

complaint

Mrs F and Mr L's complaint relates to Inter Partner Assistance SA's (IPA) decision not to cover the cost of their replacement room temperature thermostat after they believe its engineers caused it to breakdown.

background

Mrs F holds a home emergency insurance policy, underwritten by IPA. All references to IPA include its appointed administrative agents.

In May 2012, Mrs F and Mr L contacted IPA as they had no heating and hot water and a central heating pipe was leaking.

An engineer from IPA attended and repressurised the boiler which restored the heating and hot water but also apparently advised that it was draining down due to the incorrect positioning of an outside tap. Removing the tap would not be covered under the policy and also as the boiler was 17 years old it is no longer covered under the policy, which only covers boilers up to 15 years old.

Having repressurised the boiler, Mrs F says that he checked the thermostat and said that he thought the batteries were low and so replaced them and left. However, Mrs F says that she then tried to turn the heating down, as it was on full, and found that she was unable to lower the temperature. She asked the engineer to return to fix the room thermostat but he refused as it would not be covered under the policy, although he did understand return and try to get it working.

Mrs F and Mr L had the thermostat replaced themselves and want IPA to reimburse the cost (approximately £55) as they consider it its engineer caused the damage to it.

IPA confirmed that it would consider this if Mrs F and Mr L were able to establish that the thermostat needed to be replaced due to its engineer. Even though IPA did not consider that its engineer was responsible, it offered £25 compensation, as a goodwill gesture.

As Mrs F and Mr L remained unhappy, they brought their complaint to the Financial Ombudsman Service.

Our adjudicator rejected Mrs F and Mr L's complaint and confirmed that the £25 offer of compensation was fair and reasonable. She also confirmed that IPA's offer to consider the cost of the room thermostat was fair, subject to Mrs F and Mr L providing independent evidence of engineer negligence.

Mrs F and Mr L did not accept the adjudicator's view. They say that:

- The thermostat was working before the engineer's attendance;
- Mrs F witnessed him "brutally manipulated" the room thermostat, and that he also broke a lamp in a store room while he was there.
- IPA promised to send a manager to examine the thermostat, which indicates that it accepted it was broken due to its engineer.

As Mrs F and Mr L remained dissatisfied, they requested that their complaint be referred to an ombudsman for final determination.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

It is extremely difficult in a situation like this to determine exactly what happened.

Mrs F and Mr L say that the thermostat was working fine until after the engineer replaced the batteries. They suggested that he was heavy-handed with it and also allege that he broke a lamp.

However, in their detailed summary of events they said that he put new batteries in, turned the thermostat up to test the heating (having repressurised the boiler) and “pressed on different buttons”. As he was leaving Mrs F could not turn the heating down and he came back and he “manipulated again with the room stat for about 15 minutes by pressing all the different buttons, but no success” and then after Mrs F asked to talk to his manager he spent about another 10 minutes “pressing all the different buttons”.

It is difficult to be certain, given the conflict of evidence, but there does not seem to me to be sufficient evidence for me to be satisfied that the engineer repeatedly pressing buttons on the thermostat would cause it to break. And, although Mrs F and Mr L say that it was working perfectly well before the engineer’s visit, it is difficult to be certain given that the boiler was not working.

In order to be able to order IPA to reimburse the full cost of the thermostat, I would also have to be satisfied that its engineer not only damaged it but also that he did so as a result of negligence.

There is simply not enough evidence to persuade me that this is the case. Given this, on the evidence currently available, it seems to me that IPA’s offer to pay compensation of £25 (being approximately half the cost of the replacement thermostat) is fair and reasonable in all the circumstances of the case.

If Mrs F and Mr L can provide any further evidence that IPA’s engineer caused the damage then its offer to reconsider is still open.

my final decision

My final decision is that I do not uphold Mrs F and Mr L’s complaint.

I make no award against Inter Partner Assistance S.A other than to endorse the offer it has already made to pay Mrs F and Mr L a total of £25, which remains open for acceptance.

Harriet McCarthy
ombudsman