

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-XX52

Date of Decision: 23/03/2021

Party Details

Customer:

Company:

Complaint

The customer's property has suffered several incidents of sewerage flooding in the 35 years the customer has lived in it. The latest incident occurred in April 2019, when his property was internally and externally flooded, and he is worried that it will happen again. The company said that the flooding was caused by sewer misuse, however, the customer paid for a private survey of the sewer and this showed a mass of roots. The company cleared the roots, refunded the cost of the private survey, and provided Guaranteed Service Scheme ("GSS") payments for late communications; however, he would like the company to provide an undertaking that it will survey the sewers around his property every twelve months. The customer would also like the customer service he has received to be reviewed and a further gesture of goodwill paid by the company if appropriate.

Response

In order to reduce the risk of further flooding, the company has put the problematic sewer on a six-monthly cleansing and surveying programme. The company completed the first cleanse on 1 February 2021 and has carried out a leaflet drop in the area to advise residents what should and should not be disposed of in the sewers. The company accepts that the customer service provided has not always met the expected standard and has made GSS payments to the customer for these failings; however, responsibility to compensate the customer further is denied as a review of the service provided to the customer has not highlighted any further issues.

The company has not made an offer of settlement.

Findings

The evidence shows that the company has put the problematic sewer on a planned six-monthly cleansing and surveying schedule from 1 February 2021. In view of this, I find that the company has provided its service to the standard reasonably expected by the average customer in this regard. However, the customer service provided to the customer failed to meet the expected standard at times, but I find that the company has already sufficiently compensated the customer for its failings so I make no further direction to the company.

Outcome

The company does not need to take any further action.

The customer must reply by 20/04/2021 to accept or reject this decision.

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-4252

Date of Decision: 23/03/2021

Case Outline

The customer's complaint is that:

1. • He has lived in his property for 35 years and there have been several incidents of sewerage flooding over the years; the latest incident occurred in April 2019 and he is very keen to prevent further incidents of flooding. • He wrote to the company in March 2020 asking it to carry out twelve monthly inspections of the problematic sewer to make sure it remained free from defects and free-flowing. The company replied and said that, as the flooding was caused by misuse and no defects were found in the sewer, it would not place the sewer on a planned maintenance schedule. • In June 2020, he wrote to the company and said that he had spoken to local residents and most of them had not received any advisory information regarding what should and should not be put in the sewerage system. • On 19 June 2020, he wrote to the company again to say that he had undertaken a private survey and it had found a mass of roots in the sewer close to his home, and he sent a copy of the survey to the company. The company replied and said it would send out more letters about sewer misuse and consider the survey report. • Following further letters to the company, in August 2020, he contacted CCW to say that he had not heard back from the company and he wanted to see whether he could get the survey costs of £228.00 refunded. As a result of CCW's involvement, the company awarded him two GSS payments for late responses, refunded the survey costs, and removed the roots from the sewer. • CCW asked the company to survey the sewers close to his home every twelve months to ensure they remain clear and free flowing. The company responded and said it would inspect the sewers every twelve months and take action as needed to make sure they were free from defects and were free flowing, and it would advise local residents about what they should not put down the sewer, although it was vague about which residents would receive the information. • The customer feels that the customer service given previously by the company did not meet the required standard. Therefore, he would like his complaint to be reviewed to see whether the company should provide a gesture of goodwill for the customer service he has received. • The company has now agreed to cleanse the sewer every six months and survey it afterwards. The company states that the first cleanse took place on 1 February 2021; however, he does not think this happened because the manhole had been concreted and the company could not access to the sewer. He would like an undertaking that the company will perform a periodic cleanse and survey of the

sewer so that he does not have to chase the company to ensure it is done.

The company's response is that:

1. • There have been several incidents of internal and external flooding at the customer's home over the years, and the customer has requested a permanent solution to reduce the chances of further flooding. Whenever the customer has reported flooding in the past, it has always carried out an investigation to find the cause of the flooding. The investigations found that the flooding was caused by sewer misuse, and it cannot be held responsible for people putting unsuitable items into the sewers. • The customer had a private survey carried out which revealed some roots within the sewer for which it was responsible. It reimbursed the customer for the survey and arranged for the roots to be removed from the sewer. • The customer states that he would like the section of sewer which serves him to be put on a planned twelve-monthly cleansing programme. It has agreed to place the sewer on a six monthly cleansing and surveying programme to reduce the risk of further incidents of flooding, and this will be regularly reviewed. It completed the first cleanse on 1 February 2021. • It has also carried out a leaflet drop in the area to advise residents what should and should not be disposed of in the sewers. • It has completed a review of the service provided to the customer; this has not highlighted any incidents where its service has not met the expected standard, except those for which the customer has already been compensated. Therefore, it denies responsibility to pay further compensation to the customer under its Guaranteed Service Standard Scheme.

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.

How was this decision reached?

1. The customer has requested an undertaking that the company will cleanse and survey the problematic sewer on a twelve-monthly basis. The company's response shows that it has actually put the sewer on a planned six-monthly cleansing and surveying schedule and that the first date of cleansing was 1 February 2021.
2. I understand that the customer was concerned when the company stated that the cleansing and surveying schedule would be periodically reviewed; however, I find the company's approach reasonable as I accept that any maintenance/cleansing schedule needs to be regularly reviewed to ensure it is sufficient and necessary. I also note the comments made by the customer in his letter dated 25 February 2021; however, I do not consider a problem accessing the sewer through the manhole cover, if indeed there was a problem, will frustrate the planned cleansing schedule on a permanent basis.
3. Having considered the evidence, while I understand that the customer would like more certainty after the flooding issues he has suffered, I find that the company has committed to clean and survey the sewer every six months and, therefore, there is no need for me to formalise this undertaking. It therefore follows that I find the company has provided its service to the standard reasonably expected by the average customer and I make no direction to the company in this regard.
4. The customer has asked for the customer service provided by the company to be reviewed and compensation to be paid for any identified failings. The evidence shows that the company did fail to provide its customer service to the expected standard at times; however, it has made two GSS payments for communication failings, refunded the cost of the private survey, and provided the customer with the correct level of compensation for the flooding incident. Therefore, I find that the company has already sufficiently compensated the customer for its failings and, although I appreciate that the customer will be disappointed by my decision, I make no further direction to the company in this regard.

Outcome

1. 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 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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Kate Wilks
Adjudicator