

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X630

Date of Final Decision: 3 November 2021

Party Details

Customer:

Company:

Complaint

The customer claims that the company has not provided sufficient information about its social tariffs, which has delayed him applying for the company's WaterHelp scheme. This delay has prevented the customer from claiming a reduction on his charges from 2014. The customer is seeking the company to pay £1,100.00 as the WaterHelp tariff should be backdated to 2014.

Response

The company says the customer has been sent the relevant information in the past within his bills. As the company does not know its customers' financial situations, it is reliant on them informing it if they need help. The company does this by signposting the customers to the appropriate parts of its website and providing them with a free phone number on its bills. Concerning backdating the reduction to 2014, the customer signed the terms and conditions stating WaterHelp will not be backdated. Accordingly, the company will not backdate the WaterHelp reduction as it would be unfair to treat the customer differently from any of its other customers. The company has not made any offers of settlement.

Findings

I am satisfied the evidence does not prove the company failed to provide its services to the standard to be reasonably expected by the average person concerning informing the customer about the WaterHelp scheme and backdating it. Furthermore, I am satisfied there have been no failings regarding customer service for which the customer has not already been adequately compensated.

Outcome

The company needs to take no further action.

The customer must reply by 1 December 2021 to accept or reject this decision

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Case Outline

The customer's complaint is that:

- The company has not provided sufficient information about its social tariffs, which has delayed him applying for the company's WaterHelp scheme.
- This delay has prevented the customer from claiming a reduction on his charges from 2014.
- The customer is seeking the company to pay £1,100.00 as the WaterHelp tariff should be backdated to 2014.

The company's response is that:

- The customer has been sent the relevant information in the past within his bills.
- As the company does not know its customers' financial situations, it relies on them informing it if they need help. The company does this by signposting the customers to the appropriate parts of its website and providing them with a free phone number on its bills.
- Concerning backdating the customer's reduction to 2014, the customer signed the terms and conditions stating WaterHelp will not be backdated.
- Accordingly, the company will not backdate the WaterHelp reduction as it would be unfair to treat the customer any differently from any of its other customers.

How is a WATRS decision reached?

In reaching my decision, I have considered two key issues. These are:

1. Whether the company failed to provide its services to the customer to the standard to be reasonably expected by the average person.
2. Whether or not the customer has suffered any financial loss or another disadvantage as a result of a failure by the company.

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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 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 dispute centres on whether the company failed to sufficiently inform the customer about its social tariffs, which has delayed the customer applying for the company's WaterHelp scheme.
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. The company also has certain obligations regarding its customer services as set out in OFWAT Guaranteed Standards Scheme and its own Customer Guarantee Scheme (CGS).
4. The evidence shows that the customer's property is metered and that the company has billed him on the meter readings. I understand that the customer has always paid his bills historically on a monthly Direct Debit, and there have been no issues with payments being made or received.
5. From the evidence put forward by the customer and the company, I understand the customer has not contacted the company at any time throughout the time his account has been active to let it know that he was unemployed, on a low income or struggling to pay his bills. The company says that it has never had the opportunity to advise the customer of any of its social tariffs. However, the company sends metered bills every six months, so 48 separate bills to date, all of which have information signposting the customer to where he can obtain help, advice and assistance if he needs it.
6. On 7 April 2021, the customer wrote to the company together with a WaterHelp Application enquiring about how far back he could claim. The evidence shows that following a short delay, the company assessed the customer's eligibility for WaterHelp under the qualifying criteria and granted a new WaterHelp tariff from 7 April 2021.

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7. Between 19 May and 12 August 2021, various correspondence took place between the parties. The company advised the customer that it would not backdate the WaterHelp tariff as it would be unfair to treat him any differently from any of its other customers. The customer disputed this and believed that as the company had not provided sufficient information about its social tariffs, delaying his WaterHelp application, it should backdate the tariff to 2014.
8. During the same period, I note that the company failed to respond to the customer with its timescales and as such various CGS payments were made along with a £20.00 goodwill payment.
9. The customer remained dissatisfied with how the company had handled his complaint and, in June 2021, progressed his complaint to CCWater to resolve without success. The customer remained unhappy and, on 9 September 2021, commenced the WATRS adjudication process.
10. As to whether the company failed to inform the customer about its social tariffs sufficiently, the evidence shows that the company had sent bills 48 separate bills, each of which has information signposting the customer to where he can obtain help, advice and assistance if he needed it. I note the customer's comments that the company was hiding its schemes away and relying on customers being unaware. However, I agree with the company's position that it cannot know its customers' financial situations, and it is reliant on them informing it if they need help. The evidence shows that the information was available since 2014, and as such, the customer could have accessed the information if he needed further advice or assistance.
11. Regarding whether the company should backdate the WaterHelp scheme to 2014. The application form clearly states that the company will not backdate the scheme, and it will only apply from the date of the application. The customer has also signed the form and confirmed that he understands that the scheme cannot be backdated. I note the customer's comments that he was forced to sign the application if he wanted help. However, it is a term of the WaterHelp tariff that it will not be backdated and to do so would be unfair to the company's other customers. As stated in the company's response, to backdate the customer's WaterHelp tariff would risk intervention by OFWAT as the company would risk being in breach of its Licence Conditions which requires the company not to show undue preference or exercise undue discrimination to any class of customer.

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12. Considering the above, I find the evidence does not prove the company failed to provide its services to the customer to the standard to be reasonably expected by the average person concerning informing the customer of its WaterHelp scheme and backdating it.
13. The company has certain obligations in respect of its customer services. As evidenced by the timeline within the company's defence documents, I am satisfied that by the end of its dialogue with the customer, the company had adequately explained why it would not backdate the WaterHelp scheme to 2014. This is shown by the correspondence put forward by the customer and company as evidence.
14. I note there were failings concerning a delay in responding to some of the customer's queries. However, on examining the various correspondence, I believe that once the company became aware of its mistakes, it dealt with the customer's concerns efficiently and appropriately, considering the circumstances. The company has made various CGS payments and a further £20.00 goodwill payment to cover these failings. Accordingly, I am satisfied that there have been no failings concerning customer service which the customer has not already been adequately compensated for.
15. Both the company and customer have made minor comments on the preliminary decision. Having carefully considered each aspect of the customer's and company's comments I find that they do not change my findings, which remain unaltered from the preliminary decision.
16. Considering the above, I find the evidence does not prove the company failed to provide its services to the customer to the standard to be reasonably expected by the average person concerning informing the customer of its WaterHelp scheme and backdating it. Furthermore, I am satisfied there have been no failings concerning customer service for which the customer has not already been adequately compensated.

Outcome

The company needs to take no further action.

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What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 1 December 2021 to accept or reject this 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.



Mark Ledger FCI Arb
Adjudicator

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