

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1611

Date of Decision: 19 September 2019

Complaint

The customer states that they had a water leak at their property of which they were unaware. The customer's complaint is that he did not know about the leak and therefore should not be held liable for his full service bill. The customer states that he complained to the company about this issue and sought a bill reduction but it did not accept the customer's position. The customer is now claiming for the company to reduce his bill.

Defence

The company explains that the water wholesaler's position is that it has correctly charged the customer in line with its set policy. The company has challenged the wholesaler's position on behalf of the customer (in its capacity as the customer's water retailer) but the wholesaler has advised that it will not depart from its decision and therefore rejects the customer's claim. The company states that it does not accept any liability for the customer's claims for redress.

Findings

The company has demonstrated that it appropriately carried out its obligations in its capacity as the customer's water retailer. In the absence of any material failures on the part of the company, I find that the customer's claim for redress cannot succeed.

Outcome

The company does not need to take any further action. The customer is not obliged to accept this decision and is free to pursue resolution through all other avenues as available to them.

The customer must reply by 17 October 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

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Date of Decision: 19 September 2019

Party Details

Customer: [].

Company: [].

Case Outline

The customer's complaint is that:

- The customer explains that he had a water leak at his property of which he was unaware.
- The customer submits that he did not know that there was a leak at his property so he should not be liable to pay his full service bill.
- The customer states that he complained to the company about this issue and sought a bill reduction but it did not accept liability to provide any reduction. The customer is displeased with this outcome.
- Therefore, the customer is now claiming for the company to reduce his bill.

The company's response is that:

- The company does not accept liability to provide the redress claimed by the customer.
- The company confirms that it acted in its capacity as the customer's water retailer following his bill reduction claim and referred the matter to the customer's wholesaler. Unfortunately, the wholesaler rejected the customer's claim.
- The company confirms that it pursued the wholesaler on behalf of the customer. However, its final position is that the customer was not entitled to any leakage allowance/bill reduction (because the leak was on the customer's private supply). The company has challenged the wholesaler on this point but it has concluded that its decision is in line with its set policy.
- The company states that it has appropriately fulfilled its obligations as a water retailer to refer this matter to the wholesaler and challenge its position on behalf of the customer.

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- Consequently, the company does not accept any 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.

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 crux of the customer's complaint is that he is displeased with the wholesaler's decision that he is not entitled to any bill reduction following his water leak. The wholesaler has explained that the customer's claim was rejected in accordance with its set policy. The customer is displeased with this position. The customer is therefore claiming for the company to reduce his bills.
2. I remind the parties 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. I acknowledge that the customer is displeased with the wholesaler's refusal to depart from its final decision that he is liable for the water charges in dispute and not entitled to any bill reduction. In order to make a decision in this matter, I must clearly distinguish between actions taken by the wholesaler and the duty owed by the retailer (the company) to its customers. Since

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the water market in England opened up to retailers in April 2017, all non-household customers have been moved to a wholesale/retail split service. As a result, a non-household customer now only has a relationship with the retailer. In turn, an adjudicator operating under the Water Redress Scheme may only make findings related to those things for which the retailer, as the party to the case, has responsibility, and not those things for which the wholesaler has responsibility. This includes, however, the effectiveness with which the retailer has operated as an intermediary between the wholesaler and the customer.

4. Whilst I am unable to consider the customer's substantive complaint about the wholesaler's decision to reject their claim, I can look at whether the service provided by the company ([]) has met the standard to be reasonably expected (of a water retailer) by the average person.
5. Following careful review of all the submissions and documents provided by the respective parties, overall, I am satisfied that the company has met its obligations to the customer as a water retailer. Specifically, I note that the company pursued the wholesaler on the customer's behalf and appropriately conveyed their challenge to its rejection of their claim.
6. The wholesaler ultimately declined to depart from its set position, explained how it reached its decision and upheld the rejection of the customer's claim. The company then conveyed the wholesaler's position to the customer. Accordingly, under the circumstances, I am satisfied that the company acted appropriately to pursue the wholesaler in relation to the customer's complaint and appropriately explained its position to the customer.
7. Therefore, in light of all the above, I am not satisfied that there are any material failures on the part of the company to provide its services to the standard to be reasonably expected by the average person. Consequently, in the absence of any failures on the part of the company, I find that I am unable to uphold the customer's claim for redress.

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8. This marks the end of the WATRS stage of the customer's complaint. The customer is not obliged to accept this decision and is free to pursue resolution through all other avenues as available to them.

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 17 October 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.



E. Higashi LLB (Hons), PGDip (LPC), MCI Arb.

Adjudicator

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