



WATRS

Water Redress Scheme

Guidance Notes

Overview

What is WATRS?

The Water Redress Scheme (WATRS) is an independent adjudication service which has been set up to sort out disputes between customers and water and sewerage companies. We decide on disputes that have not been settled through a water company's own complaints procedure or by referring the matter to the Consumer Council for Water (CCWater).

What is the difference between WATRS and CCWater?

CCWater can only make recommendations as to the best way to resolve a dispute. We have the authority to make a decision about your dispute, based on the evidence you and the water company give us. If you decide to accept our decision, the company have to act on the adjudicator's findings within a specified time period.

How can I be sure that you will be independent?

The independent alternative dispute resolution (ADR) panel has been set up to make sure we are independent, effective, fair and honest. You can find more information about the panel at www.resolvingwaterdisputes.org.uk

Who makes the decision about my dispute?

We are an independent service and we base our decisions entirely on written evidence. One of our professional, legally qualified adjudicators will consider your claim. To make sure they are fully impartial, they will have no direct contact with you or your water company.

How will the adjudicator decide the case?

The adjudicator will consider the information you give in your application for adjudication along with any supporting evidence you provide. They will also consider:

- the evidence the water company submits in response to your claim;
- all relevant law (such as the Water Industry Act 1991);
- relevant terms and conditions;
- the Guaranteed Standards (these are the minimum levels of service standards energy companies are required to meet, by law) and;
- what is most fair and reasonable in the circumstances of your claim.

Can I talk direct to the WATRS adjudicator?

No, the appointed adjudicator will have no direct contact with either you or your water company. This is to make sure they are fully independent and impartial.

Will there be a hearing for me to provide evidence?

No, we make our decisions based on written evidence only.

When will I receive a decision?

We will aim to send you a decision within 25 working days of receiving your filled-in application.

Do I have to use WATRS?

No, you do not have to make an application to us to settle your dispute.

My complaint is about sewerage not water, can I still use WATRS?

Yes, we deal with disputes about both water and sewerage services.

Do I have to pay to use WATRS?

No, our service is free for customers. All water and sewerage companies in England and Wales have voluntarily agreed to fund the cost of WATRS as part of their commitment to providing independent and impartial dispute resolution for their customers.

Can I recover the costs of preparing my case?

No, you must pay any costs you have in preparing and submitting your case to us, which include any incidental or third-party costs (for example, if you decide to take legal advice about making an application, you must pay for that yourself).

Do I need a lawyer?

No, you do not need a lawyer but if you want to use one you will have to pay all of the legal (or other professional) costs yourself.

Can I withhold payment to the water company for its services until I know the outcome of my complaint?

No, referring a dispute to us does not mean you don't have to pay the company any bills that are not part of your dispute.

Referring a Dispute

When can I make an application to WATRS?

You can apply to us after:

- you have gone through the water company's complaints procedure; and
- CCWater have told you that you are eligible to apply. CCWater will give you a WATRS notification letter (also known as a closure letter) or option letter.

Once you make your application to us, CCWater will no longer be able to mediate on your behalf with your water company or investigate your complaint any further.

What's the difference between a notification letter and an option letter?

CCWater will issue a notification letter when a dispute has been through the company's complaints procedure and CCWater have mediated or investigated the dispute and the dispute still cannot be settled. It means that CCWater do not think that they can take the matter any further.

They will issue an option letter when a dispute is still being investigated or they are still mediating, but either four weeks (for mediation) or eight weeks (for investigation) has gone by since the dispute went to them.

Do I have to apply to you if I get an option letter?

No, an option letter just means that you can apply to us if you want to or you can wait until CCWater finish their mediation or investigation.

Are there any time limits for making an application?

You have six months from the date of the notification letter in which to apply. There is no time limit with an option letter, but once the notification letter is issued it replaces the option letter and the six-month time limit will then apply.

Can CCWater make my application for me?

Generally no, you can ask CCWater to refer your complaint to us and we will then send you an application form. (In certain cases CCWater may assist setting up the application form on behalf of some customers, but this is down to their discretion).

What should I consider before making my application?

You should read these guidance notes carefully before making an application, to make sure we can deal with your claim. Our rules set out the type of claims we can deal with, how the scheme works and what you should expect to happen if you make an application. However, you are not expected to know the rules in detail. Our team will tell you about any rules you need to be aware of.

What kind of disputes can you deal with?

We can deal with disputes about:

- bills, payments, collections and recovering debts;
- metering;
- water-supply services;
- wastewater and sewerage services;
- development and new supplies; and
- other issues which have gone through a company's internal complaints procedure and which are not excluded under our rules.

We will assess your application against the above criteria. If we cannot deal with your dispute we will tell you, and your application will not go to an adjudicator.

The water company can also object to us accepting your application if it considers that the dispute is outside the scope of our scheme. In these circumstances, we decide whether your application is valid and our decision will be final.

What kind of disputes we cannot deal with?

