

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X686

Date of Final Decision: 2 December 2021

Party Details

Customer: The Customer

Company: The Company

Complaint

The customer claims that the company has installed a check meter at their property without their permission. Once this issue was raised, the company provided incorrect advice and poor customer service. The customer is seeking the removal of the check meter.

Response

The company says check meters are being fitted by a third-party company called (REDACTED), who incorrectly advised the customer that they would remove the meter. Check meters are not fitted for charging purposes. The meters have been fitted to look at water efficiency, leakage data and consumption monitoring in the area. The company has now given feedback to (REDACTED) to ensure that the correct information is being given to customers. Under section 158 of the Water Industry Act 1991, the company has the legal right to install check meters onto its external stop tap as the works are required as part of the programme that has been approved by OFWAT to understand the flow of water across the company's network and to help identify leaks. Accordingly, the company will not remove the check meter. The company has not made any offers of settlement.

Findings

I am satisfied the evidence shows that the company did not fail to provide its services to the customer to the standard to be reasonably expected regarding the installation of the check meter, nor has the evidence shown that the company failed to provide services to the standard to be reasonably expected when investigating these issues. Furthermore, I am satisfied there have been no failings regarding customer service, which the customer has not been already adequately compensated for, as the company has provided a good level of service at all other times throughout its dialogue with the customer.

Outcome

The company does not need to take any further action.

The customer must reply by 30 December 2021 to accept or reject this decision.

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Case Outline

The customer's complaint is that:

- The customer claims that the company has installed a check meter at their property without their permission.
- Once this issue was raised, the company provided incorrect advice and poor customer service.
- The customer is seeking the company to remove the check meter.

The company's response is that:

- Check meters are being fitted by a third-party company called (REDACTED), which incorrectly advised the customer that they would remove the meter for the customer.
- Check meters are not fitted for charging purposes. The meters have been fitted to look at water efficiency, leakage data and consumption monitoring in the area.
- (REDACTED) contacted the company to obtain permission to remove the meter, who advised that the meter was not to be removed and that the customer had been given the wrong information. The company has now given feedback to (REDACTED) to ensure that the correct information is being given to customers.
- Under section 158 of the Water Industry Act 1991, the company has the legal power to inspect, maintain, adjust, repair or alter any relevant pipework in, under or over any street. The company has the legal right to install check meters onto their external stop tap as the works are required as part of the programme approved by OFWAT to understand the flow of water across the company's network and help identify leaks. Accordingly, the company will not remove the check meter.

How is a WATRS decision reached?

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

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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 remove the check meter fitted on the customer's external stop tap.
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.
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. Within its response, the company has pointed out the relevant sections of the Water Industry Act 1991 concerning its powers to inspect, maintain, adjust, repair, or alter any relevant pipework which is in, under or over any street.
5. The evidence shows that on 19 March 2021, a check meter was fitted by a third-party company called (REDACTED) to the customer's external stop tap. On the same day, the customer contacted the company to advise that they did not want a check meter installed and raised concerns regarding the radio aspect of the meter. I understand that the company informed the customer that it would investigate having the radio aspect of the meter switched off.
6. Following this conversation, I understand that (REDACTED) incorrectly advised the customer that they would remove the meter for the customer. On 29 March 2021, the customer once again contacted the company to find out when the meter would be removed. The evidence shows that

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the company advised the customer that it would contact (REDACTED) to discuss the removal of the meter.

7. However, after discussions, the company's meter team was advised that the meter was not to be removed and that the customer had been given the wrong information. I understand that this information was fed back to the customer who remained unhappy and, after further discussions with the company, contacted CCWater in May 2021 to pursue the matter further.
8. I understand from the evidence that at the end of the CCWater investigation, the company had explained that the meter was not to be removed and that it has the legal right to install a check meter onto their external stop tap as the works are required as part of the programme that has been approved by OFWAT. The customer remained unhappy, and in October 2021, commenced the WATRS adjudication process.
9. Concerning whether the company should remove the check meter fitted on the customer's external stop tap. The evidence shows that under section 158 of the Water Industry Act 1991, the company has the legal power to inspect, maintain, adjust, repair or alter any relevant pipework in, under or over any street. Furthermore, the company has the legal right to install check meters onto their external stop tap as the works are required as part of the programme approved by OFWAT to understand the flow of water across the company's network and help identify leaks.
10. I note the customer's comments that it does not appear to be compulsory for all customers to have a meter as very few have had them forcibly fitted, and others have had them removed, causing a disparity. However, whilst it might not be compulsory, the company still has the legal right to install its check meters on its stop valves and is under no obligation to remove them. The external stop valve is owned by the company and not part of the customer's private pipework. Accordingly, having reviewed the evidence in full, I must find that the company has implemented and installed its check meter in accordance with the applicable legislation. It has also received specific permission from the relevant government department. Because of this, I find that the policy to install check meters has been appropriately implemented. I have no authority to direct that the company make an exception for the customer.
11. The company has certain obligations in respect of its customer services. After careful review of the evidence, I find the company had not given clear or concise guidance throughout the dialogue and this failure to provide sufficiently informative responses to the customer's complaint has led

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to a long, drawn-out dispute. The company says that it reviewed the handling of the customer's complaint and admits that there had been some service failures with regards to (REDACTED) providing incorrect information to the customer. In recognition of this and as a gesture of goodwill, the company has applied credits of £75.00 to the customer's account. After careful review of all the correspondence provided in evidence, I am satisfied that the company's credit was fair and reasonable in the circumstances to cover the various customer services failures, the complaint and any distress or inconvenience to the customer.

12. 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.
13. Considering the above, I find the evidence does not prove that the company failed to provide its services to the customer to the standard to be reasonably expected by the average person concerning the installation of the check meter, nor does the evidence prove that the company failed to provide its services to the standard to be reasonably expected when investigating these issues. Furthermore, I am satisfied there have been no failings regarding customer service, which the customer has not been already adequately compensated for, as the company has provided a good level of service at all other times throughout its dialogue with the customer.

Outcome

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 by 30 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.

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A handwritten signature in black ink, appearing to be 'ML', followed by a long horizontal line extending to the right.

**Mark Ledger FCI Arb
Adjudicator**

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