

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/X292

Date of Decision: 09 February 2023

Party Details

Customer:

Company:

Complaint

The customer has a dispute with the company regarding the level of compensation to be paid to him. The customer says that he 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 him only £30.00 as it believes his water was restored in less than twelve hours. The customer claims that despite ongoing discussions with the company the dispute is unresolved and therefore he has brought the claim to the WATRS Scheme and asks that the company be directed to review the circumstances of the supply failure with a view to increasing the compensation paid to him and issue an apology.

Response

The company says its records show that the customer was without a water supply at the regulatory minimum pressure for less than twenty-four 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 10 March 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 water supply problems. Despite the customer's recent communications with the company the dispute has not been settled.
- On Saturday 16 July 2022, the water supply to his property was interrupted.
- He estimates that he was without a water supply for more than twenty-four hours.
- Subsequently, the company paid him the sum of £30.00 in compensation, saying that he had been without supply for less than twelve hours.
- He believes many of his similarly affected neighbours were paid the amount of £150.00 in compensation.
- His local councillor took up the matter with the company on behalf of all affected residents.
- He has been advised that the councillor had the company agree to an increase in the amount of compensation, but says that no such additional payment has been received.
- Continuing to be dissatisfied with the response of the company he has, on 21 December 2022, referred the matter to the WATRS Scheme where he requests that the company be directed to increase the level of compensation and issue an apology.

The company's response is that:

- It provided its response to the claim in its submission dated 04 January 2023.
- 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.

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- It acknowledges that approximately 4000 customers were without water for less than twelve hours while some 3000 were without water 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 REDACTED [REDACTED] 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.
- In summary, it says that all the customer's allegations are denied and that he is not due any additional compensation.

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 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 at around midday.
5. It seems to me that the crux of this dispute revolves around the length of time the customer was without water supply at his property. The customer states he 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 (submissions #18 and #19 of its evidence bundle).
7. The REDACTED 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 #14 of its evidence bundle).
10. The REDACTED 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.
11. 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.

12. In his application to the WATRS Scheme, the customer seeks to have the company directed to review the off-water incident with a view to increasing the level of compensation to be paid to him.
13. I have stated above that I do not find the evidence shows that the customer 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 to make any additional compensatory payment to the customer.
14. Similarly, as I find the evidence does not establish any duty of care failure by the company to manage the customer's account with a reasonable level of skill and care, then it follows that I further find that an apology is not appropriate.
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 25 January 2023.
- The company has, on 30 January 2023, responded to the Preliminary Decision.
- The company says that it has nothing further to add.
- The customer did not submit comments on the Preliminary Decision.
- I am satisfied that the facts upon which the Preliminary Decision was based remain unchanged.
- Thus, I am satisfied 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 10 March 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); FCIArb; FAArb;
Member, London Court of International Arbitration.
Member, CIArb Business Arbitration Panel.
Member, CIArb Pandemic Business Dispute Resolution Arbitration Panel.
Member, CEDR Arbitration Panel.
Member, CEDR Adjudication Panel.

Independent Adjudicator

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