

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-XX87

Date of Decision: 09/06/2021

Party Details

Customer: "The Customer"

Company: "The Company"

Complaint

The customer claims that the company has overcharged him as his consumption does not reflect his household usage as he is a low water user. Furthermore, once his issues were raised, the company provided poor customer service. The customer is seeking the company to review his consumption and be placed on a fixed low user charge.

Response

The company says that the customer is billed upon a metered charge basis which provides the most financial benefit as the customer is a low user and is only being charged for the exact level of water consumed. The company acknowledges the customer's difficulties with his building society and has applied numerous billing locks to his account to prevent debt collection action. However, the customer's difficulties with his building society is a third party dispute over which the company has no control. The company has provided a good level of service throughout its dialogue with the customer. The company has not made any further offers of settlement.

Findings

I find the customer has not proven the company failed to provide its services to the customer to the standard to be reasonably expected by the average person concerning its charges. Furthermore, I am satisfied there have been no failings concerning customer service as the company has provided a reasonable level of service throughout its dialogue with the customer.

Outcome

The company needs to take no further action.

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

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-XXXX

Date of Decision: 09/06/2021

Case Outline

The customer's complaint is that:

- The company has overcharged him as his consumption does not reflect his household usage as he is a low user of water.
- Furthermore, once his issues were raised, the company provided poor customer service.
- The customer is seeking the company to review his consumption and be placed on a fixed low user charge.

The company's response is that:

- The customer is billed upon a metered charge basis which provides the most financial benefit as the customer is a low user and is only being charged for the exact level of water consumed.
- The company acknowledges the customer's difficulties with his building society and has applied numerous billing locks to his account to prevent debt collection action.
- However, the customer's difficulties with his building society is a third party dispute over which the company has no control.
- The company has provided a good level of service throughout its dialogue with the customer, so no sums are due in respect of the customer's claim.

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 dispute centres on whether the customer's consumption reflects his household usage and whether he has been billed correctly.
2. The company must meet the standards set out in OFWAT's Charges Scheme Rules, the Water Supply and Sewerage Services (Customer Service Standards) Regulations 2008 and the Water Industry Act 1991.
3. Furthermore, the company also has certain obligations regarding its customer services as set out in the OFWAT Guaranteed Standards Scheme and its Customer Guarantee Scheme.
4. Under Sections 142 and 143 of the Water Industry Act 1991, the company is permitted to charge for water and wastewater services provided and make a Charges Scheme which essentially fixes charges to be paid for services provided. However, as made clear at WATRS Rule 3.5, "any matters over which OFWAT has powers to determine an outcome" cannot be considered by WATRS. The question of whether a company has adhered to Sections 142 and 143 of the Water Industry Act 1991 is a matter for OFWAT to determine, and therefore I will make no findings on this matter in this decision.
5. From the evidence put forward by the customer and the company, I understand that before March 2020, the company made various attempts to contact the customer without success concerning an outstanding balance on his account.
6. On 20 March 2020, the company passed the account to its debt collection agency, which sent a collection letter to the customer. The customer was unhappy that he received a letter chasing him for payment and on 23 March 2020 progressed his complaint to CCWater.
7. The evidence shows that the customer advised CCWater that the delay in payment was due to difficulties with his building society who would not release funds.
8. As a result of the discussions with CCWater, the company brought back the account from the debt collection agency and applied a billing lock to prevent the debt recovery process from being commenced again. The company informed the customer that his dispute with his building society concerning withholding funds is a private matter which over the company has no control. I understand that the customer then raised further issues regarding his charges.
9. The evidence shows that the company investigated these issues regarding his charges, and the customer was accepted onto the company's Essentials tariff in June 2020 and that this had been backdated to 28 November 2019. I also understand that during these discussions, it was explained to the customer that he

was billed upon a metered charge basis which provides the most financial benefit as he is a low user and is only being charged for the exact level of water consumed.

10. However, the customer remained unhappy, and on 26 January 2021, commenced the WATRS adjudication process.

11. Regarding the customer's comments that he has been overcharged as he is a low user of water, the evidence shows that the customer moved into the property on 18 June 2014. The company has attended the property every six months to obtain an accurate meter reading, which was used to calculate the customer's charges. The consumption chart provided by the company shows that the customer uses on average around 55-60 litres of water per day compared to the average consumption for a single person of 178 litres per day. The customer's 55-60 litres of water per day equate to an average bill every six months of £68.67.

12. The customer has requested that he be billed based on a fixed charge. I understand that whilst the company does offer a fixed charge, the tariff is for customers who are unable to have a water meter fitted at their property. As the customer does have a water meter at the property, I find that, in this instance, he is not eligible for the fixed charge. In any event, the evidence shows that even if the customer could be charged upon a fixed charge basis, he would be billed as a single occupier, which is £285.61 annually, equating to £142.81 every six months and therefore, he would be financially disadvantaged.

13. The evidence shows that the customer was accepted onto the company's Essentials tariff in June 2020 and that this had been backdated to 28 November 2019. The Essentials Tariff is a tariff where an eligible customer can receive a discount of between 20% - 90% of their charges where they are on either a low income or receive pension credits.

14. Considering the above, I find that the customer has not been overcharged or disadvantaged by being placed on a metered charge as the metered charge provides the most financial benefit to the customer. Accordingly, this aspect of the customer's claim cannot succeed.

15. As to whether the company was correct to report any late payment to the credit reference agencies, section 143 of the Water Industry Act 1991 gives the company the power to set a Charges Scheme. Where a bill has not been paid, in line with the company's Charges Scheme, a debt recovery process is in place for all its customers. In compliance with OFWAT's guidelines on the collection of debt, if no payment plan is in place with the company or full payment has not been received, the company is entitled to report any late payment to credit reference agencies and

pass the debt onto a debt collection agency.

16. The evidence shows an overdue balance of £167.88 on the account made up from the following bills:

- 10 May 2019 to 28 November 2019
- 29 November 2019 to 22 May 2020
- 23 May 2020 to 17 November 2020

The last payment of £50.00 received by the company was on 6 January 2020. Whilst I appreciate the customer's position concerning the difficulties with his building society, as an outstanding balance existed on the account, I find that the company was entitled to report any late payment to credit reference agencies. The evidence shows that the company acknowledged the customer's difficulties with his building society and applied numerous billing locks to his account where appropriate. In light of the above, I find that it has not been proven that the company failed to provide its services to the customer to the standard to be reasonably expected by the average person concerning its debt recovery processes.

17. The company has certain obligations in respect of its customer services. From the evidence provided, I am satisfied that by the end of the company's dialogue with the customer, the company had adequately explained why a metered charge would provide the customer with the lowest costs. Furthermore, reviewing the various correspondence, I believe that the company dealt with the customer's concerns efficiently and appropriately, considering the circumstances. Accordingly, I am satisfied there have been no failings concerning customer service.

18. In light of the above, I am satisfied the company did not fail to provide its services to the customer to the standard to be reasonably expected concerning the customer's charges. Furthermore, I am satisfied there have been no failings concerning customer service as the company has provided a good level of service throughout its dialogue with the customer.

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