

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT 1871

Date of Decision: 27 March 2020

Complaint

On 5 September 2016, the company installed a smart meter at the customer's property. On 28 June 2017, the meter was activated and the company advised the customer that she would be able to see up-to-date information about her water use on the Online Account Management system (OAM). However, the OAM showed that the customer's estimated annual bill was in excess of £24,000.00 and the customer was unable to view daily meter reads. The company blamed the high estimates on an IT glitch but failed to provide an accurate estimate until January 2020. The company explained that the meter reads were not showing on OAM as the customer's meter was not transmitting properly. The meter was exchanged in February 2020 but daily reads were still not showing on OAM as of 15 March 2020. The customer wants the company to install a smart meter inside her house so she can monitor her usage in real time. If this cannot be done, the customer wants to be able to view her water usage on OAM daily. If the company is unable to provide these services, the customer requests to be reverted back to unmetered billing. The company backdated the customer's metered billing to 28 June 2019 without notice and she wants this changed to August 2019, the date the metered billing shows on OAM. The customer also claims an unspecified sum for distress and inconvenience on the basis that having such high annual estimates and being unable to verify her usage has caused her much distress and anxiety.

Defence

On 5 September 2016, the company fitted a meter at the customer's property as part of its Progressive Metering Programme (PMP). On 3 September 2019, the customer complained that her OAM showed an estimated annual usage of approximately £24,000.00 and she was unable to access her meter reads. The company investigated the issues raised, amended the estimated annual usage to £566.82, removed the existing meter which was not transmitting reads to the mask properly, and fitted a new one. The new meter is transmitting hourly reads and the customer will be able to view these when her account is switched to the company's new billing system in June 2020. The company will not fit a meter inside the customer's home as a meter has been fitted outside the property at the point where the company's pipework ends and the customer's pipework begins. Real time reads are not available but once the

customer's account has moved to the company's new billing system, she will be able to track her usage by viewing hourly reads. The company will not return the customer's account to unmetered billing as its Charges Scheme and Code of Practice do not permit a reversion to unmetered billing under the PMP process. The company will continue to investigate the reason for the initial high estimates shown on OAM and will provide the customer with an update once it has received clarification on this matter. With regard to the customer's claim for compensation for distress and inconvenience, it offers a goodwill payment equal to £20.00 per month for each month it has taken to resolve the complaint and will calculate the full amount payable when the OAM issue has been fully resolved.

The company has not made an offer of settlement.

Findings

The company has now provided the customer with accurate billing estimates and has replaced the faulty meter, but it is still working to resolve the complex issues with the OAM. I direct the company to continue its investigation into the cause of the OAM errors, specifically the incorrect usage estimates and the failure to display daily meter reads, and update the customer no later than eight weeks after the removal of any applicable restrictions relating to the spread of COVID-19. I accept that the company cannot provide the customer with real time reads, find no basis on which to direct the company to fit an internal meter, and accept that the company was entitled to commence metered billing in June 2019. Furthermore, I find that the company's Charges Schemes and Code of Practice do not make provision for the customer to revert back to unmetered billing. However, I find the company's delay in resolving the customer's complaint amounts to a failing on the company's behalf and I direct the company to pay the customer £30.00 per month for every month from August 2019 until the date the customer receives a final update from the company and is able to view her daily or hourly reads online.

Outcome

I direct the company to continue its investigation into the cause of the OAM errors, specifically the incorrect usage estimates and the failure to display daily meter reads, and update the customer no later than eight weeks after the removal of any applicable restrictions relating to the spread of COVID-19. I also direct the company to compensate the customer in the amount of £30.00 per month for every month from August 2019 until the date the customer receives the final update from the company and is able to view her daily or hourly reads online.

The customer must reply by 23 April 2020 to accept or reject this decision.

ADJUDICATOR'S DECISION

Adjudication Reference: WAT/TW/1871

Date of Decision: 27 March 2020

Party Details

Customer: Helen Demetriou.

Company: Thames Water, a water and sewerage company.

Case Outline

The customer's complaint is that:

- On 5 September 2016, the company installed a smart meter at her property. On 28 June 2017, the meter was activated and she was notified that there was a two-year transitional journey. At this time, the company wrote to her advising that she would be able to see up-to-date information about her water use online and that smart meters make it easier to track your usage and billing. However, the company has failed to deliver the service it promised.
- On 9 August 2019, the company told her that the transitional period had ended and they were changing her account from unmetered billing to metered billing and backdating it to 28 June 2019. When she checked her account online, it showed an estimated annual consumption in excess of £24,000.00 and she was unable to see daily meter reads. Due to the lack of information on her online account, she was unable to establish what she was being charged for and was worried she was paying for water she had not used. She raised this issue with the company and asked it to accurately assess her annual usage and, if it was high, investigate the cause as her household of five people only use a moderate amount of water.
- The company blamed the high estimates on an IT glitch on its OAM and the company promised to remedy it. In December 2019, the estimated annual bill went down but was still extremely high for her household; in excess of £8,345.00. There was also a problem with her meter as it was failing to transmit readings to the mask which meant that she was unable to view readings on the OAM and monitor her usage. This caused a huge amount of stress and worry. The company did not provide an accurate estimate of

annual usage until January 2020 when she was advised that her annual bill would be approximately £583.91, and her meter wasn't exchanged until February 2020.

