

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1522

Date of Decision: 7 August 2019

Complaint

The customer states that he had concerns with regards to paying his water bills. Therefore, the customer telephoned the company on numerous occasions in relation to this matter. The customer informed the company that he has mental health issues. It therefore assigned a designated contact (trained in mental health aid) for the customer. Due to the customer's behaviour, the company warned him that it would report him to the police. The customer did not feel that the relationship with the designated contact was fruitful and requested a new designated contact. Eventually, following advice from [] police, the company withdrew its designated contact facility and advised the customer that he would need to contact the company in writing. The company explained that this was in line with this set policy. The customer confirms that the billing issue was ultimately resolved with a payment plan agreement. The customer was also provided with grants and credits which cleared all his outstanding bills to the company. The company also apologised to the customer if warning him that it would call the police in response to his behaviour was upsetting. However, the company does not accept any further liability to the customer. The customer indicates that he is not happy about the company's handling of his complaints and is now claiming for the company to provide him with a new designated contact and for the company to consider providing him with additional gestures of goodwill.

Defence

The company does not accept that it is liable to provide the redress claimed by the customer. The company confirms that the customer's bills have always been raised correctly. The customer contacted it on numerous occasions in relation to paying his bills and arranging a payment plan. The customer advised the company that he has mental health issues. Therefore, the company assigned a designated contact (trained in mental health aid) for the customer to communicate with. The company confirms that, as a result of the customer's abusive/unacceptable behavior, it warned him that it would report him to the police. The company states that the designated contact individual always acted appropriately and reasonably. Accordingly, the company did not feel it was necessary to change the designated contact individual just because

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 customer requested it. The company confirms that, under its set policy, it has the right to choose the method of contact it receives from its customers. Following advice from [] police, the company took the decision to withdraw the designated contact and informed the customer that he would need to communicate with the company in writing only. The company confirms that this matter was dealt with as harassment and malicious communications and the police issued a letter to the customer directing him to cease verbal contact. The company acknowledges that the customer is not pleased with the way in which his queries and complaints have been handled. However, the company confirms that the customer's queries and complaints have been handled in accordance with its set customer conduct policies. The company confirms that it awarded the customer a grant payment to clear all his outstanding bills. Subsequently, in an attempt to bring the matter to a close (and by way of an apology for warning the customer that it would call the police due to his behaviour); the company cleared the customer's outstanding balance in March 2019 to zero. In light of all the above, the company submits that it has acted reasonably and does not feel it is appropriate to offer any further gestures of goodwill to the customer and it does not accept any liability for the customer's claims for redress.

Findings

Under the circumstances, I am not satisfied that the company has failed to provide its services to the standard to be reasonably expected by the average person. Consequently, in the absence of any established failures on the part of the company, I am unable to uphold the customer's claims for redress.

Outcome

The company does not need to take any action. The customer is not obliged to accept this decision and is free to continue pursuing his complaint through all other resolution avenues as available to him.

The customer must reply by 4 September 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.

ADJUDICATOR'S DECISION

Adjudication Reference: WAT/ /1522

Date of Decision: 7 August 2019

Party Details

Customers: [].

Company: [].

Case Outline

The customer's complaint is that:

- He had concerns with regards to paying his water bills. Therefore, the customer telephoned the company on numerous occasions in relation to this matter.
- The customer informed the company that he has mental health issues. It therefore assigned a designated contact (trained in mental health aid) for the customer.
- Due to the customer's behaviour, the company warned him that it would report him to the police.
- The customer did not feel that the relationship with the designated contact was fruitful and requested a new designated contact.
- Eventually, following advice from [] police, the company withdrew its designated contact facility and advised the customer that he would need to contact the company in writing. The company explained that this was in line with this set policy.
- The customer confirms that the billing issue was ultimately resolved with a payment plan agreement. The customer was also given a grant and credits which cleared his outstanding bills to the company.
- The customer's outstanding balance to the company in June 2019 has been reduced to zero. The company also apologised to the customer if warning him that it would call the police in response to his behaviour was upsetting. However, the company does not accept any further liability to the customer.

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 customer indicates that he is not happy about the company's handling of his complaints and is now claiming for the company to provide him with a new designated contact and for the company to consider providing him with additional gestures of goodwill.

