

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0705

Date of Decision: 26 March 2018

Complaint

The customer states that he is a customer who uses online billing only. He received an email from the company informing him that his bill was ready to view. However, on visiting the site, he could not log in and view his bill. He complained to the company and learnt that the company's "Online Account Management" ("OAM") system had suffered an outage and was offline. The customer submits that the company failed to deal with the issue and his complaint appropriately.

Defence

The company states that there was an outage with its OMA system. The outage was unforeseen and took longer to resolve than anticipated due to the complexity of the systems. Customers still had the option to call or write to it to request a copy of their bill. On receipt of the customer's complaints, it offered apologies, addressed the customer's queries, explained what had happened and why, and arranged for a copy of the customer's bill to be sent in the post. The OAM not being available did not financially disadvantage the customer, nor had there been any impact from the delay in him being able to view his bill as he pays by Direct Debit. No offer of settlement was made.

Findings

The OAM system was offline for approximately 2.5 weeks. Given the length of the delay, I am not satisfied that the company provided its services to the standard to be reasonably expected by the average person in this regard. I also accept the customer's submission that the company failed to clearly communicate that there was a problem with the OAM on its website. However, the company dealt with the customer's subsequent complaint appropriately and in a timely manner.

Outcome

The company needs to take the following further action:

I direct that the company pay the customer the sum of £25.00 in compensation.

The customer must reply by 25 April 2018 to accept or reject this decision.

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ADJUDICATOR'S DECISION

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Date of Decision: 26 March 2018

Party Details

Customer: _____

Company. _____

Case Outline

The customer's complaint is that:

- He is an online billing customer. He received an email from the company on 6 October 2017 informing him that his bill was ready to view. However, on visiting the site, he could not log in and regularly ended up on the same page. This wasted a lot of time and caused anxiety as he could not check his water bill.
- It now transpires that the bill was 3 times the expected usage and further investigations are required to ascertain the reason for such a high bill.
- He complained to the company on 8 October 2017 and learnt that the company's "Online Account Management" ("OAM") system was offline. The company failed to communicate this issue clearly on its website – not enough space was given to the system offline message and it was clouded by other forms which did not make sense; it was not a clean and clear error message page with a hyperlink for the alternative options; and his multiple attempts to login also did not trigger a clear explanation of what was going on with the OAM.
- The customer requests that the company:
 - Update its policies to send paper bills by default to all customers whose bills are being generated during such outages if the OAM system unexpectedly goes offline for over 4 hours.
 - Stop sending email notifications that bills are being generated if customers are unable to access the OAM due to an outage.

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- Clearly inform all online only customers via email or on its website if there are any planned or unplanned OAM system outages.
- Give an apology for (i) the poor OAM system and poor customer service; (ii) not having proper roll-back procedures when the system upgrade went wrong; (iii) not resolving the issue quickly without the escalation to the Consumer Council for Water (“CCW”) and WATRS.
- Pay compensation in the sum of £140.00 comprising of £50.00 for not providing the bill on time; £50.00 for the poor OAM system and poor customer service; and £40.00 for the stress and anxiety of not being able to access the bill after notification.

The company’s response is that:

- It received an email from the customer on 8 October 2017 regarding an issue he had with the OAM. It responded to the customer on 18 October 2017, and explained that there had been a failure with the service when an upgrade had taken place but that it was now available again. It advised that there had been a notice regarding the loss of service on its website and apologised if the customer did not feel it was sufficient. It also arranged for a copy of the customer’s bill to be sent in the post.
- The customer was not satisfied with the response and requested an escalation of the complaint on 19 October 2017. It responded on 2 November 2017, apologised and fully explained the issues it had had with the OAM. In line with its complaints process, as it had explained its position, it advised that it would not write to the customer again, and signposted him to CCW.
- When a customer registers for OAM and paperless billing an extract is placed on their account, which can only be removed manually. The resource involved in changing this would be cost prohibitive for a temporary loss in service. Customers still have the option to call or write to it to request a copy of their bill. The email notifications of bills are also automated and there is currently no automated process to stop the email alerts. This is an area it is investigating, but at this stage it is unable to comment on its technical feasibility. It displays all customer impacting incidents on its website. During the period of this outage it regularly updated its incident bar with advice to customers and as previously explained to the customer it was directing customers to web forms. The web forms performed most of the functions of the OAM, which is why it was signposting customers to use them while the OAM was offline.
- Having reviewed the case it can see no customer service failings in relation to the complaint.

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- It has apologised to the customer a number of times about the issue and explained that it has learnt from this incident and that improvements/appointments to its digital lead team have already taken place.
- The OAM not being available has not financially disadvantaged the customer, nor had there been any impact from the delay in him being able to view his bill, as he pays by Direct Debit.
- The high bill has not formed part of the customer's complaint. This issue is being investigated and has not exhausted its complaint procedure. In addition, although the customer was unable to view his bill online on the 6 October 2017, it sent him a paper copy on 18 October 2017. It has therefore not recently transpired that the bill was higher, the customer would have been aware of this since October 2017.

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.

How was this decision reached?

1. Under WATRS Rule 5.4.3, comments may only be on points raised in the company's response and must not introduce any new matters or any new evidence. Any such new matters or new evidence must be disregarded by the adjudicator.
2. Under Rule 1.6, only complaints which have exhausted the company's complaints procedure and have been subject to mediation and/or formal investigation by CCW can be considered. In

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view of the correspondence submitted, I accept the company's submission that the customer's complaint in his WATRS application about the high bill has not formed part of the customer's complaint. Consequently, this aspect of the customer's claim cannot be considered.

