

For the reasons set out above I'm not upholding Mr and Mrs B's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr and Mrs B to accept or reject my decision before 13 October 2018.

Jocelyn Griffith
ombudsman