

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-XX32

Date of Decision: 08/02/2021

Complaint

The customer claims that due to incorrect banding she has been incorrectly charged for surface water drainage. Once the customer raised these issues, the company only backdated the charges to 1 April 2020 and not before. The company says it did not receive the customer's site reassessment application form until after 1 April 2020, despite it being sent in March 2020. The customer is seeking the company to amend the charges back to April 2019.

Response

The company says that it has investigated the customer's complaint thoroughly, submitted the site area application to the wholesaler and tried to resolve it. However, the wholesaler maintains its position that it will only backdate the charges to 1 April 2020 as until that time the customer had not provided a site reassessment application. The company accepts that the wording in its Scheme of Charges needs improvement. However, this has no bearing on the customer's complaint. The company has not made any further offers of settlement.

Findings

I am satisfied that the company did not fail to provide its services to the customer to the standard to be reasonably expected concerning the site reassessment application and the surface water and highways drainage charge. Furthermore, I am satisfied that there have been no failings regarding customer service.

Outcome

The company needs to take no further action.

The customer must reply by 08/03/2021 to accept or reject this decision.

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Party Details

Company: X Company

Case Outline

The customer's complaint is that:

- Due to incorrect banding, she has been incorrectly charged surface water drainage. • Once the customer raised these issues, the company only backdated the charges to 1 April 2020 and not before. • The wholesaler says it did not receive the customer's site reassessment application until after 1 April 2020, despite it being sent in March 2020. • The customer is seeking the company to amend its charges back to April 2019.

The company's response is that:

- It has investigated the customer's complaint thoroughly, submitted the site reassessment application to the wholesaler and tried to resolve it. • However, the wholesaler maintains its position that it will only backdate the charges to 1 April 2020 as until the 8 April 2020 the customer had not provided a completed site reassessment application. • The company accepts that the wording in its Scheme of Charges needs improvement. However, this has no bearing on the customer's complaint concerning the surface water and highways drainage charges. • The company has provided an adequate level of customer service throughout its dialogue with the customer, and no sums are due in this respect.

How is a WATRS decision reached?

In reaching my decision, I have considered two key issues. These are:

- Whether the company failed to provide its services to the customer to the standard to be reasonably expected by the average person.
- 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. 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.

Customer: The Customer

How was this decision reached?

1. The dispute centres on whether the company correctly invoiced the customer and whether its surface water drainage charges should be backdated to 1 April 2019.
2. The company is required to meet the standards set out in OFWAT's Charges Scheme Rules and the Water Industry Act 1991.
3. Since April 2017, a non-household customer only has a relationship with the company, not the wholesaler. Therefore, if a non-household customer has an issue with their water supply or sewerage services, they have to approach the company, who is responsible for chasing the wholesaler and trying to resolve the matter. Accordingly, it must be borne in mind by all parties that within this decision, I cannot find the company liable for something that only the wholesaler is accountable for.
4. From the evidence provided by both the customer and the company, I understand that on 3 October 2019 the customer contacted the company querying the banding for the surface water drainage charges. The evidence shows that the company explained how the charges were determined and provided the customer with a site reassessment application form so that she could make a claim to have her site reassessed.
5. The evidence shows that the site reassessment form was completed on 1 March 2020 and the customer says that the form was then returned to the company shortly afterwards.
6. On 8 April 2020, the evidence shows that the company received the completed form and on 21 April 2020 the form was processed and submitted to the wholesaler. On 23 April 2020, the wholesaler confirmed that the application was accepted and following further correspondence between the parties a site visit was booked for the 3 June 2020. I understand that the delay in securing the site visit was due to COVID-19 restrictions.

7. The site visit confirmed the incorrect banding and the wholesaler advised that the banding would now be lowered from band 10 to 6. The evidence shows that an email was sent to the customer by the company confirming the banding change and that the new charges would take effect from 1 April 2020.

8. On 9 July 2020, the customer raised a complaint with the company questioning why the new charges would take effect from the 1 April 2020 and not the previous financial year. The evidence shows that the company spoke to the wholesaler and tried to resolve why the wholesaler stated that the charges would only take effect from the 1 April 2020. However, the wholesaler would only consider the application from the point it was submitted even though the application form was dated 1 March 2020, this was in line with its policies.

9. Between 5 and 23 October 2020, various discussions took place between the parties, and the dispute was also progressed to CCWater to resolve; however, without success. The wholesaler maintained its position that it would only consider the application from the point it was submitted in line with its policy. The customer remained unhappy with the outcome, and on 15 December 2020 commenced the WATRS adjudication process.

10. Concerning the customer's comments that the surface water drainage charges should be backdated to 1 April 2019, whilst I sympathise with the customer's view, I find that until the wholesaler had been notified that the company had received the site reassessment form, they could not be expected to know the customer's changed circumstances. The evidence shows the wholesaler was not notified until 21 April 2020 that the customer required the site to be reassessed.

11. I note the customer's comments that despite the form being received in April 2020 it was sent to the company in March 2020. Whilst I find it difficult to believe even during the COVID-19 lockdown period that the form would take just over five weeks to reach the company, the company says that it only received the form on the 8 April 2020. There is no evidence to refute this or to show that the site reassessment form was sent at the beginning of March 2020. Therefore, I cannot say with any certainty that the company would have received the form earlier and accordingly, cannot find any failing by the company in this regard.

12. The company within its defence states that it has to abide by the wholesaler's scheme of charges, policies and processes. On careful review of all the evidence, I am satisfied with the company's position that, in line with the wholesaler's policy, it will only backdate the charges to the start of the financial year in which they receive the site reassessment form and evidence that the chargeable area for which the customer is being charged is too large.

13. On review of the various correspondence put forward in evidence, I find that the company has fulfilled its duty to the customer by challenging the wholesaler on its decision. Furthermore, the company has disclosed its earlier discussions with the customer and the fact that the customer stated that the form was sent in March 2020 so the wholesaler would not consider these as reasons for rejection. Therefore, I find there are no grounds to conclude the company has failed to provide its services to the customer to the standard to be reasonably expected by the average person concerning challenging the wholesaler on its decision.

14. The company has certain obligations in respect of its customer services. As evidenced by the timeline within the company's defence documents, I am satisfied that by the end of the company's dialogue with the customer, the company had adequately explained why the wholesaler would not backdate the charges to the start of the previous financial year. This is shown by the correspondence put forward by the customer and company as evidence.

15. However, the evidence shows that there was confusion regarding aspects of the company's Scheme of Charges. The Scheme of Charges states that any claim can be submitted by phone or email; however, it also states that evidence must also be provided. The company says that for any to claim to be raised, the customer must complete and return the site reassessment form. The company admits that its Scheme of Charges is not clear in this respect and the 2021-2022 version is being redrafted to clarify this issue. However, within the call in October 2019, the customer was made aware of the need to submit a site reassessment form to make a claim. After careful review of the evidence, I find that whilst a potential claim was notified to the company by the customer in October 2019, it was not made until the company had received the site reassessment form in April 2020. Accordingly, I find there have been no failings concerning customer service.

16. In light of the above, I find that the evidence does not prove that the company failed to provide its services to the standard to be reasonably expected by the average person concerning the site reassessment form, nor does the evidence prove that the company failed to provide its services to the standard to be reasonably expected when investigating this issue. Furthermore, I am satisfied there have been no failings concerning customer service.

Outcome

1. The company needs to take no further action.

What happens next?

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

The customer must reply within 20 working days to accept or reject this final 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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Mark Ledger
Adjudicator