

complaint

Mr D complains that British Gas Insurance Limited ("BGI") mistakenly arranged for an engineer to visit and enter his home under his home emergency insurance policy, when his elderly mother was there alone, which caused distress to him and his mother.

background

Mr D lived in the downstairs part of a property with his elderly mother. The upstairs part of the property was owned by someone else (unconnected to Mr D) who let it to a tenant.

Mr D had a home emergency policy with BGI covering his central heating boiler and system. Coincidentally, Mr B's upstairs neighbour also had a home emergency insurance policy with BGI for his boiler.

In November 2018 the upstairs tenant phoned BGI to arrange a visit for their boiler. BGI's representative failed to check BGI's records properly and by mistake set up the visit for Mr D's house.

The engineer arrived, and Mr D's mother was alone in the house. She wasn't expecting a visit from BGI as Mr D hadn't said anything to her. However the engineer was carrying a worksheet with her son's name on it, so she let him in. She phoned Mr D on his mobile phone.

Mr D said he hadn't arranged any appointment and told his mother to ask the engineer to leave. The engineer rang the contact number he had been given. He spoke to the upstairs tenant, when the mistake was discovered, and the engineer left Mr D's house.

Mr D complained to BGI. He was worried there had been a breach by BGI of his personal data, and complained about the distress the incident had caused him and his mother.

BGI acknowledged that its representative had made a mistake and sent its engineer to the wrong address. It apologised for this and paid Mr D compensation of £70 for the distress and inconvenience it had caused him and his mother. It said there hadn't been any breach of Mr D's personal data. Mr D didn't think £70 was sufficient compensation and complained to us.

Our investigator recommended that this complaint should be upheld. She said she had listened to a recording of the initial phone call with BGI's representative setting up the visit. She agreed there hadn't been any breach in respect of Mr D's personal data. However the representative had failed to ask the relevant questions to establish the identity of the policyholder of the upstairs flat.

The result was the representative booked the visit for the wrong property. The visit had a significant impact on Mr D's mother because she wasn't expecting any visit from BGI, and then she found her son hadn't arranged it. So the investigator recommended that BGI increase the compensation for the distress it had caused to £200, inclusive of the £70 it had already paid.

Mr D accepted the investigator's recommendation. However BGI responded to say, in summary, that:

- it's representative had made a genuine mistake when the visit was set up;
- it's engineer would have arrived in a BGI van, worn a BGI uniform, and carried a BGI identity pass;
- Mr D's mother allowed the engineer into the house. She could have refused entry while she phoned her son to check if he had arranged a visit;
- when the mistake became evident, it was resolved quickly. As soon as the engineer saw the mother's agitation he left Mr D's house; and
- it thought the £70 it had paid was fair compensation in the circumstances.

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 think BGI's representative was careless, and didn't follow BGI's procedures correctly, when she set up the visit, with the result that the engineer went to the wrong address. In these days of scams and fraudsters Mr D says his mother is afraid of people coming into the house without prior arrangement, which I can quite understand.

The engineer seemed to Mr D's mother to be a genuine BGI engineer and carried documentation with Mr D's name on it. So she let him in, but prudently checked with her son. It then transpired that he hadn't arranged the visit, which caused both Mr D and his mother distress. Her agitation was evident to the engineer at the time.

While in other circumstances, and with other customers, BGI's compensation payment of £70 might have been reasonable, in the circumstances of this particular case I don't think it sufficiently recognises the degree of distress Mr and his mother suffered. I agree with the investigator that appropriate compensation for the distress and inconvenience caused to Mr D and his mother is £200, inclusive of the £70 it has already paid.

my final decision

My decision is that I uphold this complaint, and order British Gas Insurance Limited to pay Mr D compensation of £200, inclusive of the £70 it has already paid.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr D to accept or reject my decision before 11 November 2019.

Lennox Towers
ombudsman