

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1477

Date of Decision: 02 July 2019

Complaint

The customer states that he has been incorrectly subjected to collection actions by the company for an account that is not his. He requests compensation of £2,000.00-£2,500.00.

Defence

The company acknowledges that the level of service the customer has experienced is lower than he was entitled to expect. It states that he has already been awarded compensation of £1,185.00 and does not believe that additional payments are owed.

Findings

The customer has satisfactorily established that the company failed to provide its services to the standard to be reasonably expected by the average person, to a degree beyond that recognised by the compensation already awarded by the company.

Outcome

The company needs to take the following further action: It must pay the customer compensation of £815.00.

The customer must reply by 30 July 2019 to accept or reject this decision.

This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.

The company's response is that:

- The account included a Mr Brown since at least 1993. This was updated to Mr M Brown in 2002 and Mr Michael Brown in 2006.
- In 2007 the company litigated against both the customer and his mother, and although the company was advised by the customer's mother that the customer should not be on the account, action was not taken to remove his name.
- A CCJ was obtained against both the customer and his mother in 2007.
- In 2011 the customer questioned the CCJ and was told the correct course of action to take, but he did not take this action.
- In 2012 a default was registered against the customer and his mother.
- In January 2018 the customer challenged registration of a default. The company acknowledged that the customer was not liable for the charges, and removed the default in the customer's name.
- The company also agreed at this time to remove the customer's name from the account, but this was not done.
- In January 2019 a CCJ was obtained against both the customer and his mother.
- The customer challenged this action and the company set aside the judgement, removed the customer's name from the account, and made a GSS payment to the customer of £150.00.
- In April 2019 the company conducted a review and made a further payment to the customer of £500.00.
- A further review was made in May 2019, resulting in an additional payment of £500.00, consisting of both GSS payments and compensation of £290.00.
- The company acknowledges that the level of service the customer has experienced is lower than he was entitled to expect, but does not believe that additional payments are owed.

The customer's comments on the company's response are that:

- His name should never have been on the account.
- He contacted the company in 2011 regarding the CCJ and was spoken to rudely, but was never advised of action to take. The company has provided no evidence that such advice was given.
- The compensation of £2,000.00-£2,500.00 he is claiming includes the £1,150.00 he has already been paid.

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The company's comments on the customer's comments are that:

- An additional GSS payment of £150.00 has been made in April 2019, and a further GSS payment of £25 or £35 (both amounts are stated by the company) will also be made.

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. The company has acknowledged the series of customer service failings experienced by the customer, and through payments already made has acknowledged the stress and inconvenience that these failings will have caused the customer. The remaining dispute between the parties relates to the amount of compensation to which the customer is entitled.
2. The company has agreed to make or has made payments totaling £1,185.00.
3. In consultation with the WATRS Guide to Compensation for Inconvenience and Distress, I find that the problems described by the customer, and acknowledged by the company, are sufficiently serious to warrant a total compensation payment of £2,000.00, including the GSS

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and other payments already made by the company. The customer service failings acknowledged by the company may have been mere administrative errors in the context of a regular account, but the company bears an enhanced responsibility to ensure that any collection actions it takes are taken against the correct people, precisely because of the substantial stress and inconvenience that facing a collection action will cause to customers, and because of the potential consequences to customers of having negative information recorded on their credit file. The company had repeated opportunities to remove the customer's name from the account, and despite acknowledging on more than one occasion that this would be the correct action to take, it repeatedly failed to do so.

4. It must also be acknowledged that the customer could at times have acted more proactively to ensure that the company undertook the actions it agreed were appropriate, as there were times that the evidence indicates the customer was on notice that his name was still on the account, and yet he either took no action or took only limited action. This does not excuse the company's failings, but it must reduce the level of compensation to which the customer is justifiably entitled, as there were actions available to him that would have reduced the amount of stress and inconvenience he ultimately experienced.
5. The company has satisfactorily established that it has already made or will make payments to the customer totaling at least £1,185.00.
6. Consequently, the company must pay the customer total additional compensation of £815.00.

Outcome

The company needs to take the following further action: It must pay the customer compensation of £815.00.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 30 July 2019 to accept or reject this decision.

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- 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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Tony Cole

Tony Cole, FCI Arb

Adjudicator

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