The company's response is that:

- It does not accept any liability to the customer.
- The customer's bills have always been raised correctly.
- The customer contacted it on numerous occasions in relation to paying his bills and arranging a payment plan.
- The customer advised it that he has mental health issues. Therefore, the company assigned a designated contact (trained in mental health aid) for the customer to communicate with.
- The company confirms that, as a result of the customer's abusive/unacceptable behavior, it warned him that it would report him to the police.
- The company states that the designated contact individual always acted appropriately and reasonably. Accordingly, the company did not feel it was necessary to change the designated contact individual just because the customer requested it.
- The company confirms that, under its set policy, it has the right to choose the method of contact it receives from its customers.
- Following advice from [] police, the company took the decision to withdraw the designated contact and informed the customer that he would need to communicate with the company in writing only. The company confirms that this matter was dealt with as harassment and malicious communications and the police issued a letter to the customer directing him to cease verbal contact.
- The company indicates that it took this action because it has a responsibility to consider the wellbeing of its employees.
- The company confirms that it has agreed to several payment plans with the customer; however, the customer has not adhered to them. The company confirms that a new payment plan of £10.00 per month has been agreed with the customer in June 2019.
- The company acknowledges that the customer is not pleased with the way in which his queries and complaints have been handled. However, the company confirms that the customer's queries and complaints have been handled in accordance with its set customer conduct policies.
- The company confirms that it awarded the customer a grant payment to clear all his outstanding bills.

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.

- Subsequently, in an attempt to bring the matter to a close (and by way of an apology for warning the customer that it would call the police due to his behaviour); the company cleared the customer's outstanding balance in March 2019 to zero.
- The company confirms that the customer is still able to contact its helpline for emergencies.
- The company explains that the customer has not made any payments since April 2017 and has benefitted from various grants and credits.
- In light of all the above, the company submits that it has acted reasonably and does not feel it is appropriate to offer any further gestures of goodwill to the customer. Furthermore, it does not accept that it should be required to provide the customer with a new designated contact.

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.

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.

How was this decision reached?

1. The customer's complaint is that he is not happy about the way in which the company handled his queries/complaints. Therefore, the customer is now claiming for the company to provide him with a new designated contact and for the company to consider providing him with additional gestures of goodwill.
2. I draw attention to the fact 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.
3. At this stage, I believe it is important to highlight that my powers as a WATRS adjudicator are limited (as detailed in the scheme rules). Specifically, I should make it very clear that I am unable to address/examine any substantive matters surrounding the customer's receipt of a warning from the police (as a result of his behavior towards the company). Nor am I able to comment on any legal/regulatory issues relating to mental health. Accordingly, I am unable to address any substantive issues relating to these particular elements of the customer's complaint and they may wish to refer these matters to a more appropriate forum.
4. However, notwithstanding the above, I am still able to conduct an objective review of the company's general conduct and determine whether it has provided its services to the standard to be reasonably expected. I will proceed accordingly.
5. Following careful examination of all the submissions available to me at the time of adjudication, I find that the company took reasonable steps to assist the customer by providing him with a designated contact (trained in mental health aid) and further aided him by providing various payment plans, grants and credits. Based on the evidence provided, I am not satisfied that the company's overall handling of the customer's concerns fell below a reasonable standard. In addition, I note that the company has illustrated that it appropriately exercised its right (in accordance with its set policy) to determine the manner in which the customer contacts it. As such, I am unable to objectively conclude that the company's overall actions amount to a failure to provide its services to the standard to be reasonably expected.

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.

6. In the interests of completeness, I draw attention to the fact that it is entirely beyond the scope of this scheme for me to examine/review any issues relating to the fairness of the company's set business policies/commercial practices.
7. In summary, I am not satisfied that any material failures on the part of the company to provide its services to the standard to be reasonably expected have been objectively substantiated. Consequently, in the absence of any established failures on the part of the company, I find that I am unable to uphold the customer's claims for redress.
8. This concludes the WATRS stage of the customer's complaint. I remind the parties that the customer is not obliged to accept this decision and is free to continue pursuing his complaint through all other resolution avenues as available to him.

Outcome

The company does not need to take any further action. The customer is not obliged to accept this decision and is free to continue pursuing his complaint through all other resolution avenues as available to him.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 4 September 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.

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.