

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/X004

Date of Decision: 30 June 2022

Party Details

Customer:

Company:

Complaint

The customer has a dispute with the company regarding the level of compensation to be paid to him. The customer says that despite him forewarning the company of moving home, and another service provider advising it of a meter installation, the company acted wrongly in continuing to charge him for sewerage services and in placing negative marks on his credit file. Despite resolving the problems, the company refuses to pay the level of compensation the customer deems acceptable. The customer claims that despite ongoing discussions with the company and the involvement of CCWater the dispute is unresolved and therefore he has brought the claim to the WATRS Scheme and asks that the company be directed to pay him compensation in the amount of £750.00.

Response

The company says it has acknowledged it wrongly charged the customer, but it has refunded the charges, paid £100.00 in compensation, and amended his credit file. The company has not made any formal offer of settlement to the customer and declines to pay additional compensation.

Findings

The claim does not succeed. I find that the evidence does not support on a balance of probabilities that the company has provided an unreasonably low level of compensation. I can see that it has acknowledged its wrong charging and has refunded the money and cleared the credit file. I find that the evidence shows that the company has provided its services to a reasonable level and has managed 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 28 July 2022 to accept or reject this decision.

ADJUDICATOR'S DECISION

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Case Outline

The customer's complaint is that:

- He has experienced an ongoing dispute with the company concerning issues with billing on his account. Despite the customer's recent communications with the company, and the involvement of CCWater, the dispute has not been settled.
- He received water supply from REDACTED Water and the company provided sewerage services.
- On 11 January 2021 he wrote to both service providers to advise them of his intended change of residence. The company acknowledged receipt of the advice on the same day.
- On 22 January 2021 he completed the move to his new residence.
- On 01 March 2021 REDACTED installed a meter at the property and it advised the company of this on 11 March 2021. The customer understood that the fitting of a meter meant that REDACTED would henceforth bill him for both water and sewerage services.
- The company continued to bill him separately for sewerage services, and hence he was paying twice. The customer contacted the company and it advised him it would cease to take money from his bank account, it cancelled the Direct Debit, refunded him the charges in July 2021, and paid him £100.00 in compensation.
- In February 2022 he understood that the company had placed negative markers on his credit history file in January, February, June, and July 2021. The customer contacted the company and it advised him that it was its standard practice to enter such markers when a customer changed residence.
- Believing the company had not properly addressed his concerns he, on 03 March 2022, escalated his complaint to CCWater who took up the dispute with the company on his behalf.
- He spent a great deal of time and effort in dealing with the dispute, including telephone calls, e-mails, and numerous visits to his bank. The customer says he approached the company and requested to be compensated for his time and effort in the amount of £500.00 but the company requested documentary proof of his expenses.
- He reduced his requested amount to £250.00 but again the company refused to pay any additional compensation.

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- On 06 April 2022 CCWater advised him that the company had responded to its request for additional compensation to be paid, but it had again refused.
- CCWater concluded that this was the final position of the company, and it could not take any further measures to have the company change its position and was thus closing his case.
- Continuing to be dissatisfied with the response of the company he has, on 24 May 2022, referred the matter to the WATRS Scheme where he requests that the company be directed to pay him compensation in the amount of £750.00.

The company's response is that:

- It provided its response to the claim in its submission submitted on 31 May 2022.
- It confirms that it is in a data sharing agreement with credit reference agencies. The company explains how the data sharing procedures work.
- It submits evidence of its approved charges scheme, and explains how charges are raised.
- The customer, at both his previous and current properties, was charged an unmeasured tariff.
- When it was notified in January 2021 that the customer intended to change residence it applied a payment hold on his account pending the raising of a new Direct Debit.
- It acknowledges that REDACTED installed a meter at the customer's dwelling on 01 March 2021. It further acknowledges that there is an agreement in place between the two companies that REDACTED will bill for sewerage services on its behalf at metered properties.
- It confirms that REDACTED advised it of the meter installation but that this information was not acted upon, and it continued to charge the customer for sewerage services for the months of April, May, and June 2021.
- On 24 June 2021 it was contacted by the customer to confirm the meter installation and it placed another lock on the customer's account and cancelled the Direct Debit in its favour.
- Following confirmation from REDACTED that a meter was installed it refunded the charges on 09 July 2021.
- On 14 February 2022 it amended the customer's credit history report such that the file showed positive reporting, and on 25 February 2022 a goodwill payment of £100.00 was issued to the customer.
- The customer has not established he suffered any financial loss because of its actions.

