

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X351

Date of Final Decision: 2 February 2023

Party Details

Customer: The customer

Company: The Company

Complaint

The customer claims that the company should not use the word “temporary” in temporary usage bans when no end date has been specified and provide more information about when a temporary usage ban would likely be lifted. The customer is seeking the company to provide more information to their customers about when it is likely a temporary usage ban will be lifted or under what criteria they would consider lifting such a ban.

Response

Once the temporary usage ban was introduced, it remained under constant review and lifting the ban would have relied upon the demand for water reducing back to manageable levels. It would be impossible for the company to put an exact figure on the level that its reservoirs would need to reach for the ban to be lifted as it is not linked to reservoir levels alone and includes anticipated future demand, groundwater levels recovering, confidence to receive average or better winter recharge, for the remainder of the winter period and to have the ability to meet anticipated peak demand the following summer. The temporary usage ban was removed on 30 November 2022, as between September and the end of November, the company saw significantly above-average rainfall and demand for water decreased to manageable levels. This provided the company with the confidence that it is on track to recover its water resources to normal levels ahead of next Summer, and the ban could be removed. The company has not made any further offers of settlement.

Findings

I am satisfied that the evidence shows that the company did not fail to provide the customer's services to the standard reasonably expected concerning the temporary usage ban.

Outcome

The company needs to take no further action.

The customer has until 2 March 2023 to accept or reject this decision

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Case Outline

The customer's complaint is that:

- The company should not use the word temporary in temporary usage bans when no end date has been specified and provide more information about when a temporary usage ban would likely be lifted.
- The customer is seeking the company to provide more information to their customers about when it is likely a temporary usage ban will be lifted or under what criteria they would consider lifting such a ban.

The company's response is that:

- Once the temporary usage ban was introduced, it remained under constant review and lifting the ban would have relied upon the demand for water reducing back to manageable levels.
- It would be impossible for the company to put an exact figure on the level that its reservoirs would need to reach for the ban to be lifted as it is not linked to reservoir levels alone and includes anticipated future demand, groundwater levels recovering, confidence to receive average or better winter recharge, for the remainder of the winter period and to have the ability to meet anticipated peak demand the following summer.
- The temporary usage ban was removed on 30 November 2022, as between September and the end of November, the company saw significantly above-average rainfall and demand for water decreased to manageable levels. This provided the company with the confidence that it is on track to recover its water resources to normal levels ahead of next Summer, and the ban could be removed.

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.

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2. Whether or not the customer has suffered any financial loss or another disadvantage as a result of a failure 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 centres on whether the company should provide more information to the customer about when a temporary usage ban would likely be lifted and whether it should use the word “temporary” in temporary usage bans when no end date has been specified.
2. The company must meet the standards set out in the Water Supply and Sewerage Services (Customer Service Standards) Regulations 2008 and the Water Industry Act 1991.
3. The company also has certain obligations regarding its customer services as set out in the OFWAT Guaranteed Standards Scheme and its own Guaranteed Standards Scheme (GSS).
4. From the evidence put forward by the customer and the company, I understand that on 3 August 2022, the company notified all its Kent and Sussex customers of a temporary usage ban. The same day the customer contacted the company to complain that it was doing enough to prevent hose pipe bans.
5. Between 15 August and 11 October 2022, various correspondence occurred between the parties concerning the conditions required for the company to lift its temporary usage ban. During this dialogue, it was explained to the customer that the temporary usage bans would continue until the company was confident that the water demand had returned to manageable levels. Furthermore, the company was tracking rainfall levels each month and regularly evaluating its position.
6. The evidence shows that the temporary usage ban was removed on 30 November 2022, as between September and the end of November, the company saw significantly above-average rainfall and demand for water decreased to manageable levels, this provided the company with the confidence that it is on track to recover its water resources to normal levels ahead of next Summer and the ban could be removed.

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7. The customer was unhappy with the company's position as he believed that the company had been unable to advise, in straightforward terms, what criteria would be required to revoke the temporary usage ban. Furthermore, the lack of transparency and any forecast about lifting the ban was unfair. The customer progressed matters to CCWater on 13 October 2022 to resolve. However, the dispute could not be resolved, and on 10 December 2022 commenced, the WATRS adjudication process.
8. As to whether the company should have provided more information to the customer about when it is likely a temporary usage ban would be lifted, as shown by the emails to the customer on 15 August 2022 and 2 September 2022, the company has explained the reasons why a temporary ban was put in place and the conditions for when the temporary ban would be lifted.
9. Whilst I sympathise with the customer regarding the temporary ban, I am of the view on reviewing the correspondence that the company provided appropriate information on when the ban would be lifted, considering the circumstances.
10. I note the customer's comments concerning the usage of the word "temporary" in temporary usage bans when no end date has been specified. However, the evidence shows that the ban would always be lifted. It was just a matter of the demand for water reducing back to manageable levels together with groundwater levels recovering, confidence to receive average or better winter recharge and the ability to meet anticipated future peak demand. Accordingly, I find the use of the word "temporary" to be reasonable when referring to a ban which was not intended to be permanent.
11. Considering the above, I find that it has not been proven that the company failed to provide its services to the customer to the standard to be reasonably expected by the average person concerning its temporary usage ban. Accordingly, this aspect of the customer's claim does not succeed.
12. The company has certain obligations in respect of its customer services. From the evidence provided, I believe that the company dealt with the customer's concerns efficiently and appropriately, considering the circumstances. Accordingly, I find that the customer is not due any sums in this regard.

13. The customer has made comments on the preliminary decision and having carefully considered each aspect of the customer's comments, I find that they do not change my findings, which remain unaltered from the preliminary decision.
14. Considering the above, I find the evidence has not proven the company failed to provide its services to the customer to the standard to be reasonably expected by the average person concerning its temporary usage ban, nor has it shown the company failed to provide services to the standard to be reasonably expected when investigating these issues.

Outcome

The company needs to take no further action.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 2 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.



**Mark Ledger FCI Arb
Adjudicator**