- During the telephone call the company advised her that the new meter, installed on 18 February 2020, was not providing readings and that they did not know why as the measurement of the signal to the meter was high enough. She asked if there were any issues with receiving signals from her neighbours, but due to GDPR the company was unable to tell her. She was therefore surprised that the company has stated in defence that it is receiving hourly reads. As of 15 March 2020, daily reads were still not showing on her online account.
- On 9 March 2020, the company asked her to withdraw her WATRS complaint to give it more time to resolve the OAM issue. She refused because the complaint has been on-going for such a long time and she wants a resolution.
- She is still unable to view her usage in real time and wants the company to install a smart meter inside her house so she can view it. At present, the meter is outside and is very hard to read. If this cannot be done, she wants to be able to view her water usage online daily. If the company is unable to provide either of these remedies, she wants to be reverted back to unmetered billing.
- The company backdated her metered billing to 28 June 2019 without notice, but she wants the company to change this to August 2019, the date the metered billing shows on her online account.
- She explains that seeing her water bill estimated at more than £24,000.00 and being unable to view meter reads to verify her usage was extremely distressing and worrying, and the company's failure to quickly remedy the issue made her feel very anxious and upset. In view of this, she claims an unspecified sum for distress and inconvenience.

The company's response is that:

- On 5 September 2016, it fitted a meter at the customer's property as part of its Progressive Metering Programme.
- On 28 June 2017, it advised the customer that the two-year transitional period from unmetered to metered billing had begun and it would send periodic billing information to the customer to allow the customer to compare the metered charges with the unmetered charges.
- Between 3 October 2017 and 28 December 2018 it sent four comparison letters to the customer; these showed that the metered charges would be higher than the unmetered charges.

- On 9 August 2019, it wrote to the customer to advise that the comparison period had ended.
- On 23 August 2019, it received a complaint from the customer regarding the switch to metered charges at the end of her PMP comparison period. Specifically, the customer complained about the lack of notice of when the charges would start on the metered basis. On 28 August 2019, it wrote to the customer advising that the bills would be based on meter readings from 28 June 2019 and the Smart Meter Team later confirmed that it could not change the activation date to August 2019.
- On 3 September 2019, the customer complained that the OAM showed an estimated annual usage of approximately £24,000.00 and she was unable to see her reads.
- On 13 September 2019, it attended the property to investigate the customer's complaint; the water meter and supply were checked but no faults were found. The customer's ADU was recorded as over 1 cubic meters but the customer could not explain the previous high readings. However, the technician found that the LCE Unit was not sending reads properly and needed to be replaced.
- It advised the customer that it was still investigating the issues with the OAM and would contact the customer again no later than 16 October 2019.
- On 7 January 2020, it spoke to the customer and apologised for failing to make contact since October 2019. The customer explained that she was still concerned about the high usage prediction and the lack of reads showing on the OAM.
- On 14 January 2020, it contacted the customer with an update; it explained that the IT issue with the OAM persisted but her bill for 28 June 2019 to 26 February 2020 would be approximately £583.91.
- On 13 February 2020, it contacted the customer to advise that its metering team were going to attend to check the meter was transmitting data to the mast correctly. On 20 February 2020, it removed the existing meter and fitted a new one. A bill was raised the same day for the customer's metered charges between 28 June 2019 and 18 February 2020 in the amount of £566.62.
- It is still working to resolve the complex issues with the OAM and has not exhausted its complaints process in this regard. It remains unclear why the OAM initially showed such high estimates for the customer's account but it is looking into this. On 9 March 2020, it asked the customer to consider withdrawing her WATRS application as its investigations are not complete, but the customer did not respond. It will continue to investigate the reasons for the initial high estimates showing on the OAM and will provide the customer with an update once it has received clarification on this matter.

- The customer wants to be able to view her meter reads in real time online. The old meter was found to have a problem with transmitting data to the mast, but the new meter has resolved this issue and it is now possible to view the daily reads on the OAM, although this does not appear to be available to the customer through her OAM account at the moment and is being investigated.
- On 10 March 2020, it received confirmation that it is now also able to see hourly reads transmitted from the new meter. When the customer's account is migrated to the new billing system, predicted to be by the end of June 2020, she will also be able to view the hourly data. However, real time data is not available; while the company and the customer will be able to view hourly data on the OAM, it will be from two days previous to the viewing.
- The customer has asked for a smart meter to be fitted inside her house, however, it will not fit an internal smart meter unless it is unable to fit one outside, at the point where the customer's responsibility for the pipework begins; in this case a smart meter has been fitted outside the customer's property. It appreciates that an indoor meter would make it easier for the customer to monitor her usage, however, once the customer's account has moved to its new billing system, she will be able to see hourly reads in any event.
- With regard to the customer's request to return to unmetered billing, this is not an option; there is nothing in its Charges Schemes or Code of Practice which supports reversion to unmetered billing under the PMP process, in any circumstances.
- With regard to the customer's claim for compensation for distress and inconvenience, it offers a goodwill payment equal to £20.00 per month for each month it has taken to resolve the complaint. It is unable to give a total figure at this stage as it is still working to resolve the OAM issue, but it would calculate the payment from August 2019, when the customer first raised the complaint. Its normal payment offer would be £10.00 per month for each month taken to resolve the issue, but it recognises the frustration and worry the customer suffered when the initial high estimates were displayed on the OAM.

