

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X662

Date of Final Decision: 17 December 2021

Party Details

Customer:

Company:

Complaint

The customer claims that the company should have done more when it first attended to investigate the cause of the flooding within his property in 2019. Had the first investigation been conducted correctly, he would have had the opportunity to correct any issue and prevent subsequent damage to his kitchen. The customer is seeking the company to pay £13,000.00 for the cost of repairs to his property.

Response

The company says its pipework was not the root cause of the flooding within the customer's property. At the time of the company first visit to the customer's property in 2019, there were no signs that the water underneath the floorboards was wastewater as there was no odour or change in colour, and there was no presence of solids. The clean water technician who attended deemed it unsafe to take a sample, and his investigations concluded there were no leaks on the clean water aspect of the company's pipework. The second technician, who was a wastewater technician in April 2021, correctly identified the water as wastewater and the source to be the customer's private stack pipe and, therefore, the responsibility of the customer. The company cannot be held responsible for the damage caused to the customer's kitchen as the water was coming from his own private stack pipe. The company has not made any offers of settlement.

Findings

I am satisfied the evidence shows the company did not fail to provide its services to the customer to the standard to be reasonably expected regarding identifying the source and nature of the water within the customer's property in 2019.

Outcome

The company does not need to take any further action.

The customer must reply by 11 January 2022 to accept or reject this decision

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Case Outline

The customer's complaint is that:

- The company should have done more when it first attended to investigate the cause of the flooding within his property.
- Had the first investigation been conducted correctly, he would have had the opportunity to correct any issue and prevent subsequent damage to his kitchen.
- The customer is seeking the company to pay £13,000.00 for the cost of repairs to his property.

The company's response is that:

- Its pipework was not the root cause of the flooding within the customer's property.
- At the time of the company first visit to the customer's property in 2019, there were no signs the water underneath the kitchen was wastewater as there was no odour or change in colour, and there was no presence of solids.
- The clean water technician who attended deemed it unsafe to take a sample, and his investigations concluded there were no leaks on the clean water aspect of the company's pipework.
- The second technician, who was a wastewater technician in April 2021, correctly identified the water as wastewater and the source to be the customer's private stack pipe and, therefore, the responsibility of the customer.
- The company cannot be held responsible for the damage caused to the customer's kitchen as the water was coming from his own private stack pipe.

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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 another disadvantage as a result of a failure 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 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 should have done more when it first attended to investigate the cause of the flooding within the customer's property in 2019.
2. The company must meet the standards set out in the Water Industry Act 1991 and the Water Supply and Sewerage Services (Customer Service Standards) Regulations 2008. The combined effect of these is to place an obligation on a water and sewerage company that when there is a report of a leak, the company needs to investigate thoroughly if the company's assets are to blame and, if repairs are required, make such repairs to prevent further leaks.
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. The evidence shows that on 6 December 2019, the customer contacted the company reporting flooding he believed was clean water or water coming from nearby swamps. On 10 December 2019, the company arranged for a clean water technician to attend the property to investigate further. The evidence shows no signs the water was wastewater as there was no odour or change in colour, and there was no presence of solids. However, the clean water technician was unwilling to take samples due to the drop between the ground level and the pooling water. The company's investigations concluded there were no leaks on the clean water aspect of the company's

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pipework, and the customer was directed to the Environment Agency as the issue could be groundwater.

5. On 22 March 2021, the customer again contacted the company reporting a leak outside his property. Between 23 March and 3 April 2021, the company undertook various investigations into the flooding and found that the water was wastewater originating from a significant defect in the customer's stack pipe. As the stack pipe was private, the customer was advised that it would be his responsibility to repair it.
6. The customer remained dissatisfied as he believed that the company should have identified the water as wastewater in its first visit in 2019 and contacted CCWater in May 2021 to pursue the matter further. I understand from the evidence that at the end of the CCWater investigation, the company had explained why in 2019 its technician was unable to take water samples and was of the view that the water was groundwater. The customer remained unhappy, and on 25 June 2021, commenced the WATRS adjudication process.
7. Concerning whether the company should have done more when it first attended to investigate the cause of the flooding in 2019, the evidence shows that the company's clean water technicians are trained to listen and investigate the company's pipework for leaks differently from wastewater technicians. The company does not put dye into the potable water supply as this would have implications for the quality of water supplying the property; this is not a clean water leakage detection method.
8. When the company's wastewater technician attended in 2020, I understood that he was able to undertake a separate set of investigations specific to wastewater, including dye testing of the sewer pipework. This then identified the damage to the customer's stack pipe.
9. After careful review of the various documents and correspondence put forward in evidence, I find that the company's clean water technician took reasonable steps to identify the source of the flooding underneath the floorboards in 2019. The evidence shows that there were no signs the water was wastewater as there was no odour or change in colour, and there was no presence of solids. It is unclear from the evidence whether the customer contacted the Environment Agency or investigated the flooding further before contacting the company again in 2021.

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10. I note the customer's comments that the water was black. However, I cannot find any evidence to support this, and therefore I cannot say with any certainty that there was a trail for the company to follow, which would indicate the water was, in fact, wastewater.
11. Whilst it is true the technician did not take water samples, I note that both the clean and wastewater technicians undertook the same risk assessment regarding entering the area beneath the floorboards and arrived at the same conclusion that it was unsafe to do so.
12. I note the various comments that the company should have sent a wastewater technician to the customer's property in addition to the clean water technician. However, after careful consideration, I find that I agree with the company's position that it was reasonable in 2019 not to send a wastewater technician to the customer's property as there were no signs the water was wastewater or that there were any leaks from the company's pipework.
13. The customer has made comments on the preliminary decision regarding the company's engineer and his advice. Having carefully considered each aspect of the customer's comments and reviewing the evidence I find that they do not change my findings, which remain unaltered from the preliminary decision.
14. Considering the above, I find the evidence does not show that the company failed to provide its services to the customer to the standard to be reasonably expected by the average person concerning whether it should have done more when it first attended to investigate the cause of the flooding in 2019, nor does the evidence show that the company failed to provide its services to the standard to be reasonably expected when investigating these issues.

Outcome

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 by 11 January 2022 to accept or reject this decision.

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- 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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