

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT/X958

Date of Final Decision: 14 June 2022

#### Party Details

Customer:

Company:

#### Complaint

The customer says the company failed to take meter readings which masked a leak. The leak then continued for longer because of a fault with the stop tap. Despite these errors the company has refused a leakage allowance. She seeks an apology and for the company to provide a leakage allowance.

#### Response

The company says it has liaised with the wholesaler appropriately and the wholesaler has refused a leakage allowance. The wholesaler is responsible for any issues with its stop tap. The company was unable to take meter readings during the COVID-19 pandemic however it made a GSS payment for this. It denies the claim.

#### Findings

The evidence shows the company provided 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 12 July 2022 to accept or reject this decision.

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## Case Outline

### **The customer's complaint is that:**

- A leak was identified following an unexpectedly large bill.
- Had the company read the water meter more often, the leak would have been identified sooner.
- Had the company properly maintained its stop tap, she would have been able to isolate the supply to stop the leak more readily.
- Despite the company's errors, it has refused a leakage allowance.
- She seeks for the company to provide an apology and provide a leakage allowance.
- In comments on the company's response, the customer says she accepts the company can only apply for the leakage allowance from the wholesaler. However, it is clear the wholesaler is responsible for the faulty stop tap which prevented them from isolating the leak. Therefore, she feels the wholesaler should reduce their bill.
- In comments on a preliminary decision the customer said the wholesaler should review its decision and offer some compensation as a goodwill gesture.

### **The company's response is that:**

- It is up to the wholesaler, REDACTED, whether to grant a leakage allowance. Its policy is that it will not grant an allowance for non-household customers where the leak is on the private supply, as in this case.
- It fulfilled its own obligation in applying for the allowance on the customer's behalf. However, the wholesaler rejected the request.
- It missed meter readings in April and November 2020 and May 2021 due to COVID-19 restrictions. However, the customer should not have relied on those to detect a leak. Meter readings do not occur often enough to assist in any event. However, it applied a £40.00 GSS payment to the customer's account for the missed readings.
- The issue with the external stop tap was the responsibility of the wholesaler.
- 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. In order to make a decision in this matter I must clearly distinguish between actions taken by the wholesaler and the duty owed by the retailer (the company) to its customers. Since the water market in England opened up to retailers in April 2017, all non-household customers have been moved to a wholesale/retail split service. As a result, a non-household customer now only has a relationship with the retailer. In turn, an adjudicator operating under the Water Redress Scheme may only make findings related to those things for which the retailer, as the party to the case, has responsibility, and not those things for which the wholesaler has responsibility. This includes, however, the effectiveness with which the retailer has operated as an intermediary between the wholesaler and the customer.
2. The company (retailer) is responsible for taking meter readings and billing the customer. However, it is the wholesaler who is responsible for its assets, including the external stop tap, and it is the wholesaler who decides on whether to grant a leakage allowance.

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3. The company says it did not take meter readings because of COVID-19 restrictions in place at the time. In such circumstances, I do not consider this amounts to a failing to provide its services to the standard to be reasonably expected. I am also mindful that customers are usually able to take their own meter readings if they wish.
4. The customer does not dispute the company has billed her correctly based on water supplied. Rather she disputes her liability to pay the bill given the leak.
5. It is not in dispute that the company properly liaised with the wholesaler in order to seek a leakage allowance for the customer. I note the wholesaler refused the allowance. However, the company has no control over the wholesaler's decision whether to grant an allowance and therefore it cannot be held responsible for its refusal. The evidence does not show the company failed to provide its services to the standard to be reasonably expected in this regard.
6. I cannot comment on the decisions or actions of the wholesaler, including whether it should provide a leakage allowance or whether it should reduce the customer's bill because of a reported issue with its stop tap.
7. I must find a failing by the company in order to consider a remedy for the customer. However, I have not found any failing by the company in its taking of meter readings, billing or in acting as an intermediary between the customer and the wholesaler. I therefore find the customer's claim is unable to succeed.
8. I appreciate the customer will be disappointed with this decision. However, it should be clear from the above the crux of the dispute is with the wholesaler, and this is outside of my remit to adjudicate upon.
9. In comments on a preliminary decision, the customer seeks further action from the wholesaler. However, as explained above, is not within my remit to review or comment upon the actions of the wholesaler.

#### **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 12 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.



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

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