

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT-X040

Date of Decision: 31 July 2022

Complaint

The customer says that she was not given accurate information on the available tariffs and as a result has been over-charged.

Response

The company says that accurate information was provided, and the customer was not eligible for the Assessed House Charge until 2022. A goodwill gesture of £40.00 has been paid to the customer.

Findings

The company provided its services to the customer to the standard to be reasonably expected by the average person.

Outcome

The company does not need to take any further action.

The customer must reply by 30 August 2022 to accept or reject this decision.

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ADJUDICATOR'S DECISION

Adjudication Reference: WAT-X040

Date of Decision: 31 July 2022

Party Details

Customer:

Company:

Case Outline

The customer's complaint is that:

- She moved into the Property on 14 August 2014.
- She requested a meter in March 2022, and a meter survey was conducted on 7 April 2022.
- After performing the meter survey, the company determined that it could not fit a meter at the Property.
- The company then notified her that she would be moved to the Assessed Household Charge.
- She objects that the company failed to notify her of the availability of an alternative tariff several times when she made contact between 2014 and 2022.
- She requests an apology and that application of the Assessed Household Charge be backdated to August 2014.

The company's response is that:

- The customer moved into the Property on 14 August 2014.
- She made contact on 16 March 2022 to request that a water meter be installed.
- This was the first contact from the customer since 18 August 2014.
- A meter survey was performed on 7 April 2022, and it was determined that a meter could not be installed.
- The customer was moved to the Assessed Household Charge, which is only available to customers who have requested a meter but one cannot be installed.

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- All the customer's bills, as well as the welcome letter she would have received in 2014, have noted the option of having a meter installed and have signposted the customer to information on how to reduce her bill.
- The customer has received a goodwill gesture of £40.00 in recognition of the possibility that a meter may not have been discussed in a phone call on 18 August 2014, although this is unclear as no recording of that call is available.
- The company confirms that the customer has been billed correctly.

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. As a regulated water retailer, the company is required to bill its customers in accordance with a published charges scheme and to provide its services in accordance with its licence and any applicable Ofwat guidance. The company's charges scheme must adhere to rules made by Ofwat, the Water Services Regulation Authority, the designated regulator in this sector.
2. The consequence of this is that, as specified in Rule 3.5 of the Water Redress Scheme Rules, a WATRS adjudicator does not have the authority to decide on the fairness or correctness of a

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company's charges scheme, as this responsibility has been given by the Water Industry Act 1991 to Ofwat.

3. Instead, with respect to the type of claim brought by the customer, a WATRS adjudicator may only examine whether the company has properly adhered to its published charges scheme and to its licence and any applicable Ofwat guidance, and whether it has fulfilled its customer service obligations to the customer.
4. In the present case, the company has satisfactorily established that the Property has been billed in accordance with its charges scheme, as under the terms of the Assessed Household Charge the customer was not entitled to be billed on this basis until she had requested a water meter but the company had determined that one could not be installed. Therefore, as just explained, the company must be found to have met its obligations to the customer in this respect. If the customer wishes to challenge the bases for charging included in the company's charges scheme, she must do so with Ofwat.
5. The customer has also objected that she contacted the company several times between 2014 and 2022, but was not advised correctly. However, the company's records provide no evidence of these calls, and the customer has provided no evidence of her own of such calls being made.
6. Moreover, even accepting the customer's testimony that the calls were made, the company has produced clear evidence that the customer was regularly advised of the option of requesting a water meter and that this might reduce her water bill. If the customer were able to produce evidence of being explicitly given incorrect information by the company, such as by being told that she could not request a water meter or that it would not change her billing, then this would constitute a failure in the company's duty of care, that might support the customer's claim. However, where the customer is regularly being notified of the ability to reduce her bill by requesting a water meter, that such information is not provided in every contact reflects less than perfect customer service, but does not justify backdating of an Assessed Household Charge that is only available to customers who have requested a water meter, as the customer was regularly notified of her ability to make this request and that it might lower her charges.
7. In her comments on the Proposed Decision in this case, the customer reiterated her belief that she has been incorrectly billed by the company because she was not billed on the basis of the

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Assessed Household Charge. However, for the reasons given above, I have found that the customer has been billed correctly in this respect.

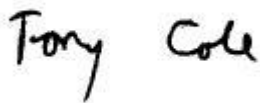
8. For the reasons given above, I find that the company provided its services to the customer to the standard to be reasonably expected by the average person, and the customer's claim does not succeed.

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 30 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.



Tony Cole, FCI Arb

Adjudicator

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