

## **complaint**

Mrs J complains that British Gas Services Limited mis-sold a home emergency policy to her.

## **background**

Mrs J had home emergency cover for two boilers in her home. She was unhappy with the service provided when she claimed on her policy and one of the boilers was declared unsafe, following which she decided to replace both boilers.

Mrs J complained to British Gas and then to this service about the way her claim was dealt with, and we made a decision on that complaint. She now complains that the policy was mis-sold to her.

Mrs J says it's become clear that she needed commercial cover, and British Gas should never have sold her home emergency cover. She says the engineers who dealt with call outs were only able to deal with domestic boilers, and didn't have the right qualifications or experience to service or repair her boilers, which weren't domestic boilers.

British Gas says it was right to sell a homecare policy when Mrs J took this out in 2007. At that time, it didn't provide a separate commercial policy, which was only introduced in 2010. Although it now has separate policies, all its engineers are qualified to work on boilers of the type that Mrs J had in her property.

Our adjudicator didn't uphold the complaint, so Mrs J asked for it to be referred to an ombudsman.

## **my findings**

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

As I've said, Mrs J made a separate complaint about how British Gas dealt with her claim and I can't comment on that here. I'm only considering whether the policy was mis-sold to her.

Mrs J says British Gas' engineers weren't able to service or repair her boilers. I understand that in Mrs J's case, the fact that she had two boilers meant their combined output took them over British Gas' limit for a homecare agreement. But British Gas has confirmed that the boilers were included on its list as domestic boilers, and has provided a technical bulletin confirming that the boilers can be worked on by a domestic engineer.

Mrs J has referred to a phone call in which a British Gas employee said engineers weren't able to work on her boilers. I accept that this comment was made. British Gas has explained that there was some confusion about whether engineers from its homecare section could work on these boilers. But, as I've said, it has provided information confirming that they could.

I'm satisfied that it was reasonable for British Gas to provide this cover for Mrs J in 2007, as it was able to provide engineers who could work on the boilers. At the time when the policy was sold, British Gas didn't have separate homecare and commercial policies. The creation of a separate commercial policy only happened in 2010. Due to the size of the property,

Mrs J has two boilers. Because of the combined output of these boilers, British Gas decided in 2013 that they ought to be covered under the commercial policy rather than the homecare policy. It was a matter for British Gas to decide what cover to offer.

In any event, Mrs J was covered from 2007. If she needed to make a claim, British Gas had engineers available who were able to work on her boilers. Mrs J has also referred to a claim she made in 2011. She says the engineer who attended had to call in someone more senior to deal with it. I think that shows she was able to claim on her policy. And British Gas has pointed out that the premiums she paid during that time were lower than those she would have paid for a commercial policy elsewhere. So I can't see that she has suffered any detriment as a result of having a homecare policy.

I appreciate that Mrs J is unhappy with the way British Gas dealt with her claim; she says if she'd had the right level of cover, she wouldn't have had problems when she made this claim. I can't comment on the way the claim was dealt with. But from the information I've seen, I think British Gas' engineers were able to work on her boilers. So I don't think the policy was mis-sold.

#### **my final decision**

For the reasons given, I don't uphold the complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs J to accept or reject my decision before 3 May 2016.

Peter Whiteley  
**ombudsman**