

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT X632

Date of Final Decision: 4 November 2021

#### Party Details

Customer:

Company:

#### Complaint

The customer considers he has been eligible for a discount on his water bills since 2014. He did not apply for the discount as he was not aware of the company's discount scheme.

The customer says that the company should have made him aware of the scheme but failed to do so. He considers that full details of help available to those in financial difficulty should have been made known to him by the company.

The customer seeks to have a discount on his bills backdated to 2014 which is the time he considers he should have been eligible to receive a discount.

The customer seeks an apology from the company and an explanation as to why he had not been informed of the discount scheme.

#### Response

The company says that it has provided information on its bills since 2015 informing customers that help is available for those facing financial difficulties. It says that its bills advise customers in that position to contact the company for assistance.

The company says that information is also available on the company's website.

The company says discounts cannot be backdated and only apply from the time an application is received.

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## Findings

Bills sent to customers by the company advise that help is available for those facing financial hardship. Customers are advised to contact the company for assistance.

I have seen no evidence that the company has failed to inform the customer that assistance with paying bills is available.

There is evidence that the company delayed providing a response to a billing query from the customer regarding a water support charge on his bill. The Guaranteed Standards Scheme required a response within ten working days.

**Please note, this Preliminary Decision is subject to comments from both parties and the Findings may subsequently change. This will be recorded in a Final Decision. Please refer to the 'What happens next?' section for more information.**

## Outcome

The company needs to take the following further action:

Check and confirm the date in 2017 when the customer raised a query concerning the water support charge and the date the company responded. If it is confirmed that the response was issued more than ten working days from the date of the enquiry, the company shall make a payment to the customer under the Guaranteed Standards Scheme in the sum of £20.00. The company shall make a further payment to the customer of £10.00 for failing to make the GSS payment automatically at the time of any delayed response.

# ADJUDICATOR'S FINAL DECISION

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## Case Outline

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

- The company does not advertise that help with bills is available under a discount scheme.
- The customer had not applied for assistance as he was unaware of the existence of such a scheme.
- The customer considers that the company should have made him aware that help with payments was available under a discount scheme. It failed to do so. The customer has therefore been unable to fully benefit from the scheme.
- The customer considers he has been eligible for a 50% discount since 2014.
- The customer seeks to have a discount on his bills backdated since the company had not made him aware of the scheme. The customer also seeks an apology and an explanation as to why he was not informed of the discount scheme.
- The customer has submitted comments on the preliminary decision. The comments are addressed at the end of this decision.

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

- The company says that in 2015 it introduced a water support charge.
- It says that it provided information on every bill since 2015 explaining the water support charge. It also says that it provided information on its bills concerning support to those facing financial hardship. The company says the bills advised customers to contact the company to establish what help could be available.
- The company says information concerning support is readily available on its website.
- The company considers that it has made details of its support scheme available to customers and applies the scheme to customers meeting the qualifying criteria.
- The company says that discount schemes apply from the time an application is received and cannot be backdated. It says that no application was received from the customer prior to 2020.

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## 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 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 considers that he should have been eligible for the company's discount scheme from 2014. However, he says that the company had not made it known that it operated a discount scheme and he had therefore not been aware of it. He says that if he had been aware of the scheme earlier, he would have applied for it sooner. The customer therefore believes that the company should backdate the discount on his account to the time he considers he was first eligible in 2014.
2. It is noted that the customer and the Consumer Council for Water have been in communication with two water companies in relation to this matter. I can see that the company named in the application bills the customer for all water services. This decision only relates to the company named in the application as this is the company billing for services.
3. The company refers to various communications with the customer from 2016 onwards. It says that the customer called the company's customer service team on or around 5 April 2016. The company says that its records show the customer queried a water support charge that was

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included on the customer's bill. The company further notes that the customer sent an email to the company in 2017 requesting that the company removed the water support charge from the bills. The company acknowledges that there were delays in responding to the customer's email.

4. The company says that during its communications with the customer, there was nothing suggesting the customer was facing any financial hardship. The company also says that there was no indication that the customer wished to check his eligibility to claim any discount. The company says that the communications related to removal of the water support charge. The company explained that this charge could not be removed from the customer's account.
5. The company says that its bills included information for customers facing financial hardship, advising customers to contact the company for advice. It also refers to a leaflet included with its 2017 bill saying that further information concerning assistance was in the leaflet. The company considers that it had provided information to customers through its bills advising them how to seek assistance if they had difficulty paying bills.
6. The customer says that he was not made aware of the discounts that may have been available to him. He considers the information should have been made readily available to customers. He has provided, as an example, a copy of a council tax bill which he says clearly shows discounts available in relation to council tax.
7. I have reviewed the copies of bills provided. These cover the periods from 2015 to 2016, 2016 to 2017, 2017 to 2018 and 2018 to 2019.
8. The bills for 2015/2016 and 2016/2017 include a section with the heading "Can we help?". This section refers to financial difficulties and suggests it may be possible to get lower bills in future. It also refers to a tariff to help those with water meters who have high water consumptions.
9. The bills for 2017/2018 and 2018/2019 include a section with the heading "Ways we can help". This section mentions reduced and capped tariffs that may be available for those facing financial hardship.
10. Full details of the schemes offered by the company for customers facing financial hardship are not provided on the bills. However, the bills do advise customers that they can find further information in a leaflet sent with the bill or via the website get in touch with the company. It also

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says customers can call the company. The bills show a contact telephone number, a website address, an email address and postal address, all of which may be used to contact the company. Letters from the company to the customer dated 27 February 2017 and 27 February 2018 also provide a website address, email address, telephone number and social media details.

