

complaint

Mr G complains about the service he received from the Society of Lloyd's under his home emergency insurance policy.

background

Mr G reported that his heating system wasn't working.

He later complained to Lloyd's about the time it had taken to restore heating and hot water to his home. And, being unhappy with its response, he complained to this service.

Our investigator thought Mr G's complaint should be upheld and Lloyd's should pay him £250 compensation for the trouble and upset he'd experienced.

Lloyd's disagreed with the adjudicator's conclusions. It thought it shouldn't have to pay more than £120 compensation, in the circumstances. So, the matter's been referred to me to make a final decision.

I recently issued my provisional findings on this complaint. I explained that in the circumstances, I was minded to conclude £120 doesn't fully reflect the extent of trouble and upset Mr G experienced.

However, I was also minded to conclude £250 would be disproportionate given the relatively short delay in restoring heating to Mr G's home and given the limited control Lloyd's had over the timing of the manufacturer's attendance. So, taking everything into account, I was minded to conclude compensation of £200 would fairly reflect the trouble and upset experienced by Mr G and his wife and would be in line with the guidelines this service has for such payments.

This was different from the investigator's opinion. So, I invited both parties to comment and provide any additional evidence for me to consider.

A copy of my provisional decision is attached and forms part of this final decision.

my findings

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

As neither Mr G nor Lloyd's has provided any further information or arguments for me to consider, I see no reason to change the conclusions set out in my provisional decision. So, I partly uphold Mr G's complaint.

my final decision

I partly uphold Mr G's complaint against the Society of Lloyd's. It must pay Mr G £200 compensation for the trouble and upset he experienced as a result of the delay in restoring heating and hot water to his home.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr G to accept or reject my decision before 4 September 2017

Robert Collinson
ombudsman

copy of my provisional decision

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my provisional 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 currently minded to partly uphold Mr G's complaint and to ask Lloyds to pay him £200 compensation for the trouble and upset he's experienced as a result of the delay in restoring heating and hot water to his home. I'll explain why.

Mr G says during the time he had no heating or hot water, he and his wife had to go to relatives to shower. And they had to borrow heating appliances to keep their house warm.

Mr G also says he had to chase promised call backs regarding engineers' visits. And he says he called to make Lloyd's aware that his wife was suffering from an illness. But he says this didn't result in it repairing his boiler any more quickly.

Lloyd's says any claim of this nature would have to be allowed some time for the repairs to be completed. It says Mr G reported the fault on 27 November 2016 and an engineer attended the next day. And it says unfortunately he wasn't able to repair the boiler, but he arranged for the manufacturer to attend on 5 December, when heating was restored.

Lloyd's also says this appointment wasn't under its control and it can't dictate when the manufacturer should attend. But it says it agrees the length of time taken to repair Mr G's boiler should've been shorter. And it says that's why it's now agreed to pay him £120 compensation.

In addition, Lloyd's says a repair time of five days in winter isn't that high and it says it had the engineer to Mr G's home within the 24 hours his policy specifies. It says referring the boiler to the manufacturer's an indication that significant work's required and it's in the customer's interest that the work's carried out by experts in their boiler type. So, Lloyd's says the compensation of £250 proposed by the investigator is disproportionate and punitive, in the circumstances.

I see Lloyd's has acknowledged Mr G's boiler should've been repaired sooner. I note it initially offered him £60 compensation and it recently increased this to £120. But taking into account the age of Mr G and his wife, the fact that Mr G told Lloyd's his wife had an illness and the fact that it appears he had

to chase Lloyd's when it didn't call him back about engineers' visits, I'm minded to conclude £120 doesn't fully reflect the extent of trouble and upset he experienced.

However, I'm also minded to conclude £250 would be disproportionate given the relatively short delay in restoring heating to Mr G's home and given the limited control Lloyd's had over the timing of the manufacturer's attendance. So, taking everything into account, I'm minded to conclude compensation of £200 would fairly reflect the trouble and upset experienced by Mr G and his wife and would be in line with the guidelines this service has for such payments.

my provisional decision

For the reasons set out above, but subject to both parties' responses to this provisional decision, I'm currently minded to partly uphold Mr G's complaint against the Society of Lloyds. And I'm minded to require it to pay Mr G a total of £200 compensation for the trouble and upset he experienced as a result of the delay in restoring heating and hot water to his home, including the £120 it's already offered him.

Robert Collinson
ombudsman