

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1859 – Water - Quality

Date of Decision: 16 April 2020

Complaint

The customer submits that she experienced poor water quality at her property until the end of January 2020. The water was discoloured and this impacted her health and caused various issues. The customer confirms that, to help her with this issue, the company installed a new water main to serve her property (and this was completed in November 2019). However, the customer still asserted that she was experiencing water quality issues. The customer submits that her Housing Association explained that this was due to iron residue in the internal pipework of her property. The customer explains that the company offered her £2250.00 as a goodwill gesture for all the issues experienced in relation to this matter. The customer accepted this offer. However, the customer now submits that she remains displeased with the company's overall service and wants the company to pay her more compensation. The customer suggests that the company should pay her an amount equal to £5.00 per day for the entire duration of this issue (18 months).

Defence

The company submits that it has investigated this issue and taken appropriate action to resolve this matter for the customer. It accepts that there have been minor oversights on its part. However, it has rectified these issues, apologised and provided the customer with adequate compensation. Consequently, the company does not accept that it is liable to provide the customer with any further compensation.

Findings

I am not satisfied that there are any unresolved failures on the part of the company to provide its services to the standard to be reasonably expected by the average person. Therefore, the customer's claim for further compensation is unable to succeed.

Outcome

The company does not need to take any further action.

The customer must reply by 15 May 2020 to accept or reject this decision.

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ADJUDICATOR'S DECISION

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Date of Decision: 16 April 2020

Party Details

Customer: The Customer

Company: XWater

Case Outline

The customer's complaint is that:

- She experienced poor water quality at her property until the end of January 2020.
- The water was discoloured (as a result of high iron content) and the customer submits that [personal information removed].
- The company sampled the water and indicated that there was a high iron content in the customer's water.
- The customer confirms that, to help her with this issue, the company installed a new water main to serve her property (and this was completed in November 2019). However, the customer still asserted that she had water quality issues. The customer submits that her Housing Association explained that this was due to iron residue in the internal pipework of her property.
- The customer explains that the company has visited the customer at home on several occasions and (in December 2019) it offered the customer £2250.00 as a goodwill gesture for all the issues experienced in relation to this matter. The customer accepted this offer.
- However, the customer now submits that she remains displeased with the company's overall service and wants the company to pay her more compensation. The customer suggests that the company should pay her an amount equal to £5.00 per day for the entire duration of this issue (18 months).

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The company's response is that:

- It acknowledges that the customer had experienced discoloured water at her property for approximately 18 months (as a result of elevated levels of iron).
- Whilst the company understands the customer's frustration with the time taken to replace its water main, this was done in the quickest time possible (and it had put appropriate mitigation measures in place prior to the work being carried out. This included flushing the mains, providing the customer with bottled water and fitting a water filter).
- The new water main was completed on 13 November 2019 but the customer still experienced debris in their water supply. It was found that this was actually due to the customer's internal pipework (for which the company is not responsible). However, the company notes that the customer's Housing Association replaced the internal pipework in January 2020 and this resolved the customer's issue.
- The company accepts that it should have arranged for the customer's water filter to be replaced more frequently. This was an administrative oversight on its part. However, it is not satisfied that this had any detrimental impact on the customer's health [personal information removed]. The company acknowledges that the customer has provided a doctor's note which expressly states that she has had [personal information removed] (two years before the water quality issues).
- The customer was displeased that a 'hole' was left in her garden when the company had filled the ground where her water filter had been fitted. The company confirms that it took reasonable steps to rectify this issue as soon as possible (on the two occasions when the customer reported this).
- The company acknowledges the customer's criticisms relating to customer service (and in particular regarding one member of staff). The company submits that it has discussed these concerns with the member of staff directly and he confirmed that (whilst this was a difficult interaction) their intention was to not to upset the customer but to assist her to the best of their ability.
- The company understands that this matter has been inconvenient and stressful for the customer. Accordingly, the company confirms that it has paid the customer £2250.00 in recognition of her issues. The customer accepted this payment in addition to previous payments totalling £258.74. Accordingly, the company submits that it has now paid the customer a total of £2508.74.
- Consequently, the company submits that it has acted appropriately and does not accept that it is liable to provide the customer with any further compensation.

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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. 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. From the papers provided, it is evident that the crux of this dispute rests with the customer's dissatisfaction with experiencing poor water quality at her property until the end of January 2020 (and the quality of the company's customer services in connection with this issue). The customer eventually accepted compensation from the company totalling £2508.74 for this issue. However, the customer now wishes to claim further compensation from the company. The customer has suggested that the company should pay her an additional amount equal to £5.00 per day for the entire duration of this issue (18 months).
2. I remind the parties that adjudication is an evidence-based process and in order for any remedy to be awarded, the evidence must show that the company has not provided its services to the standard that would reasonably be expected of it. As the party raising the dispute, the initial onus of proof rests with the customer.

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3. At this juncture, I find it prudent to highlight that WATRS rule 3.5 makes it expressly clear that this scheme cannot be used to adjudicate matters relating to water quality standards. Accordingly, I am unable to address/examine the substantive issue that rests at the centre of the customer's complaints. The customer may wish to refer this particular matter to a more appropriate forum for resolution.
4. In addition, I must draw attention to the fact that I am not a medical expert and cannot make any independent determinations regarding the potential effects of using high iron content water on human health. Making such determinations would fall entirely beyond the scope of this scheme. Accordingly, I am unable to examine/address such matters in this decision.
5. For the avoidance of doubt, the company is not liable for any obligations (such as the maintenance of internal water pipework) falling under the responsibility of the customer's Housing Association/Landlord.
6. Notwithstanding all of the above, I am still able to conduct a review of the customer service that the company provided in connection with this matter. I will proceed accordingly.
7. Turning to a review of the company's actions in response to the customer's concerns, based on the evidence provided, I am satisfied that the company acknowledged the customer's concerns relating to water quality and appropriately investigated the issue. Furthermore, I am satisfied that (overall) the company took appropriate remedial action in response to this matter by testing the customer's water, replacing the water mains serving her property, providing her with bottled water to drink, placing a filter to improve the quality of her water whilst works were carried out, adequately addressed cosmetic issues with her garden following the filter installation and provided her with a total of £2508.74 in compensation for the issues experienced in connection with this entire matter (which the customer accepted).
8. I am mindful that the company accepts that it did not replace the filter as often as it would have liked (as a result of an administrative oversight). However, bearing in mind the company's apology for this oversight and the overall remedial actions already taken in connection with this matter, I am not objectively satisfied that any further redress is warranted for this particular issue.

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9. Consequently, taking into account all of the above, I am satisfied that (overall) the company's actions in response to the customer's concerns have been fair, reasonable and proportionate. Therefore, I am not satisfied that there are any unresolved failures on the part of the company to provide its services to the standard to be reasonably expected by the average person.
10. This decision cannot be appealed; however, the customer is not obliged to accept this decision and is free to pursue resolution through all other avenues as available to them.

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 15 May 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.

E. Higashi LLB (Hons), PGDip (LPC), MCI Arb.

Adjudicator

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