

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X692

Date of Final Decision: 18 December 2021

Party Details

Customer: The Customer

Company: The Company

Complaint

The customer complains that the company failed to give her advice as to her eligibility for the REDACTED scheme until 2020 whereas she would have been eligible from 2014. She says that the company should backdate this to 2014. She also complains that the company failed to send bills and stated that she had a zero balance in June 2021 when she did not.

Response

The company says that the customer did not provide information as to her eligibility for this scheme until 2020. In accordance with its Scheme of Charges, the company has applied REDACTED since July 2020, now backdated to 19 June 2021. The company has, since 2014, directed customers struggling with bills to ask for assistance. The customer had an online account and the company did not fail to send bills and it has no record of having told the customer that she had a zero balance in June 2021.

Findings

I find that although the customer says that she had been complaining of financial hardship since 2014, there is no evidence that the customer gave information to the company that suggested that she was in financial hardship until 2020. The company sent the application form when it discovered that she had no income and has now backdated this to the date of receipt of the form. There were discussions about direct debits from October 2019 onwards. The company has also applied goodwill compensation of £50.00 for 5 occasions since October 2019 when it could have given the customer further information about REDACTED but I do not find that requests for payment by way of direct debit indicates likely eligibility for REDACTED. The company has acted in accordance with its Scheme of Charges which an average customer would reasonably expect. Additionally, there is no evidence that the bills were not available on the customer's online account and no supporting evidence to show that the company informed the customer that she had a zero balance when she did not.

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Outcome

The company does not need to take further action.

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Case Outline

The customer's complaint is that:

- The customer has complained to the company because she wants REDACTED to be backdated. This would have cut her water bills by 50% because her income was less than £16,000.00.
- The complaint was not upheld, and the company issued its final decision on 31 August 2020.
- The customer then asked for help from the Consumer Council for Water (CCWater), who referred her to WATRS.
- The customer says that she was not told about REDACTED even though she kept calling and explaining about difficulty in making payment of her bills. It was only in July 2020 when she specifically asked if there was any financial help available that she was told about this. She then applied for REDACTED in July 2020.
- The customer says that she wanted help backdated to April 2014 because her household income has been less than that amount since that time.
- The company does provide other forms of financial help, which she is not able to benefit from. She is not on benefits so cannot apply for water direct payment.
- The customer says that she has no income so is not able to make any payments at the moment and cannot apply for the payment matching scheme. The customer has a bill for £450.07 that she is not able to pay. She has requested that the relevant back bills be posted to her to explain why she owes £425.07, and these have not been sent, only a letter stating the total.
- The customer has also been sent a letter on 30 June 2021 saying she owed nothing but has since been told this was sent in error.

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The company's response is that:

- REDACTED is a scheme that the company runs which halves the cost of its customer's annual bill providing the customer meets the eligibility criteria. The company says that the customer has not informed the company before 2020 that she has income below the threshold amount and that there has not been a failure to inform her of relevant assistance,
- The company has agreed that the REDACTED scheme should apply currently but is not willing to backdate this to 2014.
- The company points out that between April 2012 and October 2019 all of the contacts received about financial matters was via its website. Moreover, generally since 2014 it received bills paid on time and as agreed via Direct Debit, and because of this and her use of online services, the company has not prior to October 2019 spoken to the customer about her bills or payments. As such, she has never, prior to October 2019, made the company aware that she was struggling to pay her bills and her payment history did not indicate financial problems.
- The company does note that from October 2019 there were five occasions when the company could have reminded the customer about REDACTED but did not and has made a £10.00 goodwill payment in respect of each of these occasions.
- In summary, the company has reviewed her account. It has taken correct steps as follows:
 - It has applied the REDACTED discount correctly in line with the company's policy as set out in its Charges Scheme, which is from the date of receipt.
 - It has made a statutory Customer Guarantee Scheme (CGS) payments of £20 credited to her account for its delay in responding to her emails of 8 July 2021 and 6 August 2021.
 - Whilst handling her complaint, the company has made a goodwill gesture of £50.00 for missing earlier opportunities where it considers it might have suggested REDACTED may be of benefit to the customer.
 - It has on 10 November 2021 arranged for a credit of £13.22 to the customer's account which backdates her REDACTED discount to the correct date of 19 June 2020. This is because the application was received on 19 June 2020 rather than the applied date of 15 July 2020 which was the date when the company first reviewed her application.
- Additionally, the company has submitted evidence that the customer was sent an 'annual billing leaflet' from 2014 to April 2021 when the company has confined its practice to

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including this information directly on the bills. On every one of the 'annual billing leaflets' has been a section entitled 'Help paying your bill' and this section mentions the help that the company might be able to provide to customers who are struggling to pay. The 'annual billing leaflet' of 2019/20 did not include this information but was included on the bill itself. The company has submitted a copy of the customer's bill for 2019/2020. The company also says that information is provided on its website and in its Charges scheme.

