

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1803 – Billing & Charges – Problems with metered and unmetered bills

Date of Decision: 1 April 2020

Complaint

The customer submits that her husband managed their water account for many years until he passed away. She took over the management of the account and had a water meter fitted. This dramatically reduced the cost of her water charges. The company should have informed her husband many years ago that their high unmeasured charges of £80.00 per month based on Rateable Value (RV) could have been reduced by switching to a meter sooner. The company failed to check the payments made and advise her husband that he was paying too much. They only received one letter from the company on 6 March 2003. Her husband went "paperless" and she cannot find any notification from the company regarding water meters. The customer requests that the company refund the overcharge on her bills from 2003.

Defence

The company submits that since 1982, its domestic customers have been able to ask for a water meter to be installed. It had no contact from the husband since March 2003 so it had no opportunity since then to discuss the option of having a meter. The husband never registered for paperless bills. All bills have been sent through the post. It supplied information about the option of having a meter on its website, on its bills since 2008 and from 2005 to 2010 it enclosed a source magazine with the annual bills. It is unable to backdate the charges. No offer of settlement was made.

Findings

Under Section 144A of the Water Industry Act 1991 a customer must elect for charging on a metered basis by serving a measured charges notice and until such time as a customer does so, the RV tariff is the legal basis of charging. It is not within my power to disregard or challenge this legislation. Neither party has submitted evidence to support their submissions. No evidence has been submitted to this adjudication by the customer to support her submissions that her husband switched to a paperless account and that no notifications were received from the company in the paperless account. No evidence has also been submitted to this adjudication by the company to support its submissions that it provided information about the option of having a meter on its website, on its bills since 2008 and from 2005 to 2010 it enclosed a source magazine with the annual bills. However, notwithstanding the above, as discussed above, under Section 144A of the Water Industry Act 1991, until such time as a

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customer elects for charging on a metered basis the RV tariff is the legal basis of charging. There is no evidence to show that the company charged the customer incorrectly on the RV basis. In addition, there is no evidence to show that the company is obliged to monitor individual customer's usage and contact each individual customer to discuss their usage. Without being aware of the size of a customer's household or how water is used in that household, a company would not be able to ascertain if a customer's bills were higher than necessary. Please also note that any question regarding the fairness of the company's charges are outside the scope of WATRS and fall out of my remit to consider. Consequently, I acknowledge the customer's claim. I understand that this has been a very difficult time for the customer and I appreciate that the customer will be disappointed that I am not in a position to direct the redress sought. Regrettably, in the absence of any evidence to show that the company has acted contrary to any law or code, or charged the customer incorrectly, the customer has not shown that the company is obliged to backdate the metered charges to 2003.

Outcome

The company does not need to take any further action.

The customer must reply by **xx** April 2020 to accept or reject this decision.

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ADJUDICATOR'S DECISION

Adjudication Reference: WAT/ /1803

Date of Decision: 1 April 2020

Party Details

Customer: Customer

Company: XWater

Case Outline

The customer's complaint is that:

- Her husband managed their water account for many years until he passed away. At this point she took over the management of the account and had a water meter fitted. This dramatically reduced the cost of her water charges.
- The company should have informed her husband many years ago that their high unmeasured charges of £80.00 per month based on Rateable Value (RV) could have been reduced by switching to a meter sooner. The company should have done more to communicate that a meter was a more affordable option.
- Her husband kept meticulous records of his expenditure. She has found notes of payments made by Direct Debit in 2015 (£73.28 for eight months), in 2016 (£72.39 for eight months) and in 2017 (£75.95 for eight months). The company failed to check these payments and advise her husband that he was paying too much. She is 82 years old and has found this very distressing.
- They only received one letter from the company on 6 March 2003. Her husband went "paperless" and she cannot find any notification from the company regarding water meters.
- The customer requests that the company refund the overcharge on her bills from 2003.

The company's response is that:

- Since 1982, its domestic customers have been able to ask for a water meter to be installed. It has had no contact from the husband since March 2003 so it has had no opportunity since then to discuss the option of having a meter.

