

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/X194

Date of Decision: 16 November 2022

Party Details

Customer:

Company:

Complaint

The customer has a dispute with the company regarding the level of compensation to be paid to her. The customer says that she was without water for more than twenty-four hours and thus is entitled to the full compensation amount of £150.00 paid for loss of service greater than twenty-four hours. The customer asserts that the company has paid her only £30.00 as it believes her water was restored in less than twelve hours. The customer claims that despite ongoing discussions with the company and the involvement of CCWater the dispute is unresolved and therefore she has brought the claim to the WATRS Scheme and asks that the company be directed to review the amount of compensation paid to her and to consider increasing it.

Response

The company says its records show that the customer was without a water supply at the regulatory minimum pressure for less than twelve hours and the amount of £30.00 was paid as a goodwill gesture. The company has not made any formal offer of settlement to the customer and declines to pay additional compensation.

Findings

The claim does not succeed. I find that the evidence does not support on a balance of probabilities that the company has provided an unreasonably low level of compensation. I find that the company has established that it is not obliged to pay the customer any compensation. I find that the evidence shows that the company has provided its services to a reasonable level and has managed the customer's account to the level to be reasonably expected by the average person.

Outcome

The company does not need to take further action.

The customer must reply by 14 December 2022 to accept or reject this decision.

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Case Outline

The customer's complaint is that:

- She has experienced an ongoing dispute with the company concerning issues with water supply problems. Despite the customer's recent communications with the company, and the involvement of CCWater, the dispute has not been settled.
- At midday on Saturday 16 July 2022 she experienced a total loss of water supply.
- A low pressure and intermittent supply had been restored to the downstairs toilet at her property on the evening of Sunday 17 July 2022.
- A full pressure water supply was not restored until Monday 18 July 2022.
- Subsequently the company confirmed that she would receive the sum of £30.00 in compensation stating that its records show that she had been without supply for less than twenty-four hours.
- She contacted the company and informed it that she had been without water for a period longer than twenty-four hours, but says the company has refused to increase the £30.00 payment.
- When contacting the company, she was advised that the company had set up a system with pressure sensors to monitor the supply situation to customers and the system showed that she had her supply restored within twelve hours.
- She does not believe that a trickle of water from taps in her downstairs toilet equates to having her water supply restored, and does not accept that the pressure sensors accurately established that she did not have water supply.
- Believing the company had not properly addressed her concerns she, on 08 August 2022, escalated her complaint to CCWater who took up the dispute with the company on her behalf.
- The records show that CCWater contacted the company on 26 August 2022 to request its version of events and to suggest reviewing the level of compensation paid to the customer.
- On 15 September 2022 CCWater advised her that the company had responded to its request for additional information, and that while it acknowledged that it could have kept affected customers better informed it refuses to increase the compensation paid to her as its monitoring system showed her supply was restored within twelve hours.

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- CCWater concluded that this was the final position of the company, and it could not take any further measures to have the company change its position and was thus closing her case.
- Continuing to be dissatisfied with the response of the company she has, on 03 October 2022, referred the matter to the WATRS Scheme where she requests that the company be directed to review the level of compensation currently paid to her and to consider increasing the payment.

The company's response is that:

- It provided its response to the claim in its package of documents submitted on 13 October 2022.
- It confirms its obligations in respect of both water supply and water pressure.
- It confirms that on 16 July 2022 a trunk main failed and caused a major loss of supply in the area around the location of the customer's property.
- It implemented a system of supply using alternative piping runs and water tankering, but accepts that the supply did not fully satisfy demand.
- It confirms repairs were fully complete and supplies restored on 18 July 2022.
- It acknowledges that approximately 4000 customers were without water for less than twelve hours while some 3000 were without for a period in excess of twelve hours.
- It confirms writing to all affected customers and stating that it would credit its household customers with £30 for every 12 hours their supply was interrupted, and for those household customers who were off supply for more than 24 hours the company would be crediting their account with £150.
- Its records show that the customer's supply was interrupted for less than twelve hours.
- Under the Guaranteed Standards Scheme [GSS] the customer was not entitled to any compensatory payment. However, it has made a payment of £30.00 to the customer despite there being no legal requirement to do so.
- Following contact from CCWater it reviewed the £30.00 and believes that the amount paid is fair.
- In summary, it says that all the customer's allegations are denied and that she is not due any additional compensation.

