

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1773

Date of Decision: 21 February 2020

Complaint

The customer states that as she has been on Pension Credit for ten years and the company has overcharged her for her water services by not automatically giving her a reduction in her bills. She states that she was informed by her daughter that she was entitled to benefit from a scheme offered by the company and that this was only backdated to October 2019. She states that the company failed to inform her of this scheme.

She seeks a direction that the deduction to her charges be backdated for ten years (an approximate amount of £2000).

Defence

The company states that it was not informed of the customer's financial difficulties or of her personal circumstances until 2019. It states that it backdated the scheme to October 2019 as a goodwill gesture. It denies that it is obliged to backdate the rebate any further and states that it has complied with all legislation and regulations.

Findings

The company has acted reasonably and informed its customers in an acceptable manner if the schemes it offers. It has complied with guidance and legislation. I do not find any fault on the part of the company in respect of this claim.

Outcome

The company does not need to take any further action.

The customer must reply by 20 March 2020 to accept or reject this decision.

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Date of Decision: 21 February 2020

Party Details

Customer: [].

Customer's Representative: []

Company: [].

Case Outline

The customer's complaint is that:

- She has over paid for water services at her home, []. ("the Property").
- She has been eligible for Pension Credit for 10 years and therefore should have been informed that she was also eligible for a reduction in water rates.
- Her daughter informed her that she could apply to the company for a reduction called the Watersure Plus Tariff ("WPT").
- She feels that the WPT should be backdated to the time when she became eligible for Pension Credit. However, the company has only backdated the claim to October 2019.
- The customer feels that as she is a pensioner she should have been automatically made aware of the WPT.
- She estimates that she has paid £2000 in excess of the payments she should have been entitled to make.
- She states that she has been suffering financial difficulty for some time and is aggrieved at having been required to pay more than she should have for so long.
- The customer seeks a direction that the company backdate the WPT rebate further than 9 October 2019.

The company's response is that:

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- The customer has been billed since 31 August 1997 on a charge based on the Rateable Value (“RV”) of the Property.
- This method of charging is in line with legislation and guidance.
- WPT has only been available since 1 April 2014 and the customer was sent information about this scheme.
- However, it has only been possible to obtain WPT on income criteria alone since 1 April 2019.
- The customer has never contacted the company to states that she was struggling with payments. Information is given to customers with the yearly bills to advice of what course of action can be taken if they are facing financial difficulties.
- The customer is currently on a comparison period while being transferred to a metered service. The company estimates that the water consumption at the Property is the equivalent of properties with five occupiers.
- It states that this means her charges are likely to increase when she switches to a metered account. It has offered to send out a Smarter Home Technician (“SHT”) to advise the customer on her usage.
- It strongly disputes that any compensation is due and has not made any offers of settlement.

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. Please note that 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.

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How was this decision reached?

1. This is an evidenced based process and the decision I have reached is based on the information provided by the parties and supporting documentation.
2. The customer is represented by her daughter []. I have referred directly to the customer throughout for ease of reading and clarity.
3. The customer's case is that she only recently found out that she was entitled to a discount through the WPT. She states that she has been on Pension Credit for 10 years and yet has been paying the full amount for her water bills via direct debit. The customer states that she should have automatically been assessed as qualifying for WPT due to her age and financial position. The customer states that the company should refund her for 10 years of overpayments.
4. The company states that it cannot know what a customer's situation is unless it is informed. In any case, it states, the WPT was only put in place in 2014 and was never based on Pension Credit. The company states that it backdated the rebate to October 2019 as a goodwill gesture but that it is not prepared to backdate the scheme further.
5. The customer states that she was not informed of the WPT scheme. The company has produced evidence in the form of information leaflets that it maintains were sent to all customers. The customer has not denied receiving these in reply. I have no reason to doubt that the company did send out information leaflets over the years. I find that this manner of informing customers is reasonable and if the ordinary method used by service providers.
6. In considering this point I do not find that it is reasonable to expect the company to know the circumstances of a particular customer. I understand that the company relies on the customers to make contact if a matter needs to be addressed, such as entitlement to a discount. I don not find any fault in the action of the company in this regard,
7. The customer feels that the discount that she now receives under the WPT scheme should be backdated to the time that she became entitled to Pension Credit. The company has stated in its defence that the scheme was not in place until April 2014 and has never been automatically applicable to those on Pension Credit. The customer has not made any comments in reply to this point. In considering the point made by the customer and the present legislation and

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guidelines I do not find that there is anything that obliges the company to backdate the discount that it is currently applying to the customer's account.

8. In respect of customer service and the customer's application. The company has provided a full account of its communications with the customer over the years. This includes contacts by the customer in relation to other matters. There is nothing in the application or defence that indicates that the customer contacted the company in relation to either a discount or her financial difficulties prior to her daughter's intervention in 2019. This is not to undermine the customer's account of her financial difficulties. I note that she was never in arrears and that she faithfully paid the direct debit for her services. However, the case for a backdated discount must be based on some obligation owed by the company or some legal right due to the customer and there is nothing of that nature apparent in this application.
9. I appreciate that the customer may feel disappointed in this outcome. However, I understand that she acted sincerely in bringing this application and that she was indeed unaware that she may have been entitled to assistance before her daughter helped her with the bills.
10. Consequently, it follows that this application fails.

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 20 March 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.

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A handwritten signature in cursive script, reading "J Higgins", is displayed on a light green rectangular background.

J Higgins (Barrister. ACI Arb)

Adjudicator

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