

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X361

Date of Final Decision: 15 February 2023

Party Details

Customer: XX

Company: XX

Complaint

The customer claims the company ignored her report of a sewer blockage and instead attended to her younger male neighbour, who had reported the same issue. In doing so, the company has breached the Equality Act 2010 and caused inconvenience and distress. The customer is seeking the company to pay compensation for the inconvenience and distress incurred.

Response

The company says it has not discriminated against the customer. The nature of the complaint determines the company's response time. The customer's complaint was determined to be non-urgent, and she was given a 72-hour response, while her neighbour's complaint was urgent and required a quicker response time. The company has not made any offers of settlement.

Findings

I am satisfied the evidence shows the company did not fail to provide its services to the customer to the standard to be reasonably expected regarding its response to the customer's complaint. Furthermore, I am satisfied there have been no failings regarding customer service as the customer was provided with a good level of service throughout her dialogue with the company.

Outcome

The company needs to take no further action.

The customer has until 8 March 2023 to accept or reject this decision.

ADJUDICATOR'S FINAL DECISION

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Case Outline

The customer's complaint is that:

- The company ignored her report of a sewer blockage and instead attended to her younger male neighbour, who had reported the same issue.
- In doing so, the company has breached the Equality Act 2010 and caused inconvenience and distress.
- The customer is seeking the company to pay compensation for the inconvenience and distress incurred.

The company's response is that:

- It has not discriminated against the customer.
- The nature of the complaint determines the company's response time.
- The customer's complaint was determined to be non-urgent, and she was given a 72-hour response, while her neighbour's complaint was urgent and required a quicker response time.

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 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 ignored her report of a sewer blockage and instead attended to her younger male neighbour, who had reported the same issue.
2. The company must meet the standards set out in OFWAT's Charges Scheme Rules, the Water Supply and Sewerage Services (Customer Service Standards) Regulations 2008 and the Water Industry Act 1991.
3. Furthermore, the company has certain obligations regarding its customer services as set out in the OFWAT Guaranteed Standards Scheme and the company's Customer Guarantee Scheme.
4. As made clear in WATRS Rule 3.4, "*WATRS may reject all or part of an application to the Scheme where it considers that: a customer should be referred to a more appropriate forum for the resolution of the dispute*". The question of whether a company has adhered to the Equality Act 2010 is a matter for the Courts to determine, and therefore I will make no findings on this matter in this decision.
5. From the evidence put forward by the company, I understand that on 20 August 2022, the customer contacted the company to advise that her facilities were not draining due to a blockage. As the customer had not advised that her home was at imminent risk of wastewater flooding, the company assigned a response from its contractors within 72 hours. I note that usually this would be 36 hours. However, the company was dealing with high levels of incidents, and the exceptional timescale of 72 hours was assigned to the customer in this instance.
6. On 21 August 2022, the customer's neighbour contacted the company advising that their home was likely to flood internally with wastewater due to a blockage that did not permit their facilities to drain away. The company assigned a response from its contractors within 12 hours. I note that usually this would be 8 hours. However, as above, the company was dealing with high levels of incidents and the exceptional timescale of 12 hours was assigned to the customer in this instance.
7. Later the same day, the company's contractors attended and found a manhole at the front of the customer's neighbour's home blocked. The blockage was cleared using a high-pressure water jet, and the contractors removed a plunger that had been pushed downstream. After carrying out an

on-site camera survey of the sewer, the company's contractors found tree root ingress and raised follow on work for sewer cleaning to prevent any future issues.

8. On 22 August 2022, the company contacted the customer to advise that a blockage had been cleared and to check her facilities were now working. On 23 August 2022, the customer once again contacted the company to advise that her toilet was still backing up and was concerned that her property might flood. The company assigned a response from its contractors within 8 hours, and the blockage was cleared within that time period.
9. On 27 August 2022, the company attended the customer's property to carry out sewer cleaning and a CCTV survey to ensure there were no defects which could reduce the sewer's operational ability. I understand that tree roots were cut out of the sewer, the sewer was left clear and free-flowing, and it was noted there were no defects.
10. The customer was unhappy with the company's actions as she believed that the company ignored her report of a sewer blockage to attend to her younger male neighbour, who had reported the same issue and, in October 2022, progressed her complaint to CCWater. However, CCWater could not resolve her complaint and, on 28 December 2022, commenced the WATRS adjudication process.
11. Regarding the customer's comments that the company ignored her report of a sewer blockage and instead attended to her younger male neighbour, who had reported the same issue, the evidence shows that the company determined the customer's issue to be at a lower level of urgency than her neighbours. Therefore, the customer was assigned a long response time than her neighbour. I cannot find any evidence to suggest that the company ignored her report of a sewer blockage.
12. The evidence shows that the company attended to the customer's property as soon as possible, considering the circumstances. I find that the increase in response time is purely down to the lack of immediate urgency of the customer's situation and the high level of incidents the company was dealing with at the time. Furthermore, I find that the reasons behind why the company chose to prioritise her neighbour to be reasonable and these reasons were explained to the customer throughout her dialogue with the company.
13. Furthermore, the evidence shows that the company has adequately explained why its response time for the customer differs from that of her neighbour. Bearing this in mind, I find that the

company has not failed to provide its services to the standard one would reasonably expect regarding its response to the customer's complaint. Accordingly, I find the customer's claim for compensation fails.

14. The company has certain obligations in respect of its customer services. As evidenced by the timeline within the company's defence documents, I am satisfied that by the end of the company's dialogue with the customer, the company had adequately explained to the customer the reasons why its response time differed from that of her neighbour. Accordingly, I am satisfied there have been no failings regarding customer service, as the company provided good service throughout its dialogue with the customer.
15. 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.
16. Considering the above, I am satisfied that the company did not fail to provide its services to the standard to be reasonably expected concerning its response to the customer's complaint. Furthermore, I am satisfied there have been no failings concerning customer service for which the customer has not already been paid adequate compensation, as the company provided good service throughout its dialogue with the customer. Accordingly, the customer's claim does not succeed.

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 8 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.

A handwritten signature in black ink, appearing to read 'ML', followed by a long horizontal line.

**Mark Ledger FCI Arb
Adjudicator**