

complaint

Mrs C says British Gas Insurance Limited failed to fix her noisy boiler over several years.

background

Mrs C held a HomeCare Care agreement with British Gas Services Limited. The agreement became an insurance policy underwritten by British Gas Insurance Limited.

Mrs C had a new boiler fitted in November 2000. She said it had made a lot of noise for many years when used. She called British Gas and it sent an engineer to look at the boiler. The central heating system was checked and it was thought that the noise was due to a build-up of sludge. British Gas recommended a Powerflush to fix the problem. But the policy didn't cover the cost of this so British Gas gave a quote, which Mrs C didn't accept.

At an annual service Mrs C was given another quote for a Powerflush, which she paid and it was carried out shortly after. The noise remained and another engineer called with Mrs C in late October 2012. The thermostat sensor was replaced in the November and this resolved the problem. Mrs C complained about the unnecessary work and calls she'd made to British Gas. She felt that British Gas should have sorted the problem much earlier and had caused her unnecessary inconvenience and stress over many years.

British Gas refunded the Powerflush cost and reduced her premium by £60. And when the complaint came to us it agreed to offer another £90 because of the trouble and upset caused by visits that weren't needed.

The adjudicator thought British Gas' offer was reasonable. Mrs C didn't because she believed British Gas had been aware of the noise issue and had failed to fix it over a long period. And Mrs C believed her HomeCare agreement had been mis-sold and she has requested a refund of the premiums.

provisional decision

I recently sent my initial thoughts to British Gas and Mrs C. I addressed some issues about what we could look at and from when. British Gas has accepted these points and as they've been detailed in the provisional decision I won't go into them any further here. I said that it looked to me British Gas should have resolved the problem in 2011. And as it hadn't then I felt that compensation for the stress and inconvenience of living with the noisy boiler, and not being able to use it as it was intended to be used should be £400.

Mrs C gave a detailed reply. She said that British Gas had tried to fix the noisy boiler in December 2009. And she's given me a service sheet which says a silencer was fitted. Mrs C thinks she should get a refund of all the premiums she paid as British Gas didn't maintain the system in a useable state. But British Gas didn't think the new information changed anything. It said that if the boiler had remained noisy after the silencer had been fitted it was likely that Mrs C would have let it know. As she didn't until 2011 then British Gas feels the problem was resolved and so no further compensation was warranted.

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 grateful to Mrs C for her reply. It certainly seems that in December 2009 British Gas carried out a repair to fix the noise problem. So this means that the problem went on for longer than I had said in my provisional decision. But I don't think it makes any difference to the amount of compensation I had suggested.

Mrs C told us and British Gas about conflicting information from the various engineers. I think it was reasonable to expect that British Gas checked the thermostat was working properly before looking at more expensive repairs. One engineer said as much. In light of the new information about the silencer, if it hadn't sorted the noise problem out I would have expected Mrs C to let British Gas know. She did that but in 2011 and so I think that silencer must have had the desired effect in that period.

I still don't think £150 is enough compensation. Mrs C was left with a problem she found distressing. She says she couldn't use the boiler as intended and turned the heating off when not in the house in fear that something else may go wrong. And she often turned it off whilst in the house because of the noise. But in my view this was after 2011 as the silencer had been a fix for almost two years. I think £400 is a fair amount that reflects the impact on Mrs C since 2011. During warmer months I don't think the issue was a big concern but over two winters I think the stress would have been a real and ongoing aggravation and frustration.

Things can go wrong with central heating systems and just because they do doesn't mean I think British Gas should have to pay compensation, or that it hasn't given the service it should have done. So, I don't think Mrs C should get any of her premiums back. Whilst some of the service wasn't great Mrs C benefitted from the policy – she received call outs and services.

my final decision

My final decision is to uphold this complaint. British Gas Insurance Limited must pay Mrs C a total of £400 compensation (less any amounts already paid).

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs C to accept or reject my decision before 5 October 2015.

Sean Hamilton
ombudsman