

complaint

Mr A's complaint against British Gas Insurance Limited is about the service he received after his boiler broke down. Mr A is represented by his son.

background

Mr A had a HomeCare policy with British Gas, which provided cover for his boiler and central heating system.

Mr A was in hospital in December 2017 recovering from major surgery. His son stayed at his house and found that the heating and hot water wasn't working. Mr A's son contacted British Gas and arranged for an engineer to visit the house in the afternoon on 24th December.

Mr A's daughter arranged to be at the house on 24th December. But when the engineer hadn't arrived by 10pm she returned to her own home. The engineer called in the early hours of 25th December, but Mr A's daughter said the visit would have to be rearranged.

The engineer's visit was rearranged for 27th December. He arrived later than arranged and replaced the pressure release valve. He tested the system and reported that it was working.

Mr A's family reported more problems in early January 2018. Another engineer visited on 7th January and repaired a water leak, but another leak developed a few days later. British Gas engineers then visited Mr A's house numerous times over the next four months to try and address various problems with the boiler and central heating.

On behalf of Mr A, his son complained that:

- British Gas engineers had to make no less than 13 visits over a four month period. They appeared unable to diagnose the problem. And the same work was done on different visits, which suggests it wasn't done properly in the first place.
- His father was seriously ill at the time. Although his father was in hospital for some of this period, he had to come home to a house with no heating or hot water.
- All of this caused considerable stress and anxiety to his father at a time when he was very ill.
- Each time an engineer visited, one of Mr A's family had to travel some distance to the house and wait for the five hour time slots they'd been given. He estimates that family members spent 35-45 hours at the property waiting for engineers to arrive.
- He had to make several hours' worth of phone calls, which caused a lot of stress, anxiety and inconvenience.
- Mr A had to call the fire brigade because of a suspected carbon monoxide leak, following work by the British Gas engineers. Although no leak was found, this caused significant stress and anxiety.

British Gas accept that their service fell below the level they'd expect. They agree that their engineers didn't keep three appointments, and that on some of their visits they could have done more to try and resolve things. British Gas also accept that it's taken time to arrange and chase up appointments, and that they didn't respond to Mr A's complaint as quickly as they should have.

British Gas have offered to compensate Mr A for what went wrong. They've replaced his boiler, and say they weren't required to do so under the terms of his HomeCare policy. And they've offered him £400 in compensation for the distress and inconvenience caused.

Mr A didn't think this was enough so he brought his complaint to the ombudsman service. He thinks compensation of £2,000 would be more appropriate, given the impact on his family.

Our investigator looked into what had happened. She said British Gas had caused Mr A a lot of stress and worry. But she thought the compensation offered by British Gas was fair. Mr A disagrees and so I've been asked 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.

It's not in dispute that British Gas failed to provide Mr A with the level of service they should have. Their engineers had to make numerous visits over a four month period to try and resolve the problems with Mr A's boiler. In the end they offered to replace the boiler. British Gas accept that at times their engineers could have done more and that some appointments were missed.

All of this had a significant impact on Mr A, who was seriously ill at the time. His family had to help him try and resolve things with British Gas, and this caused him considerable stress and inconvenience.

So I've thought very carefully about whether the compensation that British Gas have offered is enough to put things right.

The first point I've considered is the replacement of Mr A's boiler. British Gas say that should be seen as part of their compensation to Mr A. They say they weren't required to replace the boiler but they chose to do so free of charge. Mr A says he was entitled to a replacement boiler under his HomeCare policy, and so it shouldn't be taken into account as part of the compensation for British Gas' service failings.

Under his HomeCare policy, Mr A would be entitled to a replacement if British Gas couldn't repair his boiler and it was less than seven years old.

British Gas have said that, according to their records, Mr A's boiler was installed in 1980. They have a record of their engineers' visits to Mr A's house since November 2013, and this shows 1980 as the year of installation.

Mr A says British Gas' records are inaccurate and that his boiler was replaced around 2013. He doesn't have any paperwork to support this, but says it's most likely the boiler was replaced less than seven years ago. He's also said the boiler in his house has been replaced at least twice since he moved there in the 1990s.

I've thought about what both parties have said on this point. And overall, I don't have enough evidence to say the boiler was less than seven years old. I can't therefore say that Mr A was entitled to a replacement under his policy.

Mr A has also said it was the actions of British Gas' engineers that meant his boiler had to be replaced. So it's right that British Gas should install the new boiler free of charge. British Gas say there's no technical evidence their engineers caused the problems with Mr A's boiler. They were trying to find out what was wrong and made a number of repairs.

I've looked at the evidence available on this point. As British Gas have acknowledged, some of their engineers should have done more to try and resolve things. But I haven't seen enough evidence to say they caused the original problems with the boiler.

Overall, I think British Gas went beyond what Mr A's policy required when they agreed to install his replacement boiler without charge. So I think it's reasonable to take account of the new boiler in deciding how much compensation British Gas should pay to Mr A.

I'll now look at whether I think the additional compensation British Gas have offered is enough.

Mr A has given us a detailed statement setting out the distress and anxiety British Gas' actions caused him at a time when he was seriously ill. He says he had to stay in hospital longer than he would have because his house had no heating and hot water. He was often alone in hospital, but would have had family staying with him if he'd been at home. His family told him how stressful it was trying to get the problems with his boiler resolved, and that caused him additional anxiety.

I'd like to reassure Mr A that I've considered very carefully what he's said. I can see that what's happened has caused him and his family significant distress and inconvenience.

Our investigator has explained to Mr A's son that we can only tell a business to pay compensation for the trouble and upset experienced by their customer. We can't tell them to compensate a third party – even if that's a family member.

But I can see the distress experienced by Mr A's family is relevant in this case. I accept that seeing his family experience distress and inconvenience would in turn have caused distress to Mr A. As I've noted, Mr A was seriously ill at the time and so the impact on him was particularly significant.

Given this, I've thought carefully about whether I should ask British Gas to pay more than £400 in compensation. And I think it's a finely balanced decision.

I should make clear that it's not our role to punish businesses. Where something has gone wrong, we look at the impact it's had and whether what the business has done to put things right is fair and reasonable.

It's understandable that Mr A and his son should feel very strongly about what's happened. The service provided by British Gas fell a long way short and this had a significant impact on Mr A.

But overall I think British Gas' offer is fair and reasonable. As I've explained, this takes into account the fact that British Gas have met the cost of replacing Mr A's boiler when I don't think they were required by his policy to do so.

I realise this won't be the decision Mr A and his son were hoping for, but I won't be asking British Gas to do anything more.

my final decision

For the reasons I've explained, my final decision is that I consider British Gas Insurance Limited's offer to pay Mr A £400 in compensation – in addition to replacing his boiler free of charge - to be fair and reasonable.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 13 March 2019.

Matthew Young
ombudsman