

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT-XX43

Date of Decision: 11 February 2021

Complaint

The customer asked the company to put him on the Single Person's Tariff ("SPT"), but the company refused because his new property has a meter. The customer believes that the company's refusal to put him on the SPT, specifically designed for people who are single like him, amounts to discrimination and he wants the company to apply the SPT to his account for current and on-going charges.

Response

The Water Industry Act 1991 states that all domestic properties, built on or after 1 April 1990, like the customer's new build property, have to be metered. Therefore, the customer's charges are based on meter readings and he is not entitled to the SPT. In any event, due to the customer's low usage, he is charged much less on metered charges than he would be on the SPT. Charging the customer on a metered basis is not discriminatory; the customer is being charged in accordance with its Charges Scheme like all other customers. The company has provided its services in accordance with its statutory obligations and Charges Scheme, and it denies responsibility to change the customer's billing from metered charges to the SPT.

The company has not made an offer of settlement.

Findings

I accept that the Water Industry Act 1991 requires all domestic properties, built on or after 1 April 1990, to be metered, and that customers living in such properties, like the customer, must be charged on the volume of water used as shown on their meters. In view of this, I do not find that the company has failed to provide its service to the standard reasonably expected by the average customer by refusing to change the customer's charges from metered to the SPT. The customer states that the company's refusal to put him on the SPT is discriminatory because he is single and, therefore, he should be entitled to it. However, Rule 3.4.3 of the Scheme Rules states that the WATRS may reject all or part of an application where it considers that "the dispute raises a

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complicated issue of law". Discrimination is a complicated area of law and, therefore, I am unable to adjudicate on the customer's complaint in this regard.

Outcome

The company does not need to take any further action.

The customer must reply by 11 March 2021 to accept or reject this decision.

ADJUDICATOR'S DECISION

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Party Details

Customer: The Customer.

Company: The Company.

Case Outline

The customer's complaint is that:

- He is single and asked the company to put him on the SPT, however, the company refused because he has a meter. He agrees that he has a meter, but he did not ask for it and does not want it.
- He believes that the company's refusal to put him on the SPT, specially designed for people who are single like him, amounts to discrimination as single people are a minority group.
- The company has said that putting him on the SPT when it refuses other single people who have a meter would be discriminatory towards them. However, the customer is not concerned about the charges paid by others.
- The company has said that he pays less now than he would pay under the SPT, but his usage is only so low because he tries to keep it that way by not using a normal amount of water.
- He pays a single person rate for council tax and wants to pay the single rate for water too.
- He wants the company to apply the SPT to his account for current and on-going charges.

The company's response is that

- In accordance with Section 142 of the Water Industry Act 1991 ("the Act"), it is permitted to charge for water and wastewater services. Under Section 143 of the Act, it is permitted to make a Charges Scheme which fixes charges to be paid for services provided, and Section 144 of the Act confirms that the occupier is responsible.

