

## **complaint**

E, a charity, complains about the service provided by British Gas Services Limited ("BGS") under a gas service contract.

The charity is represented in this complaint by Ms W, a trustee.

## **background**

In April 2019, Ms W told BGS via a "live chat" that the charity wished to go paperless. Very shortly afterwards, BGS emailed Ms W, but addressed her as "Mr W" in error. They did this on at least one subsequent occasion. They also sent a number of further letters by post, despite repeated requests from Ms W to use email only.

Ms W complained, saying these errors were extremely distressing for her. BGS replied to her complaint by writing to her home address, not the charity's address, which she also complained about. BGS apologised for their administrative errors and offered the charity £50 in compensation for them. They also offered Ms W some personal compensation.

Ms W wasn't satisfied with BGS' response, so she asked our service to look into things. She also handed in her resignation as secretary of the charity, although she remains a trustee. She said this was because her disability meant that she'd found the actions of BGS extremely distressing.

One of our investigators looked into things and recommended upholding the complaint. She explained that she could only look at compensation for the inconvenience caused to the charity. But because BGS' errors had caused Ms W to resign, and this had caused the charity some trouble, she thought an increase in compensation from £50 to £200 was appropriate.

BGS disagreed. They said they agreed that they'd made errors and they should have resolved them more swiftly. But they weren't persuaded that their errors were responsible for Ms W's resigning from the charity. They also said that no one else from the charity had contacted them to express any concerns. And when BGS had tried to contact Ms W to discuss her complaint, she hadn't responded.

Because BGS didn't agree, it falls to me to make a final decision.

## **my findings**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so, I've come to the same conclusion as our investigator, for essentially the same reasons.

BGS have accepted that they made errors here so there's no dispute about that. I note in particular that they repeatedly sent letters, some of them entirely in error, after Ms W had informed them that she was making the request for email only as a reasonable adjustment under the Equality Act 2010. In my view, this ought reasonably to have led BGS to put particular focus on ensuring they'd updated their records.

This complaint has been brought by Ms W as a trustee of the charity. I want to make it clear that I don't have the power to make any findings about the personal distress caused to Ms W by BGS, because there isn't a customer relationship between Ms W and BGS here. BGS' customer is the charity, but a charity isn't a human being, so it can't suffer distress. However, the fact that I can't consider the impact on Ms W, doesn't make Ms W's distress any less real.

The decision for me is the right level of compensation for the charity. I note that BGS' errors haven't caused the charity any direct loss. As I've said, a charity can't suffer distress. So I'm looking here at the inconvenience caused by BGS' errors.

BGS have already offered £50, although I understand that the charity never received the cheque. Our investigator felt that this wasn't enough and that £200 would be a fairer figure. I agree.

The charity is an organisation run by volunteers. What might be a minor inconvenience to a commercial enterprise can have a more lasting impact there. In this case, BGS kept sending post to a hut, which is not in my view an ideal location for receiving correspondence. What is more, Ms W has felt forced to resign because BGS' correspondence was causing her so much stress. This in turn means that the charity needs to find another volunteer to handle its administration, which is a material inconvenience.

I know BGS have cast doubt on whether Ms W's resignation is solely down to their actions. But Ms W has told us this is the case. And the level of distress the errors have caused Ms W is in my view very apparent from her correspondence. So I think it's more likely than not that BGS' actions are the principal, if not the sole, cause of her decision.

BGS have made the point that no one else at the charity has expressed any concerns about their actions. But as a trustee, Ms W is entitled to represent the charity. I don't need to get all the trustees to give their opinions. And I've seen no evidence that the other trustees don't support Ms W's complaint.

BGS have also said that Ms W hadn't responded to their attempts to discuss matters. I'm not persuaded this is relevant to the level of compensation the charity should receive. But in any case, I've seen no evidence of Ms W not responding to emails, although she has told us more than once that BGS were trying to get in touch with her by means that were not her preference. I think it was reasonable for her not to respond to these, having made her requirements clear.

All in all, I think that a sum of £200 is fair to cover the inconvenience caused to the charity. BGS should therefore cancel its original cheque, if it hasn't already done so, and pay the charity £200, preferably by bank transfer.

**my final decision**

I uphold this complaint and direct British Gas Services Limited to pay the charity £200 in compensation. British Gas Services Limited should email the charity to establish its preferred method of payment.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms W, on behalf of the charity, to accept or reject my decision before 21 March 2020.

Louise Bardell  
**Ombudsman**