

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT 1738

Date of Decision: 19 March 2020

#### Complaint

The customer's application states that he initially complained to the company because he received a bill which included an outstanding balance of £57.84 (brought forward from a previous year). The customer indicates that he did not pay for his water services directly, but through the Water Direct Scheme (where regular payments are made to the company by the Department of Work and Pensions (DWP) through direct deduction from the benefit payments given to the customer). The customer submits he had requested that the company increase his weekly benefit deductions by £1.00 to clear the outstanding balance. The customer asserts that he has been making this request since 2013. The customer submits that the company was unable to complete this request and it has blamed the DWP for this failure. The company's position is that it is not responsible for the failures of the DWP. Nonetheless, it has provided the customer with several payments as gestures of goodwill and taken action to assist him to the best of its ability. The customer is displeased with the company's handling of this matter and is now claiming an apology, an explanation for why he is not eligible for GSS payments, the right to engage with named contacts from the company by telephone, information regarding the company's Water Direct applications made on his behalf and explicit reasons for why they were rejected and compensation in the sum of £1100.00.

#### Defence

The company confirms that the customer has been in contact regarding his payments being deducted from his DWP payments (with arrears remaining at the end of the year). The company confirms that it educated the customer regarding process for the DWP payments to the best of its ability. However, the customer remained unhappy. The company submits that it has provided the customer with three gesture of goodwill payments in recognition of the customer's concerns. The company confirms that the customer's account is now up to date and his balance (as of February 2020) is £37.97. The customer is making payments of £2.94 by Water Card. The company further confirms that the customer has been accepted onto the "Big Difference Scheme" for a full 90% reduction. Water Direct payments have been stopped and the customer is now making monthly payments by Water Card. The customer has

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also received a grant from the [ ]Trust Fund in the sum of £184.09. The company accepts that there has been a problem for years where it would send the uplift every April as normal but the DWP would not carry this out. Ultimately, it is the DWP who has discretion whether to allow the increase of payments. In light of the above, the company does not accept any further liability to provide the redress claimed by the customer.

### Findings

I am unable to objectively conclude that there are any unresolved failures on the part of the company to provide its services to the standard to be reasonably expected by the average person. The company has already taken fair and reasonable remedial action in response to accepted oversights on its part. Therefore, I do not find that it is obliged to provide the customer with the redress claimed.

### Outcome

The company does not need to take any further action. This decision cannot be appealed. However, the customer is entitled to reject this decision and is free to continue pursuing his complaint through all other resolution avenues as available to him.

The customer must reply by 22 April 2020 to accept or reject this final decision.

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# ADJUDICATOR'S DECISION

Adjudication Reference: WAT 1738

Date of Decision: 19 March 2020

## Party Details

Customer: [ ].

Company: [ ].

## Case Outline

### **The customer's complaint is that:**

- The customer's application states that he initially complained to the company because he received a bill which included an outstanding balance of £57.84 (brought forward from a previous year).
- The customer indicates that he did not pay for his water services directly, but through the Water Direct Scheme (as detailed above).
- The customer submits that he had requested that the company increase his weekly benefit deductions by £1.00 to clear the outstanding balance. The customer asserts that he has been making this request since 2013.
- The customer submits that the company was unable to complete this request and has blamed DWP for this failure.
- The company's position is that it is not responsible for the failures of the DWP. Nonetheless, it has provided the customer with several payments as gestures of goodwill and taken action to assist him to the best of its ability.
- The customer referred the issue to CCW (Consumer Council for Water) but it was unable to provide him with a resolution to his satisfaction.
- The customer remains displeased with the company's handling of this matter and is now claiming an apology, an explanation for why he is not eligible for GSS payments, the right to engage with named contacts from the company by telephone, information regarding the company's Water Direct applications made on his behalf and explicit reasons for why they were rejected and compensation in the sum of £1100.00.

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### **The company's response is that:**

- The company confirms that the customer has been in contact regarding his payments being deducted from his DWP payments (with arrears remaining at the end of the year).
- The company confirms that it educated the customer regarding process for the DWP payments to the best of its ability. However, the customer remained unhappy.
- The company submits that it has provided the customer with three gesture of goodwill payments in recognition of the customer's concerns.
- As a result of unreasonable behaviour, the company had no choice but to implement its business policies for customer behaviour and exercised its right to communicate by writing only.
- The company has explained to the customer that he does not qualify the GSS. The customer is displeased about this.
- The company submits that the customer's account is now up to date and his balance (as of February 2020) is £37.97. The customer is making payments of £2.94 by Water Card.
- The company confirms that a Council Welfare Officer is handling the customer's issues on their behalf. The company is liaising with them by phone and writing.
- The company confirms that the customer has been accepted onto the "Big Difference Scheme" for a full 90% reduction.
- Water Direct payments have been stopped and the customer is now making monthly payments by Water Card.
- The customer has also received a grant from the [                      ] Trust Fund in the sum of £184.09.
- The company accepts that there has been a problem for years where it would send the uplift every April as normal but the DWP would not carry this out. Ultimately, it is the DWP who has discretion whether to allow the increase of payments.
- In light of the above, the company does not accept any further liability to provide the redress claimed by the customer.

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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.

