

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X438

Date of Final Decision: 30 April 2023

Party Details

Customer: XX

Customer's Representative: XX

Company: XX

Complaint

The customer says that the company's approach to billing for surface water drainage is unfair, particularly for low water users.

He requests that the surface water drainage charge be linked to water usage.

Response

The company says that the Property has been billed in accordance with the company's charges scheme.

No offer of settlement has been made.

Findings

With respect to those matters that can be addressed by WATRS, the company has provided its services to the customer to the standard to be reasonably expected by the average person. Other matters raised by the customer must be raised by the customer to Ofwat, and cannot be resolved through WATRS.

Outcome

The company does not need to take any further action.

The customer must reply by 23 May 2023 to accept or reject this decision.

ADJUDICATOR'S FINAL DECISION

Adjudication Reference: WAT-X438

Date of Final Decision: 30 April 2023

Case Outline

The customer's complaint is that:

- The customer lives in a small flat and due to his disability has very low water usage.
- The company charges the same amount for surface water drainage to all its customers, regardless of their water usage or the size and type of property.
- This has a disproportionate impact on low water users such as the customer, as the surface water drainage charge on his bill is almost double the charge for fresh water and wastewater.
- He requests that the surface water drainage charge be linked to water usage.


The company's response is that:

- The customer's representative made contact on 22 December 2022 to question the surface water drainage charge for the Property.
- The company responded on 23 December 2022 to explain the basis for the surface water drainage charge, and to confirm that the customer had been charged correctly.
- The customer repeated his concern on 29 December 2022, and the company responded the same day to further explain its position.
- After the customer reiterated his concerns, the company contacted the customer by phone to explain its position on two occasions
- The company then repeated its explanation to the customer in writing.

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. As a regulated water retailer, the company is required to bill its customers in accordance with a published charges scheme and to provide its services in accordance with its licence and any applicable Ofwat guidance. The company's charges scheme must adhere to rules made by Ofwat, the Water Services Regulation Authority, the designated regulator in this sector.
2. The consequence of this is that, as specified in Rule 3.5 of the Water Redress Scheme Rules, a WATRS adjudicator does not have the authority to decide on the fairness or correctness of a company's charges scheme, as this responsibility has been given by the Water Industry Act 1991 to Ofwat.
3. In the present case, the customer's challenge is not to the specific manner in which the company has applied its charges scheme to the Property, but to the content of the charges scheme. As just explained, such a complaint cannot be resolved by a WATRS adjudicator, as issues of the fairness or correctness of the company's charges scheme must be addressed by Ofwat.
4. As a result, while I understand the customer's concern that the company's current approach to billing for surface water drainage has resulted in the surface water drainage charge for the Property being unusually large in comparison to the customer's water usage, whether this is an unfairness that must be addressed, or just an unfortunate consequence of an overall fair billing approach, is not a question that can be addressed in this decision. If the customer believes he has valid arguments to make in this respect, those arguments must be raised to Ofwat.
5. While the substance of the customer's concern cannot be addressed through WATRS, a WATRS adjudicator may address the company's customer service in response to customer's complaint. However, I find that the evidence shows the company responding quickly to the

contacts of the customer's representative, providing clear explanations and displaying an effort to understand the customer's viewpoint.


6. I find, therefore, that in this respect the company has provided its services to the customer to the standard to be reasonably expected by the average person.
7. For the reasons given above, with respect to those matters that can be addressed by WATRS, the company has provided its services to the customer to the standard to be reasonably expected by the average person. Other matters raised by the customer must be raised to Ofwat, and cannot be resolved through WATRS.
8. In his comments on the Preliminary Decision in this case, the customer requested that his concerns be raised to Ofwat on his behalf by the Adjudicator. However, this is not an action a WATRS Adjudicator is able to take, and if the customer wishes his concerns to be raised to Ofwat, he must raise them directly himself. The customer has requested guidance on how to raise his concerns to Ofwat, which cannot be provided in this decision, however this information is available on the internet, and the customer may also contact CEDR Administration for assistance if required.

Outcome

The company does not need to take any further action.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 23 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.



Tony Cole

Tony Cole FCI Arb

Adjudicator