

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/X235

Date of Decision: 01 December 2022

Party Details

Customer: The Customer
Company: The Company

Complaint

The customer has a dispute with the company regarding billing issues on his account. The customer says that the company does not issue advance warning of changes to its pricing and charging and says this is in contradiction with other supply companies. The customer states that he has requested that the company henceforth issue such advance notice and is disappointed that it has refused to do so. 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 notification of increases in water bills.

Response

The company says it acts in compliance with normal custom and practice within the water industry and that full details of charges are available in its Scheme of Charges that is updated annually. The company says it is not feasible for many reasons to update each individual customer in a separate advance notification. The company has not made any formal offer of settlement to the customer and declines to accede to the customer's request.

Findings

The claim does not succeed. I find that the evidence does not support that the company is obliged to issue notifications in advance to all customers in respect of annual price changes. I find that the evidence supports the company's position that it does not have to provide such notifications and that all pricing and charging information is reasonably accessible on its website. 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 31 December 2022 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 billing on his account. Despite the customer's recent communications with the company, and the involvement of CCWater, the dispute has not been settled.
- The company does not clearly advise customers of any impending price increases or explain the amount of any price increase.
- Additionally, the company does not explain the reasons for price increases.
- It is the only company that he deals with that does not advise customers in advance of a change in the price of a product or service supplied.
- He has to calculate the price of his water from a bill sent to him in July.
- He contacted the company on 22 June 2022 and a telephone agent logged a complaint on his behalf.
- Receiving no feedback, he contacted the company on several further occasions throughout June and July 2022 and was informed that his request to receive advice on price increases will not be actioned by the company.
- Believing the company had not properly addressed his concerns he, on 10 August 2022, escalated his complaint to CCWater who took up the dispute with the company on his behalf.
- The records show that CCWater contacted the company to request its version of events and to suggest reviewing the customer's request for an advanced notification of any price increase.
- On 07 September 2022 CCWater advised him that the company had responded to its request for additional information, and that it had confirmed prior contact with the customer and had explained that it was not possible to comply with the customer's request.
- 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.

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- Continuing to be dissatisfied with the response of the company he has, on 13 October 2022, referred the matter to the WATRS Scheme where he requests that the company be directed to notify its customers in advance of any upcoming increases to water charges.

The company's response is that:

- It provided its response to the claim in its submission submitted on 27 October 2022.
- It confirms it was contacted by the customer in June 2022 and that he expressed dissatisfaction that he was not given advance notice of the annual price increase.
- It explained to the customer that as he was on a Rateable Value [RV] tariff he receives an annual bill.
- It explained that several elements contribute to the calculation of charges and the annual bill contains details on how to access the company's Scheme of Charges where all the elements are explained.
- It has a large customer base but does not hold e-mail addresses for all customers, and sending out advice notices by mail would greatly increase costs.
- It believes that it is working in line with standard practice across the water industry and that information on charges and price increases is readily available to all customers.
- It acknowledges the customer's feedback and will take it into consideration when next undertaking a review of its procedures.

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

- On 01 November 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 refutes the company's statement that it issues bills annually and insists that it issues bills twice per year in the middle and end of the year. The customer accepts that information on annual charges is included on the company website but believes the information is not easy to access. The customer reiterates his understanding that other service companies are able to issue such advance information and he believes the company should be able to do the same.

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 does not provide advice of price increases prior to implementing higher charges.
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. In his comments on the company's Response/Defence document, submitted on 01 November 2022, the customer states: -

WATXXX

XXX do NOT send out annual bills (as stated in para 3 of their response).

If they did then my complaint would be redundant.

XXX send out bills twice yearly in June/July and Dec/January.

Prices are increased on April 1st.

4. I refer to the company's Customer Charges Scheme document that at Section 4 states:-

Bills for unmetered water charges will be sent annually during February to March. Payment is due in advance for the whole year from 1st April or in instalments.

Customers will normally receive two metered bills a year.

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5. The company states that the customer is on a RV tariff and thus receives one bill per year. The customer has not refuted the company's statement.
6. I can also see that details of all elements of charging are set out in reasonable detail in the Customer Charges Scheme document. I am satisfied from my reading of the document that charging information is reasonably available to all customers.
7. The evidence shows that the company responded in reasonable time to the customer's communications. I can see that the evidence establishes that the customer received communications from three levels of the company:
 - Complaints Team
 - Head of Customer Experience
 - Service Delivery Team Manager
8. The response given by each entity was consistent and explained the several reasons why the company did not, and would not, advise each individual customer of any upcoming change in price or charges.
9. I am satisfied that the company has reasonably substantiated its procedures and that information on pricing and charges is readily available on its website.
10. In his application to the WATRS Scheme the customer seeks to have the company directed to notify all customers in advance of upcoming price changes.
11. I have stated above that I do not find the evidence supports the customer's position and I further find that the customer's claim does not succeed. I shall not direct the company to provide customers with advanced notification of upcoming price changes.
12. 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 17 November 2022.
- The company has, on 24 November 2022, responded to the Preliminary Decision.
- The company states it has nothing further to add to the case.
- The customer has, also on 24 November 2022, responded to the Preliminary Decision.

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- The customer states that he does not accept that all necessary information on pricing is available to him. The customer says that this information is not shown on his bi-annual bills from the company.
- I would remind the customer that full pricing information is available in the company's Scheme of Charges, and this is updated annually.
- Having read the responses of the parties I am satisfied that the facts upon which the Preliminary Decision was based remain unchanged and 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 31 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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