

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT/X243

Date of Final Decision: 29 November 2022

Party Details

Customer:

Company:

Complaint

The customer is unhappy the company fitted a smart meter at her property and with the customer service provided. She seeks that the company remove the smart meter and provide an apology.

Response

The company says it is entitled to install a smart meter. It has acknowledged some customer service issues and credited the customer's account in the sum of £70.00. It denies the claim.

Findings

The evidence shows the company failed to provide its customer services to the standard to be reasonably expected.

Outcome

The company should provide the customer with a written apology.

The customer must reply by 29 December 2022 to accept or reject this decision.

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Case Outline

The customer's complaint is that:

- She is unhappy the company installed a smart meter at her property.
- She is also unhappy with the customer service provided.
- She requests that the company provide an apology and remove the smart meter.
- The customer did not comment on the company's response, despite an extended deadline.
- In comments on a preliminary decision the customer said the company's level of service was appalling and she found its payment in response insulting. The company said it would not install a smart meter but then did and it did not follow up with her following her complaint about a contractor.

The company's response is that:

- The fitting of smart meters in its catchment area is agreed by DEFRA and Ofwat, it is allowable in law, and it is its commercial practice to undertake compulsory metering.
- It believes the dispute sits outside of the remit of the WATRS Scheme under rule 3.5 where it states the Scheme cannot be used to adjudicate disputes which fall into one or more of the following categories: - "disputes relating to the fairness of contract terms and/or commercial practices".
- It apologised and credited the customer's account with £30.00 following her report that its contractor was rude. It also applied a £20.00 credit as it incorrectly believed it had failed to respond to the customer on an occasion. It has since credited her account with a further £30.00 as it did not respond to a letter she sent on 12 August 2022.
- 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. I do not consider this is a dispute about the fairness of contract terms and/or commercial practices. Rather, the correspondence exchanged between the customer and company suggests the customer disputes the lawfulness of the company's actions. I am satisfied this is a matter I can adjudicate upon.
2. Section 162 of the Water Industry Act 1991 say the company can install any meter for use in determining charges. I am therefore satisfied the company is legally entitled to install a smart meter. I do not find it has failed to provide its services to the standard to be reasonably expected in doing so.
3. The customer has not detailed any customer service failings within her claim. However, on review of the correspondence and account records provided by the company, I note she complained its contractor was rude; it had emailed rather than provided a written response on one occasion as requested and; it did not respond to a letter she sent on 12 August 2022. I find this evidence the company did not provide its services to the standard to be reasonably expected.

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4. In light of the above I consider it fair and reasonable to direct that the company provide the customer with a written apology for its customer service failings. I consider this is an appropriate remedy and that no further payment is due, given the company has already applied credits equal to a payment for a Tier 1 remedy under the WATRS compensation guide.
5. I have considered the customer's comments on my preliminary decision, however these do not affect my findings above. The customer was entitled to refuse the company's payments if she wished and the company outlined its findings on her complaint about a contractor in its defence. The company was entitled to install a smart meter and any miscommunication on this would not warrant a further remedy.

Outcome

The company should provide the customer with a written apology.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by [date] 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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