

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT X346

Date of Final Decision: 16 February 2023

Party Details

Customer:

Company:

Complaint

The customer states he is dissatisfied with the service provided by the company whilst handling his complaint. He makes clear his claim relates to the company's complaint handling rather than its resolution of the primary issue. He believes that the company did not log his complaint when he asked it to, rather it followed its internal escalation process. The customer requests that the company provide him with an apology and pay him compensation of £200.00.

Response

The company states it followed its internal escalation process when the customer raised a complaint by telephone and dealt with his complaint in the same way it would with written complaints so there was no disadvantage to the customer. It believes there were no instances of its service provided not reaching the standard to be reasonably expected. The company did not make any settlement offer.

Findings

Overall, the company dealt with the customer's telephone complaint in a reasonable manner by taking steps both internally and with external stakeholders to progress a resolution to the issue and by providing regular updates to the customer. Therefore, there was no detriment caused by the company following its internal escalation process rather than the process followed for when written complaints are received which requires the company to log the complaint. However, there were some minor instances of its service provided not reaching the standard to be reasonably expected including not providing clear information on how to escalate his complaint within its complaint closure letter.

Outcome

The company needs to take the following further action:

- Pay the customer £50.00 in compensation for stress and inconvenience caused by instances of its service provided not meeting the standard to be reasonably expected.

The customer has until 16 March 2023 to accept or reject this decision.

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Case Outline

The customer's complaint (submission by the REDACTED on his behalf) is that:

- The customer has been having an odour issue on his REDACTED since REDACTED which has transpired was due to a third party company connecting pipes to the company's assets.
- This issue is now due to get fixed and the customer believes that the company only took it seriously after he referred case to REDACTED and REDACTED. He has a separate ongoing complaint for this issue however this complaint concerns the company's handling of his complaint between REDACTED and REDACTED.
- He first raised the issue on REDACTED and says it was only logged as a complaint by the company in REDACTED.
- He is unhappy with the service provided by the company during that timeframe, he kept getting "passed around" and has now been told it was only being dealt with internally. He was dealing with the REDACTED (REDACTED) from REDACTED to REDACTED and he believes she lied to him about logging his complaint and wasted his time. He says if she had logged the complaint as promised then the situation would not have "dragged on".
- The customer says he was prevented from complaining, when he asked the company to log his complaint.
- When he spoke to an agent in REDACTED, she confirmed that up to that point no complaint has been logged (only an internal escalation).
- When the company wrote to him on REDACTED about closing his case, she did not mention anything about his rights or if this was a deadlock letter nor was there any mention of how to take further to the REDACTED.
- One of the company's agents confirmed his complaint was not logged "officially" and it was an internal escalation. He spoke to different staff who all told him different things.
- The customer requests that the company provide:
 - An admission that it made a mistake plus retraining of its staff.

- Compensation of £200.00.
- An apology.

The company's response is that:

- The water industry regular REDACTED, must ensure that water companies comply with the Water Industry Act 1991 (The Act). The company also explains that water companies are also bound by their Charges Scheme which are approved by the REDACTED.
- Furthermore, it is bound by REDACTED (REDACTED) and this is reflected in its REDACTED (REDACTED) and in its REDACTED (REDACTED). In regards to complaints, there is a requirement that it answers written complaint within 10 working days.
- There is no REDACTED regulation around registering telephone complaints, however, it has always had in place its own procedure to escalate customer's telephone complaints.
- On REDACTED, it received a call from the customer reporting an odour issue. A job was raised for attendance on the same day. The customer was informed of the results of its investigations by a card put through his letter box.
- It had also received reports from the REDACTED about the issue so it continued to investigate by involving its REDACTED. It sent a text message to the customer on REDACTED advising him of this.
- It found there was a missconnection in to the watercourse which is not its responsibility to deal with but a tanker was organised to help keep the water levels down.
- On REDACTED, the customer contacted it by social media, however it does not know by which channel as at that time it did not keep copies of customer contact unless made by telephone or in writing by letter or email as per its processes at that time.
- Nonetheless, after calling the customer on the same date, this matter was immediately escalated to its first stage Complaints Team to deal with as a priority. The company states that a dedicated REDACTED was allocated to the case and they called the customer on the same date to introduce themselves and advise of the actions being taken. After the call they added the complaint to its complaint tracker where it kept all up to date information about the progress of the matter and relevant internal stakeholders provide updates on any particular case.
- Its REDACTED agreed to call him again on REDACTED with an update. Unfortunately, it was unable to reach the customer on REDACTED so tried to call on REDACTED and left a voicemail message.

