

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X019

Date of Final Decision: 31 July 2022

Party Details

Customer:

Company:.

Complaint

The customer is a single person with a health condition that increases her water use. In March 2021, the customer moved from a property without a water meter to a property with a water meter, and her bill doubled as a result. The company put her on the WaterSure scheme, which caps her annual charges at £425.00, but this is equivalent to the average charges for a two-person household and is much more than she was paying at her previous address. The customer cannot afford the increased charges and, therefore, she would like the company to take her health condition into account, review the WaterSure charges cap and reduce her bill.

Response

The WaterSure scheme was introduced by the government to help customers with low incomes who use an increased amount of water due to certain medical conditions, or because they have a large family. WaterSure caps charges at an amount equivalent to the charges paid by the average household. The company cannot change WaterSure from a fixed annual charge to one based on the number of occupiers because the government set the criteria. The company is sorry that it cannot assist the customer with her request, but it has followed all of its policies, processes and legal and regulatory requirements, and it has not failed to provide its service to the standard reasonably expected by the average customer.

Findings

The WATRS Scheme Rules do not allow me to consider whether the company's policies are fair; however, I am able to adjudicate on whether the company has followed its policies and procedures correctly. Therefore, I am not able to assess whether WaterSure is fair to single occupiers with increased

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water consumption, like the customer, but I can consider whether the company has applied WaterSure to the customer's account correctly. The evidence does not show that the company has failed to provide its service to the standard reasonably expected by the average customer by failing to apply its policies correctly, and I accept that the company cannot change the criteria of WaterSure to lower the customer's bill. In view of this, I cannot direct the company to reduce the customer's charges.

Outcome

The company does not need to take any further action.

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Case Outline

The customer's complaint is that:

- Her previous address did not have a water meter and her bill for 2021 was £244.00. In March 2021, she moved to a property with a water meter and her bill doubled, even though her water usage did not increase.
- Her neighbour at her previous address, who had a family of five, also paid £244.00, so she is paying much more for water than a family of five.
- She has Crohn's disease and other health conditions and uses more water than an average single person as a result. As she is unable to work and she receives benefits, she is unable to afford the increased charges.
- The company applied WaterSure to her account but it is capped at £425.00 per year, which is equivalent to the charges for a two-person household using 276 litres of water a day. However, she lives alone and finds it unfair that she is being charged the same as two people. Furthermore, this means that WaterSure is ineffective for single people with health conditions that use an increased amount of water.
- In view of the above, she wants the company to acknowledge that she is a single person with health conditions and review the WaterSure charges so that her bill is capped at the cost of water for a single person.

The company's response is that:

- The customer moved to her current metered address on 27 April 2021. Her previous address did not have a water meter and charges were fixed on a rateable value of 64, which equates to an annual cost of £244.08 for 2020/2021.
- The first metered bill at the customer's new property was raised in July 2021 and showed higher than average usage for a single occupier, but was not excessive. Upon receipt of this bill, the customer made contact to advise that she uses a lot of water for medical reasons, so it registered her for its Priority Services Scheme.

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- On 19 October 2021, the customer's personal assistant made contact by telephone and queried the customer's charges and asked if the meter could be taken out. It explained that the meter could not be removed as a previous occupier had asked for the meter to be fitted and, under its Charges Scheme, any new occupier's bills will also be based on the readings from the meter.
- It provided information about the WaterSure scheme as it helps customers with low incomes who need to use more than the average amount of water because of certain medical conditions, or because they have a large family. WaterSure caps water charges at the level of its average annual household charges, and is available to eligible customers who have a water meter. In some cases, a customer's metered water bill will be less than the WaterSure cap and, if so, the customer will only be billed for the amount of water they have used.
- It cannot adjust the criteria of WaterSure from a fixed annual charge to one based on the number of occupiers because it is a government scheme and the government set the criteria. Unfortunately, there is no option with this tariff to bill based on the number of occupiers.
- However, the customer did not want to apply for this tariff when it was first offered but, on 16 November 2021, the customer made contact through its website to advise that she was having difficulties paying metered charges as her usage was high due to medical reasons. The customer was then accepted onto WaterSure and the tariff was backdated to 7 July 2021, the date of the last meter reading, and sent confirmation to her on 24 November 2021.
- On 1 December 2021, the customer telephoned to ask for a lower tariff as she could not afford the WaterSure charges cap. It advised that there were no alternative tariffs to offer.
- Unhappy with this response, the customer used the complaints process to ask for her charges to be reduced. It explained that WaterSure is a government scheme and the criteria are set by the government, so it was not in a position to reduce the customer's charges cap. It also advised the customer that because she had a credit on her account she did not qualify for any of its affordability schemes, as they are designed for customers who are in severe financial hardship, are in arrears, or have shown through their payment behaviour that they are struggling to pay.
- It is sorry that it cannot assist the customer with her request, but it has followed all of its policies, processes and legal and regulatory requirements whilst dealing with the issues the customer has raised, and it does not believe that it has failed to provide its service to the standard reasonably expected by the average customer.

