

Guidance Notes for Customers

**Water Redress Scheme
(WATRS)**

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✉ applications@watrs.org



Overview

What is WATRS?

The Water Redress Scheme (WATRS) is a free, independent and impartial adjudication service which has been set up to sort out disputes between customers and water and sewerage companies. We decide on disputes that have not been settled through a water company's own complaints procedure or by referring the matter to CCW. You can find more information about CCW at: <https://www.ccwater.org.uk>

What is the difference between WATRS and CCW?

CCW make recommendations as to the best way to resolve a dispute. At WATRS, we have the authority to make a decision about your dispute, based on the evidence you and the water company give us. Once a final decision is issued and accepted by you, the water companies will always comply.

How can I be sure that you will be independent?

The independent alternative dispute resolution (ADR) Oversight Panel has been set up to make sure we are independent, effective, fair and honest. You can find more information about the panel at www.resolvingwaterdisputes.org.uk

Who makes the decision about my dispute?

One of our professional, experienced and legally qualified adjudicators will consider your claim. The decision is based on the written information provided by either party.

How will the adjudicator decide the case?

The adjudicator will consider the information you give in your application for adjudication along with any supporting evidence you provide. They will also consider:

- the evidence the water company submits in response to your claim;
- all relevant law (such as the Water Industry Act 1991);
- relevant terms and conditions;
- the Guaranteed Standards (these are the minimum levels of service standards water companies are required to meet, by law) and;
- what is most fair and reasonable in the circumstances of your claim.

WATRS is guided at all times by the following core principles:

- | | |
|-----------------------------|------------------|
| ■ Independence | ■ Transparency |
| ■ Fairness and impartiality | ■ Effectiveness |
| ■ Proportionality | ■ Accountability |
| ■ Consistency | |

Can I talk to the adjudicator?

No, the independent adjudicator will not speak to you or the water company. This is to make sure they are fully impartial.

Will there be a hearing for me to provide evidence?

No, we make our decisions based on written evidence only. This may include letters, emails and bills (with a more comprehensive list available later in this document).

When will I receive a decision?

We will aim to send you a final decision within 35 working days of accepting your completed application.

Do I have to use WATRS?

No, you do not have to make an application to us to settle your dispute. You can take the matter to another forum, such as court, if you wish.

My complaint is about sewerage not water, can I still use WATRS?

Yes, we deal with disputes about both water and sewerage services.

Do I have to pay to use WATRS?

No, our service is free for customers. It is paid for by the water and sewerage companies who subscribe to WATRS.

Can I recover the costs of preparing my case?

No, you must pay any costs you have in preparing and submitting your case to us. For example, if you decide to take legal advice about making an application, you must pay for that yourself.

Do I need a lawyer or paid agent?

No, you do not need a lawyer or paid agent, but if you want to use one you will have to pay all of the legal (or other professional) costs yourself.

Can I withhold payment to the water company for its services until I know the outcome of my complaint?

No, referring a dispute to us does not mean you don't have to pay the company any bills that are not part of your dispute.

Are there any time limits for making an application?

Yes, you have six months from the date of the letter issued by CCW in which to apply.

The Application Process

How the process works

When can I make an application to WATRS?

You can apply to us after:

- you have gone through the water company's internal complaints procedure and the company have advised you that you can come to WATRS (for NHH customers); and
- CCW have told you that you are eligible to apply. CCW will give you a WATRS referral letter (also known as a closure letter) or option letter.

Once you make your application to us, CCW will no longer be able to mediate on your behalf with your water company or investigate your complaint any further.

How do I make an application to WATRS?

You can make an application to WATRS, via the following methods:

- Post
- mail
- Telephone
- Online portal through the WATRS website

(Note: in most instances, CCW can make this application on your behalf).

Are there any time limits for making an application?

Yes, you have six months from the date of the letter issued by CCW in which to apply.

Can CCW make my application for me?

Yes, CCW can make the application via our online portal and will submit all the evidence they have gathered for you. You will then be able to check the application to make sure it says everything you want it to say.

What do I need to do before making an application?

