

complaint

Mrs T is unhappy with the way that British Gas Insurance Limited has dealt with her claim for replacement of a tap under her Home Care Insurance.

background

Mrs T called out British Gas as she had a hot water tap in her bathroom that had seized up. British Gas agreed to replace it but required Mrs T to sign a waiver agreeing that it wouldn't be responsible for replacing her basin if it broke it in the process. It later explained that the taps had been installed using paste which had dried. It considered that there was a high risk of breaking the basin when removing the tap. And as sanitary ware isn't covered under the policy it would not replace it. It also said that the colour of the basin would be difficult to match. And it clarified that the waiver wouldn't exempt it from any negligence. Mrs T felt she couldn't go ahead with the repair as she might be stuck with a broken basin.

On referral to this service, our investigator thought that British Gas shouldn't require Mrs T to sign a waiver and that it should be responsible if it broke the basin in the course of replacing the tap.

British Gas didn't agree, and the matter has been passed to me for consideration.

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 asserts that the taps were installed by the use of paste, which isn't how taps are normally flitted. Its reason for saying that is from an unattributed copy email from the plumber who attended – there is nothing about it in the site report. From considering Mrs T's evidence I have no reason to suppose that the taps have been subject to any unusual type of repair and that this was the way they were installed when the house was built.

British Gas has agreed that the replacement of taps is covered under the policy. Having accepted that I think if it breaks the basin in the course of removing the old tap and installing the new one it must take that risk. By making Mrs T sign the waiver it could put her in the position of having no basin at all. At present she just has cold water. She is a vulnerable person and I don't think it would be fair and reasonable for her to have to accept that risk.

I agree that colour match may be difficult, if the basin needed replacing. If that happened I wouldn't expect British Gas to provide an exact colour match to the rest of the bathroom suite, unless one was available. Mrs T may have to have a match that is similar but not exact.

In the circumstances of this particular case, I think British Gas should proceed with the replacement of the tap without requiring Mrs T to sign a waiver. If it damages the basin in the course of carrying out that replacement, it must be responsible for replacing the basin with a reasonably similar replacement as well.

my final decision

I uphold the complaint and require British Gas Insurance Limited to carry out the replacement of the tap without requiring Mrs T to sign a waiver. If it damages the basin in the course of that repair, it must replace the basin.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs T to accept or reject my decision before 30 April 2018.

Ray Lawley
ombudsman