How is a WATRS decision reached?

In reaching my decision, I have considered two key issues. These are:

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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. At the customer's previous property, she was billed on unmetered charges using the rateable value of the property. When the customer moved to a metered property, she was billed on metered charges, which were approximately twice as high as she had previously paid. The customer was put on WaterSure due to the fact that her medical condition increases her water use, but the cap is equivalent to the average price paid by a two-person household and is still much higher than the amount she previously paid. The customer feels it is unfair that she is now paying much more for her water, even though her consumption has not increased, and WaterSure, which is specifically designed to help people like her, does not help her at all. In view of this, the customer wants the company to reduce the Watersure charges cap to an amount equivalent to the average charges for a single-person household.
2. The company accepts that the customer's charges may be higher than in her previous unmetered property, but says that the only tariff the customer currently qualifies for that can limit her charges is WaterSure, and it cannot change the applicable charges cap as it is set by the government at £422.10 for the year from 1 April 2022 to 31 March 2023, and the cap is not dependent on how many people live in a property.
3. Rule 3.5 of the WATRS Scheme Rules states that WATRS cannot be used to adjudicate on "disputes relating to the fairness of contract terms and/or commercial practices". In view of this, I

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am unable to consider whether the company's policies are fair; however, I am able to consider whether the company has applied its policies correctly.

4. This means that, as the adjudicator in this dispute, I will only be able to direct the company to reduce the customer's charges or the WaterSure charges cap if the evidence shows that, on the balance of probabilities, the company has failed to provide its service to the standard reasonably expected by the average customer by failing to apply the WaterSure charges cap correctly, or by failing to apply an alternative tariff to the customer's account that would reduce her charges.
5. Having considered the evidence provided by the company, including its Charges Scheme, I accept that WaterSure is a government scheme and, as such, the government sets the charges cap and the company has no authority to change it. I also accept that the company has applied the WaterSure tariff correctly and that, at the present time, the customer does not qualify for any other social tariffs offered by the company.
6. As there is no evidence to show that the company has failed to apply WaterSure correctly, or failed to apply an alternative tariff to the customer's account that she qualifies for and that would reduce her charges, I do not find that the company has failed to provide its service to the standard reasonably expected by the average person by refusing to reduce the customer's charges cap or her charges. I understand that the customer will be very disappointed by my decision, especially as she has explained that she is experiencing financial hardship, but as I have found no failing on the company's behalf, the customer's claim cannot succeed.
7. Following the preliminary decision, the customer asked whether the company has provided evidence to demonstrate that all customers on WaterSure pay the same charges, and whether it is possible to return to unmeasured charges based on rateable value.
8. Having considered the company's Charges Scheme supplied in evidence, I find that the company has provided evidence to show that the WaterSure yearly price cap is set at one level for all customers who qualify, and this is £202.01 for water and £220.09 for sewerage for 2020-2023. The Charges Scheme also shows that once a property is metered, charges cannot be returned to an unmeasured basis.

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9. The customer also states that WaterSure results in inequality; however, as above, I cannot adjudicate on whether the government's scheme is unfair.

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 14 August 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.

K S Wilks

Katharine Wilks

Adjudicator

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