You should read these guidance notes carefully before making an application, to make sure we can deal with your claim. Our Enquiries & Administration Team are also available to deal with any questions or concerns you may have about the application process.

What kind of disputes can you deal with?

We can deal with disputes about:

- bills, payments, collections and recovering debts;

The Application Process

- metering;
- water-supply services;
- wastewater and sewerage services;
- development and new supplies; and
- other issues which have gone through a company's internal complaints procedure and which are not excluded under our rules.

If we cannot deal with your dispute we will tell you, and your application will not go to an adjudicator.

The water company can also object to us accepting your application if it considers that the dispute is outside the scope of our scheme. In these circumstances, we decide whether your application is valid and our decision will be final.

What kind of disputes we cannot deal with?

We cannot deal with your complaint if it is about one of the following matters:

- a dispute concerning the Competition Acts 1998 and 2002;
- regulatory enforcement cases;
- bulk-supply decisions;
- a dispute between undertakers, between licensees, and between undertakers and licensees;
- water-supply licensing disputes
- whistleblowing;
- any matter Ofwat has the power to decide on;
- water-quality legal standards;
- enforcement cases under the Environmental Protection Act 1990 and the Environmental Act 1995 as amended;
- disputes that are the subject of existing court action or which a court has ruled on (unless the court's decision has been "set aside", meaning the court order/judgment no longer applies);
- disputes that are the subject of an existing or previous valid application under the scheme;
- how CCW and Ofwat have handled complaints
- complaints which are being investigated (or which have been investigated) by a statutory or regulatory agency (including the Drinking Water Inspectorate or the Environment Agency) for breaking a statutory or regulatory requirement, unless CCW have given you a letter telling you that you can apply to us;
- complaints about third parties/resale;

The Application Process

- disputes concerning allegations of crime (including fraud); and
- any dispute that we consider to be petty or made out of spite

If you are not sure whether you can apply, please call us.

What is the most I can claim under WATRS?

The most you can claim is as follows:

- £10,000 per customer for households
- £25,000 per customer for non-households (such as commercial premises).

The adjudicator may tell the company to take action or provide you with a service, but the total value of any claim, including the cost of any action or services, cannot be higher than the maximum limit.

These limits apply where there is more than one customer living or working at the same address (unless they are separate bill payers, then they would need separate applications).

Can I make an application for more than the maximum amount?

Yes, but the adjudicator cannot order the company to pay you more or tell it to take any action or provide any service if the total value or cost of doing so would be more than the maximum amount

Can I claim interest?

Yes, if you have lost out because you were incorrectly charged by your water or sewerage provider you can claim interest. If the adjudicator agrees with your claim, interest will be awarded at the same rate that is applied in the County Court, from the date when the incorrect payment was made to the date of the adjudicator's decision.

What should I put in my application?

You will need to include the letter from CCW telling you that you can apply to us. If you do not have this, you can ask CCW to send us a copy. You should set out what your dispute is about and what you are claiming from the water company and why.

When it comes to evidence, we will ask that you provide things like:

- The date you first noticed the issued and complained to the company
- Any copies of correspondence eg letters, emails, screen shots of contacts with the company

The Application Process

- Details of phone calls you had with the water company (including dates and times and the names of the members you spoke to if you have them)
- Any other relevant information that can help the adjudicator make a decision about your claim.

CCW may already have this information and can send it on your behalf.

For us to accept your application you must give your permission to allow the company (and CCW if you want them to provide documents) to give us all the information relating to your dispute.

Your application should include details of:

- the company's service which the dispute is about;
- when the problem 1st happened;
- what the the dispute is about;
- the steps you have already taken to try to sort out the dispute with the company (including involving CCW);
- any key dates when things happened ;
- the reasons why you want a particular outcome to the dispute;
- the reasons and evidence in support of any compensation you are claiming; and
- any relevant supporting documents. Remember, it will help your application if you can provide evidence to support your claim.

We have designed an application form that will take you through the list above step by step.

Can you help me with my application?

Yes, our Enquiries & Administration team can offer guidance on making an application. We are committed to making all of our services accessible for everyone we deal with and we will make reasonable adjustments where appropriate to help you. However, we can't tell you what to ask for.

