

complaint

Mr and Mrs G are unhappy with British Gas Insurance Limited's service in relation to a home emergency insurance policy.

background

In December 2015, Mr and Mrs G found out that they only had one water tank in their property, while having their boiler replaced. The same tank was apparently serving as the central heating feed tank, cold water storage tank and expansion tank, which is a contravention of regulations and means they were drinking water that might have been contaminated, as water from the central heating system could be used as drinking water. They had the water tank replaced by a third party.

Mr and Mrs G are unhappy that British Gas never advised them about this during any of the annual services or during a repair call out in 2008.

British Gas says it didn't ever go into the attic space that contains the water tank and so wouldn't have known about this. It did what it was required to do under the terms of the policy each year. It did visit the property after the complaint was raised and found that the old tank was still there (as it was possibly made of asbestos and so hadn't been removed) but it wasn't able to be sure if there was ever another tank.

Mr and Mrs G said that in 2008, when coming to fix the thermostat, British Gas did access the attic and should have spotted the problem. They were relying on British Gas to keep their home safe and it failed to do so. As a result they were drinking water that might have been contaminated. While they haven't been ill, there is no way of knowing the long-term effects on them.

Mr and Mrs G want British Gas to compensate them for failure of service and failure to safeguard their family; additional compensation/refund of home care agreement including annual service from 2008 until 2015; and an apology for the failure and the delay in dealing with their complaint. They also want British Gas to address the "worrying outstanding training need" to ensure that its engineers can recognise faulty systems such as theirs.

One of our adjudicators looked into the case. She said that British Gas wasn't regulated by the Financial Conduct Authority until 2009 and so anything done by it before then wasn't within our jurisdiction. The adjudicator didn't think the complaint should be upheld as she thought that even if British Gas had entered the attic space and noticed that there was only one tank, any repairs required wouldn't be covered under the insurance policy as this would be classified as a design fault which BG wasn't responsible for. Whilst she understood their concern, as there was no evidence that Mr and Mrs G suffered any ill-effects, there'd be nothing we could do anyway.

Mr and Mrs G didn't accept the adjudicator's assessment and so the matter has been passed to me.

my findings

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

The only visits during which Mr and Mrs G say British Gas would have gone into the attic happened in 2008, before British Gas was regulated. No other visits have happened in the period that I can look at that would have meant they'd gone into the attic and possibly been able to identify the problem with the way the system was installed.

However, even if I could consider the 2008 visits and even if I made the assumption that British Gas should in any case have checked the installation or identified the issue at some point, I agree with the adjudicator that there is no award that it would be appropriate to make.

I say this because the system was apparently installed in the 1990s. While Mr and Mrs G are understandably concerned in hindsight that they might have been drinking water that might have been contaminated, they weren't aware of it at the time and they've not been ill as a result.

Therefore, even if British Gas should have noticed the faulty design – which hasn't been established - it wouldn't have been responsible for rectifying it and fitting new tanks and there's been no detriment caused.

my final decision

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr and Mrs G to accept or reject my decision before 25 May 2017.

Harriet McCarthy
ombudsman