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.

How was this decision reached?

1. The company states that it has now provided the customer with accurate billing estimates and has replaced the faulty meter, but it is still working to resolve the complex issues with the OAM and its complaints process has not been exhausted in this regard.
2. The company has committed to continue its investigations into the OAM faults and provide the customer with an update once it has received clarification on this matter. In view of the delay in resolving this issue, and to ensure that the company provides its service to the expected standard in this regard, I direct the company to continue its investigation into the cause of the OAM errors, specifically the incorrect usage estimates and the failure to display daily meter reads, and update the customer no later than eight weeks after the removal of any applicable restrictions relating to the spread of COVID-19. That said, I accept that the OAM technical fault may be extremely complex and it is possible that the company may be unable to provide the customer with a definitive explanation of its cause.
3. The customer wants to be able to view her meter reads in real time online, however, the company states that real time data is not currently available to either the company or the customer. Having reviewed the information provided, I accept that real time reads are not available and find that the company's inability to provide this information to the customer does not constitute a failing on the company's behalf. However, the company states that the customer will be able to view two-day-old hourly reads transmitted from the new meter once her online account is migrated to the company's new billing system.

4. The customer wants a smart meter fitted inside her house so that she can easily view her usage. Whilst I understand the customer's desire to closely monitor her usage, especially in light of this complaint, I accept the company's assertion that internal meters are only fitted where it is not able to fit a meter outside a property at the point where the customer's responsibility for the pipework begins. I understand that my decision in this regard will disappoint the customer but, as the customer has an external meter, I find no basis on which to direct the company to fit an internal one. In any event, I am satisfied that the customer will be able to view her hourly meter reads online once her account has migrated to the new billing system.
5. With regard to the customer's request to return to unmetered billing, the company states that there is no provision in its Charges Schemes or Code of Practice to enable the customer to revert to unmetered billing under the PMP process and, having reviewed the company's defence, I accept this to be the case. Therefore, whilst I appreciate that this is not the outcome the passenger hoped for, I do not find that the company has failed to provide its service to the expected standard by refusing to revert the customer's account to unmetered billing and the customer's claim in this regard does not succeed.
6. The customer requests that her metered billing start date is changed from June 2019 to August 2019, in line with the information shown on her online account, as she did not receive notice from the company that it would commence in June 2019. Having reviewed the letters sent to the customer from the company, I find that the company was entitled to start metered billing after the two year transition period that commenced in June 2017. Therefore, the customer's claim does not succeed.
7. The customer claims compensation for distress and inconvenience and, having reviewed the evidence provided by the parties, I accept that the errors on the OAM, particularly the error in the calculation of the estimated yearly usage, must have caused the customer considerable stress, and this would have been exacerbated by her inability to access meter reads to verify that a mistake had been made.
8. The customer raised the complaint with the company after she noticed the excessive estimate on the OAM in August 2019, yet it was not until January 2020 that a more accurate estimate of annual usage was provided to the customer, and the lack of meter reads available on the OAM was not properly addressed until the meter was

exchanged in February 2020. Further, the evidence suggests that no action was taken to remedy the customer's complaint between 16 October 2019 and 7 January 2020. In view of this, I find that the company has failed to provide its service to the standard reasonably expected by the average customer.

9. The company acknowledges the worry and frustration the customer would have suffered during the complaints process and has offered a goodwill payment equal to £20.00 per month for each month it has taken to resolve the complaint. The company states that it is unable to offer a definite figure at this stage as it is still working to resolve the OAM issue, but it will calculate the payment from August 2019, when the customer first raised the complaint.

10. In order to assess whether this offer fairly compensates the customer, I consulted the Water Redress Scheme's Guide to Compensation for Distress and Inconvenience and find that the significant level of distress and inconvenience suffered by the customer falls approximately midway up the Tier 2 compensation bracket. In view of this, I find the company's offer a little low and am also mindful that the complaint is not fully resolved. Therefore, I direct the company to pay the customer £30.00 per month for every month from August 2019 until the date the customer receives a final update from the company, in accordance with my direction in paragraph 2 above, and is able to view her daily or hourly reads online.

Outcome

I direct the company to continue its investigation into the cause of the OAM errors, specifically the incorrect usage estimates and the failure to display daily meter reads, and update the customer no later than eight weeks after the removal of any applicable restrictions relating to the spread of COVID-19. I also direct the company to compensate the customer in the amount of £30.00 per month for every month from August 2019 until the date the customer receives the final update from the company and is able to view her daily or hourly reads online.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.

- The customer must reply by 23 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.

KS Wilks

Katharine Wilks

Adjudicator