

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X255

Date of Decision: 16/06/2021

Party Details

Customer:

Company:

Complaint

The customer says that she experienced multiple instances of poor customer service.

Response

The company says that it has provided its services to the customer appropriately.

No offer of settlement has been made.

Findings

The company provided its services to the customer to the standard to be reasonably expected by the average person.

Outcome

The company does not need to take any further action.

The customer must reply by 14/07/2021 to accept or reject this decision.

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X255

Date of Decision: 16/06/2021

Case Outline

The customer's complaint is that:

- The company did not provide adequate notice of an increase in her direct debit.
- As a result, a larger direct debit was taken than she had agreed.
- The company has not justified the increase.
- The company called and spoke to REDACTED, who is not authorised on the account.
- She was contacted six times in quick succession by a survey company acting on behalf of the company.
- She requests an explanation and compensation of £200.00.

The company's response is that:

- The customer was notified on 23 October 2020, through her bill, that her direct debit would be increasing as of 1 December 2020.
- The direct debit payment on 1 December 2020 could not be adjusted as the customer did not make contact to question the increase until 30 November 2020.
- The direct debit for subsequent payments was set at the amount agreed by the customer.
- REACTED was listed as an authorised party on the account, but no financial or personal information was discussed with him on the call.
- The company has a record of the customer being contacted three times by its survey company, not six.
- The customer has now been opted out of all marketing and surveys.
- The company does not believe that any payment is owed to the customer.

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. 1. The customer's claim relates to three distinct but separate alleged failings on the part of the company. Firstly, increasing her direct debit without sufficient notice. Secondly, discussing her account with a third party. Thirdly, repeated contacts made within a short period of time about completing surveys.
2. With respect to the customer's direct debit, the company has satisfactorily established that the customer was notified in her 23 October 2020 bill that her direct debit would increase on 1 December 2020. I find that this gave the customer sufficient time to decline the increase in her direct debit. I also find that when the customer did decline the increase, the company acted in a timely manner, the increased payment being taken on 1 December 2020 because the customer made contact so close to the payment date.
3. The customer may believe that the notification provided in the 23 October 2020 bill was insufficient. However, under Rule 3.4.1 of the Water Redress Scheme Rules, all or part of an application can be rejected where "a customer should be referred to a more appropriate forum for the resolution of the dispute", and I find that questions regarding direct debit notifications are appropriately resolved by the Financial Ombudsman, rather than through WATRS. As a result, the question of the sufficiency of the company's notification of the direct debit change in the 23 October 2020 bill is excluded from this decision.
4. Therefore, this restriction being made, I find that the company provided its services to the customer to the standard to be reasonably expected by the average person with respect to her direct debit.
5. The customer has also raised a claim about the company discussing her account with a third party, REACTED.
6. The company has, however, produced evidence satisfactorily establishing that the customer had previously authorised the company to speak with REACTED about her account.
7. Therefore, I find that the company provided its services to the standard to be reasonably expected by the average person by discussing the customer's account with REACTED.
8. The customer's final complaint relates to the number of contacts she received from a survey company acting on behalf of the company.

9. The parties disagree regarding the number of times the customer was contacted, but even if the customer's statement is accepted that it occurred six times, I find that the company acted quickly and appropriately as soon as it was notified of the problem by the customer. While I accept that the customer will have been inconvenienced by these calls, even if only three were made, the law does not obligate the company to provide a flawless service. Rather, its obligation is to provide the promised service with reasonable care and skill, including resolving any failings that occur. In the present case, while I accept that repeatedly contacting the customer constituted a failing, I find that the company resolved that failing by acting quickly and appropriately once it was alerted to the problem.

10. As a result, I find that, when taken as a whole and including the company's response to the customer's complaint, the company did not fail to provide its services to the customer to the standard to be reasonably expected by the average person with respect to its contacts with the customer.

11. For the reasons given above, the customer's claim does not succeed.

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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Tony Cole
Adjudicator