

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT/X241

Date of Final Decision: 16 November 2022

Party Details

Customer:

Company:

Complaint

The customer says the company failed to update the court that she had settled a CCJ resulting in the court continuing enforcement action, causing her distress. She claims compensation in the sum of £1500.00 for distress.

Response

The company accepts it did not update the court as quickly as it should have done and it gave the customer incorrect information during calls. It had already apologised and made a final offer of £500.00 compensation which it considered fair.

Findings

The evidence shows the company did not provide its services to the standard to be reasonably expected.

Outcome

The company should pay the customer compensation in the sum of £500.00 for distress.

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:

- In May 2022 she received a CCJ due to unpaid water bills. She paid this in July and the company reassured there would be no further action.
- In August she received further court documents seeking information about her earnings in order to clear the debt. Distressed she contacted the company. It had not updated the court previously as expected, but told her it sent an email that day.
- In September she received further court documents warning of bailiff action. She contacted the company again who assured her it advised the court previously and again on 5 September but it would seek further information and contact her again.
- When she next spoke to the company it admitted its previous correspondence to the court was sent to the wrong address. It assured her it sent this properly on 5 September. It also told her to contact the court herself.
- She contacted the court which told her it only received contact from the company earlier that day. A few days later it confirmed the matter was resolved.
- She has suffered severe distress and been placed on anti-anxiety medication.
- The company offered her £100.00 then £500.00 in compensation but CCWater suggested it should offer £1500.00.
- She seeks compensation in the sum of £1500.00 for distress.
- In comments on the company's response the customer said she would accept £500.00 if WATRS considered this adequate.

The company's response is that:

- The customer paid the debt on 29 July 2022 and the company said it would update the court.

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- On 17 August 2022 it updated the court and asked it to dismiss the requested attachment of earnings order.
- The customer contacted it in August having received this order. The company initially told the customer to complete the paperwork but then said she did not need to as it could see it had updated the courts already.
- On 1 September the court updated the company it was proceeding with enforcement however on 5 September it confirmed it had now received the company's 17 August request for dismissal.
- The customer contacted it in September as she received a further letter from the courts.
- It then sent a further email to the court.
- It has apologised to the customer as it gave her incorrect information when she called. It should have prioritized her request for it to update the court and actioned this within 5 days. It did send its 17 August update to the correct address however the court did not act on this until later.
- It cannot control how long it takes the court to process correspondence that it receives. It understands that receiving letters from the court was worrying for the customer.
- It felt the offer of £100.00 was appropriate for the stress and inconvenience as there was no material loss to the customer. CCWater disagreed, suggesting a payment of £1,500.00. It made a final offer of £500.00.

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.

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How was this decision reached?

1. The company accepts it should have updated the court that the customer had settled the CCJ within 5 days of her payment of 29 July 2022. However, it did not update the court until 17 August 2022. The evidence shows the company failed to provide its services to the standard to be reasonably expected in this regard.
2. If the company had acted as it should have done, it is likely the courts would still have sent the customer further documents in August, given the time the court takes to process correspondence. However, it is unlikely the courts would have gone on to send further documents warning of bailiff action in September. I therefore consider the customer had the additional fear of bailiff action as a direct result of the company's shortfalls.
3. The company also gave the customer incorrect information during calls. Of note, it told her it had not contacted the courts in August as previously advised, due to sending correspondence to the wrong address. This was not correct. The company has provided a copy of its email of 17 August to show this was properly sent. The evidence shows the company failed to provide its services to the standard to be reasonably expected in this regard. This would have added to the customer's anxiety as she believed the company had not updated the courts as it should have done and that she may face further action as a result.
4. In assessing the compensation due I have considered the customer's submissions and listened to call recordings she provided. It is clear the customer was caused a great deal of worry and distress due to the company's shortfall. I have also considered the extent to which the company can be held responsible. As explained above, I find the customer would have most likely received the first document from the court irrespective of the company's action and so the company is not responsible for the distress caused by this. And, I have considered the length of time the customer was impacted, that is approximately one month from mid August to mid September. On review of the WATRS compensation guidance I find the impact to the customer to fall between tier 2 and tier 3. I therefore consider the company's offer of £500.00 compensation was both fair and reasonable. I direct the company pay this sum to the customer.

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5. In comments on a preliminary decision, both parties indicated they were satisfied with this outcome.

Outcome

The company should pay the customer compensation in the sum of £500.00.

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.
- If you choose to accept this decision, the company will have to do what I have directed within 20 working days of the date on which WATRS notifies the company that you have accepted my decision. If the company does not do what I have directed within this time limit, you should let WATRS know.
- If you choose to reject this decision, WATRS will close the case and the company will not have to do what I have directed.
- If you do not tell WATRS that you accept or reject the decision, this will be taken to be a rejection of the decision. WATRS will therefore close the case and the company will not have to do what I have directed.



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

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