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- The husband never registered for paperless bills. All bills have been sent through the post. In line with its Scheme of Charge customers start paying metered charges from either the date of installation or three months from their request for the meter, whichever is earlier.
- It has applied the metered charges from the date the meter was installed on the 14 September 2019 in line with its policy.
- It supplied information about the option of having a meter on its website, on its bills since 2008 and from 2005 to 2010 it enclosed a source magazine with the annual bills.
- It is unable to backdate the charges.

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. 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. I must remind the parties that adjudication is an evidence-based process.
2. 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.

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3. It is almost inevitable in such adjudications that conflicts of evidence arise, and the mere fact that the adjudicator finds in favour of one party on a particular issue does not mean that the other is telling an untruth. The adjudicator's role is to balance the evidence that is submitted.
4. It is not part of the adjudicator's function to carry out an independent investigation of the facts, or for instance, contact witnesses. If evidence is said to be relevant, it should have been submitted to WATRS.

Charge basis

5. Under Section 143 of the Water Industry Act 1991 the company is entitled to make a Charges Scheme which fixes the charges for any services provided by the undertaker in the course of carrying out its functions.
6. A company's Charges Scheme must be approved by OFWAT, the Water Industry Regulator. There is no evidence to show that the company's Charges Schemes have not been approved by OFWAT or do not comply with OFWAT's Charging Rules.
7. Under Section 144A of the Water Industry Act 1991 a customer must elect for charging on a metered basis by serving a measured charges notice and until such time as a customer does so, the RV tariff is the legal basis of charging. It is not within my power to disregard or challenge this legislation.
8. The company states that it provided information about the option of having a meter on its website, on its bills since 2008 and from 2005 to 2010 it enclosed a source magazine with the annual bills.
9. The customer states that she only received one letter from the company on 6 March 2003. The customer also submits that her husband went "paperless" and that she cannot find any notification from the company regarding water meters. The company refutes the customer's submissions and states that Mr Harratt never registered for paperless bills and that all bills have been sent by post.
10. No evidence has been submitted to this adjudication by the customer to support her submissions that her husband switched to a paperless account and that no notifications were

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received from the company in the paperless account. Evidence that would have been useful here would have been a screenshots of the online account confirming that the account was paperless, and that there were no notifications in the online account.

11. However, no evidence has also been submitted to this adjudication by the company to support its submissions that it provided information about the option of having a meter on its website, on its bills since 2008 and from 2005 to 2010 it enclosed a source magazine with the annual bills. The company has not provided any evidence of examples of copies of bills it sent to the customer or excerpts of its website in evidence. I remind the parties that it is not part of the adjudicator's function to carry out an independent investigation of the facts. In the absence of any evidence showing otherwise, I am not satisfied that the company has shown that it provide its services to the customer to the standard to be reasonably expected by the average person in this regard.
12. However, notwithstanding the above, as discussed above, under Section 144A of the Water Industry Act 1991, until such time as a customer elects for charging on a metered basis the RV tariff is the legal basis of charging. There is no evidence to show that the company charged the customer incorrectly on the RV basis.
13. In addition, there is no evidence to show that the company is obliged to monitor individual customers' usage and contact each individual customer to discuss their usage. Without being aware of the size of a customer's household or how water is used in that household, a company would not be able to ascertain if a customer's bills were higher than necessary.
14. Please also note that any question regarding the fairness of the company's charges are outside the scope of WATRS and fall out of my remit to consider. Under WATRS Rule 3.4.1, WATRS is not the appropriate forum to determine any complaints regarding the fairness or otherwise of the RV charge basis.
15. Consequently, I acknowledge the customer's claim. I understand that this has been a very difficult time for the customer and I appreciate that the customer will be disappointed that I am not in a position to direct the redress sought. Regrettably, in the absence of any evidence to show that the company has acted contrary to any law or code, or charged the customer incorrectly, the customer has not shown that the company is obliged to backdate the metered charges to 2003.

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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 **20 working days** 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.



U Obi LLB (Hons) MCI Arb
Adjudicator

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