

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/X420

Date of Decision: 03 April 2023

#### Party Details

Customer: XX  
Company: XX

#### Complaint

The customer has a dispute with the company regarding the length of time it has taken to eradicate a foul smell emanating from its assets. The customer states that she has experienced the smell for approximately twenty years, and upon submitting a formal complaint to the company in 2020 she has received a poor level of customer service. The customer says that despite ongoing discussions with the company, and the involvement of CCWater, the dispute is unresolved and therefore she has brought the claim to the WATRS Scheme and asks that the company be directed to pay her £2,500.00 in compensation for distress and inconvenience and to issue an apology.

#### Response

The company states that it is not obliged under the GSS rules to pay compensation for unpleasant smells. The company says it has fully investigated the customer's complaints and taken sufficient measures to counter the smells. The company says that as a gesture of goodwill it waived one year's wastewater/sewerage charges equivalent to £105.00. The company did not make an offer of settlement and declines to agree to the remedies requested by the customer.

#### Findings

The claim does not succeed. I find that the evidence does not establish that the company provided a poor level of customer service. The evidence supports that the company investigated the customer's complaints to a reasonable level, took reasonable measures to prevent the smells, and responded to her complaints within reasonable time periods. I find that the company's response to the customer's complaint has been fair and reasonable in that it has exceeded its obligations. I thus find that the evidence shows that the company 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 01 May 2023 to accept or reject this decision.

**ADJUDICATOR'S DECISION**  
**Adjudication Reference: WAT/X420**  
**Date of Decision: 03 April 2023**

**Case Outline**

**The customer's complaint is that:**

- She has experienced an ongoing dispute with the company concerning wastewater and sewerage issues. Despite the customer's recent communications with the company, and the involvement of CCWater, the dispute has not been settled.
- She has resided in the same property in her village many years.
- Throughout a period of approximately twenty years, she has experienced unpleasant smells that she believes emanate from the company's sewerage assets.
- In September 2020 she submitted a written complaint to the company. The customer acknowledges that the company undertook investigations and testing but says the situation did not improve.
- She contacted the company again in May 2021 and, similarly, acknowledges that it responded to her in both June and October 2021 with an update on its investigations and proposed actions. The customer says that, as before, the odour situation did not improve.
- Believing the company was not properly addressing her concerns she, on 30 August 2022, escalated her complaint to CCWater who took up the dispute with the company on her behalf.
- The records show that CCWater contacted the company on 03 October 2022 with a Pre-Investigation letter requesting its explanation of events and to check the level of customer service it provided.
- The company responded on 17 October 2022 and explained the actions and investigations it had undertaken. The company confirmed that it believed the smell was caused by the actions of a third-party and was not the result of problems with its own assets. In respect of the customer's request for compensation it records that there is no GSS requirement to compensate for smells, but it notes that it has made a goodwill gesture of waiving the customer's sewage charges for a twelve-month period in the amount of £105.00.
- On 21 October 2022 CCWater wrote to her and concluded that it could not take any further measures to have the company change its position and was thus closing her case.

- Continuing to be dissatisfied with the response of the company she has, on 17 February 2023, referred the matter to the WATRS Scheme where she requests that the company be directed to pay compensation in the amount of £2,500.00 and issue an apology.

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

- It provided its response to the WATRS claim in its submission dated 20 February 2023.
- It acknowledges that the customer first submitted a complaint about unpleasant smells in September 2020.
- It confirms that it undertook investigations and introduced preventative methods and believed the issue was remedied.
- It acknowledges that the customer submitted a further complaint in May 2021.
- It introduced smell loggers to monitor the appropriate assets and in May 2022 it installed a dosing rig.
- It believes that its investigations point to the source of the smell being a third-party that is outside of its control.
- It also believes that it has gone beyond what is required of it in assisting the customer to eradicate the smell.
- It notes that it is not obliged, in terms of the GSS, to compensate the customer for unpleasant smells, and thus its policy is not to do so. However, it records that it has credited the customer's account with the amount of £105.00 that is equivalent to one year's wastewater/sewage charges.
- In summary, the company says it has exceeded its obligations under the GSS and thus will not consider paying the customer any additional compensation.

### **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 had taken insufficient steps to alleviate an unpleasant smell that she believes emanates from its assets. The company states that it has exceeded its responsibilities by waiving twelve months' worth of wastewater charges on the customer's account, and declines to pay additional compensation.
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 can see that the parties agree that the customer first complained to the company in September 2020.
4. The evidence shows that the company responded to the customer and advised her of both measures it had undertaken and measures to be implemented going forward.
5. It appears that the company's actions were not successful as on 05 May 2021 the customer complained again of an ongoing foul smell emanating from the company's assets.
6. The company responded and acknowledged that the smell emanates from its system, and it was likely that a pump station was the source as a previously installed dosing plant had been removed. The company advised that it planned to re-install the dosing plant.
7. The company states that it carried out several measures to mitigate the smell, namely:-
  - Making adjustments to the pump station procedures.
  - Installing a bio-block at the station.
  - Installing smell loggers.
  - Re-installing a dosing plant.

8. I can see that the customer remained unhappy that the smell continued and in November 2021 escalated her complaint to CCWater.
9. From my reading of the documents submitted to me, it seems that the dosing rig was finally installed in May 2022.
10. The evidence does not establish whether the installation of the dosing rig solved the ongoing problem. However, I take note that the customer wrote to the company on 15 August 2022 to complain of receiving a poor level of customer service and not about foul odours. I thus find on a balance of probabilities that the smell was reduced to at least a tolerable level.
11. In her complaint of poor customer service, the customer requested that the company pay her compensation for inconvenience and distress.
12. I appreciate that the customer contends that the smell issue has been going on for approximately twenty years, but the evidence shows only her initial written complaint from September 2020.
13. As the company has stated, the OFWAT Guaranteed Standards Scheme [GSS] does not prescribe that water companies shall pay compensation for smells emanating from its assets. Thus, I am satisfied that no GSS compensation is due to the customer.
14. I take note that the company, as a gesture of goodwill, waived twelve-months of wastewater/sewage charges from the customer's account, but has rejected her subsequent compensation claim.
15. In her application to the WATRS Scheme, the customer has requested that the company be directed to pay her compensation in the amount of £2,500.00 for inconvenience and distress.
16. I am satisfied that the evidence establishes that the company undertook investigations to a reasonable level and implemented changes to the pump station procedures that appear to have remedied the smell problem.
17. The evidence also shows that the company responded in reasonable time to the customer's written complaints and detailed, to a reasonable level, the actions it was implementing.
18. Thus, I find that the company has provided a reasonable level of customer service, and thus it follows that I do not find any act or omission on the part of the company has directly contributed to any distress and inconvenience that the customer may have experienced.
19. I shall not direct the company to make any compensatory payment to the customer.
20. Similarly, having found the company's responses to have been reasonable, I further find that an apology is not appropriate.

21. 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.

### **The Preliminary Decision**

- The Preliminary Decision was issued to the parties on 20 March 2023.
- The customer has, on 21 March 2023, responded to the Preliminary Decision.
- The customer reiterates her position that the smell has been going on for more than twenty years but says she cannot establish this as fact because at that time all complaints were done via telephone.
- The customer acknowledges the company has now installed a dosing rig to reduce the smells but believes it should have taken action many years ago.
- I am satisfied that the facts upon which the Preliminary Decision was based remain unchanged.
- Having read the response of the customer I am satisfied that no amendments are required to the Preliminary Decision.

#### **Outcome**

The company does not need to take any action.

### **What happens next?**

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 01 May 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.



Peter R Sansom  
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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**