3. I must also remind the parties that adjudication is an evidence-based process where the burden of proof rests on the claimant, in this case the customer, to prove his/her case on the balance of the probabilities.
4. The customer must show that the company failed to provide its services to the standard to be reasonably expected by the average person, and importantly that the customer has suffered some financial loss or other disadvantage as a result of a failing by the company. Submissions made without supporting evidence are unlikely to be accepted as proven.
5. Finally, I remind the parties that for the purposes of this decision my remit is to determine the issues between the customer and the company. Any claims or requests for redress in relation to other customers cannot be considered. Further, and importantly, the company's internal policies and procedures are a business matter for the company alone to determine and fall outside the scope of the WATRS. I am unable to review the technology and processes used by the company.

Outage

6. The company states that the full OAM system was offline for approximately 2.5 weeks. I am mindful that this is the main way that its online billing customers access their account. I note the company's submissions that the outage was unforeseen and took longer to resolve than anticipated due to the complexity of the systems. However, given the length of the delay, I am not satisfied that the company provided its services to the standard to be reasonably expected by the average person in this regard.
7. I also acknowledge the customer's submission that the company failed to clearly communicate that there was a problem with the OAM on its website, and that multiple attempts to login did not trigger an explanation of the problem. The customer has given a relatively detailed account of his experience. Having carefully considered the matter, I am inclined to accept the customer's submissions on a balance of probabilities, I am therefore also not satisfied that the company

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provided its services to the standard to be reasonably expected by the average person in this regard.

8. However, notwithstanding the above, I accept the company's submissions that the customer still had the option to call or write to it. In addition, the evidence shows that when the customer wrote to the company to make a complaint on 8 October 2017, the company responded to the customer on 18 October 2017 in line with its Customer Guarantee Scheme ("CGS") requirements to respond within 10 working days. The evidence also shows that the company offered the customer its apologies; fully addressed all of the questions raised and/or statements made by the customer in his email; sent the customer a paper copy of his bill; and signposted the customer to the next stage of its procedure should he have any concerns.
9. The customer contacted the company again in writing on 19 October 2017. The company again responded with the timescale set down in its CGS. The correspondence also again shows that the company offered the customer its apologies; fully addressed the queries raised; and signposted the customer to CCW.
10. In view of the above, I find that the company provided its services to the customer to the standard to be reasonably expected by the average person in the handling of the complaint. I accept the company's submissions that there is no evidence to show any customer service failings in relation to the complaint.

Redress

11. In respect of the customer's request that the company: update its policies to send paper bills by default during an outage; stop sending email notifications during an outage; and clearly inform all online only customers via email or on its website if there is any outages, as discussed above, the company's internal policies and procedures are a business matter for the company alone to determine and fall outside the scope of the WATRS. I am unable to review or direct the actions the company should take should an outage occur.
12. The customer also seeks an apology for (i) the poor OAM system and poor customer service; (ii) not having proper roll-back procedures when the system upgrade went wrong; and (iii) not resolving the issue quickly without the escalation to the CCW and WATRS. I note the customer's requests however, the evidence shows that the company has provided a number of apologies

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about the failure of the OAM system and confusion experienced by the customer with the notifications on its website during the complaints process; it is outside of my remit whether or not the company had proper roll-back procedures in place when the problem occurred with the OAM; the evidence shows that the issue was resolved before the matter was escalated to CCW and WATRS and that the company dealt with the customer's complaint appropriately and in a timely manner. Consequently, the customer's request for an apology is unable to succeed.

13. The customer also requests compensation in the sum of £140.00 comprising of £50.00 for not providing the bill on time; £50.00 for the poor OAM system and poor customer service; and £40.00 for the stress and anxiety of not being able to access the bill after notification. In light of my findings about the failure of the OAM system and the company's failure to clearly communicate the problem with the OAM on its website, I am satisfied that the customer is entitled to a measure of compensation for the stress and inconvenience caused as a result. However, I find that the sums claimed are disproportionate to the failings shown. In addition, the customer has not provided any evidence of loss. I remind the parties that the burden of proof rests on the customer to prove he has suffered some financial loss or other disadvantage as a result of a failing by the company. I accept the company's submissions that no evidence has been submitted to show that the OAM not being available has financially disadvantaged the customer nor is there any evidence to show that there was any impact from the delay in the customer not being able to view his bill. I also take into account the fact that the issue was resolved before the matter was escalated to CCW and WATRS, and that the company dealt with the customer's complaint appropriately and in a timely manner. Having carefully considered the matter, I consider the sum of £25.00 to be a fair and reasonable level of compensation. No substantive evidence has been submitted to support a higher amount of compensation. I therefore direct that the company pay the customer the sum of £25.00 in compensation.

Outcome

The company needs to take the following further action:

I direct that the company pay the customer the sum of £25.00 in compensation.

What happens next?

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- This adjudication decision is final and cannot be appealed or amended.
 - The customer must reply by 25 April 2018 to accept or reject this decision.
 - If you choose to accept this decision, the company will have to do what I have directed within 20 working days of the date on which WATRS notifies the company that you have accepted my decision. If the company does not do what I have directed within this time limit, you should let WATRS know.
 - If you choose to reject this decision, WATRS will close the case and the company will not have to do what I have directed.
 - If you do not tell WATRS that you accept or reject the decision, this will be taken to be a rejection of the decision. WATRS will therefore close the case and the company will not have to do what I have directed.
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Uju Obi LLB (Hons) MCI Arb
Adjudicator

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