

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/X165

Date of Decision: 15 December 2022

Party Details

Customer:

Company:

Complaint

The customer has a dispute with the company regarding issues in respect of him managing the account of his sick father. The customer says that he made the company aware from the outset that he was a vulnerable customer, but he contends that the company did not take this into consideration when dealing with him. The customer claims that despite ongoing discussions with the company and the involvement of CCWater the dispute is unresolved and therefore he has brought the claim to the WATRS Scheme and asks that the company be directed to issue assurances as to treating customers with respect, pay £7,000.00 in compensation, and issue an apology.

Response

The company says it has responded to all the customer's communications, contacts, and complaints. The company says the assistance given to the customer has been hampered by his failure at all times to pass the necessary data protection requirements whenever he contacted it. The company says it has made the customer aware of all available schemes to assist vulnerable customers. The company has not made any formal offer of settlement to the customer and does not agree to the remedies requested by the customer.

Findings

The claim does not succeed. I find that the evidence does not support that the company was disrespectful to the customer or that it did not attempt to assist him to a reasonable degree. I find that the customer's continued failure to pass the required data protection protocols contributed to the delay in settling the customer's problem with the account of his father. 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 12 January 2023 to accept or reject this decision.

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Case Outline

The customer's complaint is that:

- He has experienced an ongoing dispute with the company concerning issues with customer service. Despite the customer's recent communications with the company, and the involvement of CCWater, the dispute has not been settled.
- His father became ill in October 2021, and he attempted to manage his father's account with the company.
- He was unable to organise a Power of Attorney in respect of his father's affairs nor to have his father give him any written authority.
- When he first contacted the company, he advised it that he suffered from anxiety and panic attacks.
- Despite the advice, the company agents appeared not to understand about disabilities and stated they couldn't assist because of data protection regulations.
- He requested that the company close the account of his father and set up a new account at the property in his name. The customer says he was advised that the company would consider his request and revert to him at a later date.
- Unable to obtain any assistance through telephone calls, he visited the offices of the company where he met with two managers and a member of the company's *Priority Team*. The customer says he came away from the meeting without any clear understanding of the company's position and no decision or resolution was advised to him.
- Contact with the company continued but it maintained its position that it could not discuss the case with him because of data protection issues.
- Believing the company had not properly addressed his concerns he, on 16 November 2021, escalated his complaint to CCWater who took up the dispute with the company on his behalf.
- The records show that CCWater contacted the company on 17 November 2021 to request its version of events.

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- CCWater were not satisfied with the company's response and consequently opened a formal investigation on 01 February 2022.
- CCWater advised him that the company had responded and confirmed that it had opened an account in his name and transferred all recent payments from his father's account into the new account. The company also offered a £50.00 goodwill payment and the option to register with its Priority Serve Register. CCWater advised that the actions of the company be supported by him.
- 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 his case.
- Continuing to be dissatisfied with the response of the company he has referred the matter to the WATRS Scheme where he requests that the company be directed to give assurances that other customer's will not be treated with the same disregard as he suffered, issue an apology, and pay compensation in the total amount of £7,000.00.

The company's response is that:

- It provided its response to the claim in its package of documents submitted on 18 November 2022.
- It confirms it was contacted by the customer on 14 October 2021 and that he advised it that the account holder, his father, was ill and in hospital and he wished to take over the management of the account.
- As the customer was not named on the account he was transferred to its Priority Services Team that specialises in dealing with such sensitive matters.
- It proposed that the account be closed and a new account opened in the customer's name, but he declined to do this over the telephone and stated his intent to open an account online.
- The customer did not open a new account but changed the Direct Debit details on his father's account. The company says it is not aware if the customer had his father's permission to access the account and to change the Direct Debit details.
- It had numerous further contacts with the customer throughout October and November 2021 but found it difficult to assist the customer as he was always unable to pass the necessary security checks.
- Similarly, when the customer attended the company offices unannounced on 24 November 2021 it could not discuss his father's account because he declined to provide identification.

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- It acknowledges that it was contacted by CCWater and held detailed discussions with it in December 2021.
- It continued to be contacted by the customer throughout January and February 2022, but as before he could not pass the security questions.
- It closed the account of the customer's father and set up a new account in the name of the customer.
- It continued to be contacted by the customer throughout the period between March and August 2022, but again he could not pass the security questions.
- In September 2022 it encouraged the customer to register with the Priority Services Register but to date he has not done so. The company has advised the customer that if he elects to manage his account online he would not need to pass the security checks required for telephone contact.
- It made a goodwill offer of £50.00 to the customer that he declined, and it does not believe that compensation is due to the customer.
- In summary, it believes that it made reasonable efforts to assist the customer but that his failure to pass data protection safeguards hampered the efforts. It is satisfied that it has complied with its own policies and with all legal and regulatory requirements.

