

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT//2084

Date of Decision: 28 October 2020

Complaint

The customer states that it has received inaccurate bills and has experienced poor customer service.

Response

The company states that the customer has been billed correctly, and it apologises to the customer for the customer service failings that have been experienced.

The company offered to allow the customer to make payments through a standing order, but this was declined.

Findings

The company failed to provide its services to the standard to be reasonably expected by the average person with respect to its response to the customer's complaint regarding billing and payments on the account.

Outcome

The company needs to take the following further action: It must remove all late fees applied to the customer's account for amounts due after the issuance of the decision in WAT/ /1553 and prior to the issuance of the current decision.

The customer must reply by 26 November 2020 to accept or reject this decision.

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ADJUDICATOR'S DECISION

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Date of Decision: 28 October 2020

Party Details

Customer: XCustomer

Customer's Representative:

Company: XWater

Case Outline

The customer's complaint is that:

- Since 2018 there have been continual problems with billing, missed water reads and failed payment plans.
- The customer has been in dispute with the company over abnormally high water usage and incorrect billing.
- The customer requests that a senior individual be placed in charge of resolving the complaint, that the company apologise, and that the company reduce the customer's bill by £3,000.00.

The company's response is that:

- The customer has two accounts with the company, both of which are relevant to the complaint.
- Some elements of the customer's complaint were previously resolved in WATRS case WAT/ /1553.
- A direct debit was set up in July 2019 and functioned correctly until November 2019.
- The direct debits were set up to cover arrears, with the customer agreeing that new invoices would be paid in full.
- The customer did not continue to pay new invoices in full and the payment plan was cancelled on 10 December 2019.
- The direct debit for account [] was cancelled at this time.

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- The direct debit for account [] was cancelled by the customer's bank on 6 June 2019, but the customer did not make contact about it until November 2019.
- A new direct debit was set up on account [] in November 2019, but was again cancelled by the customer's bank.
- The company has explained to the customer numerous times that the direct debit is being cancelled by the customer's bank, but the customer has stated that the bank denies cancelling the direct debit.
- Both direct debits were cancelled on 10 December 2019.
- Two new direct debits were set up for payment in December 2019, but both were refused by the customer's bank.
- Over the following months a series of attempts was made to set up the direct debits, but on each occasion they were unsuccessful.
- The company has requested additional information about the cancellations made by the customer's bank, but this information has not been provided.
- The company does not offer dedicated account managers.
- The company apologises to the customer for the inconvenience experienced.
- The company has already applied goodwill gestures to the customer's account for service failures experienced, as well as removing a late payment fee, and denies that additional compensation is owed.

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.

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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 company has highlighted that certain elements of the customer's complaint have already been the subject of a previous adjudication, and this has not been challenged by the customer.
2. Under Rule 3.5 of the Water Redress Scheme Rules, "The Scheme cannot be used to adjudicate disputes which fall into one or more of the following categories...disputes that are the subject of an existing or previous valid application under the scheme."
3. Consequently, those elements of the customer's claim that were addressed in WATRS case WAT/ /1553 will not be addressed here.
4. The customer requests that a dedicated senior individual be assigned to the account given the previous problems that have occurred. The company, however, has stated that it does not offer this service to its customers.
5. While the company could be directed to take an action differing to its ordinary processes, I do not find that the evidence provided by the parties justifies such an order in this case. It is clear that the customer has experienced difficulties relating to the account over the course of the past year, relating primarily to the direct debits agreed with the company. However, I find that the company has satisfactorily established that it has attempted to resolve these problems. In addition, the company requested further evidence from the customer's bank during the CCWater process, but the customer has not denied that this additional information has not yet been provided. I also note that in light of the ongoing difficulties with payment by direct debit, the company proposed that it would be willing to accept payment by standing order instead, but this offer has not been accepted by the customer.
6. I find, therefore, on the balance of the evidence provided by the parties that the company has acted reasonably with respect to the customer's direct debit, and so no basis exists for requiring that the company assign a dedicated account manager to the customer's accounts.

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7. The customer has also highlighted further problems that have been experienced when attempting to use the online account. However, limited information has been provided about this problem, and I do not find that there is sufficient information to justify requiring the company to assign a dedicated account manager to the customer's accounts on this basis.
8. The evidence provided does show that there have been repeated instances of customer service failings, however the company has satisfactorily established that it has already paid compensation to the customer for these failings, and I find that the compensation paid has been sufficient.
9. Consequently, this element of the customer's claim does not succeed.
10. The customer also requests that the company apologise. However, I acknowledge that the company has apologised to the customer in its Defence, and I find this apology to be sufficient.
11. Consequently, I find that this element of the customer's claim has already been resolved.
12. The customer also requests a reduction of £3,000.00 in outstanding bills "as compensation for their failures over the last 2 years".
13. While the customer states that a significant debt has built up on the accounts due to the difficulties experienced in setting up the payment plans and direct debits, no evidence has been provided that the customer was prevented from using alternative means of payment in order to make the payments owed. As a result, I cannot find that the existence of the debt is due to the difficulties that indisputably occurred with respect to the direct debits on the accounts.
14. In addition, the company has already paid compensation to the customer for its customer service failings since the issuing of the decision in WAT/ /1553, and I have found this compensation to be appropriate for the failings identified. No evidence has been provided of additional customer service failings that occurred before the issuance of the decision in WAT/ /1553, but that were not dealt with in WAT/ /1553.
15. Nonetheless, I note that the customer has supplied documentation showing that a late fee has been applied to the account in addition to the late fee that the company has already removed. The customer also states that a payment that was made has not been correctly credited by the

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company, and no conflicting evidence has been provided by the company. Given the company's acknowledged failings with respect to the customer's account, as noted above in paragraph 8, and the ongoing issues relating to payment of the account, I find that it would be appropriate for the company to waive all late fees applied to the customer's account prior to the date on which this decision is issued, in recognition of the company's contribution to the lateness of payments.

16. Consequently, the company must remove all late fees applied to the customer's account for amounts due after the issuance of the decision in WAT/ /1553 and prior to the issuance of the current decision.

Outcome

The company needs to take the following further action: It must remove all late fees applied to the customer's account for amounts due after the issuance of the decision in WAT/ /1553 and prior to the issuance of the current decision.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 26 November 2020 to accept or reject this decision.
- If you choose to accept this decision, the company will have to do what I have directed within 20 working days of the date on which WATRS notifies the company that you have accepted my decision. If the company does not do what I have directed within this time limit, you should let WATRS know.
- If you choose to reject this decision, WATRS will close the case and the company will not have to do what I have directed.
- If you do not tell WATRS that you accept or reject the decision, this will be taken to be a rejection of the decision. WATRS will therefore close the case and the company will not have to do what I have directed.

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Adjudicator

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