

complaint

Miss R's complaint is about the handling of a claim under her home emergency insurance policy with British Gas Insurance Limited.

background

Miss R contacted British Gas as there was a problem with her bathroom sink. A contractor attended on 30 March 2018 and replaced the waste and trap. Miss R called British Gas again two days later, as she had found the sink was leaking again. Another contractor attended the same day and replaced the popper plug for the sinkhole.

Miss R complained to British Gas, as she was unhappy with the way the repairs were carried out. She says the engineer had caused scratches around the plug hole as he had tried to remove the sealant using a sharp knife. Miss R also says that the engineer had used clear sealant when replacing the plug and she had to ask him to change it to white sealant, as it was before and to match the rest of the bathroom. Miss R also says the sealant was not applied neatly.

British Gas doesn't accept that it caused any damage to the sink. It says the scratches were present before the second contractor attended on 2 April 2018. However, it offered £50 compensation for the delay in dealing with Miss R's complaint.

From British Gas's file, I can also see that in early September 2018 the contractors used by British Gas agreed to arrange for a third party repairer to attend to repair the scratches. I can also see mention of an offer of £100 'loss of attraction' compensation. However, British Gas has since said it did not agree to do the repairs; and I can't see that the additional compensation was ever offered to Miss R.

One of our adjudicators looked into the complaint. He recommended that it be upheld, as he considered it more likely than not that the second contractor did cause the scratches when attending on 2 April 2018. The adjudicator therefore recommended that British Gas should arrange for the repair of the scratches; and also for the sealant to be redone as the pictures show it was not been left in a good condition. If it isn't possible to repair the sink, the adjudicator recommended that British Gas consider a suitable replacement or cash settlement to be agreed with Miss R. In addition to the £50.00 compensation offered by British Gas for the delay in responding to the complaint, the adjudicator also said it should pay £100.00 compensation.

British Gas doesn't accept the adjudicator's assessment, so the matter has been referred to me.

my findings

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

Both Miss R and British Gas have provided photographs of the sink, which they both say support their respective positions.

Miss R has provided photographs which she says are of the sink after the work was carried out, showing scratches around the plughole and that the sealant was not smooth.

British Gas has provided photographs, which it says were from before the work was carried out as they show white sealant and in which the scratches are visible. However, Miss R says she asked the contractor to replace the clear sealant with white sealant and therefore that these photos were in fact taken after the work was completed by the second contractor. Having compared both sets of photos, the sealant in both appears to look the same (with the unevenness) so it does seem likely to me that the photos British Gas has provided were taken after the work was carried out.

I also note that the first contractor didn't mention any scratches on the job reports he completed. It is usual for contractors to note any existing damage before starting any work themselves. Miss R has said that the second contractor did point out the scratches to her but only after the work was done. If the scratches had been there before he started work, I'd have expected him to point them out to Miss R and record them before starting work on the sink.

Having taken everything into account, I am satisfied that it is more likely than not that British Gas's contractor caused the scratches. I also consider that the sealant has not been applied to a reasonable standard. I agree with the adjudicator that this should be rectified and that British Gas should pay some compensation for the trouble caused to Miss R.

my final decision

I uphold this complaint against British Gas Insurance Limited and require it to:

- arrange for the sealant to be re-done and 'magic' repair of the scratches. If it is not possible to repair then British Gas should arrange for or pay for a replacement sink; and
- pay £100.00 compensation (in addition to the £50 already offered) as compensation for the distress and inconvenience caused by the handling of this matter, including the delay in dealing with the complaint, the repair not being carried out properly on the first visit.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss R to accept or reject my decision before 1 March 2019.

Harriet McCarthy
ombudsman