- As for the customer's complaint that she had not seen her bills, it appears that the customer had changed her email address of which the company was not aware. In its communication of 5 August 2021 the company listed the bills and amounts of those bills which remained outstanding and added up to her total outstanding balance at that time. As most of the company's work force are currently working from home, some agents are unable to post copies of bills because they are not in the office and this is why they were itemised in the email of 5 August 2021. The company has attached copies of these in its response to this application.
- The company also denies having sent a letter or bill stating that there was a zero balance in June 2021 or at any other time. It states that a "Notice of Further Action" was sent on 24 June 2020 indicating that the outstanding balance was £515.07.
- The company says that it has provided its services to the standard that would reasonably be expected.

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.

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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.

Neither party has asked me to depart from my Preliminary Decision dated 1 December 2021.

How was this decision reached?

1. I bear in mind that adjudication is an evidence-based process, and in order for the customer's claim to be successful, the evidence provided must show that the company has failed to supply its services to the customer to the expected standard and that she is entitled to a remedy.
2. The customer, although she says that she has repeatedly told the company that she has been struggling to pay bills because of low income, has not submitted any supporting evidence that she gave the company information that would reasonably have caused them to suspect that she might be eligible for the REDACTED scheme until 2020.
3. The company, on the other hand, has submitted extracts from its account records which supports the following timeline, commencing (for this purpose) in 2014. I find that the following occurred:
 - On 3 February 2014, the company sent the customer an annual bill for the period 1 April 2014 to 31 March 2015. This bill amounted to £332.16, and the company requested that she pay the balance in two payments as she always had done previously. One half was payable by 1 April 2014 and the other half by 1 October 2014.
 - On 21 March 2014 the customer made a payment via the company's website.
 - On 8 October 2014 the customer made a payment via the website.
 - On 4 February 2015 the company sent the customer her annual bill for the period 1 April 2015 to 31 March 2016. This bill amounted to £337.61, and the company requested that this be paid in two instalments as it had been in the previous years.
 - On 6 October 2015 the company received a request from the customer via the company's website for a monthly Direct Debit.
 - On 10 February 2016., the company billed the customer for the period 1 April 2016 to 31 March 2017.

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- On 10 May 2016, the customer asked the company via its website for a monthly Direct Debit
- On 15 February 2017, the company billed for 1 April 2017 to 31 March 2018.
- On 26 February 2018, the company billed for 1 April 2018 to 31 March 2019.
- On 21 February 2019 the company billed for 1 April 2019 to 31 March 2020.
- On 23 August 2019 the customer set up an online login to manage her account. Notably, the account records show at this time that the email address she had entered in the online system had changed from one ending “@doctors.org.uk” to one with an address of “@gmail.com”. The company also received a request for monthly payment terms during this period.
- On 12 October 2019 the customer called the company to request a new monthly Direct Debit. This was agreed and the company promised to send the customer a new payment plan by 22 October 2021.
- On 16 November 2019 the customer reported a blocked drain in her garden.
- On 2 January 2020 the company received a call from the customer. She made a payment over the phone of £54.46 and arranged a new monthly Direct Debit. The company’s account notes show that the customer was advised about the direct debit guarantee and the debt implications.
- On 8 January 2020 the company received a call from the customer who asked whether a payment plan would affect her credit score. The company advised that information was shared automatically, and the customer was referred to REDACTED.
- On 3 February 2020 the company billed the customer for 1 April 2020 to 31 March 2021. The customer contacted the company to make a payment of £40.00 and arrange a new payment plan starting in April 2020.
- On 16 April 2020 the customer told the company that she was out of work and unable to pay. The notes record that she told the company that she had not been working for a while due to Covid-19. The agent who took the call arranged a minimum payment plan of £5.00 per month and the notes state that the company put a lock on the account in accordance with “Covid-19 (My Guide)”.
- On 29 May 2020 the customer called the company to say that she was having difficulty paying the company’s bills. An application form for the company’s REDACTED scheme was sent to her.
- On 19 June 2020 the company received an application for the REDACTED scheme.

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- On 15 July 2020, the company's REDACTED Team reviewed the application and because the customer had stated she had no income a letter was set to her asking for more information.
- On 13 August 2020 the company received one page of a recent bank statement. The company considered that this was insufficient evidence of income, and another letter was sent.
- On 11 September 2020 the company received a call from the customer who told the company that she is living off of her savings and had no income at that time. Her REDACTED application was approved with effect from 15 July 2020, and the company advised the customer to try and continue with her payment plan of £5.00 per month.
- On 2 July 2021 the customer called the company to say that she had not received any bills since May 2020. She also asked for backdating of her REDACTED discount. The agent she spoke to explained that her account was set up for paperless billing and checked that the company had the correct details for her. The customer confirmed that she was now using a new email address and so the company updated its records and set up a new payment plan at £5.00. The customer was told that the company does not backdate REDACTED further than the date that proof of income is received. Later that morning the customer called again to report that the water pressure in her home was low.
- On 5 July 2021 the customer sent an email to which she had attached a letter of complaint to.
- On 6 July 2021 the company found that a blocked tap filter had caused low pressure at the customer's cold kitchen tap only. The company unblocked the tap as a gesture of goodwill.
- On 3 and 5 August 2021 a case manager from the company emailed the customer. On the following day, the customer asked how she could contact CCWater.
- On 20 September 2021 the company received a call from the customer who said that she had received a bill stating she had a zero balance. The agent who took the call checked the company's records and advised that the company had not sent a zero-balance bill. The customer again asked for her REDACTED tariff to be backdated and was told that the company would not do this. The agent explained the company's (CAF) which a scheme is to help customers who are in financial difficulty and the company will match any money they pay towards their arrears, helping them to clear any outstanding balances quicker. The customer declined this offer. The company also arranged to send the customer water saving