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.

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How was this decision reached?

1. The dispute relates to the customer's dissatisfaction with the level of customer service he has received whilst dealing with the issue of taking over the management of the account of his unwell father.
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 can see that the customer contacted the company in October 2021 to advise it that his father was unwell and that he would be managing the account for services to his father's property.
4. It seems to me from my study of the evidence that the company proposed, and the customer accepted, that the best course of action would be to close the father's account and open a new account in the customer's own name.
5. The company agent offered to open the new account during the telephone discussion, but the customer declined to give personal information over the telephone and stated that he would open the account himself online.
6. I can also see that the customer did not open an account and subsequently in February 2022 the company opened an account in his name and advised him of this in writing. At the same time the company closed the account in the name of the customer's father and credited the new account with all payments made into the father's account since October 2021. I find this to be a reasonable action on the part of the company to assist the customer.
7. I further take note that the evidence shows that on three further occasions after the initial October 2021 call the company advised the customer to open a new account in his name, viz:-
 - 18 October 2021
 - 21 October 2021
 - 15 November 2021
8. The customer states that he requested to have a face-to-face meeting with a company representative but was advised that because of COVID restrictions it did not allow public access to its offices.

9. However, the evidence shows that the customer made an unannounced visit to the company's offices on 24 November 2021 and that despite its COVID protocols the company did not turn him away and he met with three company agents. I find this to be fair and reasonable behaviour and positive customer service on the part of the company.
10. I can also see that the customer made very many telephone calls to the company in respect of his ongoing complaint. The calls are very numerous, and I shall not list them hereunder, but the calls are set down in chronological order within the company's defence paper.
11. The list of calls shows that the customer at all times failed to pass the data protection security measures required by the company's safety procedures. I find it reasonable that the company enforces the data protection protocols that it has in place.
12. The customer always has the option not to provide the necessary data protection information, but failure to do so does not amount to poor customer service or lack of co-operation on the part of the company.
13. I am satisfied that the company has on several occasions recommended to the customer that he joins the company's Priority Services Register, and that the company has explained to him that it is a service designated to assist customers that require additional support. The evidence does not show that the customer has joined the Register, even though he made it known to the company that he is disabled and suffers from anxiety. Again, I find this an example of positive customer service.
14. The evidence further shows that the company has advised the customer that it has various schemes to assist customers who have difficulties in paying their bills, and has invited him to contact it to discuss options.
15. I also take into consideration that the company, in February 2022, proposed that a video meeting be held with all stakeholders such that a final debrief could be carried out to ensure the customer was satisfied with the measures taken by the company in respect of closing his father's account and opening one in his name. The evidence does not show that the customer responded to this company initiative. However, I find this to be another example of positive customer service.
16. In his application to the WATRS Scheme the customer seeks to have the company directed to issue an assurance that it will not treat other customers with the same level of disrespect that he claims to have experienced. I do not find the evidence supports the customer's position and it does not establish that the customer has been subject to any disrespect or that his complaints have been disregarded.

17. I find that this head of claim is related to the company's commercial practices and as such is outside the scope of the WATRS Scheme as per Rule 3.5. Thus, I find this particular claim does not stand. I shall not direct the company to provide any assurances to the customer in respect of its procedures for customer service or customer care.
18. The customer also requests that the company be directed to pay him the sum of £7,000.00 for distress and time lost dealing with the company over his complaint.
19. I am not persuaded that the evidence submitted establishes any duty of care failure by the company to manage his account with a reasonable level of skill and care. I am satisfied that the evidence supports that the company has made all reasonable efforts to support the customer and has taken into consideration his vulnerability.
20. I do not find that any act or omission on the part of the company has directly contributed to any distress that the customer may have experienced. As a result, I find that compensation is not appropriate, and I shall not direct the company to make any compensatory payments.
21. Similarly, for the same reasons, I find that an apology is also not appropriate.
22. 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 01 December 2022.
- The company has, on 08 December 2022, responded to the Preliminary Decision.
- The company states it has noted the Decision and has no additional comments.
- Having read the responses of the company I am satisfied that no amendments are required to the Preliminary Decision.

Outcome

The company does not need to take further action.

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What happens next?

- This adjudication decision is final and cannot be appealed or amended.
 - The customer must reply by 12 January 2023 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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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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