

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT 1831

Date of Decision: 18 March 2020

Complaint

The customer states that his water provision has been tainted by chemical taste and smell at his home and that this problem has been ongoing and that the company has failed to remedy the problem. He states that the company has provided poor customer service in that its agents have been rude and aggressive, causing fear and intimidation.

He seeks a direction that the company make an apology, that it should visit the Property and resolve the complaint and that the company should pay compensation of £12,500.

Defence

The company states that the water quality issue cannot be dealt with under the WATRS scheme rules. It denies that it has acted inappropriately towards the customer. It states that it has gone above and beyond its duties as a service provider to assist the customer. It states that it only refused to act further due to the serious allegations made by the customer against its staff. No offer of settlement is made.

Findings

A number of the issues raised do fall outside the remit of the WATRS scheme. The customer service issues have not been sufficiently evidenced and I do not find that a case is adequately made out in the application or evidence provided to show that there are any failings on the part of the company.

Outcome

The company does not need to take any further action.

The customer must reply by 22 April 2020 to accept or reject this final decision.

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ADJUDICATOR'S DECISION

Adjudication Reference: WAT 1831

Date of Decision: 18 March 2020

Party Details

Customer: []

Customer's Representative: []

Company: [].

Case Outline

The customer's complaint is that:

- He has experienced poor quality water, which he states tastes and smells of chemicals, at his home, [] ("the Property").
- He states that this has been an ongoing problem and that the company has failed to address the issues.
- He states that the customer service has been poor.
- He claims that he has been treated in a rude and aggressive a manner by the company's staff.
- He states that photos have been taken without his consent in his Property.
- He claims that damage has been caused to his Property by the company's actions.
- He states that the company promised to regularly flush the hydrant and that this was not done.
- He claims he has had to persistently contact the company to get a response.
- He states that the company has told him to ignore the advice given by agents who attended the Property as it was given in error.
- He claims that neighbours have had the same problems.
- He states that the company's final position is that it will no longer attend the Property.
- He seeks a direction that the company make an apology, that it should visit the Property and resolve the complaint and that the company should pay compensation of £12,500.

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The company's response is that:

- Under Rule 3.5, matters relating to water quality standards are excluded from the scope of the WATRS scheme.
- It states that it has properly investigated the customer's complaints about the water quality.
- It states that the first complaint was May 2018.
- It states that the kitchen tap at the property was fitted with a long flexible hose and that the washing machine was not fitted with a non-return valve. It states that these issues can cause poor tasting water.
- It states that it agreed to flush out the hydrant as a precautionary measure.
- It states it received no further contact until May 2019 when the customer states that he has had to buy bottled water due to chlorine in the water.
- The company denies providing a poor service and states that it acted promptly and appropriately to all complaints.
- It states that it complies with all its obligations and that the water is tested and has been deemed suitable.
- It denies causing damage to the Property by the use of a "trickle tap".
- Permission was sought and given for the photographs that were taken.
- It denies that it has acted in a rude or aggressive way and states that it has tried in many ways to resolve the customer's issues.
- It states that the decision has been made not to take the matter any further due to the escalation of the issues on each occasion that it tried to assist.
- It has not made any offers in settlement.

In reply the customer states:

- That the defence is not accurate.
- That the company was intimidating.
- That the behaviour of the company caused illness and stress to his elderly customers
- That the company suggested it was the fault of the internal plumbing.
- That the problem was experienced by other residents.
- That he has had to buy bottled water for his parents at £2.50 per day.

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How is a WATRS decision reached?

In reaching my decision, I have considered two key issues. These are:

1. Whether the company failed to provide its services to the customer to the standard to be reasonably expected by the average person.
2. Whether or not the customer has suffered any financial loss or other disadvantage as a result of a failing by the company.

In order for the customer's claim against the company to succeed, the evidence available to the adjudicator must show on a balance of probabilities that the company has failed to provide its services to the standard one would reasonably expect and that as a result of this failure the customer has suffered some loss or detriment. If no such failure or loss is shown, the company will not be liable.

I have carefully considered all of the evidence provided. Please note that if I have not referred to a particular document or matter specifically, this does not mean that I have not considered it in reaching my decision.

How was this decision reached?

