

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT/X456

Date of Final Decision: 25 April 2023

#### Party Details

Customer: XX

Company: XX

#### Complaint

The company failed to maintain its sewer network resulting in internal sewage flooding to this property. It also provided poor customer service. He seeks that the company inspect the external sewer system at least annually, pay him compensation in the sum of £1390.30 to cover the costs of restoring his property and the insurance excess and, pay him an unspecified sum of compensation for distress and inconvenience.

#### Response

It has no absolute duty to maintain pipes and cannot be held responsible for a sewer defect. The flooding arose due to third party misuse. It denies the claim.

#### Findings

The evidence shows the company provides its services to the standard to be reasonably expected.

#### Outcome

The company does not need to take any action.

The customer must reply by 25 May 2023 to accept or reject this decision.

# ADJUDICATOR'S FINAL DECISION

Adjudication Reference: WAT/X456 Date of

Final Decision: 25 April 2023

## Case Outline

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

- On 26 July 2022 sewage flooded his property internally. The company paid his tenant a GSS payment equivalent to one year's annual sewerage charges. He considers this an admission of liability.
- The company has denied liability as it says the flooding arose due to a blockage caused by a spoon. However, there was a large amount of scale built up in the pipework and a poorly constructed junction in the pipework, both of which could have caused the problem. The build up of scale had been a long standing problem causing blockages in the past.
- The company ignored his request to see engineer reports and one officer stopped responding to him at one point.
- He seeks that the company inspect the external sewer system at least annually, pay him compensation in the sum of £1390.30 to cover the costs of restoring his property and the insurance excess and, pay him an unspecified sum of compensation for distress and inconvenience.
- In comments on the company's response the customer says:
  - He seeks the company send him a copy of the legislation which says who is responsible for maintaining the sewer network.
  - His tenant dropped a spoon in the system by accident; it is libellous to refer to this as misuse.
  - He will raise the matter with his MP if needed.
- The customer provided no comments on a preliminary decision.

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

- There is no absolute duty on a water undertaker to maintain sewer pipes. In respect of any liability or negligence to the customer, a water company cannot be held responsible for a sewer defect.

- Two separate internal floodings occurred in July and August 2022 and it paid two Guaranteed Service Standard (GSS) payments.
- The second internal flooding was caused by a spoon stuck in the private system, which would be deemed as misuse. This caused a blockage, subsequently causing the system to back up.
- It attends blockages or floodings on a reactive basis when made aware of the issue. As soon as it was made aware its engineers attended and rodded the line clear and removed the spoon.
- It denies the claim.

### **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. It is not in dispute the customer's property suffered internal sewage flooding in July 2022.
2. The customer believes this was due to the company's failure to properly maintain and upkeep its sewerage system.
3. Under Section 94 of the Water Industry Act 1991, the company is responsible for the repair and maintenance of its assets. And under section 18, it is for Ofwat to determine any breach of this duty.

4. In accordance with the WATRS scheme rule 3.5 I cannot adjudicate on any dispute over which Ofwat has the power to determine the outcome. I therefore cannot say whether the company has failed to properly maintain its sewers.
5. However, I can otherwise consider whether the company has provided its services to the standard to be reasonably expected.
6. Both parties accept a third party caused a spoon to enter the pipework causing a blockage prior to the flooding incident. I accept on balance this was the cause of the flooding. While I acknowledge the customer believes defects in the sewer contributed to this, there is a lack of independent evidence to support this. And, as above, I cannot consider any dispute regarding maintenance.
7. The company cannot be held responsible for sewer flooding caused by third party action. However the company attended and cleared its pipework to address the issue. It also made a GSS payment. The evidence shows the company provided its services to the standard to be reasonably expected.
8. The customer has complained of poor communication by the company. The correspondence evidence he has provided suggests the company did not respond to him as promptly as he would have liked on occasion. However, I have not seen evidence of any undue delay or failure to respond. The evidence does not show the company failed to provide its customer service to the standard to be reasonably expected.
9. As I have not fault any failing proven the customer's claim is unable to succeed. I appreciate the customer may be disappointed with this outcome. However, he may wish to direct his concerns about sewer maintenance to Ofwat.

#### **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 25 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.



J Mensa-Bonsu LLB (Hons) PgDL (BVC)  
**Adjudicator**