

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT/TW/X924

Date of Final Decision: 12 May 2022

Party Details

Customer:

Company:

Complaint

The customer says the company did not make him aware of its REDACTED scheme leaving him unable to afford to pay his bills. Further, it did not fit a water meter upon his initial requests. He claims for the company to adjust his bill and pay him compensation in the sum of £2500.00 for distress and inconvenience.

Response

The company says it notified the customer of its discount scheme upon opening his account and it fitted a water meter upon the customer's application. It cannot backdate either the REDACTED or metered charges. It denies the claim.

Findings

The evidence does not show the company failed to provide its services to the standard to be reasonably expected.

Outcome

The company does not need to take any further action.

The customer must reply by 9 June 2022 to accept or reject this decision.

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Case Outline

The customer's complaint is that:

- On becoming a customer of the company he sought to have a water meter fitted, however the company's website advised it had halted fittings during the Covid pandemic.
- On receiving his first bill from the company he found it very high and he was unable to pay it due to a low income and reliance on Universal Credit. When he contacted the company it suggested he apply to its REDACTED which he has since done. However, the company should have made him aware of this scheme sooner.
- He asked the company to backdate Water Help to the start of his account or to reduce the charges given it was unable to install a water meter sooner, however it refused.
- He is unhappy with the company's debt collection action.
- Since complaining to CCWater the company has installed a water meter yet he has received another high bill. He refuses to pay this bill while the company investigates yet this is affecting his credit rating.
- He claims for the company to adjust his bill and pay him compensation in the sum of £2500.00 for distress and inconvenience.
- In comments on the company's response the customer says he called many times before October 2020 seeking a water meter; he did not receive the company's letters as he was away from home and so was unaware of help towards costs until receiving the first bill and; he is due a further £10.00 CGS payment.
- In comments on a preliminary decision the customer highlights the company has a monopoly on water services in the area; it could have sent him an email given the pandemic and; the adjudicator should not accept the company's position simply because it is acting in line with its rules.

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The company's response is that:

- The customer's complaint about his recent bill has not yet completed its complaints process and therefore is not appropriate for resolution by WATRS.
- It set up the customer's account in April 2020 and charged him based on the rateable value of the property.
- On setting up the account it sent the customer a letter which informed him of its discount scheme for those struggling to pay their bills.
- The first bill issued to the customer also referred to information on its website about support for customers struggling to pay their bills.
- In October 2020 the customer contacted it to apply for its discount scheme and for a water meter.
- The customer qualified for Water Help and it applied this to his account. Its Charges Scheme makes clear this cannot be backdated. It also fitted a water meter. It has no record of any earlier contact from the customer seeking a water meter.
- It had to suspend fitting meters due to the pandemic but people could still apply for a meter which it would then process later. Its Charges Scheme says it will fit a meter within 50 days of a request. If it fails to do so it will only apply the unmetered fixed charges from day 51. However, the customer did not apply for a meter until October, which it actioned on time.
- It denies the claim.

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.

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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. Under WATRS rules 1.6 an application for adjudication can only be made if the dispute has not been resolved to the customer's satisfaction after exhausting the company's complaints procedure and after CCWater has issued the customer with written confirmation stating that they can refer the dispute to WATRS. I therefore cannot consider the customer's recent complaint about a high bill as this had not completed the company's process or the CCWater process before he applied to WATRS.
2. In regards to the customer's complaint that he was unaware of the company's REDACTED, the company has provided a copy of a letter sent to the customer upon opening his account, notifying him of the scheme. While I acknowledge the customer was away from home and so did not see this letter, the company nonetheless sent it. I am therefore satisfied the company took reasonable steps to ensure the customer was aware of the support available. The evidence does not show the company failed to provide its services to the standard to be reasonably expected.
3. It is not in dispute that the company applied Water Help to the customer's account once he applied for this. I note the company's Charges Scheme makes clear it will not backdate this and there are no grounds for me to request that the company do so.
4. In regards to the customer's complaint that the company could not fit a water meter sooner, there is not enough evidence for me to find, even on balance, that the customer requested a water meter prior to October 2020. Although the customer refers to making such requests the company says it has no record of these. I have to consider the evidence available, which in this instance is limited; it is one person's word against the other. In such circumstances I cannot say one person's account is proven over the other.

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5. The records provided by the company show it fitted a water meter upon the customer's October 2020 request. The company's Charges Scheme makes clear it is not under obligation to adjust a customer's charges where it has fitted a meter promptly upon application. And there are no other grounds for me to ask the company to backdate its charges. The evidence does not show the company failed to provide its services to the standard to be reasonably expected.
6. The evidence shows the company took debt collection action in accordance with its terms upon the customer's non-payment. I appreciate the customer has been unhappy with this however I cannot say the company failed to provide its services to the standard to be reasonably expected.
7. Under WATRS rule 5.4.3 the customer cannot introduce new matters or evidence in their comments on the company's response; the adjudicator will disregard any such material if submitted. Therefore I cannot comment on the customer's complaint about CGS payments as this is a new matter raised in his comments.
8. I appreciate the customer will be disappointed with my decision. I recognise that the customer will struggle to pay his bills however I also consider the company took reasonable steps to inform the customer of available discounts. Where I find no failing proven I cannot ask the company to provide a remedy. I also acknowledge the customer would likely have applied for a water meter sooner if there was no pause on action during the pandemic. However, the company was entitled to suspend its services for a period and it remained open to the customer to submit an application if he wished. Again, as I have found no failing by the company, I cannot consider the remedies claimed.
9. In response to the customer's comments on a preliminary decision, it is reasonable to expect the company to act in line with its rules or in this case its Charges Scheme. The company was unaware the customer would not receive post and so had no reason to send emails. And I must make a decision on the facts and the law. That the company is the sole provider of services in the area does not affect my decision.

Outcome

The company does not need to take any further action.

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What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 9 June 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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