

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1079

Date of Decision: 11th December 2018

Complaint

The customer states that the company has failed to provide him with an adequate water pressure for his domestic supply since May 2018. In particular, he states that his property was without water for a period on the 7th and 8th July 2018. He further states that the company has failed to address his concerns around his water supply. The customer seeks: a return to the water pressure he had at his property prior to May 2018 and an answer to his concerns. He also seeks an unspecified amount of compensation.

Defence

The company states that it has never seen evidence that the water supply at the customer's property was low. It states that each measurement taken by the company shows the water pressure to be within appropriate levels. It states that it has provided the customer with assurances and advice.

The company has not made an offer of settlement.

Findings

The company has acted in accordance with its legal obligations since it became responsible for the customer's domestic account. Part of this claim is outside the scope of the WATRS scheme as the customer and the company had no legal relationship before 25th September 2018.

Outcome

The company does not need to take any further action.

The customer must reply by 11th January 2019 to accept or reject this decision.

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ADJUDICATOR'S DECISION

Adjudication Reference: WAT/ /1079

Date of Decision: 11th December 2018

Party Details

Customer: []

Company: [].

Case Outline

The customer's complaint is that:

- The customer's complaint relates to the water supply to his domestic property situated at [].
- The customer states that he has had issues with the water pressure being too low since May 2018.
- He claims that he has never previously experienced low water pressure.
- In particular, the customer claims that on the 6th and 8th July 2018 the water ceased to flow to his property and he was without water.
- The customer states that the company has not given an adequate explanation for the low pressure.
- He states that the company has failed to answer his concerns about this happening again in the future.
- The customer states that this complaint is solely in relation to the domestic supply to his house and troughs to the northern side of his farm, being customer number 3312[].
- The customer claims that the water pressure has become so low that it is now very difficult for him to fill the troughs used by the cattle at his property.
- He states that the company's suggestion that he buy equipment for his domestic supply to improve the pressure is not acceptable to him as he pays for a service.
- The customer does not accept that the problem is caused by his own pipework, but states it is a problem of the water pressure supplied by the company.

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- The customer seeks the following remedies: for a direction that the company return the pressure to the pre May 2018 levels, that the company answer the concerns of the customer and that the company pay some compensation (unspecified).

The company's response is that:

- The customer's house supply was deregistered in September 2018 and the company took over this domestic supply.
- The company states that the troughs always were, and still are, a business supply and the responsibility of [], a third party retailer.
- The company states that every time it has measured the water pressure it has been between 3 and 5 bar.
- The company states that the troughs need 5 bar to fill and that this is only achievable at night time when demand is low.
- The company denies that it is obliged to provide sufficient water pressure to fill the troughs. The company states that it has suggested remedies to the customer, such as the installation of a booster pumping system.
- The company states that regarding the loss of water on the 7th and 8th July 2018, it was not witnessed by the company employees who attended in the evening.
- The company states that it has responded adequately at all times to the customer's complaints.
- The company does not consider that the customer has substantiated his claim.

In reply the customer states.

- His complaint is about the house and the troughs on the north side of the farm, and, he states that the company has not disputed its liability for providing sufficient water pressure for these.
- He has never previously, in 10 years, experienced low water supply at his property.
- The customer restates his case.

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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. This application concerns low water pressure and the customer's complaint is that the company is not providing an adequate level of pressure to his property. For context I cite here the OFWAT guidance relating to low water pressure: *"The Guaranteed Standards Scheme (GSS) sets out that water companies shall maintain a minimum pressure of water in the communication pipe serving the premises supplied with water of seven metres static head."* I also cite here section 65 (1) of the Water Industry Act 1991 which states that the water company must ensure a supply *"to be laid on constantly and at such a pressure as will cause the water to reach to the top of the top-most storey of every building within the undertaker's area."*
2. I find it important 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.
3. In order to clarify any potential confusion, I must also remind the parties that the company and [] (RST WATER) are separate and distinct organisations. I note that the company took over the domestic account from the third party on 25th September 2018. However, other services are

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being provided not by the company, but by the third-party RST WATER. Following the rules of the WATRS scheme I cannot make any findings on third-party actions in my decision and must limit my considerations to matters between the customer and that company.

