

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/X328

Date of Decision: 06 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 thirty hours and thus is entitled to compensation in the amount of £80.00 for loss of service greater than twenty-four hours. The customer asserts that the company has refused compensation as it believes his water was restored in less than twelve hours. 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 review the circumstances of the supply failure with a view to paying him compensation in the sum of £80.00 and issuing 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 thus compensation is not payable. The company has not made any formal offer of settlement to the customer and declines to pay compensation.

#### Findings

The claim does not succeed. I find that the evidence does not support on a balance of probabilities that the company has erroneously and unreasonably withheld a compensatory payment. The customer has not submitted any evidence in support of his claim, and I find that the evidence supplied by the company shows that it 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 06 March 2023 to accept or reject this decision.

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**ADJUDICATOR'S DECISION**  
**Adjudication Reference: WAT/X328**  
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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 and the input of CCWater the dispute has not been settled.
- Over a two-day period on 18 and 19 July 2022, the water supply to his property was interrupted.
- He estimates that he was without a water supply for more than thirty hours.
- He acknowledges that approximately twenty-four hours after the commencement of the outage the company delivered bottled water to the area, and he believes this action confirms that the company accepted liability for the problem.
- Subsequently, the company paid compensation to certain properties in the area, but he did not receive a payment, with the company saying that he had been without supply for less than twelve hours.
- He notes that those properties that received compensation were on a metered supply, and he does not understand the company's position that some properties in the neighbourhood lost supply whilst others did not.
- The company has not provided him with any evidence to confirm its understanding that he did not lose water supply for more than twelve hours.
- Believing the company had not properly addressed his concerns he, on 19 October 2022, escalated his complaint to CCWater who took up the dispute with the company on his behalf.
- On 17 December 2022 CCWater advised him that it had reviewed his complaint and believed the position of the company was what it would expect and was thus satisfied with the company's response.
- 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.
- He believes CCWater made no real attempt to investigate his complaint with the company.

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- Continuing to be dissatisfied with the response of the company he has, on 19 December 2022, referred the matter to the WATRS Scheme where he requests that the company be directed to pay compensation in the amount of £80.00 and issue an apology.

### **The company's response is that:**

- It provided its response to the claim in its submission dated 09 January 2023.
- It confirms its obligations in respect of both water supply and water pressure.
- It confirms that on 18 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 confirms repairs were fully complete and supplies restored on 19 July 2022.
- 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 Guaranteed Standards Scheme [GSS] the customer was not entitled to any compensatory payment.
- It has apologised to all customers for the interruption to the water supply.
- In summary, it says that all the customer's allegations are denied and that he is not due any compensation.

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

- On 09 January 2023, 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 notes that the company has not submitted evidence to show that he was without water for less than twelve hours. The customer says that the pressure graph submitted by the company does not show that it is in respect of his property, and he reiterates his previous position that he does not believe some houses in his REDACTED lost supply and others did not.

## 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 has offered him no amount of compensation for interruption of supply whereas other properties in his village have been compensated.
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 take note that the customer has not submitted any evidence in support of his claim.
4. 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.
5. I can see that the parties agree that an interruption to supply in the customer's location occurred over two days, 18 and 19 July 2022.
6. 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 thirty hours whereas the company says it was less than twelve hours.

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7. The company has explained its obligations in respect of water supply and water pressure, and has submitted evidence to support these obligations (submissions #14 and #15 of its evidence bundle).

8. The GSS 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).*

9. The company has submitted into evidence a diagram/graph of the pressure experienced by the customer over the forty-five hour period of the water interruption.

10. 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 #11 of the company evidence bundle).

11. The GSS 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.

12. Thus, I find the evidence shows that the company was not obliged to pay the customer any compensation.

13. 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 paying compensation to him.

14. 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 compensatory payment to the customer.

15. 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.

16. 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 30 January 2023.
- The customer has, also on 30 January 2023, responded to the Preliminary Decision.
- The customer refutes that he has not submitted any evidence, and says that it is the company that has not provided evidence in support of its position. As I have noted in Article 2 of the Decision, the burden of proof rests with the customer to submit evidence to show that the company has not provided its service to a reasonable standard.
- The customer asserts that I am subservient to the company. This is strictly denied, and I stress that I am independent adjudicator appointed to be impartial and reach a Decision based simply on the evidence placed before me.
- The company has, also on 30 January 2023, acknowledged receipt of the Preliminary Decision and confirms that it has no further comments.
- I am satisfied that the facts upon which the Preliminary Decision was based remain unchanged.
- Having read the response of the parties 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 06 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); 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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