

complaint

Mrs B's complaint is about the handling of a claim under her drainage and plumbing insurance policy with British Gas Insurance Limited.

background

In January 2019, Mrs B made a claim under her policy with British Gas as her bath waste was blocked and it was draining slowly. British Gas sent a contractor out who removed an outlet pipe but was unable to clear the blockage. The contractor said he'd need to come back. However, I understand he did not reconnect the outlet pipe until around six weeks later.

Mrs B says that because the bath outlet pipe was disconnected, water damage was caused to the kitchen ceiling below and there's also a damp patch on an outside wall, which has caused the paint to come off. Mrs B also says the contractor damaged her garden gate and damaged tiles when trying to get to the pipework under the bath. At the time Mrs B bought the complaint to us, the bath waste trap had still not been cleared and it was still taking a long time for the bath water to drain away.

Mrs B is very unhappy about the handling of the claim and has asked for the cost of the repairs and compensation.

British Gas accepts that its contractor damaged Mrs B's gate and paid for this repair (£95 plus VAT). It also says a tile fell off the bathroom wall but it refitted it. British Gas also offered to repair the outside wall (£175 plus VAT), as a goodwill gesture.

However, it did not accept that it needed to do any more work on the bath, as it said the water is running normally. British Gas also says that the damage to the ceiling below the bathroom has been caused by Mrs B using the shower, which is above the bath, and water has leaked through rotted sealant around the bath (which is not covered under the policy). It did, however, offer £150 (increased from £30) as compensation for delays in dealing with the claim.

Mrs B remains unhappy. She says she still used the shower every day, while the outlet pipe was disconnected, but she had no choice as she had no other bathing facilities. The ceiling was damaged because the outlet pipe was left off for so long. And she says other tiles were damaged. Mrs B therefore still wants British Gas to pay for the repair of the tiles and kitchen ceiling. She has provided a quote for these works, of £66 +VAT and £196 + VAT respectively.

One of our investigators looked into the matter. She initially recommended that British Gas pay £250 compensation, as there were several appointments (at least six) and the bath was still not flowing freely; and that it should pay for the repair to the tiles, outside wall and side gate. The investigator didn't think there was enough evidence that British Gas should pay for the damage to the ceiling below the bath, as Mrs B had been told not to use the bath and also it may have been caused by the problems with the sealant, as British Gas said. The investigator also recommended that British Gas go back out to look at why the bath is still not draining properly.

Mrs B reluctantly accepted the assessment, provided the bath was fixed. However, British Gas did not agree.

British Gas went back out to look at the waste trap in December 2019. The contractor said he couldn't access the trap to clean it and so Mrs B would have to arrange access and he would come back. When British Gas came back out, in February 2020, it reported that the gas meter and pipe work is too close together and the pipe had not been installed at the right gradient, which affects its flow. The contractor said he had restored flow from the bath waste as much as it could.

Mrs B is very unhappy that this problem with the pipework was not reported at one of the many earlier visits regarding the bath. Mrs B got an independent quote for the work required to the bath (replacing the trap and waste pipework) of £365 plus VAT.

The investigator considered the new evidence and felt it was unreasonable to have taken a year for British Gas to establish the problem with the bath. Also Mrs B only had the bath and no other bathing facilities and she had been left without the use of it for considerable time. Given the handling of the claim, the investigator said British Gas should pay the cost of Mrs B's contractor for the bath repairs, as part of the compensation for the handling of the claim. The investigator also recommended that British Gas pay Mrs B for her to instruct her own contractor to fix the bathroom tiles (£66.00 plus VAT), as well as further compensation of £500 for the trouble caused to her. However, the investigator still didn't think British Gas was responsible for the damage to the kitchen ceiling.

British Gas does not accept the investigator's assessment and says it did all it could and the further work needed would not have been covered under the policy.

As the investigator was unable to resolve the complaint, it 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.

bath repair

British Gas diagnosed the waste pipe from the bath was not installed at the correct gradient in February 2020, over a year after the claim was first reported. There is no evidence to contradict this diagnosis or say this is incorrect. If the waste pipe is not positioned with the right gradient, it would make blockages more likely. The policy does exclude work required to rectify pre-existing faults such as this and so ordinarily British Gas would not be responsible for altering the gradient of the pipework. However, it is still obliged to do as much as it can to clear a blockage; and it is obliged to do so competently and within a reasonable time.

I don't think British Gas did deal with this within a reasonable time or as competently as it should. There were over seven appointments in relation to this matter and the bath was blocked to some degree all this time, according to Mrs B, before the reason for the blockages was found.

In addition, it appears the waste pipe was reconnected on 4 February 2019, having been removed in early January 2019. No good reason has been given as to why this was left unconnected and for so long. Mrs B was apparently told not to use the bath during that time

but she had no other bathing facilities and so she says she did use the shower that was above the bath.

Given that Mrs B was without a properly usable bath for so long, and the multiple visits to resolve a relatively simple issue, I agree with the investigator that it would be reasonable for British Gas to pay the cost of the repairs to the bath.

ceiling damage

I've also seen a photo of the wallpaper Mrs B says was damaged by water leaking through the ceiling. I disagree with the investigator and think British Gas is responsible for this, as it left the bath outlet pipe disconnected for six weeks. While some water may have seeped through the sealant, not having an outlet pipe connected and using the shower above it will inevitably have resulted in water damage. British Gas told Mrs B not to use the bath but she had no other bathing facilities, which was unacceptable. British Gas has offered no reasonable explanation as to why this was left disconnected for so long. I therefore consider it should also pay the amount quoted to repair the ceiling below, *i.e.* £196 plus VAT.

bathroom tiles

I have seen the photographs provided, which show a broken tile and one loose tile next to the bath. It is difficult to be certain how these were damaged but there's apparently no evidence that they were already damaged before this claim. And, as British Gas has already accepted that one tile fell off while its contractor was working on the bath, I am satisfied it is likely these tiles were damaged at the same time. I therefore agree that it would be reasonable for British Gas to pay for these to be repaired.

outside wall

There's also a photo of a cracked area of external render near a downpipe. This shows some small cracks in the render from the top of a window frame to an area of timber (what looks like a part of the roof support) and a small area of render has/paint has fallen away. This is apparently where a pipe was removed but there is little evidence about this. However, British Gas has agreed to pay for this repair this as a gesture of goodwill. I think that's reasonable.

compensation

The investigators recommended that British Gas should also pay Mrs B the total sum of £500 compensation for the handling of this claim. I agree that some additional compensation is warranted, to take account of the numerous attendances to carry out what should have been a relatively simple repair, the additional damage to her property by the contractors, leaving her outlet pipe unconnected. I agree that the total sum of £500 is appropriate.

my final decision

I uphold this complaint and require British Gas Insurance Limited to do the following:

1. pay Mrs B cash in lieu of the following repairs:
 - £365 plus VAT for the bath repair,
 - £196 plus VAT for the ceiling repairs,

- £175 plus VAT for the outside wall repair,
- £66 plus VAT to replace bathroom tiles, and
- £95 plus VAT side gate repair.

I understand British Gas has already paid for some of these repairs and so it only now needs to pay the outstanding amounts.

2. pay Mrs B a total of £500 compensation for the distress and inconvenience caused by its handling of her claim. (For the avoidance of doubt, any compensation amounts already paid to Mrs B can be deducted from the total of £500.)

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs B to accept or reject my decision before 24 January 2021.

Harriet McCarthy
ombudsman