- Its REDACTED called the customer on REDACTED when it had more information for him on resolving the issue. The customer advised he was unhappy with the way it was handling the issue. Its REDACTED liaised with all departments who were aware of the case for updates throughout the time it was within their jurisdiction.
- On REDACTED, its REDACTED called the customer and explained it had now closed the case after all the work and investigations it had carried out. However, they made it clear the complaint could be re-opened at any time. Its REDACTED sent an email to confirm this and also gave contact details and signposted him to REDACTED. he
- The crux of the customer's complaint is that its REDACTED failed to raise a complaint, when asked them to. It is not about the resolution of the odour.
- It has explained that there was no mechanism in REDACTED to record telephone complaints but it immediately raised work for the odour issue to be investigated in the same way as if he had sent a written complaint to it using exactly the same timescales, job codes and so forth.
- The customer has therefore not been disadvantaged in any way by it not recording this as a telephone complaint.
- Following this, the customer raised a complaint through REDACTED when it further engaged about this issue.
- Therefore, it disputes it mishandled his case between REDACTED and REDACTED; its REDACTED escalated his concerns to all those relevant stakeholders in its business and chased them up when they did not receive any updates. Its REDACTED kept the customer fully informed and updated on the dates they said she would.
- It confirms that the information given to the customer that it raised an internal escalation for him as opposed to a complaint is correct because that was its process at the time. This had no detrimental affect on the way the customer's complaint was dealt with.
- The company confirms that since the time of the complaint, in the interests of providing a better service to its customer, it has accepted REDACTED recommendations to change the way it handles complaints and the timescales in which it will respond. It has agreed to try to reply to customer complaints raised through all contact channels i.e. phone social media webchat within REDACTED working days rather than REDACTED. This was implemented in REDACTED,
- The company disputes that it is responsible to provide the remedies requested in the customer's WATRS Application.

Comments on Preliminary Decision

- The company states that whilst it disagrees any award should be given to the customer, it has nothing further to add.
- The customer states he has clear evidence of the company not handling his complaint as per the standards as one of the company's employee confirmed a complaint was never raised.
- He reiterates that next steps were not explained by the company in its REDACTED letter.

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. The customer's claim relates to how the company handled his complaint after he contacted it in March 2021 to report an odour in his road. The customer says that the company did not formally log his complaint when he asked it to rather, it escalated it internally.
2. The customer makes clear in his WATRS Application that he only requires a decision on the company's complaint handling during the timeframe from REDACTED to REDACTED and not in relation to the primary issue – an odour in his road. Therefore, I will proceed with the decision in this basis.

3. In its Response, the company has explained that whilst it is bound by REDACTED (in its own REDACTED and REDACTED. It states that these do not include any requirement relating to telephone complaints, however there is a requirement in relation to written complaints for it to provide a response within REDACTED working days. Having reviewed REDACTED, I accept the company's submissions in this regard. Nonetheless, I consider it good practice for the company to deal with a complaint raised by telephone or indeed any other contact method, in the same way it would handle a written complaint. On this basis it is reasonable to expect the company to take reasonable steps to address and resolve the concerns raised by a customer by telephone.
4. The company says at the time of the customer's complaint, it had in place its own procedure whereby it escalated customer complaints in the same way it would with written complaints so there is no disadvantage to these customers. It said it followed its process in the customer's case and that there were no instances of the service provided to the customer when handling his complaint between REDACTED and REDACTED, not reaching the expected standard.
5. Having reviewed the screenshots from its internal case system included in the company's Response, I find that the customer first contacted the company on REDACTED to report the issue and the company attended the same day and informed the customer of its outcome (a misconnection by a third party into the water course which it deemed was the REDACTED responsibility). There are no comments in the notes to indicate the customer at this stage asked the company to log a complaint nor when the customer next contacted the company on REDACTED. I note that this contact had followed the company's text message sent to the customer on REDACTED informing him that it had arranged for a tanker to keep the water levels down.
6. I find that it is clear from the case notes that the customer contacted the company via social media on REDACTED regarding his dissatisfaction with the service provided up to that stage. In response, I can see that the company called the customer, escalated the complaint to its REDACTED and allocated a dedicated REDACTED on the same date. The case notes show its REDACTED called the customer to advise of the actions being taken and also contacted various internal teams and stakeholders to further investigate and progress a resolution to the issue. I consider that these steps taken by the company in response to the complaint raised indicates a proactive approach to handling his complaint.