Will I be able to see the water company's response and evidence?

Yes, you will be able to see everything the other side has submitted. You will have 5 working days to provide your response to this information. Please note that no new complaints can be brought up at this stage.

Settlements & Decisions

Can I stay up to date of where my case is at?

Yes, as your case will be on a secure online portal, you will be able to log in and see exactly where your case is up to at all times. If you do not have access to the internet, a member of the Enquiries & Administration Team will either post, email, or call you with updates each time an action occurs on your case.

Settlements

The company made me an offer before I made my application. Can I still accept it?

No, any offer (or offers) your water company made before you applied to us is no longer open and you cannot accept it after you have made your application.

What if the company makes me an offer after I have made my application?

You can accept any offer made by the company after you have made your application but before the adjudicator has sent you a decision. This is called an agreed settlement. If you do accept an offer, the company will let us know and we will close the case. You will have to confirm that you accept the agreed settlement.

Will you negotiate with the company for me?

No, we are an impartial, independent service and we will not act for either you or the company.

Adjudication decisions

What happens when the adjudicator makes a decision?

When the adjudicator has weighed up all of the evidence in the case, they will write a decision. The decision will be sent to both you and the water company, and will be called a 'Proposed Decision'.

This Proposed Decision will set out the adjudicator's conclusions on the dispute, and if they agree with your claim, they may direct the water company to take some further action.

Both you and the water company will have 5 working days to comment on the Preliminary Decision.

What if I don't agree with the adjudicator's proposed decision?

If you don't agree with the Proposed Decision you can send your comments for the adjudicator to consider. This is not an appeal and you can only comment:

Settlements & Decisions

- factual things you think the adjudicator has got wrong ;
- errors in law you think the adjudicator has made

Can I send in more evidence?

Yes, but only where it relates to points already raised in the case. You can't introduce new claims.

What if the water company doesn't agree with the proposed decision?

The water company can only comment on:

- factual inaccuracies;
- errors in law; or
- Highlight instances where the adjudicator has acted outside of the powers granted under the Scheme Rules.

What happens once the comments on the Proposed Decision have been made?

The comments on the preliminary decision will be sent to the adjudicator, who will have 3 working days to make any changes they see fit.

The adjudicator will then complete their final decision, which will be sent to both parties. Once the Final Decision is issued, that finalises the matter and the decision cannot be appealed or reviewed.

What can you make the company do?

We can tell the company to provide or do any of the following:

- provide an explanation or an apology (or both);
- provide a service;
- do something about your bill;
- take certain action; and
- provide financial compensation (If your account is in arrears, the compensation will be paid into your account to cover those arrears, and any amount left over will be paid direct to you.)

Remember that, in all cases, the adjudicator cannot order your water company to pay you more or tell them to take any action or provide any service if the total value or cost of doing so would be more than the maximum amount allowed on the scheme.

Settlements & Decisions

Can you fine the company or take action against it?

No, we are not a regulator and cannot fine companies. Our role is to settle individual disputes between customers and companies in an impartial and independent way.

What should I do when I receive your final decision?

You have 20 working days to tell us whether you accept our final decision.

Can I accept the final decision after the 20 working days has run out?

No, you cannot accept the decision after the 20 working days.

If I am not happy with your final decision, can I appeal against it?

No, you can simply accept or reject the final decision. If you reject the final decision, it will have no effect. There is no appeals or review procedure.

If I accept your final decision, when will the company keep to it?

The company must act on our final decision within the timeframe we set. If we do not set a timeframe, the company must act within 20 working days from the date we publish our final decision.

What if the company does not keep to the decision or agreed settlement?

If the company does not keep to our final decision, you must tell us within 15 working days of the date on which it should have acted.

What if I want to complain about you?

CEDR's published [Complaints Procedure](#) is available on the WATRS website. Please note that you cannot complain about adjudicators' decisions, as they are final and not subject to any review or appeal.

Are you registered under the Data Protection Act 2018?

