

complaint

Miss F has complained about the way Inter Partner Assistance SA (IPA) dealt with a claim she made on her home emergency policy.

All references to IPA include its agents.

background

Miss F made a claim to IPA because her boiler had broken down. An IPA engineer went to Miss F's property and said the boiler was fine. Miss F called IPA later the same day and said it had stopped working again. An engineer went to Miss F's property a few days later and said the boiler was working fine but the pump was struggling because there seemed to be sludge in the system. He said he would need to take a sample of the water and let her know if the system needed a powerflush.

Around three weeks later, IPA said the results were positive so a powerflush was needed. It said Miss F's policy wouldn't cover this because it doesn't cover remedial work. IPA said it wouldn't repair the boiler until Miss F had the system flushed. Miss F didn't think a powerflush was necessary. IPA didn't uphold her complaint but it told her that if she had a report from another engineer saying the boiler didn't need a powerflush, it would consider it. IPA gave Miss F some compensation for not keeping her updated and for the days she was without heating.

Miss F made a complaint to us. Our adjudicator didn't think it should be upheld because at the time of IPA's final decision Miss F hadn't sent it any evidence from an engineer.

Miss F has since had two engineers visit her property. They both said a powerflush isn't necessary. Miss F made a second complaint to IPA and sent one of the reports. IPA rejected the complaint. It said this was because Miss F's engineer agreed with its own engineer.

Our adjudicator considered the second complaint and thought it should be upheld. He said both Miss F's engineers said a powerflush wasn't necessary before IPA replaced any parts. IPA said it insisted on a powerflush to stop the new parts from getting covered in sludge. It didn't agree with the adjudicator's view and asked for an ombudsman's 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. Having done so, I think this complaint should be upheld.

In this decision I'm only dealing with Miss F's second complaint - so anything that happened after she sent IPA her own engineer's evidence.

I've considered the report prepared by Miss F's engineer which was sent to IPA at the time of the second complaint. It says that Miss F had been told her boiler needed a powerflush but the only problem was with the valve and the pump. In its final response IPA relied on this report and said Miss F's engineer agreed with its own. I don't think that was the case. I think IPA interpreted the report wrongly so its final decision was based on a wrong assumption. Miss F pointed this out at the time but IPA didn't change its view. I think this is evidence of poor handling by IPA.

Miss F has now provided IPA with a second engineer's report. This also says that a powerflush isn't necessary. So, on balance I don't think a powerflush has to be done before the valve and the pump are replaced.

IPA said its own engineer's report is based on water samples which show that a powerflush is required. I haven't seen the engineer's report but even if a powerflush is necessary, this doesn't mean it has to happen before any parts are replaced. And from what I've seen, the policy doesn't say that if a power flush is needed, IPA won't carry out any repairs until this is done. So I don't think IPA has acted reasonably in not replacing the parts necessary to repair Miss F's boiler.

IPA said its policy is to not replace any parts before the power flush takes place because they will become covered in sludge. If any parts do fail because of sludge in the system, this will more likely form part of a separate claim which IPA can assess afresh having regard to its policy terms.

Miss F said she has been put under a lot of stress as a result of the claim. She's had to complain to IPA a number of times and then to us. And I think this was made worse by IPA misinterpreting her engineer's report. I think IPA must pay Miss F £100 for the trouble and upset it caused her.

Miss F said the problems with her boiler caused her issues with her health. IPA previously said it would consider this element of Miss F's complaint if she provides evidence in support. From what I've seen she hasn't so far. Miss F said it's for IPA to apply for a medical report. I think it's for Miss F to prove her claim so she is the one who has to provide the supporting evidence.

my final decision

For the reasons above, I'm upholding Miss F's complaint against Inter Partner Assistance SA. Inter Partner Assistance SA must carry out the repairs necessary to fix Miss F's boiler as specified in the engineers' reports provided by Miss F without her having the powerflush done to the boiler first, subject to any excess or claims limit set out in the policy terms. And it must pay her £100 for the distress and inconvenience it caused her.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss F to accept or reject my decision before 3 October 2016.

Anastasia Serdari
ombudsman