We cannot deal with your complaint if it is about one of the following matters:

- a dispute concerning the Competition Acts 1998 and 2002;
- regulatory enforcement cases;
- bulk-supply decisions;
- a dispute between undertakers, between licensees, and between undertakers and licensees;
- water-supply licensing disputes;

- whistleblowing;
- any matter Ofwat has the power to decide on;
- water-quality legal standards;
- enforcement cases under the Environmental Protection Act 1990 and the Environmental Act 1995 as amended;
- disputes that are the subject of existing court action or which a court has ruled on (unless the court's decision has been "set aside", meaning the court order/judgment no longer applies);
- disputes that are the subject of an existing or previous valid application under the scheme;
- how CCWater and Ofwat have handled complaints
- complaints which are being investigated (or which have been investigated) by a statutory or regulatory agency (including the Drinking Water Inspectorate or the Environment Agency) for breaking a statutory or regulatory requirement, unless CCWater have given you a letter telling you that you can apply to us;
- complaints about third parties/resale;
- disputes concerning allegations of crime (including fraud); and
- any dispute that we consider to be petty or made out of spite

You should only apply if your dispute is included in the list of acceptable cases as listed above. If you are not sure whether you can apply, you can contact us.

What is the most I can claim under WATRS?

The most you can claim is £10,000 per customer for households and £25,000 per customer for non-households (such as commercial premises). Our adjudicator may direct the company to take action or provide you with a service, but the total value of any claim, including the cost of any action or services, cannot be higher than the maximum limit. These limits apply where there is more than one customer living or working at the same address (unless they are separate bill payers, then they would need separate applications).

Can I make an application for more than the maximum amount?

Yes, but the adjudicator cannot order the company to pay you more or tell it to take any action or provide any service if the total value or cost of doing so would be more than the maximum amount.

Can I claim interest?

Yes, if you have lost out because you were incorrectly charged by your water or sewerage provider you can claim interest. If the adjudicator agrees with your claim, interest will be awarded at the same rate that is applied in the County Court, from the date when the incorrect payment was made to the date of the adjudicator's decision.

What should I put in my application?

You will need to include the letter from CCWater telling you that you can apply to us. If you do not have this, you can ask CCWater to send us a copy. You should set out what your dispute is about and what you are claiming from the water company and why. You should provide evidence to support your claim. For us to accept your application, you must give your

permission to allow the company (and CCWater if you want them to provide documents) to give us all the information relating to your dispute.

Your application should include details of:

- the company's service which the dispute is about;
- the events leading to your complaint;
- the exact issues the dispute is about;
- the steps you have already taken to try to sort out the dispute with the company (including involving CCWater);
- the relevant dates of the issues and any prior steps to seek resolution;
- the reasons why you want a particular outcome to the dispute;
- the reasons and evidence in support of any compensation you are claiming; and
- any relevant supporting documents. Remember, it will help your application if you can provide evidence to support your claim.

We have designed an application form that will take you through the list above step by step.

Can you help me with my application?

Yes, our team can offer guidance on making an application. We are committed to making all of our services accessible for everyone we deal with and we will make reasonable adjustments where appropriate to help you. However, we will not be able to tell you how to set out your claim.

Will I be able to see the water company's response and evidence?

Yes, you will be able to see everything the other side has submitted. You will have 2 working days to provide your response to this information.

Settlements

The company made me an offer before I made my application. Can I still accept it?

No, any offer (or offers) your water company made before you applied to us is no longer open and you cannot accept it after you have made your application.

What if the company makes me an offer after I have made my application?

You can accept any offer made by the company after you have made your application but before the adjudicator has sent you a decision. This is called an agreed settlement. If you do accept an offer, the company will let us know and we will close the case. You will have to confirm that you accept the agreed settlement.

Will you negotiate with the company for me?

No, we are an impartial, independent service and we will not act for either you or the company.

Adjudication decisions

What can you make the company do?

We can tell the company to provide or do any of the following:

- provide an explanation or an apology (or both);
- provide a service;
- do something about your bill;
- take certain action; and
- provide financial compensation (If your account is in arrears, the compensation will be paid into your account to cover those arrears, and any amount left over will be paid direct to you.)

Remember that, in all cases, the adjudicator cannot order your water company to pay you more or tell them to take any action or provide any service if the total value or cost of doing so would be more than the maximum amount allowed on the scheme.

Can you fine the company or take action against it?

No, we are not a regulator and cannot fine companies. Our role is to settle individual disputes between customers and companies in an impartial way.

What should I do when I receive your decision?

You have 20 working days to tell us whether you accept our decision. If you do accept our decision, it will become binding on the company and it will have to do what adjudicator directs. If you do not tell us that you accept the decision within 20 working days, the company will not have to take any action in line with our decision.

Can I accept the decision after the 20 working days has run out?

No, you cannot accept the decision after the 20 working days.

If I am not happy with your decision, can I appeal against it?

No, you can simply accept or reject the decision. If you reject the decision, it will have no effect. There is no appeals procedure.

If I accept your decision, when will the company keep to it?

The company must act on our decision within the timescale we set. If we do not set a timescale, the company must act within 20 working days from the date we publish our decision.

What if the company does not keep to the decision or agreed settlement?

If the company does not keep to our decision, you must tell us within 15 working days of the date on which it should have acted.

What if I want to complain about you?

You can see our complaints here <https://www.cedr.com/complaints/>

Are you registered under the Data Protection Act 1998?

We are run by the International Dispute Resolution Centre (IDRS), part of the Centre for Effective Dispute Resolution, and registered under the Data Protection Act 1998.

WATRS

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Timeline

25 working days
(from application
accepted to final
decision published)