4. For clarity I shall examine the following. In April 2017 the water market opened up to retailers. All non-domestic customers were moved to a wholesaler/retailer split at that time. As such, the customer's two water accounts were moved to RST WATER (third party) as a retailer and the company remained as the wholesaler. It must be noted that under the new arrangements that started in April 2017 a non-domestic customer only has a relationship with the retailer. The customer cannot bring a claim against the wholesaler directly, but only against the retailer. In this case the customer's account relating to his house and troughs to the northern part of his farm was deregistered and moved to the responsibility of the company on 25th September 2018.
5. The current situation is that the customer has two accounts. One business account for which the company is the wholesaler and RST WATER is the retailer; one domestic account for which the company is entirely responsible. However, it must be noted that the domestic account was a business account up until 25th September 2018. It is the domestic account that is the subject of this application, which is the account concerning the house and the northern part of the farm (and troughs).
6. The water industry regulations mean that up until 25th September 2018 the company had no relationship with the customer.
7. It therefore follows that in relation to this claim I can only take into account matters arising since the 25th September 2018, for which the company is responsible.
8. I appreciate that this will be a disappointment to the customer. Nonetheless, the WATRS scheme rules do not allow me to consider complaints by a business customer (albeit a former business customer now in a domestic relationship with the company) against a wholesaler.
9. The set of circumstances in this application is complex, given the deregistration of the customer's property. However, I cannot hold the company liable for matters that it was not responsible for under legislation at the time that the events complained of took place.

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10. I shall go on to deal with issues complained of that were still existing after the 25th September 2018. I shall accept that the company has knowledge of the customer's supply issues, as per the papers, as I believe it would be artificial to approach the issues as if the company had no understanding of the matters arising in this complaint before the 25th September 2018, although I emphasise that I do not find that the company has any liability arising from before that date.
11. The customer has claimed that there is no plan in place to ensure that the water pressure does not fall below an acceptable level, as he claims it did during the summer of 2018. The company states that all its measurements show that the water pressure being supplied is between 3 and 5 bar and that this is more than sufficient.
12. I note that I have no readings from the customer supporting his application that the company is providing an inadequately low water pressure to his property. I appreciate that it is sometimes difficult for a customer to obtain evidence; however, this is an important part of the customer's case and would require substantiating evidence.
13. I note that in its email to the customer on the 8th October 2018 the company accepted the customer's assertion that he had experienced periods without water on the weekend of the 7th and 8th July 2018.
14. The company has submitted water readings from the 14th May 2018 and 31st October 2018. I take into account that there is no sign that the pressure is below the OFWAT guidelines of 0.7 bar.
15. I note that the customer accepts, in his letter dated 2nd November 2018, that on 31st October 2018 the water pressure is acceptable, but he notes that he is still concerned about the possibility of a loss of water as happened in July 2018.
16. I take into account that the customer has prepared his application based on his allegations that the water pressure was low in July 2018, and I have found that this part of his case cannot be held to be the responsibility of the company. I do take into account that the customer has present concerns that he seeks assurances for based on the claim he has made in relation to the water pressure in July 2018. I take into account what the customer has stated regarding the loss of water pressure on the dates in July 2018 for the purpose of examining whether or not the

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company has acted properly in assuaging the concerns that the customer has since it became responsible in September 2018.

17. The company has measured the water pressure since it took over responsibility. The evidence for this is attached, and I have referred to it in paragraph 13. The company has concluded that there is no evidence of low pressure at the customer's property.
18. The customer has not directed me to any guidance or legislation upon which he seeks to rely for his claim regarding the actions of the company in relation to providing assurances that he will not suffer from low water pressure going forward. I have looked carefully at the guidance and the legislation and paragraph 1 above contains the relevant excerpts. I can find no support on the evidence, in guidance or in legislation, for the customer's case that the company has failed in its replies regarding his concerns.
19. I note that since taking over the account the company has concluded that the low water pressure claimed by the customer might be remedied by the installation of a pump, and that this would be the responsibility of the customer. The customer has indicated that he is not satisfied with this as a solution because he believes that the fault lies with the company for the low pressure. I note that this exchange is evidenced in the emails between the parties at the end of September 2018 and early October 2018.
20. The company states in its email to the customer of the 8th October 2018 that it will be happy to attend at any time should the customer experience low pressure again. The company has also stated that it is happy to monitor the flow of the domestic supply and that it will fit a permanent logger and get back to the customer with a full range of data.
21. The customer has stated that part of the problem he has experienced with the low water supply is that the troughs he uses, from his domestic supply, take too long to fill and that this is something that had never been an issue before May 2018. I have looked into the legislation and guidance regarding this point and cannot find that the company is responsible for assurances that its supply will be adequate for certain types of extraordinary usage, such as filling troughs. The customer has not directed me to any guidance or legislation in this respect. I accept the word of the customer in this regard, but the issue for me to determine in relation to all the matters raised is the responsibility of the company in relation to those matters.

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22. I find that, on the evidence submitted, the company has provided an adequate level of customer service in relation to the ongoing concerns of the customer over his water pressure.

23. It follows that I do not find that the company failed to provide its services to the customer to the standard to be reasonably expected by the average person.

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 11th January 2019 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.



J J Higgins, Barrister, ACI Arb.

Adjudicator

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