

complaint

Mr and Mrs H complain about experiencing problems with their boiler after British Gas Insurance Limited replaced and repaired it.

background

Mr and Mrs H's boiler was replaced in 2009 under their Home Care policy with British Gas. They said they regularly experienced problems with the boiler and this continued even after numerous engineer call outs and repairs.

Mr and Mrs H complained to British Gas in the early part of 2018 following recent repairs that hadn't resolved the problems they were experiencing. British Gas carried out further repairs and eventually replaced the boiler in September 2018. It also offered Mr and Mrs H £530 compensation.

Mr and Mrs H remained unhappy and brought their complaint to this service for an independent review. They said:

- they've had numerous call outs to repair their boiler
- leaks have flooded their kitchen
- certain engineers and managers they've spoken to haven't been helpful
- their boiler consistently failed from December 2017 and September 2018 so they've regularly been without heating and/or hot water.

One of our investigators upheld the complaint and asked British Gas to pay an additional £700 compensation. She said that British Gas should've replaced the boiler in December 2017 given the history of regular problems and repairs. British Gas disagreed that the boiler failed regularly and said that it wasn't until March 2018 that Mr and Mrs H called to arrange a repair. British Gas added that it tried to repair the boiler each time in line with the policy terms and conditions and only replaced the boiler as a good will gesture to resolve the complaint.

Mr and Mrs H explained that they didn't contact British Gas sooner than March 2018 as they were following guidance given by engineers who had attended previous call outs. They said that they'd been told to press the reset button each time the boiler failed and got in touch with British Gas in March 2018 when this wouldn't work. Mr and Mrs H explained that the boiler needed resetting several times a day.

Our investigator went back to British Gas upholding the complaint a second time. It continued to disagree so the complaint has been passed to me for a final decision. Mr and Mrs H disagreed with our investigator too as they felt the compensation should be higher.

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'm upholding this complaint for similar reasons as the investigator and I'll explain why.

Firstly, Mr and Mrs H's complaint extends to issues they experienced with their boiler and British Gas over several years. However, as our investigator explained, British Gas provided a final response to some of these issues in February 2017 and Mr and Mrs H had six months

from the date of this response to refer their complaint to this service. It seems Mr and Mrs H first contacted this service in March 2018.

Our rules say that a complaint referred to us more than six months after the business issued its final response is out of time. If the business complained about doesn't agree to us looking in to the complaint and there are no exceptional circumstances that prevented it being referred in time – then we can't consider the complaint.

So I can't look in to the complaint that British Gas responded to in February 2017. I've considered the complaint issues since this and everything British Gas dealt with in its final response of August 2018.

Under the policy terms and conditions, British Gas can repair Mr and Mrs H's boiler, or replace it if it's irreparable. I agree that British Gas should've replaced the boiler sooner instead of trying to repair it several times.

Mr and Mrs H contacted British Gas in December 2017 after their boiler failed to work. Mr and Mrs H told us that they were advised by an engineer(s) to keep resetting the boiler every time it fails to work. It's likely then that British Gas was aware that the boiler hadn't been repaired and could fail again – which it did. Mr and Mrs H said this happened numerous times a day until eventually the boiler completely failed and wouldn't reset.

British Gas thinks the boiler didn't fail constantly, otherwise Mr and Mrs H would've got in touch sooner and certainly before March 2018. However, I'm not persuaded that this was the case. Mr and Mrs H had a long history of problems with their boiler (which British Gas was aware of) and the information I've seen suggests they contacted British Gas countless times when their boiler failed to work. It seems that, when they were given advice on how to get their boiler working quickly instead of waiting for a call out, they chose to follow it. And I can understand why this quick fix would've been appealing to them considering the history of problems.

I think it's more likely that Mr and Mrs H did experience constant problems with their boiler. So British Gas should've replaced the boiler sooner.

As a result, Mr and Mrs H experienced distress and inconvenience. Mr and Mrs H told us:

- Mrs H has mobility issues and it was more difficult to do normal activities like shower as the boiler would fail regularly
- Mr and Mrs H would have to sit by the boiler and reset it as it failed whilst the shower was in use
- leaks have damaged their kitchen floor
- the maximum period the boiler would work for was around 40 mins, after which it needed to be reset again.

I don't think the compensation British Gas has offered so far fairly makes up for this. Mr and Mrs H would've regularly been without heating or hot water for the best part of a year – some of which would've included the winter period. And this would've been more difficult considering their age, vulnerability and the historic issues with their boiler – all of which British Gas would've been aware of. I also think it's unreasonable to have expected Mr and Mrs H to constantly reset the boiler themselves.

I agree that a further £700 compensation is a fairer way to make up for the distress and inconvenience Mr and Mrs H experienced.

my final decision

For the reasons set out above, I'm upholding this complaint. I require British Gas Insurance Limited to pay Mr and Mrs H £700 compensation on top of the £530 it has already offered.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr and Mrs H to accept or reject my decision before 10 October 2019.

Paul Daniel
ombudsman