

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT-X837

Date of Decision: 14 April 2022

Party Details

Customer: The Customer

Company: The Company

Complaint

The customer has a dispute with the company regarding the backdating of the application of a Support Tariff. The customer says that she first advised the company of her reduced financial circumstances in November 2019, but it has only applied the tariff and paid a rebate back to April 2021. The customer claims that despite ongoing discussions with the company and the involvement of CCWater the dispute is unresolved and therefore she has brought the claim to the WATRS Scheme and asks that the company be directed to increase the amount of rebate that she has received.

Response

The company states that the customer only advised it that she qualified for the Support Tariff in April 2021, but acknowledges that it did not start to apply the tariff until December 2021. It confirms it has refunded the customer back to April 2021 and paid compensation for the delay, and confirms the application of the tariff going forward. The company did not make any formal offer of settlement to the customer.

Findings

I find that the evidence does not support the customer's claim. I am satisfied that the customer did not advise the company of her reduced financial status until April 2021 and that the company has correctly backdated the application of the tariff to this date and refunded the overcharged amount. I find that the evidence shows that the company has not failed to provide its services to a reasonable level and nor has failed to manage the customer's account to the level to be reasonably expected by the average person.

Outcome

The company does not need to take further action.

The customer must reply by 12 May 2022 to accept or reject this decision.

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Case Outline

The customer's complaint is that:

- She has experienced an ongoing dispute with the company concerning issues with billing on her account. Despite the customer's recent communications with the company, and the involvement of CCWater, the dispute has not been settled.
- She contacted the company on 22 July 2019 and 06 November 2019.
- In January 2020 she became unemployed.
- On 23 April 2021 and 01 June 2021, she contacted the company to advise it that she was suffering financial difficulties, but it stated it was unable to assist her.
- She acknowledges that the company investigated at her property to establish if a water leak was occurring. The company did not identify a leak at the dwelling.
- She thus continued to pay monthly charges to the company in the amount of £46.00.
- She contacted the company again in December 2021 and on this occasion the company acted in her favour and reduced her monthly charge from £46.00 to £17.00.
- The company acknowledged that it should have reduced her charge as from the time of her first call on 23 April 2021 and has belatedly applied the reduction back to 01 April 2021.
- She believes the reduction should be backdated to the time of her communication in late 2019 and contends that she has been overcharged for the previous two years.
- Believing the company had not properly addressed her concerns she, on 17 December 2021, escalated her complaint to CCWater who took up the dispute with the company on her behalf.
- Records show that on 24 December 2021 CCWater contacted the company requesting updated information and details of the customer service provided.
- The company responded to CCWater by its communication dated 11 January 2022 answering in detail all its requests for information and clarification and confirmed that the two contacts from the customer in 2019 were only related to her change of address. The company confirmed it had

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backdated the reduced charge to 01 April 2021 but saw no reason to backdate it further. The company confirmed the customer did not appraise it of her reduced financial status until 23 April 2021.

- CCWater advised her on 02 February 2022 that it believed the company had issued its final position on the dispute and therefore it concluded that it could not take any further measures to have the company change its position and was thus closing her case.
- Continuing to be dissatisfied with the response of the company she has, on 23 February 2022, referred the matter to the WATRS Scheme where she requests that the company be directed to apply the reduced charge back to the time of her first contact with it in November 2019.

The company's response is that:

- It provided its response to the claim in its submission dated 08 March 2022.
- It confirms that its e-mail to CCWater of 11 January 2022 fully explains its position in response to the customer's claim.
- Its records show that the two contacts from the customer in 2019 were purely in regard to her change of address, and no mention was made by the customer of her loss of employment or financial situation.
- It acknowledges that it misread the customer's circumstances as she had set down in her e-mails dated 23 April 2021 and 01 June 2021, and that it should have helped her by placing her on a more favourable Support Tariff at that time. The company accepts that it focused its attention more on trying to detect a leak at the customer's property.
- It confirms that in December 2021 the documentation provided by the customer qualified her to be placed on a Support Tariff and this was backdated to April 2021, being the month when the customer first contacted it to explain her situation. The company confirms it has refunded the customer with the amount of £160.00 and that henceforth her monthly charge will be £7.24.
- It has also compensated the customer in the amount of £150.00 for its failure to act on her e-mails of April and June 2021.
- In summary, it believes it has now made significant attempts to resolve the customer's complaints and apologises to her for the inconvenience caused.

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 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 relates to the customer's dissatisfaction that the company has failed to sufficiently backdate the commencement of a reduced Support Tariff. The company contends that it has backdated the application of the tariff to the date when the customer first qualified to receive it.
2. I note that the WATRS adjudication scheme is an evidence-based process, and that for the customer's claim to be successful, the evidence should show that the company has not provided its services to the standard that would reasonably be expected of it.
3. I can see that the company has placed the customer on a Support Tariff after she submitted documents in December 2021 that substantiated that she qualified for the tariff.
4. I can further see that the company has backdated the application of the tariff to 01 April 2021 after it acknowledged that the customer first advised it of her reduced financial circumstances in an e-mail sent by her in April 2021. The company has acknowledged that it failed to act accordingly when it received the e-mail in April 2021.
5. I take note that after applying the tariff back to April 2021 it credited the customer's account with a refund of £160.00 and has also made a compensatory payment of £150.00.

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6. The customer contends that the Support Tariff should be backdated to 06 November 2019 as she believes this was the first time she advised the company of her reduced financial circumstances.
7. The company has provided a chronological record of its communications with the customer, and this shows that the telephone call made by the customer in November 2019 was only to do with her upcoming change of address.
8. In her e-mail dated 09 December 2021 the customer states that she became unemployed as from January 2020.
9. I am thus satisfied that the evidence shows that the customer did not make the company aware of her reduced financial circumstances prior her e-mail of 23 April 2021.
10. I am further satisfied that the company has acted correctly and reasonably in backdating the Support Tariff only to 01 April 2021.
11. The customer, in her application to the WATRS Scheme, has requested that I direct the company to consider backdating the application of the tariff to November 2019.
12. As I have found that the company only became aware of the customer's circumstances in April 2021 and has correctly refunded the tariff to April 2021 then it follows that I also find that any further backdating of the tariff is not appropriate.
13. I also take note that a refund has been applied and a compensatory payment made.
14. I find that the evidence does not support directing the company to extend the backdating of the tariff or to make any additional financial payments to the customer, and therefore I shall not direct the company to do so.
15. My conclusion on the main issues is that the company has not failed to provide its services to the standard to be reasonably expected by the average person.

The Preliminary Decision

- The Preliminary Decision was issued to the parties on 25 March 2022.
- The customer has, on 06 April 2022, submitted comments on the Preliminary Decision.
- The customer reiterates her position that she believes the company has overcharged her, and that she is seeking a refund of the overpaid amounts.
- Having read the response of the customer I am satisfied that the facts upon which the Preliminary Decision was based remain unchanged.
- I am thus satisfied that no amendments are required to the Preliminary Decision.

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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 12 May 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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Peter R Sansom
MSc (Law); FCI Arb; FA Arb; FRICS;
Member, London Court of International Arbitration.
Member, CI Arb Business Arbitration Panel.
Member, CI Arb Pandemic Business Dispute Resolution Arbitration Panel.
Member, CEDR Arbitration Panel.
Member, CEDR Adjudication Panel.

Adjudicator

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