

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X870

Date of Final Decision: 9 April 2022

Party Details

Customer: The Customer

Company: The Company

Complaint

The customer says the company has unfairly refused her access to its Water Help scheme and provided poor customer service. She wants the company to allow her access to the scheme.

Response

The company says its decision to refuse the customer access to Water Help is in line with its scheme of charges and it is outside the scope of WATRS to adjudicate on this. It paid the customer £50.00 for customer service issues.

Findings

The evidence shows the company did not provide its customer services to the standard to be reasonably expected. However, the company has already provided a suitable remedy for this.

Outcome

The company does not need to take any further action.

The customer must reply by 11 May 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.

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Case Outline

The customer's complaint is that:

- The company has refused her access to its Water Help scheme because she does not receive housing benefit. This is unfair.
- She is also unhappy with the customer service provided. The company has paid a goodwill gesture of £50.00 in this respect but she would like WATRS to review the service provided.
- She claims for the company to allow her access to the Water Help scheme.
- In comments on the company's response she maintains that it is unfair the company treats housing benefit as income, as no other water company does this.
- In comments on a preliminary decision the customer says she is disappointed with the decision outcome; the company should allow greater access to the Water Help scheme.

The company's response is that:

- Sections 142-143 of the Water Industry Act 1991 allow companies to charge customers in accordance with a Charges Scheme as agreed with Ofwat. Its charges scheme details its Water Help scheme and the income threshold.
- WATRS is not the appropriate forum to adjudicate on this matter under WATRS Rule 3.4.1 given that this tariff has been developed following Section 44 of the Flood and Water Management Act 2010 and that Ofwat has approved the Charges Scheme. Furthermore, under WATRS Rule 3.5, WATRS are unable to adjudicate on the fairness on contract terms. The most suitable forum in the first instance would be Ofwat.
- It has provided records of its communications with the customer. It made two payments totalling £50.00 for delays in its responses in line with its Customer Guaranteed Standards.
- It denies the claim.

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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.

How was this decision reached?

1. It is not within the scope of WATRS to criticise the company's charges scheme or its commercial practices in accordance with WATRS rule 3.5. But I can consider whether the company has properly applied its charges scheme.
2. The customer is unhappy the company has refused her access to Water Help. However, its charges scheme requires customer's income to fall below a certain level for access and the customer's income does not. The company has therefore refused the customer access in line with its charges scheme as agreed with Ofwat. The evidence does not show it failed to provide its services to the standard to be reasonably expected in this regard as there is no evidence that the company has not applied its charges schemes incorrectly.
3. I recognise the customer considers the company's practice unfair, but it is not within my remit to comment on this.

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4. In light of the above, the customer's claim that the company allow her access to its Water Help scheme does not succeed.
5. As to the customer service provided, the evidence shows the company delayed responding to the customer on two occasions as it previously identified. The evidence therefore shows it failed to provide its customer services to the standard to be reasonably expected. However, I am satisfied the company has already provided suitable payment to remedy this in the amount of £50.00 as set out above.

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 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.



J Mensa-Bonsu LLB (Hons) PgDL (BVC)
Adjudicator

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