

complaint

Mr W complains that British Gas Services Limited (BG) has classified his boiler and flue installation as "At Risk".

background

Mr W has had a home emergency insurance policy with BG for some five years. Before the policy started, BG replaced the flue to Mr W's boiler. At each annual service from the start of his policy, no concerns were raised about this flue until his boiler was serviced on 3 March 2016. Following that service, the engineer said that Mr W's flue was "At Risk" because it was in a void. He said that regulations had been revised since it was installed and that it shouldn't be used as it's didn't conform to current regulations.

Mr W doesn't agree with BG's engineer. He says his boiler has been in regular use and working perfectly and his carbon monoxide alarm had never been triggered. He says his flue isn't in a void and is accessible for inspection, and that there hasn't been any change to the regulations since it was installed by BG some six years ago. He says this has been ratified by the Gas Safe Register and that his flue and its installation fully comply with applicable regulations and/or guidance.

Following the service visit on 3 March 2016, a BG Service Manager reviewed BG's records of the installation of his flue. He said that BG might have installed Mr W's flue incorrectly and asked to visit his property to check if its engineer's diagnosis was correct. It's said that if it turns out Mr W's flue was installed incorrectly before the change in regulations; it will rectify the matter free of charge. Mr W has provided BG with photographs of his flue and says these make a visit unnecessary. He also maintains that whether or not BG incorrectly installed his flue some six years ago is an entirely separate issue.

Mr W says that before the service visit in March 2016 his boiler installation was inspected last at an annual service in 2015. He argues that the flue was acceptable to BG then, and if it was acceptable then, it should be acceptable in 2016 as there hasn't been any change to regulations or guidance. He says there's no justification for BG classing his boiler and flue installation as "At Risk" and he wants this withdrawn. He says BG is wrong and has attempted to mislead him by saying that regulations have changed when they haven't. He wants it to apologise for its errors and offer financial compensation for the failings in the service he received under his policy. He says he hasn't received "a competent professional service of the highest quality for the premium fee that is charged".

As Mr W wasn't satisfied with BG's response, he referred his complaint to this service. Our investigator thought that it was reasonable to give BG the opportunity for its independent engineer to inspect the flue and to help resolve the matter.

Mr W responded to the investigator's view on 15th and 16th May, and I've fully considered these responses. He repeats that his underlying concern is that if his boiler installation was unreservedly acceptable to BG after the annual service in 2015, what material change has occurred to legislation and/or guidance subsequently for BG to say that his boiler installation is now "At Risk"? He maintains that his flue installation fully complied with regulations, and since these haven't been revised, his flue must still comply with regulations. He says that BG has never explained why the flue it originally installed now needs to be re-checked, bearing in mind that the integrity of the flue has never been doubted by BG engineers during any of the previous annual servicing and inspection visits.

As Mr W doesn't agree with the view of our investigator, his complaint has been passed to me to make a final decision.

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'm not going to uphold Mr W's complaint and I'll explain why.

I should say at the outset that I can appreciate Mr W's concern that BG's engineer in March 2016 declared his boiler installation to be "At Risk". I can also appreciate Mr W's frustration that his flue has been described as being in a void, and therefore subject to certain regulations, when he says it isn't.

Mr W has said that his complaint relates exclusively to BG saying that his flue installation doesn't comply with current regulations and that his boiler and flue installation are 'At Risk'. He says that if his installation was compliant in 2015, it should be compliant in 2016 unless regulations have changed in the intervening period, and he says they haven't. I think that leaves three possibilities: either BG's engineer in 2015, or possibly earlier engineers, were wrong in assessing the flue as compliant, or the 2016 engineer was wrong in assessing it as non-compliant, or Mr W is wrong that there has been no change to the regulations.

I think BG should be allowed to undertake the site visit it's offered. Because Mr W is concerned about a lack of independence in any such inspection, BG has offered an inspection by a Safety Assurance Engineer. Such an engineer is part of BG's safety team which is independent from BG's engineers and which makes sure BG's engineers comply with safety procedures and regulations. That inspection would be able to identify whether Mr W's installation does or doesn't comply with current regulations and whether Mr W's installation has correctly been identified as "At Risk". BG has said that if it turns out that Mr W's flue was incorrectly installed before changes in regulations, it will rectify the matter free of charge. So far Mr W hasn't accepted BG's offer to undertake such an inspection, but I think that an inspection is necessary to resolve this matter.

With regards to Mr W's request for compensation from BG, I can't consider this as I haven't seen any evidence so far that BG has done anything wrong. All I've seen is evidence that Mr W disagrees with BG's explanation, or lack of explanation. I think BG has acted fairly and reasonably in offering an inspection that will hopefully clarify the situation.

my final decision

My final decision is that I don't uphold Mr W's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 17 July 2017.

Nigel Bremner
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