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devices which could be fitted around her home and would help reduce her bills when a meter is fitted as part of the company's compulsory metering programme in the near future or if she applied for a water meter sooner as has been suggested to her in writing on two occasions.

- Following these events, CCWater handled the customer's complaint.
4. On the basis of the evidence submitted, therefore, I am unable to find that the customer gave to the company sufficient information before 2020 to cause the company to consider that she needed the assistance of REDACTED, which is only available to customers on a very low income. I also note that, although the customer says that she would have been eligible for this charge since 2014, the explanation recorded in the company's notes related to the period of Covid-19, which affected the UK from March 2020 onwards. This, I find, was not consistent with her having been living on her savings since a time five years earlier and there is no reference in the company's notes to her living on her savings until 2020.
 5. I am also satisfied, having regard to the evidence submitted by the company, that the company has since 2015 invited customers in financial difficulties to contact the company for assistance. Typical wording in either the bills or the accompanying leaflet in each year is:

Help if you are struggling to pay

If you're finding it hard to pay your water bill, let us try to help.

We have a range of support available from spreading bills and arrears into affordable amounts to our tariff to support customers in hardship. (The Company Website)

6. Accordingly, it follows from the above that I find that the company has not supplied its services to a standard falling below that which would reasonably have been expected in not back dating the REDACTED assistance to 2014, I find that an average customer would reasonably expect the company to supply its services in accordance with its published Scheme of Charges. I do not find that requests to make payments by direct debit or half-yearly (which occurred before 2019) constitute evidence of financial hardship, merely of careful financial planning and certainly is not evidence of income below a certain limit or which would otherwise have brought the customer within the threshold for assistance for REDACTED (or its predecessor scheme REDACTED).

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7. I take into account that the customer is vulnerable as a consequence of lack of income and I recognise that this is likely to cause her considerable distress. Also, I am aware that it is possible that her full circumstances have not been known to the company over a period leading to 2020, but it does not follow from this that the company has provided a sub-standard service. The company is dependent upon customers to make disclosure of the facts and matters that affect their ability to meet the company's bills. Overall, I find that the evidence does not show that the company failed to provide its services to the expected standard because, in summary:

- a. There is evidence that the company had advised the customer about REDACTED and sent her a form when she had expressed inability to make payments in 2020;
- b. There is no evidence that the customer had stated this to the company previously; and
- c. There is evidence that the company had advised that it might be able to offer customers financial reliefs and assistance if they were experiencing difficulties with bills in those bills or accompanying documentation and on the company's website.

These measures I find are consistent with the standard of service that an average customer would reasonably expect.

8. Moreover, I find that the company has made goodwill payments and Guaranteed Service Standards payments to compensate the customer for any failures in its customer services, and I do not find that the company would reasonably be expected to make further payments.

9. As for the customer's complaint that she had not seen her bills before receiving a Notice of Further Action, the company has explained that the customer had changed her email address which may have meant that she was not alerted. As the customer had set up online billing, however, and there is no evidence that the bills could not be found in the online account, I am not satisfied that the customer has shown that the company failed to provide its services to the correct standard in this respect.

10. Finally, in respect of the customer's complaint that the company sent her a letter in June 2021 stating that her account had a zero balance, I find that there is no evidence of such a letter. The customer has not submitted a copy of this, and the company says that it has no record of such a letter. Moreover, I note that in a letter of complaint that she had not had access to her bills the customer said:

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I also have not received any communication from The Company this year, only a letter in June 2021 of Notice of Further Action. I have requested the bills be posted to me to explain why I owe £515.

This, also, I find is consistent with the company not having sent the customer a letter stating that she had a zero balance on her account. I find, on balance, that the customer is likely to be mistaken about this and the company has not fallen short of expected standards by informing the customer of a zero balance when she had a significant debt.

11. It follows from my findings above that the evidence does not show that the company failed to provide its services to the expected standard and therefore, I find, the customer is not able to succeed in her claim for a remedy.

Outcome

The company does not need to take further action.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by [date] 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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Claire Andrews

Claire Andrews, Barrister, FCI Arb.

Adjudicator

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