

The complaint

Mr S has complained about the service provided in relation to the repair of his washing machine under his Kitchen Appliance Protection insurance policy with Fortegra Europe Insurance Company Limited.

What happened

On 20 May 2022, Mr S made a claim under his policy as his washing machine was making a grinding noise when operating. An engineer attended five days later and said the machine would probably need to be replaced. Mr S was told that he would check the cover under the policy and let him know the options. Mr S chased for an answer on 27 May and was told that a new drum had been ordered and it would be fitted on 27 June 2022. After Mr S complained about the delay, the new drum was fitted on 17 June 2022.

The repair was carried out but Mr S says that when he used the machine for the first time after the repair, it leaked causing substantial damage to his kitchen. Mr S says it caused three wooden cabinets to swell and become dark and dirty; plinths were also damaged; and the carpet in the living room was affected and had to be cleaned. Mr S says he switched off the water quickly but it continued dripping water for the whole weekend. Mr S says there was no emergency support from the insurer and when he spoke to them on 24 June 2022 it said it could not attend until the following Friday. Fortegra attended then and found that one of the pipes at the back of the machine had not been connected properly. It rectified this and I understand the machine has been working since.

Mr S is very unhappy with what happened. He has made a number of points in support of his complaint. I have considered everything he has said and have summarised the main points below:

- He bought the policy for peace of mind but received poor service and Fortegra caused damage to his kitchen.
- He has three young children and there was a month delay in getting the part and repairing the machine, which was inconvenient and challenging.
- The repairer wasn't expecting the repair he turned up to do and said he'd never repaired an integrated washer and dryer before. The repairer told him the machine should have been replaced, rather than repaired. He called two other people while there to query what he should do. The repair took four hours and Mr S had to help the repairer several times, as it was not a one man job.
- The repairer left in a rush and didn't test the machine before he left. If he had the damage would not have happened.
- The repairer left the old drum, which weighs around 25-30kg behind and is almost the size of the washing machine in his living room. He couldn't dispose of it in his household waste, so had to put it in his garage. Fortegra finally collected it in September 2022.
- He begged Fortegra to attend sooner in response to the leak, as his new kitchen was being ruined.
- He and his family couldn't use the dishwasher or kitchen sink while waiting, in case it caused more problems.

Fortegra apologised for the time taken to tell Mr S whether the machine would be repaired, as well as the time taken to do the repair and that he had to assist the repairer. It offered £50 compensation for this. Fortegra also accepts that the condenser at the back of the washing machine tub was not fitted correctly and this would have caused a leak. However, it said consequential loss is not covered under the policy and so it is not responsible for the damage to his kitchen.

In addition, Fortegra disputes that using the washing machine one time would have caused the damage that Mr S is claiming happened to his kitchen anyway. Fortegra says the water from the washing machine would have been clean fresh water, so would not have caused dirt or staining. Fortegra also says that the water would have travelled down and therefore would not have affected the side panels, the other cupboards (especially considering the dishwasher cupboard is three along from the washing machine) or the plinths. And it would not have been leaking for long before Mr S turned it off and would not have caused the extent of damage Mr S has said.

Fortegra says the leak might have caused some damage to the cabinet that houses the washing machine but there was already visible damage to that housing in the photos taken from the first repair visit.

One of our Investigator looked into the matter. He did not recommend that the complaint be upheld, as he was not persuaded the damage to the kitchen was likely caused by the leak from the washing machine. The Investigator was also satisfied that the offer of compensation already made was reasonable for the other issues.

Mr S did not accept the Investigator's assessment. He said Fortegra said it'd taken before and after photos to show the damage to the washing machine housing existed before it carried out the repair. However, this was date stamped after the repair was carried out. It then provided the same photo date stamped before the repair. If Fortegra actually has photos of the damage before the repair was done then he would concede the matter but if it has lied and not taken such photos as it claimed then it needs to take responsibility for that.

Mr S also said that there is no record that Fortegra's engineer followed proper testing procedures after the repair, which he should have done.

As the Investigator was unable to resolve the matter, it was passed to me.

I issued a provisional decision on the matter in October 2023, the main part of which I've copied below:

"Mr S was unhappy with the time taken to repair the machine. I can understand it would have been inconvenient without the washing machine for any period of time, given he has three children as well. Fortegra had to order a new part but it took four weeks altogether. I've not seen any convincing evidence about why it took this long, so I think on balance it could have been done sooner than it was."

Mr S reported the machine making grinding noises and shaking. The repairer Fortegra sent out diagnosed that this was due to a problem with the drum and replaced it. After the drum was replaced, Mr S reported the leak. It is accepted that the leak should not have happened, and was due to an error by Fortegra's repairer and it arranged for the leak to be fixed."

