

complaint

Mr N complains that British Gas Insurance Limited gave him poor service under a home care policy.

background

Mr N called for help with a gas leak. He complained that a British Gas engineer left gas leaking into his house – putting the safety of his family at risk.

The adjudicator recommended that the complaint should be upheld in part. She concluded that British Gas had offered fair and reasonable redress to Mr N. She said it had sent cheques totalling £206.83 as compensation and agreed to waive the £50.00 excess payment that was applicable to the claim. But its solicitors had later chased Mr N for payment of the £50. So she recommended that British Gas should pay him £50 for distress and inconvenience.

British Gas agrees with the adjudicator's opinion.

Mr N disagrees. He says, in summary, that British Gas negligently endangered his family and it should pay more compensation.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

Where the evidence is incomplete, inconclusive or contradictory (as some of it is here), I reach my decision on the balance of probabilities – in other words, what I consider is most likely to have happened in light of the available evidence and the wider circumstances.

I do not condone the actions of the British Gas engineer in leaving Mr N's home with a gas leak. Mr N had to take urgent action to avert the danger to himself and his family. And I do not doubt that he was troubled by the thought of what might otherwise have happened.

But the incident was over quickly with no reported injury or damage. So I am satisfied that British Gas offered fair and reasonable redress by paying about £206 and agreeing to waive the £50 call-out fee.

British Gas accepts that it failed to communicate with its agents, so that Mr N suffered further upset from a solicitor's letter chasing him for the £50.

Overall, I conclude that it is fair and reasonable to order British Gas not to ask for payment of that £50 and to pay Mr N £50 for distress and inconvenience.

my final decision

For the reasons I have explained, my final decision is that I uphold this complaint in part. I order British Gas Insurance Limited to:

1. not (through its agents or otherwise) ask Mr N to pay the £50 call-out fee;
2. pay Mr N (in addition to the £206.83 it has already paid him) a further £50 for distress and inconvenience.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr N to let me know whether he accepts or rejects my decision before 23 February 2015.

Christopher Gilbert
ombudsman