7. The case noted also show that its REDACTED called the customer on REDACTED to provide an update on progress as promised and then attempted to call him again on REDACTED to provide a further update, however, had to leave a message as they were unable to reach him. I am mindful this call attempt was made one day after it agreed to call the customer (REDACTED), as such this constitutes evidence of the company's service not reaching the expected standard albeit this is minor failure due to the short length of the delay.
8. Furthermore, the case notes show that throughout REDACTED, the REDACTED continued to contact relevant REDACTED teams to obtain updates and chased these up when she did not receive a response. I note that the REDACTED called the customer again on REDACTED to provide further updates on progress on resolving the odour issue before calling him on REDACTED to advise that they were closing his complaint as there was "nothing further" for them do. It is clear however that the issue with the odour had not yet been fully resolved at the time of the closure letter. I note that within the letter, the company stated it could be re-opened at any time if needed and also provided the customer with a telephone contact number. Nonetheless, in the circumstances, I find that it is reasonable to expect the company to have also included information or signposting regarding how to escalate the complaint within the body of its letter, particularly as the substantive matter complained about remained unresolved.
9. The company points out in its Response that there is a link to its 'quality promise' at the bottom of the letter and explains that if clicked, the link will take the customer to its website wherein information about how to complaint is provided. However, on balance, I find that this information was not sufficiently prominent in its complaint closure letter and, as such, I find that the lack of clear communication provided regarding the next stage of its complaints process, constitutes evidence of the service provided not meeting the expected standard whilst handling the customer's complaint.
10. In summary, for the main part, the company acted reasonably both when responding to the customer's initial report of the odour in REDACTED and then by following its internal escalation process when he asked to raise a complaint on REDACTED. I find there is a lack of evidence to support the customer's claim that he was prevented from making a complaint although as mentioned above, there were some instance of the service provide not reaching the expected standard, in particular no information and a lack of clear signposting about how to escalate

the complaint provided in its letter dated REDACTED. Furthermore, I am mindful that earlier signposting to its formal complaint process, may have led to earlier resolution of the customer's complaint. I acknowledge that the company has since made changes to its complaint process, as recommended by REDACTED, which I consider shows a willingness to improve the service provided to customers whilst complaint handling.

11. However, in the circumstances, I find it reasonable to direct that the company provide an apology to the customer for the service shortfalls set out above and also pay him a measure of compensation for the stress and inconvenience caused. In the circumstances, I find it shall pay him £50.00 in compensation. This amount falls into Tier 1 of the WATRS Guide to Compensation for Inconvenience and Distress. I am satisfied this is fair and proportionate to the proven issues.
12. The customer's request for the company to retrain its staff concerns an internal matter for the company and as such falls outside the scope of WATRS.
13. Whilst I acknowledge the customer's comments on the preliminary decision, after careful consideration, I find that they do not affect my above findings.

Outcome

The company needs to take the following further action:

- Pay the customer £50.00 in compensation for stress and inconvenience caused by instances of its service provided not meeting the standard to be reasonably expected.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 16 March 2023 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.

A handwritten signature in black ink, appearing to read 'A. Jennings-Mitchell', written on a light-colored background.

A. Jennings-Mitchell, Ba (Hons), DipLaw, PgDip (Legal Practice)

Adjudicator