

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X741

Date of Preliminary Decision: 18 February 2022

Party Details

Customer:

Company:

Complaint

The customer claims that during her dialogue with the company on a previous WATRS complaint, the company failed to communicate by the agreed single point of contact and by telephone only. The customer is seeking the company to apologise, only contact her by telephone and pay compensation for the inconvenience and distress.

Response

The company says it has followed all its policies, processes and legal and regulatory requirements whilst dealing with the customer's complaint. The company does not believe that it has failed to provide its services to the standard reasonably expected. The company has not made any further offers of settlement.

Findings

I am satisfied that the evidence shows the company did not fail to provide the customer's services to the standard reasonably expected whilst dealing with the customer's complaint. Furthermore, I am satisfied there have been no failings concerning customer service as the evidence shows that the company has provided a reasonable level of service throughout its dialogue with the customer.

Outcome

The company does not need to take any further action.

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

This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.

ADJUDICATOR'S FINAL DECISION

Adjudication Reference: WAT-X741

Date of Final Decision: 18 February 2022

Case Outline

The customer's complaint is that:

- During her dialogue with the company on a previous WATRS complaint, the company failed to communicate by the agreed single point of contact and by telephone only.
- The customer is seeking the company to apologise, only contact her by telephone and pay compensation for the inconvenience and distress.

The company's response is that:

- It has followed all its policies, processes and legal and regulatory requirements whilst dealing with the customer's previous WATRS complaint.
- The company does not believe that it has failed to provide its services to the standard reasonably expected.
- The company has not made any further offers of settlement.

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.

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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 customer is entitled to compensation where the company has failed to communicate by the agreed single point of contact and by telephone only, as previously requested.
2. The company must meet the standards set out in OFWAT's Charges Scheme Rules, the Water Supply and Sewerage Services (Customer Service Standards) Regulations 2008 and the Water Industry Act 1991.
3. The company also has certain obligations regarding its customer services as set out in OFWAT Guaranteed Standards Scheme and its own Guarantee Standards Scheme (GSS).
4. From the evidence put forward by the customer and the company, I understand that the customer has had an account with the company since 2004. The evidence shows that throughout this period, the company has considered her circumstances and tried to meet with her preferred methods of communication. I understand that the company has previously requested that the company only contact her by email, then by phone in the first instance while also following this up by letter.
5. In December 2016, the customer contacted the company to advise that she has dyslexia and ask the company to send its correspondence on coloured paper or in coloured envelopes, which the company offers. I understand that, despite several requests by the company, the customer has not advised the company of her preferences on the coloured paper or envelopes.
6. Within her correspondence, the customer says she has tried on several occasions to inform the company about her other disabilities, and it has ignored her. The company says within its response that it has nothing recorded on its systems to confirm this. The customer has been registered for its Priority Services since 17 February 2017, and the company has repeatedly asked the customer to provide the details of her disabilities and additional needs, so it could ensure that it provided the best possible service to her and, if it can arrange for any additional help. However, I understand no specific details or requests for additional help have been provided to the company at the time of this adjudication.

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7. On 17 August 2021, the company tried to contact the customer by telephone regarding a settlement offer on her WATRS complaint. I understand that the person who made the calls was not the customer's normal point of contact but another team member. The calls were rejected, and the company then decided to email the customer rather than send a letter. I understand that the company chose not to send a letter as the customer has not advised the company of her preferences on the coloured paper or envelopes, and the company did not wish to cause further upset.
8. On 21 August 2021, the customer contacted the company as she was unhappy that the company had sent an email regarding the settlement offer on her WATRS complaint. Various discussions then took place between the customer and the company regarding her preferred method of communication and her contact within the company. The company's position was that it was appropriate for it to directly confirm to the customer that it was settling her claim, whether by phone or in writing. As its attempts to call the customer were rejected, its only option was to send a written response.
9. Whether the company was correct to send the confirmation of the settlement by email, the evidence shows that the customer rejected the company's calls, so the company was offered little alternative than to contact the customer by either email or letter. Furthermore, as the customer does not pay by Direct Debit, the company could not send the settlement payment directly to her bank, and I find it reasonable that a cheque was sent by post.
10. Whilst I appreciate the customer's position concerning the lack of a telephone call before contacting her by email or letter, I find that the company was offered little alternative than to contact the customer by either email or letter. Considering the above, I find that it has not been proven that the company was unable to provide its services to the customer to the standard to be reasonably expected by the average person concerning contacting the customer.
11. I note the customer's comments that the person who made the telephone calls was not the customer's normal point of contact but another team member. On reviewing the various evidence, I find that considering the circumstances and the customer's various requests that certain members of the company's team do not contact her, it was reasonable for another team member to try to contact the customer. Accordingly, I find that it has not been proven that the company was unable to provide its services to the customer to the standard to be reasonably expected by the average person in this regard.

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12. The company has certain obligations in respect of its customer services. As evidenced by the timeline within the company's response documents, I am satisfied that by the end of the company's dialogue with the customer, the company had adequately explained the reasons behind why it is reasonable to contact the customer via email and letter. Therefore, I find that the company has provided a reasonable level of service throughout its dialogue with the customer, and no sums are due in this respect.

13. Considering the above, I find the customer has not proven the company failed to provide its services to the customer to the standard to be reasonably expected by the average person concerning contacting the customer. Furthermore, I am satisfied there have been no failings concerning customer service as the evidence shows that the company has provided a good level of service 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 11 March 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.



Mark Ledger FCI Arb
Adjudicator

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