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- The Charges Scheme fixes charges to be paid by customers for services provided in the course of carrying out its functions as a water and sewerage company. The Charges Scheme, and the charges contained in it, comply with the statutory requirement that charges do not show any undue preference to, or discriminate unduly against, any class of customers or potential customers.
- On 21 September 2020, the customer called to say that he had recently moved and was unhappy that he had to have a water meter as he wanted to pay for his water based on assessed volume charges, specifically the SPT. It explained that it is unable to offer SPT as there is a meter fitted at the customer's new home and, therefore, his charges had to be measured.
- It directed the customer to its website for information and advice on water usage and explained that he could use its online water usage calculator to give him a better understanding of how much his bills may be in the future.
- The customer was unhappy and stated that he was being discriminated against, so he started the complaints procedure.
- During the complaints procedure it has repeatedly explained to the customer that his property has to be charged on meter readings and there is no alternative tariff because the Water Industry Act (1991) states that any domestic property, built on or after 1 April 1990, like the customer's, has to be metered.
- It has explained that at the customer's last address his water usage was around 30 litres a day, which is less than the national average of 150 litres a day for one occupier and, therefore, if his usage continued at 30 litres a day, his metered bill would be in the region of £160.00, whereas SPT would be £261.70.
- The customer advised that his water consumption was low because he cannot afford to use the water he needs. The customer explained that he asked for a fixed tariff so he can use water without the worry of high charges, so it reassured him that he could use more water and still not reach the level of charges he would pay on SPT.
- It has explained that asking the customer to pay for the service he is using is not discriminatory as it has a duty to issue charges in accordance with its Charges Scheme to all customers, including single customers, and to bill them using the most cost effective tariff available to them.
- In any event, discrimination is the unjust or prejudicial treatment of different categories of people, especially on the grounds of race, age, sex, or disability and the Equality Act 2010 deals with this. The customer is not in a minority group and does not fall into any of these categories. In fact, to allow the customer to have a tariff which he is not eligible for would be discriminatory to all its other customers.

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- It has offered to help the customer monitor his usage to take away his concerns about receiving a higher bill than he wants but he has declined. However, the offer of assistance still stands should the customer need it.
- It has provided its services in accordance with its statutory obligations and Charges Scheme, and has followed all policies, processes and legal and regulatory requirements whilst dealing with the issues the customer has raised; therefore, it denies responsibility to change the customer's charges from metered billing to the SPT.

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. 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 customer complains that the company is basing his charges on meter readings rather than the SPT, and that this is discriminatory. Therefore, I shall first consider whether the company has failed to provide its service to the standard reasonably expected by the average person by basing the customer's charges on meter readings rather than the SPT, and then I shall address the allegation of discrimination.
2. The company has explained that the Water Industry Act 1991 requires all domestic properties, built on or after 1 April 1990, to be metered, and that customers living in such properties, like

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the customer, must be charged on the volume of water used, as shown on their meters, rather than on fixed charges. The company also states that this statutory requirement is incorporated into its Charges Scheme, which complies with the charging rules issued by OFWAT, and is applicable to all customers, regardless of whether they live alone or not.

3. The customer states that he did not ask for and does not want the meter and, whilst I understand the customer's position, I find that in order to comply with the statutory requirements, a meter was installed at the customer's property and, as such, the company has no choice but to base the customer's charges on the readings from his meter. This means that the customer is not entitled to the SPT as it is not available to metered customers.
4. In view of this, I do not find that the company has failed to provide its service to the standard reasonably expected by the average customer by refusing to change the customer's charges from metered to the SPT.
5. The customer states that the company's refusal to put him on the SPT is discriminatory because he is single and, therefore, he should be entitled to it. As I have found that the company has simply followed its Charges Scheme by charging the customer on a metered basis, and the Charges Scheme complies with the charging rules issued by OFWAT, and the Water Industry Act 1991 requires all properties built on or after 1 April 1990 to have a meter, regardless of whether the residents are single or not, the customer's complaint amounts to an allegation that the charging rules issued by OFWAT, the Water Industry Act 1991, and the company's Charges Scheme are discriminatory.
6. Rule 3.4.3 of the Scheme Rules states that WATRS may reject all or part of an application to the Scheme where it considers that "the dispute raises a complicated issue of law".
7. Having considered the submission by the customer, and in view of Rule 3.4.3, I find that I am unable to adjudicate on the customer's complaint in this regard as it involves an allegation of discrimination, which is a complicated issue of law. I understand that my decision may disappoint and frustrate the customer, but I have no jurisdiction to consider this matter.
8. In response to the preliminary decision, the customer provided comments which repeat his belief that his water usage is low because he is careful, if he used a normal amount of water his charges would exceed the SPT, and the company's refusal to put him on the SPT is

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discriminatory. As I fully considered these issues when I made my preliminary decision, I shall not consider them further.

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 11 March 2021 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

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