

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT-X708

Date of Decision: 5 January 2022

Complaint

The customer says that he has been billed incorrectly, his direct debit was cancelled without his permission, and he experienced multiple customer service failings.

He requests that the company pay unspecified compensation; provide an explanation regarding his direct debit; explain the multiple problems he has experienced with the company; potentially undertake further testing on the old meter; undertake a full review of all readings for both meters and explain the readings; adjust his bills on the basis of the reviewed readings; and improve its billing system.

Response

The company explains that the customer's direct debit was cancelled as a result of an IT error. It acknowledges that the customer experienced customer service failings, but says that apologies and compensation have already been provided. It says that the customer has been billed correctly.

No offer of settlement has been made, but apologies and compensation have previously been provided.

Findings

The company failed to provide its services to the customer to the standard to be reasonably expected by the average person with respect to the customer service failings he experienced, but apologies and appropriate compensation have already been provided.

Outcome

The company does not need to take any further action.

The customer must reply by 2 February 2022 to accept or reject this decision.

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ADJUDICATOR'S DECISION

Adjudication Reference: WAT-X708

Date of Decision: 5 January 2022

Party Details

Customer:

Company:

Case Outline

The customer's complaint is that:

- His initial meter readings for the Property reflected extremely high usage.
- He raised the issue with the company, which ultimately agreed to exchange his water meter.
- After exchange of the meter his meter readings have now returned to an appropriate level.
- He was originally promised that his meter readings would be recalculated based on the readings taken by the new meter, but the company is now refusing to do this because the original meter has been tested and is said not to be faulty.
- His direct debit was cancelled, and he still has not received a satisfactory explanation.
- He experienced repeated customer service failings, including a failure to respond appropriately to a Subject Access Request (SAR).
- He requests that the company pay unspecified compensation; provide an explanation regarding his direct debit; explain the multiple problems he has experienced with the company; potentially undertake further testing on the old meter; undertake a full review of all readings for both meters and explain the readings; adjust his bills on the basis of the reviewed readings; and improve its billing system.

The company's response is that:

- It acknowledges that there have been customer service failings, but says that the customer has already received an apology and appropriate compensation for those failings.
- The customer's direct debit was cancelled due to an IT issue.

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- The company was originally unclear if the customer was making a SAR or merely requesting certain information, but the customer's SAR has now been fulfilled.
- The customer's original meter has been tested by an independent laboratory and was found to be functioning correctly.
- The customer has been billed correctly.

The customer's comments on the company's response are that:

- He rejects the potential explanations offered by the company for the high initial billing on his account.
- The company has not adequately explained why his recorded usage dropped after exchange of the meter.
- He reiterates that the company did not respond appropriately to his SAR.
- He emphasises that he experienced repeated customer service failings and that without his direct intervention he would still be being billed incorrectly by the company.

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.

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How was this decision reached?

1. The customer has raised a number of complaints regarding his experiences with the company, including questioning the company's practices and policies. In this respect it should be emphasised that WATRS is not a regulator and a WATRS adjudicator does not have the role of directing a company's operations or its overall approach to its business. To the extent that the customer has complaints in this respect, they must be raised to Ofwat, the regulator in this sector. The role of WATRS is to resolve individual disputes between customers and companies, and while a WATRS adjudicator may examine whether a company has adhered to the standards required by Ofwat, it cannot change those standards or require the company to adhere to higher or different standards.
2. In addition, the customer has raised concerns regarding the company's response to his SAR. However, Rule 3.4.1 of the Water Redress Scheme Rules acknowledges that part of an application should be rejected where "a customer should be referred to a more appropriate forum for the resolution of the dispute". I find that questions relating to the company's responsiveness to a SAR are appropriately addressed to the Information Commissioner's Office (ICO), rather than WATRS. As a result, this element of the customer's claim will not be considered here, and if the customer wishes to raise this complaint he should do so with the ICO.
3. The customer's primary objection relates to the initial usage charges recorded after he moved into the Property, which reflect usage rates far higher than usual for the occupancy of the Property, and that he argues do not reflect his actual usage. The company acknowledges that initial usage on the meter was very high, but argues that after the meter was exchanged it was tested by an independent laboratory and found to be functioning properly.
4. Both parties agree that initial usage on the customer's meter was high, and this is supported by the readings that have been provided. However, the analysis of those readings provided by the company in its Response makes clear that the period of high usage relates only to the initial period of 1 September 2020 until 3 November 2020. If this single reading is ignored, then all the remaining readings, while slightly high for the occupancy of the Property, are nonetheless within reasonable bounds. Moreover, those remaining readings are relatively consistent across both the old meter and the new meter.

