

complaint

Mrs F complains that British Gas Insurance Limited gave her poor service under a home care insurance policy.

background

Mrs F called her insurer British Gas for help with a leaking toilet. She complained that its engineer gave poor service and damaged the toilet.

The adjudicator didn't recommend that the complaint should be upheld. She didn't think she could conclusively say the engineer caused the damage to the toilet.

Mrs F disagrees with the adjudicator's opinion. She says, in summary, that we can't conclusively say that the engineer didn't damage the toilet.

my findings

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

British Gas was the insurer responsible for dealing with claims. So where I refer to British Gas, I include its contactors and their engineers for whose actions I hold British Gas responsible.

I think it's common ground that the toilet hadn't ever been screwed to the wall.

The engineer fixed the leak.

I've considered what Mrs F has said about his initial failure to shorten the flush lever so that the cistern lid would sit properly.

I've also considered what Mrs F has said about the engineer turning off the valve controlling hot water to the shower. I can't see why he would do this.

But I don't share Mrs F's view that these points are evidence of the engineer's incompetence or dishonesty, relevant to the central issue of who damaged the toilet.

On that central issue there's a conflict of evidence. Mrs F says the engineer cracked the toilet by over-tightening a connection with the cistern. The engineer says that Mrs F caused the crack by (in her words) "wiggling" the cistern.

The engineer rang his office from Mrs F's home. British Gas says the call wasn't recorded as an audio file.

Another engineer attended and opened the gate valve for the shower. Mrs F says he said the first engineer had caused the crack by over-tightening. But that's second-hand evidence and I don't place much weight on it.

I decide this complaint on the basis of what I find most likely to have happened. On balance I find that Mrs F caused the crack by "wiggling" the toilet which had never been screwed to the wall.

I don't think it would be fair and reasonable to order British Gas to provide Mrs F with a new toilet or to do anything more in response to her complaint.

my final decision

For the reasons I've explained, my final decision is that I don't uphold this complaint. I make no order against British Gas Insurance Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs F to accept or reject my decision before 20 February 2017.

Christopher Gilbert
ombudsman