

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X314

Date of Decision: 16/04/2021

#### Party Details

Customer:

Company:

#### Complaint

The customer says that she has experienced repeated technical problems with her account and with the customer service provided by the company. She requests that the company resolve the technical problems; send her email notifications that a bill is available so that she can log into her account to pay it; bill her annually; reassess the tariff she has been placed on; and pay compensation of £2,500.00 for distress and inconvenience.

#### Response

The company says that it has not identified any technical problems with the customer's account. The customer is being billed correctly and is being notified by email when a bill is available.

The company has agreed to create a new account for the customer if she continues to experience technical problems.

#### Findings

The company failed to provide its services to the customer to the standard to be reasonably expected by the average person with respect to the information provided to the customer regarding the frequency of billing on her account.

#### Outcome

The company needs to take the following further actions: It must create a new account for the customer, replicating the customer's notification preferences on her current account, must pay the customer compensation of £200.00, and must switch the customer to annual billing unless it is technically unable to do so.

The customer must reply by 14/05/2021 to accept or reject this decision.

# ADJUDICATOR'S FINAL DECISION SUMMARY

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**Date of Decision:** 16/04/2021

## Case Outline

### **The customer's complaint is that:**

The customer's complaint is that:

- The company is not sending her bills, but threatens her with legal actions and court proceedings.
- She is able to log into her online account and can pay her bills online.
- She initially reported the problem in 2017, but it still has not been resolved.
- The company has never sent anyone to read the meter.
- She has experienced problems uploading readings to her account.
- She has notified the company that she is disabled, so that paper bills are problematic and she is unable to talk on the phone.
- She has asked the company not to call, but it continues to ask to speak with her on the phone.
- She has asked to be sent her bills by email but this has not been done.
- She has previously been incorrectly charged by the company for an extended period.
- She requests that the company resolve the technical problems; send her email notifications that a bill is available so that she can log into her account to pay it; bill her annually; reassess the tariff she has been placed on; and pay compensation of £2,500.00 for distress and inconvenience.

The customer's comments on the company's response are that:

- She is unhappy that the company is refusing to fix its technical problems.
- The company's evidence of emails being sent is not evidence that they have been received.
- She reiterates that she has not received the email notifications mentioned by the company.
- She is unwilling to open a direct debit given her past problems with the company's billing.

### **The company's response is that:**

The company's response is that:

- It has been unable to identify any technical problems with the customer's account.
- The customer has been provided with online bills and email notifications have been sent to the customer about those bills.
- The customer has been billed correctly.
- The customer is billed on the basis of a meter that can be read remotely.
- The customer was on a Watersure tariff from August 2012 until March 2015.
- She was removed from the Watersure tariff when it was determined that it was less advantageous to her than standard billing through a meter, due to her low consumption.
- The customer registered for an online account in December 2016 and requested online billing.
- While the customer has requested online billing, the company also sends paper bills to its online billing customers to ensure that notification of bills is received.
- The customer is now registered for paperless billing, so will not receive a paper bill unless she requests one.
- However, Payment Reminder letters, Notification before Default letters and Pre-agency letters will continue to be sent by

post. Email copies can be requested. • Instances in which the customer was unable to upload a reading resulted from the system waiting for the company's engineer to upload a reading, rather than from a technical fault. The reading was accepted from the customer directly. • All customers on measured charges are billed every six months unless they have a direct debit in place, in which case they are billed annually but a monthly payment is taken. • The company confirmed to the customer in July 2020 that moving forward she would receive an annual bill. • However, the customer was told in November 2020 that she would continue to be billed every six months. • The company is willing to create a new account for the customer if she continues to experience problems with her account.

### 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 argues that she has experienced longstanding technical problems that have prevented her being notified when a bill is available and have stopped her uploading readings to her account.
2. The company has explained that the difficulties the customer experienced uploading readings to her account were not technical problems with the account, but reflected that at the time the company was waiting for its own inspector to upload a reading. This explanation is consistent with the evidence provided by the parties and I so I accept that it is correct. I find, therefore, that the difficulties experienced by the customer in this respect did not result from a technical problem on her account.

