

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X068

Date of Final Decision: 10 August 2022

Party Details

Customer:

Company:

Complaint

The customer says the company has calculated a leakage allowance based on estimated meter readings. However, he uses less water than estimated and so the allowance should be greater. He seeks an apology and for the company to waive the outstanding bill.

Response

The company says it has liaised with the wholesaler appropriately and the wholesaler has applied a leakage allowance in line with its policy. It asked the customer for evidence of lower usage so that it could appeal to the wholesaler but this was not provided. 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 8 September 2022 to accept or reject this decision.

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Case Outline

The customer's complaint is that:

- He is unhappy with the leakage allowance applied by the company.
- He is not disputing how the company came to its figure, but the fundamental flaw is that its decision was based on estimated usage.
- His consumption was much lower than estimated.
- He wants the company to apologise and waive his outstanding bill.
- He gave no comments on the company's response.
- In comments on a preliminary decision the customer repeated his position and confirmed he did have readings from his own meter though these were handwritten.

The company's response is that:

- It is not responsible for the leakage allowance; rather its role is to request this from the wholesaler REDACTED on the customer's behalf.
- The wholesaler has provided a leakage allowance in line with its policy.
- The company did not read the customer's meter in 2018 and 2019 however the customer could also have provided his own reading. As this was not provided it billed based on estimates.
- The customer believes the excess consumption was calculated incorrectly. He says his consumption is much lower and he had a personal meter installed which shows this.
- The company requested evidence of the meter installation date and current readings. It said it would ask REDACTED to consider this new information. However, the customer did not provide this.
- Unless the customer can provide evidence of their recently reduced consumption, it cannot compile a case for appeal to 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 decides on whether to grant a leakage allowance.

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3. The company previously accepted it did not take meter readings as it should and it has already provided the customer with a GSS payment for this. I consider the company acted reasonably in doing so. I am also mindful that customers are usually able to take their own meter readings if they wish.
4. It is not in dispute that the company properly liaised with the wholesaler in order to seek a leakage allowance for the customer. It is also not in dispute that the wholesaler applied an allowance in line with its policy.
5. The company has no control over the wholesaler's decision on whether to grant a greater leakage 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. The company has offered to appeal to the wholesaler again, should the customer provide more evidence to support his position. I consider the company has acted reasonably in doing so.
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 role 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 at this stage is with the wholesaler, and this is outside of my remit to adjudicate upon.
9. In response to a preliminary decision the customer refers to written records of meter readings. If the customer has more evidence for the company to consider it should provide this to the company directly, as referenced at paragraph 6 above. This does not affect my findings.

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 8 September 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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