

complaint

Mrs H complains about the handling of her home emergency claim by the Society of Lloyd's.

background

I issued my provisional decision on this matter in November as follows –

'Mrs H made a claim on her policy for a faulty boiler. Despite a number of visits from engineers and a number of new parts the boiler couldn't be repaired, and it was eventually replaced. Mrs H has asked for reimbursement of monies, the insurer refused.

Mrs H complained to us and one of our adjudicators considered the matter. They suggest a compensation payment. The insurer agreed to this, but Mrs H felt it did not go far enough. So the matter has been referred to me as the final stage of our process.

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

I agree with Mrs H. And subject to anything received before my final decision I intend to uphold her complaint.

Mrs H's policy covers her for the repair of her boiler, with some exclusions. She is entitled to rely on the opinion of the insurer's appointed engineers concerning this, and if that opinion is wrong, the cost of that falls on the insurer.

Here Mrs H paid for repairs advised by the engineers, these repairs did not work. I cannot see why Mrs H should bear this cost when she was following advice from an agent of the insurer. I think she should be reimbursed these costs. I am advised they cost £550. To this should be added £200 for the problems this has caused Mrs H, as an elderly person relying on her boiler for heat and hot water she has been distressed and inconvenienced by the insurer's actions.'

Mrs H accepted my provisional decision. The business did not. They say all the repairs were needed and worked, and that the problem was the insured insisting on a new boiler when the old could still be repaired.

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 note what the insurer says, and the notes from the repair firm and the comments on the replacement boiler. But, the fact remains it appears the consumer was told one set of repairs should work, and they did not. Consumers are not boiler experts and are entitled to put some faith in the people insurers send round. If it were possible there were multiple issues the engineers should have made this very clear so Mrs H could have made a judgement over whether to commit to the original repairs, they did not make this clear enough.

my final decision

The Society of Lloyd's should pay Mrs H £550 plus £200 as detailed in my provisional decision.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs H to accept or reject my decision before 24 February 2017.

Christopher Tilson
ombudsman