3. The company has also produced evidence of email notifications sent to the customer to notify her of payments due on her account. The customer denies nonetheless that these emails have been received.
4. While I find that the evidence indicates that the company has fulfilled its responsibilities to the customer with respect to notifying her when payments on the account have been required, I also accept the possibility that the email notifications recorded by the company may not have been received by the customer. The company has offered to create a new account for the customer, and I find that this would be an appropriate solution to the customer's complaint, as it would acknowledge the possibility that the company's emails have not been received by the customer due to a currently unidentified technical problem with her account.
5. As a result, the company must create a new account for the customer, replicating the customer's notification preferences on her current account.
6. The customer also requests that she be sent email notifications when a bill is available. However, as just discussed, I find that the evidence provided by the company shows these notifications being sent. As a result, when the customer's new account is created, replicating the customer's notification preferences on her current account, the customer will be sent email notifications when a bill is available.
7. Therefore, this element of the customer's claim has already been resolved.
8. The customer also requests that the company bill her annually.
9. The company has acknowledged that its communications to the customer have been inconsistent in this respect, as she was told in July 2020 that she would receive annual bills and then in November 2020 that she would not. I find that in providing this contradictory information to the customer about a matter that was of clear importance to her, the company failed to provide its services to the customer to the standard to be reasonably expected by the average person.
10. I also accept that receiving this contradictory information will have caused the customer distress, due to the importance to her of annual billing. In consultation with the WATRS Guide to Compensation for Inconvenience and Distress, I find that fair and appropriate compensation would consist of £200.00. This amount reflects the seriousness of this issue to the customer, due to the customer's understanding of her billing experience with the company over the previous decade, as well as the importance to the customer of the method through which she would be billed by the company due to her disability, as had been expressly highlighted to the company. However, it is also mitigated by the fact that the company's failing was a single incident.

11. Nonetheless, I do not find that there is evidence that the customer has not been billed in accordance with the company's policies. The customer has expressed a preference for annual billing, explaining that due to her disability it is time-consuming and stressful to check and understand the company's bills, so she would prefer to only have to do this once a year. I find, therefore, that billing the customer annually would constitute a reasonable accommodation for the customer's disability, unless the company is technically unable to provide annual billing.

12. As a result, the company must pay the customer compensation of £200.00, and switch the customer to annual billing unless it is technically unable to do so.

13. The customer has also requested that the company reassess the tariff on which she has been placed. However, while the evidence provided by the parties does show the customer having had difficulties with her tariff in the past, no evidence has been provided that would justify a finding that the customer is currently being billed incorrectly. Ultimately, the customer has the burden of producing evidence to support her claims, and I find that in this case she has not done so.

14. As a result, this element of the customer's claim does not succeed.

15. The customer also requests a total compensation of £2,500.00 for distress and inconvenience. However, while I accept that the customer has experienced both distress and inconvenience in her interactions with the company, compensation can only be awarded where that distress and inconvenience resulted from a failing by the company to provide its services to the customer to the standard to be reasonably expected by the average person. I have acknowledged above where I have found that such a failing occurred, and compensation has already been awarded.

16. I must find, therefore, that the remainder of the customer's compensation claim does not succeed.

17. For the reasons given above, the company must create a new account for the customer, replicating the customer's notification preferences on her current account, must pay the customer compensation of £200.00, and must switch the customer to annual billing unless it is technically unable to do so.

## Outcome

1. The company needs to take the following further actions: It must create a new

account for the customer, replicating the customer's notification preferences on her current account, must pay the customer compensation of £200.00, and must switch the customer to annual billing unless it is technically unable to do so.

### **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.

- If you choose to accept this decision, the company will have to do what I have directed within 20 working days of the date in 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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**Tony Cole**  
**Adjudicator**