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- In summary, it says the customer is not due any additional compensation as it has refunded the incorrect charges, adjusted his credit history file in a positive way, and has previously paid an appropriate amount of compensation.

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

- On 06 June 2022, the customer submitted comments on the company's response paper. I shall not repeat word for word the customer's comments and in accordance with Rule 5.4.3 of the Rules of the WATRS Scheme I shall disregard any new matters or evidence introduced.
- The customer reiterated his previously submitted position, and repeated that he had informed the company in advance of his changing of dwelling and that it had been advised a meter had been fitted at the new property. The customer also notes that the company says he had not provided evidence to support his compensation request but states that he had never been asked for substantiating documents.

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 offered a low amount of compensation for providing a poor level of service.
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 accept that the company has established its right under the Water Industry Act 1991 to collect charges for services provided and its right to enter data sharing procedures with credit reference agencies.
4. The customer has stated that he advised the company in advance of his intent to change homes, and I can see the confirmatory e-mail from the company sent to the customer on 11 January 2021.
5. I can see that the parties agree that REDACTED Water installed a meter at the customer's new property on 01 March 2021.
6. The company also acknowledges that there is an agreement in place between itself and REDACTED Water whereby following a meter installation REDACTED Water will charge the customer for sewerage services on behalf of the company.
7. In its Defence document (paragraph 43) dated 31 May 2022, the company acknowledges that it was informed of the meter installation by REDACTED Water, but it did not complete the necessary amendments to the customer's account.
8. I can see that the company accepts it continued to bill the customer for the months of April, May, and June 2021 until such time the customer complained of being double charged.
9. It seems to me that the company responded quickly by locking the customer's account, cancelling his Direct Debit mandate, and placing an entry on his credit history file.
10. The company also states that it entered data on the customer's credit history file for the months of January, February, and July 2021. The company states that the entries were correctly made and that it does not accept that the entries had a negative effect on the customer's ability to secure loans or credit.
11. The customer has stated that the entries did negatively affect his ability to obtain credit, but I am not supplied with any evidence to support this position.

12. I take note that after being contacted by the customer on 24 June 2021 the company investigated and refunded the wrongly raised charges on 09 July 2021. Additionally, it expunged the entries from the credit history file and paid the customer £100.00 in compensation.
13. I can see that the customer has stated that he deems £100.00 insufficient and requested to receive £500.00, later reduced to £250.00. The company has refused to increase the compensation payment from the £100.00 already paid.
14. In his application to the WATRS Scheme the customer seeks the sum of £750.00 in compensation for damaged credit history, and for time and effort expended.
15. I have stated above that I do not find the evidence supports the customer has had his credit history damaged. The customer has accepted that the company expunged all entries off his credit history file, and he has not supplied evidence to establish that he was refused credit because of the actions of the company. I thus find that this part of the compensation claim does not stand.
16. I accept that dealing with the issue has required inputs of time and effort on the part of the customer. However, the customer has not supplied any evidence of actual financial loss and as such I am satisfied that the £100.00 already paid to him by the company is a reasonable amount of compensation under the circumstances.
17. I shall not direct the company to pay the compensation requested by the customer.
18. 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, and the evidence does not confirm that the customer experienced a poor level of service.

The Preliminary Decision

- The Preliminary Decision was issued to the parties on 22 June 2022.
- The customer has, also on 22 June 2022, submitted comments on the Preliminary Decision.
- The customer reiterates his position that he believes the company is using a flawed system that placed negative markers on his credit history file.
- The customer again states that he believes the compensation offered by the company was inadequate.
- The company acknowledged receipt of the Preliminary Decision on 23 June 2022 and confirmed that it had no remarks to submit.
- Having read the response of the parties I am 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 28 July 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
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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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