

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0787

Date of Decision: 21 August 2018

Complaint

The customer states that the company did not notify her that it would be taking over her sewerage account, and is charging more than she previously paid. She seeks for her account to be cleared so that she can return to []Water, or for the company to charge her in accordance with the rates she had received previously from [] Water. The customer also requests that the company pay compensation of £2,500.00 for distress and inconvenience, and £400.00 for administration wages.

Defence

The company states that the customer has been billed correctly, and that it has explained to the customer why it is now billing her for sewerage services. It acknowledges that there have been customer service failings, but has already paid the customer compensation of £60.00 in respect of these.

Findings

The company has sufficiently established that it has billed the customer correctly, and that it has already appropriately compensated the customer for those customer service failings that occurred. Consequently, I find that the company have not failed to provide its services to the standard to be reasonably expected by the average person.

Outcome

The company does not need to take any further action.

The customer must reply by 19 September to accept or reject this decision.

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ADJUDICATOR'S DECISION

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Date of Decision: 21 August 2018

Party Details

Customer: []

Company: []

Case Outline

The customer's complaint is that:

- She received no communication from the company prior to her sewerage account being migrated from [] Water at the opening of the water market.
- She is concerned that she may have been double-billed.
- She was not sent a bill by the company for a year after her account was migrated, and was then just sent a final demand notice.
- She seeks for her account to be cleared so that she can return to [] Water, for the company to charge her in accordance with the rates she had received previously from [] Water, and for the company to pay compensation of £2,500.00 for distress and inconvenience, and £400.00 for administration wages.

The company's response is that:

- An employee of the customer contacted the company on 15 June 2017 to query a bill that had been received from the company for sewerage services.
- The company explained at this time why it was now correctly billing the customer for sewerage services, which was because previously [] Water had previously been billing the customer for sewerage services on behalf of RST Water, even though this may not have been disclosed.

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The company then took over the customer's account from RST Water upon the opening of the water market.

- The company has already paid compensation to the customer of £20.00 for late billing and £40.00 for customer service failings.

The customer's comments on the company's response are that:

- She was not informed of the change from [] Water to the company prior to it taking place.
- She has since contacted [] Water to return her sewerage account to them, but it needs to be released by the company.
- She is currently paying more with her services being split between the company and [] Water than she would if [] Water had both water services.
- Despite having commenced the current proceeding, the company has sent a final demand notice threatening collection action.

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?

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1. The customer states that she was not notified by the company that it would be taking over her sewerage services prior to the transfer taking place, and on the basis of the evidence available to me I accept that this is true. However, the company has satisfactorily established that it was contacted by an employee of the company on 15 June 2017, shortly after the company took over the customer's account on 1 April 2017. The company has also satisfactorily established that it responded to the customer's employee a week later, explaining why it was now billing the customer.
2. As a result, while I acknowledge that the customer is understandably unhappy at not receiving prior notice of the transfer, because she did receive both notification and a full explanation shortly after the transfer occurred, I find that she did not suffer significant damage from the company's failure to notify her of the transfer of her account prior to it taking place.
3. The company has already paid compensation to the customer of £20.00 for failing to properly notify the customer of the transfer of her account, and as the customer was nonetheless notified of the change shortly after it occurred, and received a full explanation at that time, I find that this payment is fair and appropriate.
4. The customer also seeks for the company to charge her in accordance with the rates she had received previously from [] Water. While the company is not obligated to match the rates of another company, the customer has a genuine concern that she did not receive prior notification of the transfer of her account, or agree to that transfer, and yet may have been billed higher amounts because of that transfer.
5. However, while the customer has produced evidence of what [] Water will currently charge her if it handles both her water services, such an arrangement would not parallel the period for which the company has billed the customer. As the company has explained to the customer, while the customer was previously being billed by [] Water, the customer was actually being billed on behalf of RST Water for her sewerage services. The consequence of this is that the customer has at no point previously been billed by an entity that held both her water services and sewerage services accounts, and so information on the rates charged by [] Water for such a bundled service cannot provide a comparator for the reasonableness of the customer's bill from the company. I do not find, therefore, any basis on which it can be concluded that the customer has incurred excessive charges due to the transfer, or that the company's rates are otherwise inappropriate.

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6. Consequently, this element of the customer's claim does not succeed.
7. The customer also seeks for her account to be cleared so that she can return to [] Water.
8. However, while I accept that the customer was not informed of the transfer of her account to the company, and that she believes she has been overcharged by the company, the customer has received services from the company and I have not found that the company has charged the customer inappropriately. The customer is, therefore, being billed for amounts that are indeed owed, and if the customer's account must be cleared prior to the customer transferring her sewerage services to [] Water, this must be done by the customer paying the amount owed on the account.
9. Consequently, this element of the customer's claim does not succeed.
10. The customer also claims compensation of £2,500.00 for distress and inconvenience, and £400.00 for administration wages.
11. However, I find that the company has been clear in its explanations to the customer as to why it is billing the customer. While there were customer service failings regarding immediate notification to the customer of the transfer and late billing, I find that the company has paid sufficient compensation to the customer for these failings.
12. The customer objects that the company has threatened to commence collection action regarding her unpaid bill, despite the customer having challenged that bill. While I acknowledge that the customer's objections are genuine, the customer has received services from the company and the company has demonstrated that it has seriously considered the customer's objections and has explained to the customer why it does not regard those objections as correct. The company is, therefore, entitled to take action to collect amounts owed on the bill sent to the customer.
13. Consequently, these elements of the customer's claim do not succeed.
14. For the reasons given above, the customer's claim does not succeed.

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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 19 September 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.
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Tony Cole, FCI Arb

Adjudicator

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