Mr S asks if the repairer followed proper testing of the machine, and any record of that, for leaks before leaving his property. However, I don't think I need to take that point any further, as Fortegra accepts that it was responsible for the leak. The dispute is about whether this was the cause of all the damage Mr S has reported to his property.

Fortegra provided a photo which it says was taken before the repair was carried out, which it says shows swelling at the base of the washing machine housing. It does appear to show that but I also note there was some doubt about the time and date this photo was taken. This is also the only photograph provided by Fortegra.

... I do think it likely that it caused some water damage to the washing machine housing. I say this because I note that the repairer that attended to the leak recorded that he "had huge battle refitting machine as previous flood has swollen surrounding fittings". However, I can't see that there was any record of an issue refitting the machine after replacing the drum. So it seems to me that this damage to this cupboard was likely caused by the leak from the washing machine.

Fortegra did not take any photos of the other cupboards or the kitchen which would assist in my determination of the likely cause of the damage to them.

Mr S has provided some photos in support of his complaint. One photo is of the threshold between a tiled floor (presumably of the kitchen) and a carpeted room. Mr S says the carpet in that room was wet and smelly. It is difficult to see in the photo any water marks or whether it is wet or not. Another photo shows the bottom of an open kitchen cupboard and plinth.

There are dirty marks on the plinth and there is what looks like water damage to the bottom and the top of the plinth, with the top showing signs of the painted/laminate coating chipped and damaged

There is also a photo of what looks like the dishwasher door partly open and signs that it has rubbed against a wet housing panel and taken off the laminate coating and another showing water dripping from bottom of a cupboard door. Finally, there is a photo showing a small puddle of water on tiled floor of the kitchen, away from the cupboards and washing machine. The damage visible in these photos is quite extensive.

I can understand that there would have been a large volume of water leaking from the washing machine when he turned it on. However, Mr S says that the machine was turned off and the leak stopped relatively soon afterwards, though the water continued until the contents of the washing machine had drained. Mr S says it was not stopped soon enough to stop the damage.

I have considered the photos he has provided. I note the damage to the dishwasher housing is on a side panel that sits on top of the plinth, so it is raised off the ground by several inches. It is difficult therefore to see how this was caused by a leak from the washing machine, which was some distance away from the dishwasher.

Water does spread and I can see that if the plinths were sitting on top of water, they might absorb that water upwards. However, the plinth that the side panel is sitting on does not show signs of water damage. The photo also shows the coating on the corner of the cupboard door next to the dishwasher is peeling back and some swelling. However, this again is not touching any plinth. It is therefore difficult to see how any water leaking from the washing machine would have made contact with the bottom corner of a kitchen cupboard door, and the side panel of the dishwasher, both of which are several inches off the ground and not sitting next to any other kitchen part that might have soaked up the water.

I also note that photos of the damaged plinths show that most of the damage is... [to the] top of the plinths where they would meet the cupboards, rather than the bottoms. In addition, it looks like they have been chipped. Again, it is difficult to see how this damage to the tops rather than the bottom of the plinths could have been caused by any leak from the washing machine.

I also note that the plinths are dirty and stained. Mr S says this was caused by the water leak but this does not appear to be consistent with the evidence available. I do not consider it likely that the stains on the coating of the plinths, which are several inches high, would be caused by clean water from the washing machine.

Overall, I do not think there is enough evidence for me to reasonably conclude that the damage to these cupboards and plinths was likely caused by the leak from the washing machine.

Having determined I think it likely Fortegra caused some damage to the washing machine housing, I think some compensation is due for that. I also consider compensation is due for the initial repair taking too long and the need for a further visit to fix the leak, which should not have been necessary. There is no evidence about what might need to be done regarding the washing machine housing.

Having considered everything, I therefore think that a global award of compensation to recognise there is likely some damage to this housing and for the handling of the claim to be appropriate. I consider the total sum of £250 to be appropriate."

Responses to my provisional decision

I invited both parties to respond to my provisional decision with any further comments or evidence they want considered.

Fortegra has confirmed it accepts my provisional decision.

Mr S has not responded.

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.

As neither party has added anything further, I see no reason to change my provisional findings. I therefore remain of the opinion that Fortegra should pay £250 compensation for the damage caused to the washing machine housing and the trouble caused to Mr S by the handling of the claim.

My final decision

I uphold this complaint in part and require Fortegra Europe Insurance Company Ltd to pay Mr S the sum of £250 compensation for the distress and inconvenience caused by its handling of his claim.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 12 December 2023.

Harriet McCarthy
Ombudsman