

## **complaint**

Mr D complains about the level of service he received from British Gas Insurance Limited after he made a claim under his home emergency policy.

## **background**

Mr D and his wife have a home emergency policy with British Gas.

On 16 May Mr D reported a problem with his boiler and a British Gas engineer came out. The engineer found a gas valve was needed but couldn't find the fault. He noted the boiler was 'at risk' and not operational.

The next day a British Gas engineer came out again following Mr D's complaint that he was without heating and hot water. The engineer replaced the gas valve and told Mr D the boiler was operational. But he also recommended it be replaced as there were limited spare parts available due to its age.

The following day, 18 May, Mr D's daughter went downstairs and found there'd been a gas leak that had flooded the downstairs area with gas. They contacted National Grid and followed its instruction to switch off the gas and open their windows. National Grid came out to test the system. Following Mr D's complaint, British Gas' engineer also came out. He found a gas leak on the isolation valve. So he replaced the necessary parts and did the safety tests. He said the boiler had been fixed, but also recommended it be replaced due to its age, efficiency and lack of spare parts.

Also on 18 May Mr D complained to British Gas about the earlier gas leak and its service.

On 20 May British Gas' senior manager contacted Mr D, and said sorry for the engineer's error. He said it wasn't their normal practice to leave any type of gas leak. But Mr D's daughter went back to British Gas on 22 May. She explained the trauma British Gas had caused her parents, Mr and Mrs D. She said they might all have been killed, and they felt unsafe. She had to chase for a response to her message.

On 24 May British Gas apologised again for the distress and inconvenience. It offered £170 compensation because Mr and Mrs D had been left without heating and hot water for an evening, an extra visit was necessary to repair the gas leak and they had to chase their complaint. As Mr D didn't think the initial offer of £170 was enough it increased it to £376.55 as a goodwill gesture, in light of the serious situation. It said this was the equivalent of a year's worth of homecare premiums.

Mr D said he wanted the compensation paid to his bank account and for British Gas to replace the boiler given their concerns about its safety. Instead British Gas sent a cheque to Mr D. It said that it was confident Mr D's boiler system was working correctly and safely. He remained unhappy and concerned and came to us. He said the boiler was noisy and he and his family worry every day that the boiler might not be fixed.

Our adjudicator empathised with Mr D's situation. But she explained that we could only compensate him for what had happened, rather than what might have happened. She accepted Mr D had suffered distress and inconvenience. But she thought the compensation British Gas had paid was fair. She hadn't seen evidence the boiler was still faulty, and explained that British Gas didn't have to replace the boiler under the policy terms.

Mr D didn't agree and has asked for a review of his complaint. He didn't think British Gas' payment was compensation as they were paying for homecare cover anyway. He understood about consequential losses. But he said British Gas should pay for a new boiler due to its faulty workmanship.

### **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 been sorry to learn about the distress that Mr D and his family suffered when they found a gas leak. I don't underestimate the worry this must have caused them, given the potential risks of a leak.

But I think British Gas has made a fair settlement, so I don't intend to order it to do anything more to resolve this complaint. I know this will be very disappointing for Mr D, and I'll explain my reasons.

British Gas has accepted its service was poor. It's said sorry for this and given internal feedback to try to prevent this happening again. It's also paid Mr D compensation as it accepts that he and his family were distressed, worried and inconvenienced by its error. What remains in dispute is whether its settlement is fair and reasonable.

As the adjudicator has explained I can make an award for actual loss, distress and inconvenience a consumer has suffered because of something a financial business has done wrong. I fully appreciate why Mr D and his family were worried about what might have happened to them if they'd not found the leak when they did. They prudently contacted National Grid straight away to get advice, and followed its instructions. When they told British Gas I think it acted quickly (as it should) and sent an engineer that day to test the boiler and repair the leak.

I am sorry to learn that Mr D and his wife are still so worried about their boiler and say it's making more noise than it was. But for me to make British Gas do anything more I'd need to see some evidence the boiler was still faulty. I've not seen any evidence of this. And our adjudicator was correct when he said British Gas doesn't have to replace the boiler under the policy terms.

I can't make an award to punish British Gas or to reflect what might have happened had Mr D not discovered the gas leak and acted on it. British Gas shouldn't have made the mistake in the first place. But as soon as it was alerted it properly came out the same day, located the leak and repaired the boiler quickly. It acknowledged Mr D's complaint quickly as well, and said sorry they had to send a chaser, although it's unfortunate it paid them by cheque rather than direct transfer into their account.

I understand Mr D doesn't think he's had compensation as it's equal to the homecare payments he's already made. But British Gas didn't have to refund those payments. So I do think its payment was compensation, even though it's based on a year's worth of payments. And I think the payment of £376.55 is fair and reasonable in the overall circumstances of this complaint. So I don't require British Gas to do anything more.

**my final decision**

My decision is that British Gas Insurance Limited has taken fair and reasonable steps to resolve this complaint, so I don't require it do anything more.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr D to accept or reject my decision before 21 October 2016.

Amanda Maycock  
**ombudsman**