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

- On 19 October 2022, the customer submitted comments on the company's response paper. I shall not repeat word for word the customer's comments and in accordance with Rule 5.4.3 of the Rules of the WATRS Scheme I shall disregard any new matters or evidence introduced.
- The customer reiterated her previously submitted position that she does not accept the accuracy of the pressure sensors.

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 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 dispute relates to the customer's dissatisfaction that the company has offered a lower amount of compensation for interruption of supply in comparison to other affected consumers.
2. I note that the WATRS adjudication scheme is an evidence-based process, and that for the customer's claim to be successful, the evidence should show that the company has not provided its services to the standard that would reasonably be expected of it.
3. I accept that the company has established its statutory duty under the Water Industry Act 1991 to provide water services to every property in its area.
4. I can see that the parties agree that an interruption to supply in the customer's location occurred on 16 July 2022.

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5. It seems to me that the crux of this dispute revolves around the length of time the customer was without water supply at her property. The customer states she was without water for more than twenty-four hours whereas the company says it was less than twelve hours.
6. The company has explained its obligations in respect of water supply and water pressure, and has submitted evidence to support these obligations (submission #11 of its evidence bundle).
7. The GSS states at Section 5 – Low Pressure :-

A company must maintain a minimum pressure in the communication pipe of seven metres static head (0.7 bar).

8. The company has submitted into evidence a diagram/graph of the pressure experienced by the customer over the seventy-two hour period of the water interruption.
9. The diagram shows that the customer did not at any time go for a period in excess of twelve hours with water pressure below the prescribed minimum. (submission #10 of its evidence bundle).
10. I note that the customer has questioned the pressure test results, but I do not see any evidence submitted that leads me to believe that these are not accurate results.
11. The GSS states that if the company has not restored supply within a twelve-hour period, then it was liable to pay £30.00 in compensation and a further £30.00 for every additional twelve-hour period.
12. Thus, I find the evidence shows that the company was not obliged to pay the customer any compensation, and that the £30.00 paid to the customer was a goodwill payment and not an obligatory payment.
13. In her application to the WATRS Scheme the customer seeks to have the company directed to review the level of compensation she has received and to increase the amount to reflect the length of time she says she was without supply.
14. I have stated above that I do not find the evidence supports the customer's position that she was without water supply at the prescribed minimum pressure for a period exceeding twelve hours at any time. Thus, I find that the customer's claim does not succeed, and I shall not direct the company makes any additional compensatory payment to the customer.
15. My conclusion on the main issues is that the company has not failed to provide its services to the standard to be reasonably expected by the average person, and the evidence does not confirm that the customer experienced any financial loss.

The Preliminary Decision

- The Preliminary Decision was issued to the parties on 02 November 2022.
- The company has, also on 02 November 2022, acknowledged receipt of the Preliminary Decision and confirms it has nothing further to add.
- The customer has not submitted comments on the Preliminary Decision.
- Thus, I am satisfied that the facts upon which the Preliminary Decision was based remain unchanged and that no amendments are required to the Preliminary Decision.

Outcome

The company does not need to take further action.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 14 December 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.



Peter R Sansom
MSc (Law); FCI Arb; FA Arb;
Member, London Court of International Arbitration.
Member, CI Arb Business Arbitration Panel.
Member, CI Arb Pandemic Business Dispute Resolution Arbitration Panel.
Member, CEDR Arbitration Panel.
Member, CEDR Adjudication Panel.

Independent Adjudicator

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