

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0672

Date of Decision: 02 March 2018

Complaint

The customer submits that the company has provided unsatisfactory service in response to its queries. The customer submits that it referred this matter to CCWater (Consumer Council for Water) but CCWater was ultimately satisfied with the company's actions and explanations. The customer submits that the company has been late in its responses on occasion and it has therefore credited the customer's account with the set compensation amounts for this. The customer now seeks an apology, for the company to reduce its set fixed charges and £480.00 for the time spent dealing with this issue.

Defence

The company submits that it provided full explanations to the customer in relation to this matter. This was also confirmed following the CCWater process. However, the company does accept that some of its responses did go over the recommended timelines and it did misadvise the customer during the communication on 9 May 2017. Accordingly, it has provided the customer with the required £40.00 for the late responses and £100.00 as a gesture of goodwill for the inaccurate advice provided. The company does not accept any further liability to the customer and has not made any further offers of settlement.

Findings

Having due regard for the entirety of the company's actions, whilst I am satisfied that there were instances where the company failed to provide its services to the standard to be reasonably expected by the average person, based on the evidence provided, I find that the company took reasonable remedial action in order to address these oversights.

Outcome

The company does not need to take any further action.

The customer must reply by 30 March 2018 to accept or reject this decision.

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ADJUDICATOR'S DECISION

Adjudication Reference: WAT/ /0672

Date of Decision: 02 March 2018

Party Details

Customer: [REDACTED]

Company: [REDACTED]

Case Outline

The customer's complaint is that:

- Its service was transferred to ABC Limited from RST Water.
- Between April and October 2016, the customer's water service bills increased due to fixed charges being introduced for each supplied service. The customer submits that he was advised that this was connected to deregulation of the water industry.
- The customer submits that it complained to CCWater (Consumer Council for Water) but it concluded that RST Water had committed no breaches or failures. The customer indicates that the deadline to refer this issue to WATRS then elapsed.
- In April/May 2017, the customer sought clarification regarding deregulation of water services for businesses and again queried the charges. The customer submits that the company provided conflicting information with regards to deregulation but always maintained that the charges were correct.
- The customer submits that it referred the matter to CCWater but CCWater was ultimately satisfied with the company's actions and explanations.
- The customer submits that the company has been late in its responses on occasion and has therefore credited his account with the required compensation amounts.
- The customer is now claiming an apology, for the company to reduce its set fixed charges and £480.00 for the time spent in dealing with this issue.

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The company's response is that:

- The customer first contacted it in October 2016 with regards to fixed charges being applied to the account. At this stage, a full and substantive explanation was provided to the customer regarding fixed charges.
- The issue was referred to CCWater and as it was satisfied with the company's actions; it informed the company that it would respond to the customer directly about this.
- In May 2017, the customer contacted the company to switch suppliers but was advised that Wales was not deregulated and therefore this was not possible. However, it subsequently clarified that if the property showed on the "open market" it may be possible to change suppliers.
- The company submits that it provided full explanations to the customer in relation to this matter. This was also confirmed following the CCWater process.
- However, the company does accept that some of its responses did go over the recommended timelines and it did provide inaccurate advice to the customer during the contact on 9 May 2017. Accordingly, it has provided the customer with the required £40.00 for the late responses and £100.00 as a gesture of goodwill for the inaccurate advice.
- The company does not accept any further liability to the customer.

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.

If the evidence provided by the parties does not prove both of these issues, the company will not be directed to do anything.

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.

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How was this decision reached?

1. I must draw attention to the fact that I am unable to examine any elements of complaint that fall outside the remit of this scheme (as detailed in the WATRS Rules). I acknowledge that the customer has confirmed that with regards to first element of complaint which he has mentioned (relating to fixed charges) he did not raise the issue with WATRS within the time-limit set by the scheme rules (6 months after CCWater's closure letter). Accordingly, I am left with no other choice but to disregard any elements of complaint relating to the first element of complaint raised by the customer. However, I am still able to address the remaining complaint elements which fall within the remit of this scheme.
2. In the interests of completeness, I must highlight the fact that complaints relating to government policy decisions on deregulation of water service provision and their application in practice are matters which fall beyond the remit of this scheme. As such, I am unable to address any issues of this nature in my decision. I will proceed accordingly.
3. It is evident from the papers that the crux of this dispute lies with the customer's dissatisfaction with the service provided by the company in connection with its request for clarification on the matter of deregulation (and the customer's ability to change water service providers based on this issue).
4. At this juncture, I find it prudent to remind the parties that adjudication is an evidence-based process and it is for the customer to show that the company has not provided its services to the standard that would reasonably be expected of it.
5. Following careful review of all the evidence available to me at the time of adjudication (such as the communications between the respective parties, their statements and the CCWater documentation), I am only able to objectively conclude that there were some oversights on the part of the company (which I will detail below). However, I find that the company has already taken appropriate remedial action in relation to these oversights.

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6. Specifically, I acknowledge that the parties agree the advice provided by the company in its initial contact with the customer regarding the matter of deregulation was not accurate. Furthermore, I also note that the company accepts that some of its responses to the customer went over the recommended timelines. I am mindful that in recognition of these oversights, the company has provided the customer with a gesture of goodwill in the sum of £100.00 for the inaccurate advice and the set £40.00 compensation for the late responses. I am satisfied that these remedial actions were fair and reasonable under the circumstances.
7. With the exception of the above, I find that the content of the overall responses provided by the company to the customer was adequately comprehensive.
8. I am mindful that this matter was referred to CCWater and it concluded that there was no basis to challenge the company further in relation to this matter. Specifically, CCWater concluded that the company had addressed all the complaint points raised by the customer on this issue.
9. Therefore, in light of all of the above, upon review of all the evidence provided by the parties at the time of adjudication, I find that whilst there were instances where the company failed to provide its service to the standard to be reasonably expected by the average person, I am satisfied that it has already provided appropriate redress for these failures.
10. Consequently, bearing in mind the fact that the company has already provided appropriate redress for the established failures on its part, I am unable to uphold the customer's claims for redress on this occasion.

Outcome

The company does not need to take any further action.

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What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 30 March 2018 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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