Yes CEDR is registered under the general data protection regulations (GDPR). The online portal CEDR use for WATRS is a secure cloud based platform that complies with GDPR requirements.

What are the contact details for WATRS?

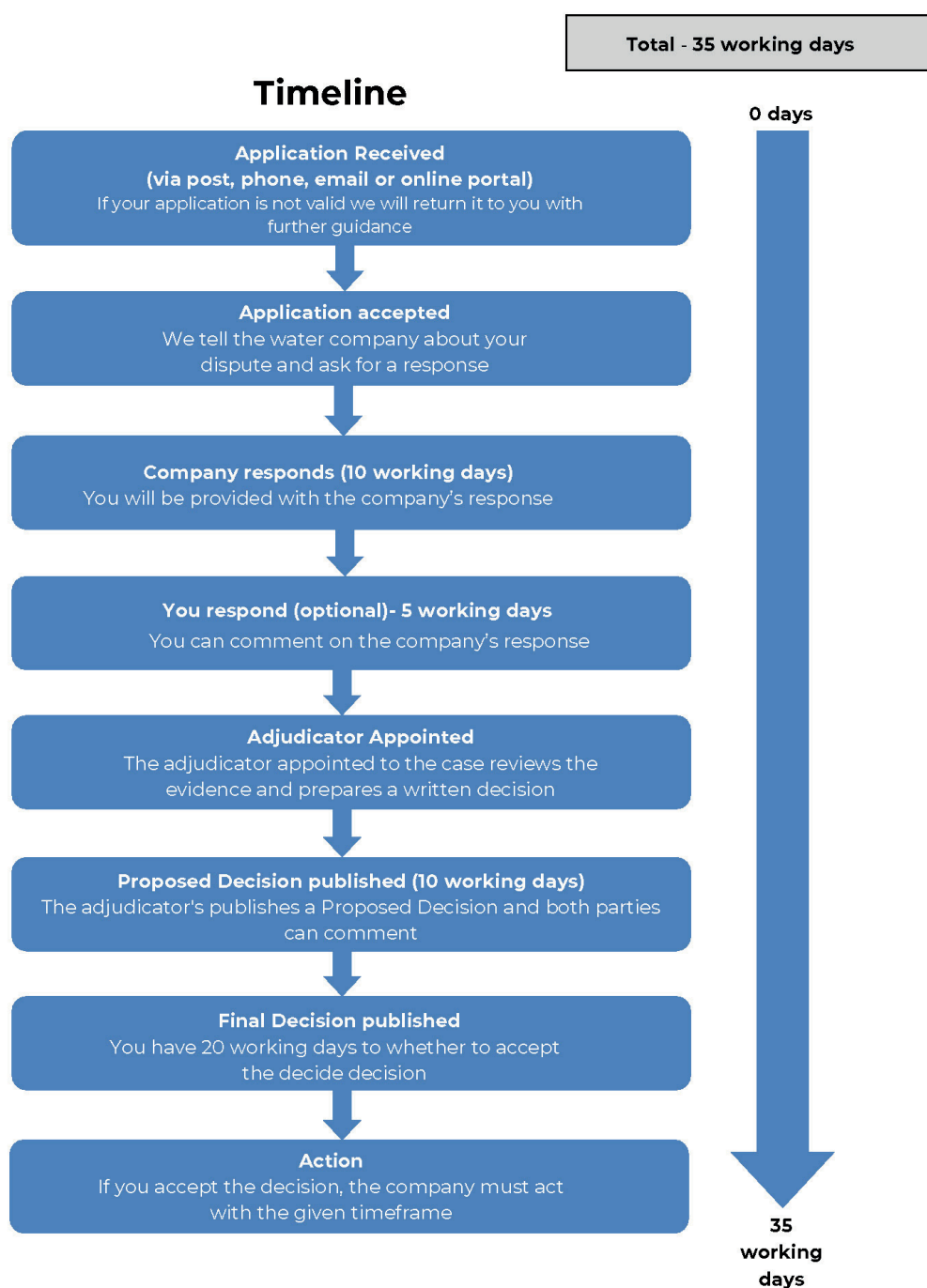
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