11. I conclude that the company has provided information that shows help is available to customers facing financial hardship. No specific details of schemes are given on the bills or letters sent by the company, but they do make it clear help may be available. A number of options are shown on the bills for customers to obtain further information or to contact the company. It is open for customers to contact the company using any of the methods provided to obtain advice on assistance relating to their circumstances.
12. The customer has commented that the cost of a call may be difficult for someone in financial hardship. I see that the customer services telephone number does not appear to be a free number. It is, however, noted from the documents that the customer has access to the internet and emails. He could have followed the links provided on the bills to see further information about discount schemes available.
13. I find that the company has provided information to the customer advising that help could be available to him should he face difficulty in paying his bills. This information was shown on bills from 2015 onwards. The customer's claim that information concerning available help had not been provided to him therefore fails.
14. The customer also seeks to have payments backdated. I can see from the documents provided that a discount scheme was applied to the customer's account from 9 March 2020, which is the date it is stated that the application was received. The company has explained that discounts can only be applied from the date an application was made. I have seen no evidence that any application for assistance was made by the customer prior to March 2020.
15. Water companies are required to publish charges schemes. The charges scheme published by the company includes details of a scheme that allows a 50% discount to customers satisfying the eligibility criteria. The charges scheme says that, for customers meeting the eligibility criteria, a discount is available from the date the application is received.

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16. Under Rule 3.5 of the Water Redress Scheme (WATRS) Rules, a WATRS adjudicator does not have authority to evaluate the fairness of contract terms and/or commercial practices operated by a water supply company. Charges schemes fall under this category and I cannot therefore comment on the terms incorporated in the charges scheme. I can only examine whether or not the company has correctly applied its published terms in relation to the customer's situation.
17. Statements made by the company in relation to backdating applications are consistent with the charges scheme. The company's discount scheme applies to eligible customers from the date an application is received by the company. There is no requirement for the company to backdate any discount scheme. The company has complied with its charges scheme. The customer's claim for the discount to be backdated therefore fails.
18. I have considered the company's performance in relation to the Guaranteed Standards Scheme (GSS). The GSS sets out the minimum standards of service customers are entitled to expect from water or sewerage undertakers. Under the GSS, a company is required to respond to written queries from customers concerning the correctness of a bill within ten working days. Where a company fails to provide a substantive reply to a customer's written complaint within the required period, the company must make an automatic payment to the customer.
19. The company's email dated 8 July 2021 acknowledges that in 2017, there were delays in responding to the customer's request to remove the water support charge. I consider the customer's request to be a query concerning the correctness of a bill. The company's email refers to copies of the email exchange in 2017. However, I could not see those emails within the documents provided. The company has acknowledged that there were delays in responding to the customer's query that resulted in the customer having to send further emails. It is reasonable to conclude from this that the response is likely to have been outside the ten working day period. In that event, the company should have made a GSS payment. The GSS payment due in this situation is £20.00. Where payment is not made in a timely manner, a further payment of £10.00 would be due to be made. There is no indication in the documents that any GSS payment was made.
20. Copies of the emails concerning the billing query have not been provided. I am therefore unable to confirm the extent of the delay referred to by the company. The company's email dated 29 July 2021 refers to a response on 17 May 2017 but makes no mention of the date of the enquiry. The company's email dated 13 August 2021 refers to email communications between 25 April 2017

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and 17 May 2017 but does not give any details of those emails. From the information available, it seems likely that the customer raised the account query on 25 April 2017 and the response was issued by the company on 17 May 2017. That would mean that the response was issued more than ten working days from the date of the enquiry.

21. I direct the company to check and confirm the extent of the delay referred to in its email dated 8 July 2021. The company shall confirm the date of the customer's email in 2017 concerning the removal of the water support charge and the date of the company's response to that email.
22. If the company's response was issued more than ten working days from the date of the customer's email enquiry, I order the company to make a GSS payment to the customer in the sum of £20.00. I further order that the company pay an additional £10.00 under the GSS in respect of the late payment of that amount. The company may, at its discretion, pay this amount to the customer or credit the amount to his account.
23. I find no other failures by the company in respect of the GSS.
24. The customer has submitted comments on my preliminary decision. I have dealt with these comments below.
25. The customer refers to his application being logged against the company and another water company. He comments that there has not been any response from the second company.
26. One company has been named in section 3 the application form. The customer subsequently asked for a second company to be included.
27. WATRS Rule 1.6 states, "*An application for adjudication can only be made by a customer of a water and/or water and sewerage company...*". A customer is an individual or organization billed by a company for water services. This includes the situation where the company issuing bills does so on behalf of another company for services provided by that other company.
28. I have already noted that the customer and CCW had been in communication with two companies. The complaint relates to billing for water services. This is noted under section 5.1 of the application. The company named in section 3 of the application billed the customer for all water services. The company's bills include a note stating that the company collects wastewater

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charges on behalf of another company. The dispute is therefore with the company named in section 3 of the application and not with any other company. No other company is required to respond to the application. This adjudication relates only to the company named in section 3 of the application form.

29. Having considered the comments made by the customer, I make no changes to my decision.

#### **Outcome**

The company needs to take the following further action:

Check and confirm the date in 2017 when the customer raised a query concerning the water support charge and the date the company responded. If it is confirmed that the response was issued more than ten working days from the date of the enquiry, the company shall make a payment to the customer under the Guaranteed Standards Scheme in the sum of £20.00. The company shall make a further payment to the customer of £10.00 for failing to make the GSS payment automatically at the time of any delayed response.

#### **What happens next?**

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 2 December 2021 to accept or reject this 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 on 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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*I H Raine*

**Ian Raine**, CEng, MIMech E, FCI Arb, MCIBSE

**Adjudicator**

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