

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT/X136

Date of Final Decision: 28 September 2022

#### Party Details

Customer:

Company:

#### Complaint

The customer says the company billed him incorrectly; wrongly reported him to credit reference agencies and; provided poor customer service. He seeks that the company remove the negative entries from his credit file and pay an unspecified sum in compensation.

#### Response

The company says it billed the customer correctly and properly shared information about late payment with credit reference agencies. It accepted it did not make two callbacks as agreed and it had credited the customer's account with £60.00 as a goodwill gesture. 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 action.

The customer must reply by 26 October 2022 to accept or reject this decision.

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## Case Outline

### The customer's complaint is that:

- The company billed him in advance for the year 31 March 2017 to 31 March 2018 but it did not tell him the date for any payment. He paid more than half the bill in June 2017 and the remainder in January 2018, before the end of the billing period. However, the company recorded that he defaulted on payments due in April 2017 and October 2017.
- He was unaware payments were due on these dates and did not agree to this.
- When he closed his account he disputed the bill.
- He contacted the company when he found the default on his credit file but it delayed addressing his complaint because staff did not log his calls.
- He seeks that the company remove the default from his credit file and pay an unspecified sum in compensation.
- In comments on the company's response the customer says:
  - The company did not offer any payment options and it is wrong to request payment in advance.
  - The company did not give any information about the consequences of late payment.
  - He did call the company in 2017 and it is the company's responsibility to keep records of calls.
  - The company did not tell him it had reported him to credit reference agencies.
  - He complained on 19 and 30 May 2022 and made several calls before the company dealt with his complaint.
- In comments on a preliminary decision the customer says:
  - Just because the company has provided copies of documents it does not mean it sent these to the him.
  - It is not his fault the company has kept no record of his contact in 2017.

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

- When it charges a property based on its rateable value it bills annually in February for the year, with payments due on 1 April and 1 October.
- Information about charges and payments is on the reverse of bills which also explain that customers can request other payment options.
- In February 2017 it invoiced the customer for an outstanding payment of £12.60 due immediately. And a total of £183.12 for water services from March 2017 to March 2018, due in two instalments on 1 April and 1 October 2017.
- It has provided copies of reminders sent to the customer after the April missed payment. It also tried to call him. The customer made the first payment late, in June 2017.
- It has provided copies of reminders sent to the customer after the October missed payment. The customer made the second payment late, in January 2018.
- It reported this second late payment to credit reference agencies.
- It closed the customer's account in 2017 because his landlord said he had moved. It has no record of a dispute raised by the customer.
- It did not make call backs as agreed and it credited the customer £60.00 as a goodwill gesture for this.
- The late payment marker is correct and no compensation is due.

### **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. The company has provided a copy of its scheme of charges for 2017 to 2018. This sets out its charging policy as agreed with Ofwat. On review I note that charges based on the rateable value of a property are due on 1 April and then 1 October unless another payment arrangement is made.
2. The company has provided a copy of a bill issued to the customer in February 2017. This sets out the payments due on 1 April and 1 October. There is a number for customers to call should they want more options for payment. The bill also says the company will share payment information with credit reference agencies.
3. On review of the company's charging scheme I am satisfied it was entitled to bill the customer as it did. And, on review of its billing information, I am satisfied it warned customers it would share information with credit reference agencies, as it did. Further, there is nothing to suggest the company was obliged to notify the customer once it had made such a report. It follows that the evidence does not show the company failed to provide its services to the standard to be reasonably expected in this regard.
4. I acknowledge the customer says he disputed his bill in 2017 however he has no record to support this and the company has no record either. Where there is no supporting evidence for a statement I am unable to say, even on the balance of probabilities, what took place.
5. On review of the company's call notes and copies of correspondence I am satisfied the company dealt with the customer's complaint at both stages of its complaints process within two weeks. I consider this was timely. I note that within that period the company twice promised call backs that were not made. However, I also note the company apologised to the customer for this and applied a goodwill gesture to his account before he came to WATRS. I consider the company acted appropriately in taking this action. The evidence does not show the company failed to provide its services to the standard to be reasonably expected in this regard.

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6. I appreciate the customer was upset to find the negative credit entries in 2022. However I am satisfied the company billed the customer correctly in 2017 and provided correct information to credit reference agencies at the time. Further, that it did not need to notify the customer that it had taken this action, beyond the notice it issues on bills.
7. I also appreciate the customer was frustrated by the company's customer service. However, I consider the company appropriately addressed this and remedied its shortfall at the time, which is why I have not found a failing.
8. In view of the above, the customer's claim is unable to succeed.
9. I have considered the customer's comments on a preliminary decision but my decision remains the same. Where the company has provided copies of bills and reminders addressed to the customer, this is sufficient for me to accept on a balance of probabilities that these were sent. It is possible the customer did not receive these, due to postal issues for instance, however I am nonetheless satisfied the company sent them. In respect of the customer's contact with the company in 2017, there is no corroborating evidence to support this submission. Therefore I cannot accept, even on balance, that the contact took place as stated.

#### **Outcome**

The company does not need to take any action.

#### **What happens next?**

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 26 October 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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J Mensa-Bonsu LLB (Hons) PgDL (BVC)  
**Adjudicator**

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