

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT X411

Date of Final Decision: 23 March 2023

Party Details

Customer: XX

Company: XX

Complaint

The customer claims the company overcharged her since 2007 due to not being advised sooner of its **XX** scheme. Furthermore, the company provided poor customer service once her issues were raised. The customer seeks the company to backdate the **XX** scheme to 2007 and compensate for the inconvenience and distress incurred.

Response

The company says its **XX** scheme and qualification criteria were set out in its Charges Scheme and in line with the Water Industry (Charges)(Vulnerable Groups) Regulations 1999. This legislation prevents the company from backdating further than the beginning of the billing period in which the application was received, and this will be no more than six months earlier. The company was not made aware before January 2022 of the customer's need for constant water use due to a disability in the household. However, as a gesture of goodwill and to resolve the complaint, the company has applied the backdate of the **XX** scheme to 25 October 2019, two years beyond what is required. Concerning any failings in customer service, the company has made the appropriate payments under its Customer Guarantee Scheme, plus additional goodwill gestures. The company has not made any further offers of settlement.

Findings

I find the customer 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 charges or providing and backdating its **XX** scheme. Furthermore, I am satisfied there have been no failings concerning customer service for which the customer has not already been adequately compensated.

Outcome

The company needs to take no further action.

The customer has until 12 April 2023 to accept or reject this decision

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ADJUDICATOR'S FINAL DECISION

Adjudication Reference: WAT X341

Date of Final Decision: 23 March 2022

Case Outline

The customer's complaint is that:

- The company has overcharged her since 2007 due to not advising her sooner of its **XX** scheme.
- Furthermore, the company provided poor customer service once her issues were raised.
- The customer seeks the company to backdate the **XX** scheme to 2007 and compensate for the inconvenience and distress incurred.

The company's response is that:

- Its **XX** scheme and its qualification criteria were set out in its Charges Scheme and in line with the Water Industry (Charges)(Vulnerable Groups) Regulations 1999.
- This legislation prevents the company from backdating further than the beginning of the billing period in which the application was received, and this will be no more than six months earlier.
- The company was not made aware before January 2022 of the customer's need for constant water use due to a disability in the household.
- However, as a gesture of goodwill and to resolve the complaint, the company has applied the backdate of the **XX** scheme to 25 October 2019, two years beyond what is required.
- Concerning any failings in customer service, the company has made the appropriate payments under its Customer Guarantee Scheme, plus additional goodwill gestures.
- The company has not made any further offers of settlement.

How is a WATRS decision reached?

In reaching my decision, I have considered two key issues. These are:

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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 should backdate the customer's charges under **XX** Scheme to 2007 and whether it should have advised the customer sooner of its **XX** scheme.
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, the Water Industry (Charges)(Vulnerable Groups) Regulations 1999 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. Under Section 142 to 143 of the Water Industry Act 1991, the company is permitted to charge for water and wastewater services provided and make a Charges Scheme which essentially fixes charges to be paid for services provided. However, as made clear in WATRS Rule 3.5, "*any matters over which OFWAT has powers to determine an outcome*" cannot be considered by WATRS. Furthermore, WATRS Rule 3.4.1 states, "*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 Sections 142 to 143 of the Water Industry Act 1991 is a matter for OFWAT to determine, and therefore I will make no findings on this matter in this decision.

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5. From the evidence put forward by the customer and the company, I understand that in January 2022, the customer contacted the company to advise that she had a son with special needs living at her property. The company responded by explaining how her charges could be reduced and providing information concerning its **XX** scheme.
6. Between 17 February 2022 and 29 March 2022, various discussions occurred between the parties, including the customer submitting a **XX** application.
7. On 4 May 2022, the company backdated the **XX** tariff to 6 November 2021, the date of the customer's last actual reading. It also explained to the customer that it could not backdate it further due to its obligations to OFWAT and under Water Industry (Charges)(Vulnerable Groups) regulations 1999.
8. On 4 July 2022, after further discussions between the parties, the company agreed outside of normal policy to backdate the **XX** tariff to 25 October 2019. I understand the customer was unhappy with the company's position as she believed that she should have been advised sooner of its **XX** scheme. In October 2022, she progressed her complaint to CCWater to resolve. The evidence shows that CCWater could not resolve the customer's complaint, and the customer commenced the WATRS adjudication process in February 2023.
9. Regarding the customer's comments, the company has overcharged her since 2007 by not informing her of its **XX** sooner. As above, under Sections 142 to 143 of the Water Industry Act 1991, the company is permitted to charge for water and wastewater services provided and make a Charges Scheme which essentially fixes charges to be paid for services provided. The company's charges are reviewed and approved each year by OFWAT and fall outside the WATRS scheme's scope.
10. However, the evidence shows that on its available bills, since at least 2016, the company asked customers to contact the company if they are experiencing difficulty paying their bills. Furthermore, once the company was notified in January 2022 of the customer's need for constant water use, it notified the customer of its **XX** scheme.
11. I note the customer's comments that she had informed the company of her son disability in previous correspondence, however, on careful analysis of all the evidence I cannot find any evidence of such. Accordingly, I find the company has not failed to provide its services to the

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customer to the standard to be reasonably expected by the average person regarding its charges or providing information on its **XX** scheme.

12. Regarding the customer's comments, the company should backdate its **XX** tariff to 2007. As mentioned above, until January 2022, the company was unaware of the customer's circumstances. The evidence shows that the company's **XX** scheme and its qualification criteria were set, agreed upon, and legislated by OFWAT and the Water Industry (Charges)(Vulnerable Groups) Regulations 1999. This legislation prevents the company from backdating further than the beginning of the billing period in which the application was received, and this will be no more than six months earlier.
13. However, as a gesture of goodwill and to resolve the complaint, the company has applied the backdate of the **XX** scheme to 25 October 2019, two years beyond what is required, and I find the company has not failed to provide its services to the customer in this respect. Accordingly, this aspect of the customer's claim fails.
14. The company has certain obligations regarding its customer services, and I find the customer has been adversely affected by the late responses to her complaint. I am satisfied the company accepts it provided poor service in this respect, and I understand that the customer was paid GSS payments regarding these failings. After carefully reviewing all the correspondence provided in evidence, I am satisfied the company's payments were fair and reasonable in the circumstances to cover the company's failings in this regard and any distress or inconvenience to the customer.
15. Considering the above, I find the customer 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 charges or providing and backdating its **XX** scheme. Furthermore, I am satisfied there have been no failings concerning customer service for which the customer has not already been adequately compensated.

Outcome

The company needs to take no further action.

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What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 12 April 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**

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