

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X499

Date of Decision: 03/08/2021

#### Party Details

Customer:

Company:

#### Complaint

The customer complains the company was wrong to take debt collection action and then refuse to disconnect her water supply. She seeks compensation in the sum of £10,000.00 for distress, plus interest.

#### Response

The company considers it was entitled to take debt collection action however accepts it could have made further efforts to contact the customer before doing so. It has apologised and paid £51.26 as a gesture. It has also since waived the customer's outstanding balance of £208.00. It did not disconnect the customer's water supply as it believed she would continue to occupy the property and need a supply and because she is vulnerable.

#### Findings

The evidence does not prove any failing in regards to the billing and debt collection action taken by the company. However, in refusing to action a request for disconnection the company failed to provide its services to the standard to be reasonably expected.

#### Outcome

The company does not need to take any further action, as compensation is not warranted in the circumstances.

The customer must reply by 01/09/2021 to accept or reject this decision.

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## Case Outline

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

She struggled to pay her bill using a payment card due to the COVID-19 restrictions as it was not safe to travel to a paypoint. When she tried to pay by phone the company asked security questions that she did not want to answer. As a result she did not pay her bill on time and the company started debt collection action. Upon complaint the company apologised, recalled the account from debt collection and set up a payment plan with the customer to clear the debt. However, she had also asked it to disconnect her water supply which it refused. She wants her water supply disconnected. She is unhappy the company did not offer her another means to pay and unhelpfully suggested a neighbour could pay the bill on her behalf. She is also unhappy it did not allow her more time to pay before handing her account to a debt collection agency and, is unhappy the debt collection agent threatened to break down her door. She seeks compensation in the sum of £10,000.00 for distress, plus interest. In comments on the company's response, she says she believed she had 12 months to pay her bill and did not agree to an 8 month payment plan. She complains the company always changes the payment plan dates and amounts, further that the details of the plan are in very small print and so very hard to read. She tried to make larger payments earlier in the year to minimise travel during the pandemic but the company did not like this. The company has not provided all relevant information; its actions were not necessary. In late comments on the company's response, the customer asked how to apply to disconnect her supply under the Water Industry Act, as referenced by the company.

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

In April 2019 it set up a payment plan with the customer whereby she would make payments every four weeks on 8 occasions to cover the total bill for the year. It sent several reminder letters and made calls but when the outstanding debt was still not received it passed the account to debt collection in January 2021. If the customer had contacted it, it would have agreed to a new payment plan. When she did call in February it recalled the account from debt collection and agreed a new payment plan. Every reminder and invoice issued outlines the payment options available, or the customer could have called and asked. When a customer calls it has to ask security questions for data protection reasons. The customer can ask to disconnect her water supply under the Water Industry Act and it would have to action this. However it believes the customer would continue to occupy the property and so would need

access to water. It has therefore not agreed to disconnect her supply as she is vulnerable and will need a water supply. It no longer has records of the conversation where the customer says its staff were unhelpful. Its debt collectors do not visit homes but make calls. It has listened to the only call made and no threats were made during this call. It offered a goodwill gesture of £51.26 by way of an apology for missing the opportunity to resolve the customer's payment issues earlier. And it has since waived the outstanding balance of £208.00 from 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 company has provided copies of bills, reminders and notices issued to the customer. These show there was a payment plan in place whereby the customer would make 8 payments for the year. The documents sent to the customer also detailed options as to how to pay her bills. When payments were not made, the company sent reminders which gave a number for the customer to call if she was struggling to pay her bills.
2. I remind the parties that I cannot consider any new complaints raised in the customer's comments. This includes her complaint that she did not agree to a payment plan.
3. The customer did send the company feedback by text that she was unable to pay her bills at a pay point as it was unsafe to travel during the pandemic. I acknowledge the company sees this as a missed opportunity to help the customer before it proceeded with debt collection action. However, I am also mindful the

company notified the customer of the various payment options and she remained responsible to pay her bills.

4. As the customer failed to pay her bills by the due date, I find the company was entitled to commence debt collection action as it did.

5. There is a lack of evidence to support the customer's assertion that a staff member was rude or unhelpful or that a debt collector threatened to break down her door.

6. It is clear the customer is entitled to ask the company to disconnect her water supply and that the company has a duty to do so. While I acknowledge the company has given reasons for its refusal, there is no indication such exceptions to its duty are permitted under the Act. In failing to action the customer's request, I consider the company failed to provide its services to the standard to be reasonably expected.

7. I find no other failing has been proven.

8. In regards to the customer's claim for compensation, she seeks a sum for the distress suffered due to the company's billing and debt collection action. However, I have not found any failing proven on those points and therefore I consider the claim for compensation is not justified. Equally, the customer has not justified a claim for interest.

9. While I have found the company should have actioned the customer's request for disconnection, it is not clear she still seeks this. And, as it remains open for her to make a further request to the company, I consider it is not necessary for to make a direction in this regard.

10. In late comments on the company's response, received after I issued my preliminary decision, the customer asked WATRS how to apply for a disconnection under the Act. I cannot give advice on this however the customer can contact the company directly. If the customer experiences further problems in this regard she should follow the company's complaints process.

## **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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**Justine Mensa-Bonsu**  
**Adjudicator**