

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT-X089

Date of Decision: 22 August 2022

Complaint

The customer says that he believes the former meter at the Property was reading incorrectly. The company would not provide adequate information on the testing of the meter, and will not provide the meter to him for further testing.

Response

The company says that the meter was properly tested, showing that the customer was under-charged, but these additional charges have been waived. The company is not obligated to provide the meter to the customer for further testing.

No offer of settlement has been made.

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 20 September 2022 to accept or reject this decision.

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ADJUDICATOR'S DECISION

Adjudication Reference: WAT-X089

Date of Decision: 22 August 2022

Party Details

Customer:

Company:

Case Outline

The customer's complaint is that:

- He believes the former water meter at the Property was reading incorrectly.
- He complained to the company, and the meter was tested, but the company reported that the meter had been under-recording.
- He is unhappy with the test results and wishes to have the meter tested independently by a company of his choice.
- He experienced poor customer service.
- He requests that the company provide the meter for independent testing.

The company's response is that:

- The meter has been tested in accordance with appropriate processes, as outlined in the company's charges scheme.
- The meter is the company's property, and the company is not obligated to provide it to the customer for further testing.
- The company has answered the questions asked by the customer about testing of the meter.
- Although the testing revealed that the meter was under-recording, the customer has not now been charged for the amounts not previously billed to him, which have been waived.
- The company has not provided poor customer service.

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The customer's comments on the company's response are that:

- He has periodically raised questions with the company about his charges since he moved into the Property in 2005.
- Bills have not matched the occupancy of the Property.
- The meter was tested, but he was only given vague results, and the specific questions that he asked were not answered.
- The new meter that has been installed is reading up to 30% less than the old meter.
- He has now been informed that the company no longer has the old meter, and the company has failed to provide full billing information that has been requested.

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.

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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 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, while I accept the genuineness of the customer's concern about the billing of the Property, the company's charges scheme states only that "On request, we will remove the meter and send it to an independent testing facility for testing in accordance with the Water (Meters) Regulations 1988." Neither the charges scheme nor the Water (Meters) Regulations 1988 give the customer the right to request that certain tests be performed in a certain way, to request that the testing be undertaken by a certain tester, to request that the meter be provided to the customer for testing, or to otherwise direct the testing process.
5. The company has confirmed that the meter was tested by an independent testing facility, as required by its charges scheme, and this is supported by the evidence provided.
6. In his comments on the Proposed Decision in this case, the customer argued that a check meter was installed in 2012, which provided evidence that the company's meter was reading incorrectly, but this evidence was ignored by the company. However, no evidence has been produced of this check meter or its readings, such that a conclusion might be justified that the company failed to respond appropriately to reliable information conflicting with its own meter.
7. For the reasons already explained, such evidence would not obligate the company to provide the meter to the customer for testing. However, it might form the basis of an alternative finding that the company failed to provide its services to the customer to the standard to be reasonably expected by the average person. Ultimately, however, the customer has the burden of producing evidence to support his claims, and as he has not provided evidence of the readings of this check meter or that they were provided to the company, I must find that the has not met this burden.

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8. I find, therefore, that the company has fulfilled its obligations under the charges scheme with respect to the testing of the meter, and that there is no basis on which the company can be required to provide the meter to the customer for further testing. If the customer believes that this element of the company's charges scheme should be changed, that is a matter that must be raised to Ofwat, the company's regulator. Such a change cannot simply be imposed by a WATRS Adjudicator.
9. I also find that while there were delays in fully responding to the customer's questions about the testing of the meter, substantial detail was ultimately provided to the customer, and that the company has therefore adequately fulfilled its customer service obligations in this respect.
10. In his comments on the company's Defence, the customer stated that he had been informed by the company that the meter was no longer in its possession. The company, however, has confirmed that it retains possession of the meter, and the customer has produced no evidence of being told by the company that it no longer possessed the meter. As already noted, the customer has the burden of producing evidence to support his claims, and I must find that in this case he has not done so.
11. For the reasons given above, 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 20 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.

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Tony Cole

Tony Cole, FCI Arb

Adjudicator

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