1. This is an evidence based process and I must make my decision based on the information provided to me by the parties.
2. The customer is represented by his son. I shall refer to the customer directly throughout this decision for ease of reading and sense.
3. The customer claims that he has been receiving bad tasting water, which both smells and tastes of chemicals and is discolored, at his Property. He states that this is ongoing and happens regularly, usually in the morning time. The company states that this aspect of the claim does not fall within the WATRS scheme as it is related to water quality.
4. I note that another adjudicator has already addressed this point and ruled that this aspect of the claim is outside the scope of the scheme. It has been indicated that, "*Rule 3.5 states that the scheme cannot be used to adjudicate disputes relating to water quality standards.*" I confirm that

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I concur with this understanding of the rules of the scheme and I shall not be dealing with the issue of the quality of the water in this application. The customer is free to address this part of his complaint in an appropriate forum that has the remit to deal with this aspect, should he wish. I can, however, address the matters of customer service that have been raised and, in as much as these issues are distinct from the matter of water quality, I intend to make a direction on the customer service aspects of the application only.

5. I take into account the very large amount of information presented in this application contained within the Consumer Council for Water (“CCW”) files. The majority of this is, understandably, to do with the issue of the alleged contamination of the drinking water. The customer may be disappointed not to have his concerns addressed in relation to many of the issues presented, however, in agreement with the adjudicator who looked at the objection issue discussed in paragraph 4, I shall not deal with matters that are related to the issue of the quality of water.
6. I have limited this direction to a number of the customer service issues complained of and shall deal with these below.
7. The customer states that he has had to chase the company to have it address issues and follow up on promised action. He states that the company ignored his requests. I have to distinguish here between the disappointment of the customer in relation to the real substance of his problem with the company (the quality of the water) and the matter of whether or not it has been shown in evidence that the company did not respond in a timely, adequate or acceptable manner in its communications with the customer.
8. The company has produced its letter of 17 July 2019. This describes the full investigation undertaken by the company and, at Appendix 1, details a list of communications with the customer. This list is from May 2018 to July 2019. I note that the list of communications is lengthy and there are no significant time lapses. Further, I note that this is not directly challenged in the reply. Although I do accept that the customer has generally challenged the evidence in the defence.
9. In considering the matters raised in the application and the defence submitted, I am not persuaded that the evidence presented shows that the company did not take seriously the concerns of the customer. I am satisfied that the company has evidenced that it acted in accordance with its obligations and provided a reasonable level of service in the manner in

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which it responded to the complaints made and in the method of its communications and actions.

10. The customer has claimed that the company has intimidated himself and his wife. This is a serious allegation and I note that the customer has stated that he intended to refer this to the appropriate authorities. I also note that this is the reason why the company has chosen to refrain from further contact with the customer. Such allegations form the substance of criminal matters and, as such, cannot be dealt with under the WATRS scheme. I refer to Section 3.5 of the scheme rules which states that “*disputes concerning allegations of fraudulent or criminal activity*” are amongst those which fall outside the remit of the scheme. I therefore make no direction in relation to this issue.
11. The customer claims that the company has been rude and aggressive to the customer. I have looked at the tone and content of the letters and evidence of the communications provided to me in this regard. I do not find that, based on the evidence I have, there is a case made out in relation to the actions of the company falling below an acceptable standard.
12. The customer claims that photographs were taken in the property without consent. The company has denied this and stated that consent was requested and given. I note that the evidence indicates that the pictures were of the assets relating to water provision in the customer’s home. As WATRS cannot test the veracity of oral statements (as it is not a court or tribunal), without further independent evidence, I do not find that there is an adequate case made out in relation to this allegation.
13. I appreciate that the customer will be disappointed in this outcome. I emphasise that this is an evidence based process and any findings do not reflect on the sincerity of the customer in making the application or in stating his concerns. Further, the matters that fall outside this scheme do so because they fall into the remit of other suitable forums, not because any finding has been made in relation to these claims.
14. On balance, therefore, I find that the customer has not shown that the company failed to provide its services to the customer to the standard to be reasonably expected by the average person. It follows that this application fails.

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Outcome

The company does not need to take any further action.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
 - The customer must reply by 22 April 2020 to accept or reject this decision.
 - When you tell WATRS that you accept or reject the decision, the company will be notified of this. The case will then be closed.
 - If you do not tell WATRS that you accept or reject the decision, this will be taken to be a rejection of the decision.
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A handwritten signature in cursive script, reading "J J Higgins", on a light green background.

J J Higgins, Barrister, ACI Arb.

Adjudicator

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