

The complaint

Mr Y complains about the quality of a repair carried out by U K Insurance Limited (UKI) following a claim on his home insurance policy.

Reference to UKI includes its agents.

What happened

Mr Y held a home insurance policy with UKI. Following damage to his property he made claim which UKI accepted. It carried out repairs to a pipe rectify the damage and the cause of it.

Some months later, Mr Y changed insurers, but an issue arose where foul waste was leaking from a pipe causing damage to his property. Mr Y appointed contractors to look into the problem. Those contractors deemed the previous repair by UKI to be the cause of the issue.

Mr Y called UKI and let it know of the issue. He said he was holding it liable for the costs involved and asked how best to proceed. UKI said it needed to send its contractors out to look at the damage. Mr Y explained he was due to be on holiday - that he was already late setting off for it and he was due to go that evening (Friday). He said the issue needed sorting because foul waste was spilling into his garden, very close to his neighbour's property.

UKI said it wouldn't be able to send someone out that day but would get someone out as soon as it could. During the call Mr Y said he'd ask his contractors to reconnect the waste pipe.

UKI's contractors attended Mr Y's property on the following Wednesday and the works were completed the following day.

Mr Y was unhappy with the whole situation and complained to UKI. He said its poor repair had caused him a financial loss in terms of what he had to pay his contractors – and he wanted UKI to reimburse him this. And he said it caused a great deal of stress to him and his family. He said he wasn't able to go on holiday as a result of the incident and thinks UKI should compensate him for the cost of the holiday, plus the time he had to take off work.

UKI ultimately agreed to reimburse Mr Y the costs he'd had to pay. It acknowledged its poor repair was the cause of the issue. It offered Mr Y £200 compensation for the distress and inconvenience caused.

Our Investigator ultimately didn't think that was enough. She thought a fair offer of compensation would be to pay Mr Y £500 compensation in total. She didn't think UKI was responsible for Mr Y's missed holiday because she thought he still could have gone. And she didn't think it was responsible for the time taken off work, because she thought Mr Y could have returned to work had he not gone on holiday.

UKI agreed with our Investigator. Mr Y didn't and asked for an Ombudsman's decision. He said it was important he stayed at home to sort the issue. And he said missing the holiday

caused a great deal of distress due to his son being vulnerable.

What I've decided – and why

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

Having done so, I'm coming to the same outcome reached by our Investigator. I understand this will be disappointing for Mr Y, but I'll explain my reasoning.

- It's not in dispute that UKI's poor repair caused the issue. Both sides are aware of the details so there's no need for me to set them out again here. I'm pleased UKI has since reimbursed Mr Y for any cost he had to pay to rectify the issue.
- What remains in dispute is what compensation UKI should pay Mr Y to put matters right.
- I've taken on board everything Mr Y has said. Even without any background, having foul waste spill out of your property and into your garden will have been very distressing.
- I note too that when Mr Y called, he informed UKI he was already late setting off for his holiday and that he was due to set out that evening.
- I think Mr Y took reasonable steps contacting UKI and asking it how to proceed. And I think UKI saying it needed to send someone round to assess the damage was a reasonable requirement too.
- Mr Y made it clear he needed someone out right away (that day). But UKI were clear in saying that probably wasn't going to happen. – and I don't think that's unreasonable. As a result, from listening to the call, my understanding is that Mr Y was to instruct his contractors to reconnect the broken pipe and stop the leak of foul waste.
- Our Investigator said Mr Y failed to mitigate his losses by not going on the holiday, and then staying off work. I think that language is a bit harsh on Mr Y. But, I do think not going away was ultimately his choice. And after choosing not to go away, it was again his choice not to return to work and keep the annual leave. Both of these are understandable choices in the context of what happened, and not ones I imagine he took lightly. But at the same time, they're both choices I can't fairly hold UKI responsible for.
- I'm also not persuaded Mr Y not going on his holiday was a foreseeable consequence of the poor repair in the sense that UKI were first notified of it when Mr Y's holiday had already begun.
- UKI's contractors came round the following Wednesday, and the work completed the next day. That's probably slightly longer than I'd have liked to have seen given the issue included foul waste in the height of summer. But, at the same time, it seemed the issue with locating the leak, and rectifying it was being sorted by Mr Y's contractors, lowering the urgency of the call out to some degree.
- But undoubtedly this was a stressful experience for Mr Y. And this was made worse by the timing of it coinciding with an important family holiday.

- I'm satisfied that £500 compensation is a reasonable amount and in line with our approach given the significant impact over a relatively short period of time.

My final decision

My final decision is that I uphold this complaint. To put things right U K Insurance Limited needs to:

- Pay Mr Y a total of £500 compensation for the distress and inconvenience caused.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr Y to accept or reject my decision before 27 September 2024.

Joe Thornley
Ombudsman