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5. This does not, of course, resolve the question of why this initial reading was so high, and the customer reasonably requested that his original meter be examined to ensure that it was reading correctly. An examination was, however, undertaken by an independent laboratory, and the meter was confirmed to be recording correctly. No evidence has been provided that would indicate that the testing undertaken was itself unreliable.
6. In its Response, the company has highlighted that if the initial reading provided by the customer was incorrect, such as by reading 58 instead of 8, then the high billing experienced by the customer is completely explained. The customer has rejected this explanation, but has also acknowledged that he did not himself read the meter at the commencement of his tenancy, relying instead on a reading provided by the developer of the Property. It is, of course, impossible at this point to determine whether the original reading of 8 was correct, but given the absence of any evidence that the customer's original meter was functioning incorrectly, that I accept the customer's statement that he has not substantially changed his water usage, and that the meter began reading correctly after this initial period, an explanation that the initial reading provided to the customer by the developer was incorrect must be found to be more likely than that a meter that has been independently tested and found to be functioning correctly initially malfunctioned and then corrected itself.
7. As a result, while I accept that the customer has pursued his claim honestly on the basis of the information available to him, I must find that the available evidence supports a conclusion that the customer has been billed correctly on the basis of the information provided to the company.
8. Therefore, the customer's claims relating to his bills and the meter do not succeed.
9. The customer has also objected to the cancellation of his direct debit, highlighting the problems that could have resulted if this had not been noticed.
10. I find, however, that the company has acknowledged its error regarding the direct debit and has provided a satisfactory explanation. No evidence has been provided that conflicts with the company's explanation or indicates that the cancellation was made deliberately.
11. In his comments on the Proposed Decision in this case the customer has challenged this finding, arguing that the company has merely provided "an excuse". However, an adjudicator must reach their decision based on the evidence actually provided, not on the decision-maker's

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unsupported speculations regarding what may or may not have happened, and as already noted, no evidence has been provided that is inconsistent with the company's explanation.

12. Therefore, the customer's claims relating to the cancellation of his direct debit do not succeed.
13. The customer has also objected to the customer service that he has received, and I find that the evidence shows the customer experiencing multiple customer service failings. Indeed, given the number of these failings, in the context of the broader billing and payment issues being experienced by the customer, it is unsurprising that the customer has expressed a loss of faith in the company's provision of its services.
14. Nonetheless, I also find that when these failings were identified the company appropriately took responsibility, apologised, and provided the customer with compensation. This does not eliminate the fact that these repeated failings occurred, but as the customer has received both apologies and compensation, I cannot find that any further remedy should be ordered by WATRS.
15. Therefore, while I find that the company failed to provide its services to the customer to the standard to be reasonably expected by the average person with respect to the multiple customer service failings he experienced, I do not find that any additional remedy is appropriate.
16. For the reasons given above, while I find that the company failed to provide its services to the customer to the standard to be reasonably expected by the average person, no remedy is ordered.

Outcome

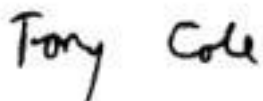
The company does not need to take any further action.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.

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- The customer must reply by 2 February 2022 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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Tony Cole, FCI Arb

Adjudicator

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