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. The customer's complaint is detailed in his WATRS application. In particular, the customer is unhappy because the company did not acknowledge and reasonably justify their inability to pass his deduction request to the DWP, the company was unable to action the increase in his payments as requested, his Water Direct Payments have stopped (and the proposed alternative payments were inadequate) and the company has not communicated appropriately (it has restricted its phone contact with the customer due to abusive behaviour and now only accept written correspondence). The customer remains displeased with the company's handling of this matter and is now claiming an apology, an explanation for why he is not eligible for GSS payments, the right to engage with named contacts from the company by telephone, information regarding the company's Water Direct applications made on his behalf and explicit reasons for why they were rejected and compensation in the sum of £1100.00.
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. As the party raising the dispute, the initial onus of proof rests with the customer. I should also highlight that I am not a forensic accountant with access to/in-depth knowledge of the company's/DWP's internal systems/processes. Furthermore, it is entirely beyond my remit to commission/carry out new investigations in order

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to obtain evidence to substantiate the customer's concerns. I am only able to base my decision on the submissions provided at the time of adjudication.

3. From the papers provided, I acknowledge that the customer has raised complaints about CCW's handling of his complaints about the company. In the interest of clarifying any confusion, I must make it clear that it is beyond the remit of this scheme to examine any concerns regarding CCW's complaint investigation process.
4. I note the customer's assertion that the company has not communicated appropriately (in particular, it has restricted the customer's ability to contact it by telephone). Based on the submissions provided, I am able to ascertain that the company exercised its right (in line with its set business policy) to restrict its telephone contact with the customer following abusive behaviour and only accepted written correspondence from him (until a representative for the customer was appointed). I must draw attention to the fact that it is entirely beyond the scope of this scheme to review/amend any element of the company's commercial business practices/policies (WATRS rule 3.5). Accordingly, this particular element of complaint (and any related issues flowing directly from it) cannot be reviewed under this scheme.
5. The customer asserts that the company has not provided a reasonable explanation for why he is not eligible for GSS payments. Upon review of all the submissions provided, I note that the company has previously explained to the customer that, under the circumstances, he is not entitled to any GSS payments. Whilst I acknowledge that the customer remains subjectively dissatisfied with the company's explanation, I am not objectively satisfied that the company has failed to provide its services to the standard to be reasonably expected in relation to this issue. Given the extent of the information/evidence provided by the customer to the company in relation to his queries relating to GSS payments, under the circumstances, I am objectively satisfied that the company's responses were adequate. Furthermore, under the circumstances, I am unable to identify any substantive grounds which would enable me to objectively conclude that the customer was entitled to a GSS payment. In this vein, I have also acknowledged the customer's submission of the "wonderful on tap" document and I find that I am unable to conclude any GSS payment is warranted. I acknowledge that this finding is consistent with CCW's examination notes highlighting that the customer's issues do not appear to meet the criteria for GSS payment.

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6. The customer indicates that the company has committed failures in connection with applications made on his behalf to the DWP. From the papers provided, I acknowledge the customer's assertion that the DWP previously advised him that the company has not contacted it since 2013. Upon review of the evidence provided, I note that the customer has not provided any objective evidence to substantiate this assertion (such as a written affidavit from the DWP). Accordingly, under the circumstances, I am unable to conclude that this particular assertion has been objectively substantiated by the customer.
7. In any event, I note that the customer has expressed concerns that when the company did make applications to the DWP (and they were rejected by the DWP), it did not provide clear information to the customer about the rejections and failed to acknowledge the negative knock-on effects caused by this issue. I acknowledge and accept the company's submission that it cannot comment on the DWP's policies/decisions/actions and I do not find that the company is responsible for justifying the decisions/calculations made by the DWP with regards to the customer's situation. However, having reviewed the available evidence, I find that the company could have been more proactive/helpful in its initial communications with the customer on this issue (and I have taken note of the company's initial explanations that it could provide limited information on this issue as the private information of others was also on the requested information). I am satisfied that the company has now aptly provided further information to assist the customer's understanding regarding this issue. However, overall, I am satisfied that there was an initial oversight on the company's part.
8. I note the customer's application states that despite the fact that the company has now resolved his billing issues he feels that the company continues to withhold important information on how he is being charged. Following review of all the evidence provided, I am unable to objectively determine that the company is purposefully withholding any material information that it should (and is permitted to) share with the customer.
9. After examination of all the submissions and evidence provided by the parties, I am satisfied that there have been instances of service shortfalls on the part of the company (and I note that the company has accepted shortcomings in its defence/communications). In recognition of the issues, I note that the company has provided the customer with apologies, explanations, three gesture of goodwill payments totaling £143.72, accepted the customer to its Big Difference Scheme for a 90% reduction and provided him with a grant of £184.09 from the [ ]Trust

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Fund. Bearing in mind all the above, even if all the company's shortcomings as highlighted by the respective parties were to be accepted, having regard for the nature and extent of these shortcomings (and bearing in mind the remedial actions already taken by the company), I am objectively satisfied that the overall compensation and remedial action already provided to the customer by the company was fair, reasonable and proportionate. Accordingly, under the circumstances, I am unable to conclude that any further redress action is warranted.

10. In light of all the above, whilst I appreciate that the customer is frustrated in relation to this matter, I do not find that there are any unresolved 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 unresolved failures on the part of the company, I am unable to uphold the customer's claims for further redress.

11. This concludes the WATRS stage of the customer's complaint.

12. This decision is final and cannot be appealed. However, I remind the parties that the customer is entitled to reject 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.

This decision cannot be appealed. However, the customer is entitled to reject this decision and is free to continue pursuing his complaint through all other resolution avenues as available to him.

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## **What happens next?**

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 22 April 2020 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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