

Water Industry
Alternative Dispute
Resolution (ADR) scheme

For England and Wales

System / process specification

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UK Water Industry Alternative Dispute Resolution (ADR) Scheme

Introduction

The water industry in England and Wales will introduce a voluntary ADR scheme. This will be procured and run on behalf of the water industry, with support from the industry regulator, Ofwat, and the consumer representative body, the Consumer Council for Water (CCWater).

The scheme will:

- Introduce a final resolution to deadlocked consumer¹ complaints which is binding upon water companies;
- Provide an easy-to-understand and easy-to-use ADR process for consumers, thereby increasing consumer confidence and satisfaction;
- Build upon water companies' existing complaints procedures;
- Complement the mediation and investigation roles of CCWater;
- Align with Ofwat's duties and powers in relation to complaints handling;
- Provide a cost-effective ADR scheme for water companies and their consumers;
- Meet the principles of the Alternative Dispute Resolution (ADR) Directive;
- Comply with the provisions of any other relevant legislation or regulations.

This paper outlines the specification for the ADR process to a reasonable level of detail but it is not intended to provide a complete description, detailing every scenario and example which could apply or occur. Similarly, it is not intended to restrict or prevent the ADR provider from putting forward innovative suggestions to improve the process.

Background and rationale

Water (and sewerage) companies aim to deal with complaints as quickly and effectively as they can. In some cases, CCWater assists consumers by acting as a mediator² or by investigating³ a small number of complaints.

¹ 'Consumer' is used throughout as a general term; however eligibility for the scheme is defined in the section called Eligible complainants.

² Mediation means communication between CCWater, the consumer and the water (and sewerage) company with a view to resolving an issue where a complaint has not exhausted the complaints procedure.

³ Investigation means that CCWater will challenge a water (and sewerage) company on behalf of the consumer, where a complaint has exhausted the complaints procedure and where case material evidence about an alleged service failure justifies further examination. CCWater will not investigate a complaint if it feels the company has acted reasonably.

These arrangements work well on the whole, with the number of consumer complaints falling significantly in recent years. The number of written complaints to companies fell by 45% between 2007/08 and 2012/13. Please refer to Appendix 3: Written consumer complaints to water (and sewerage) companies.

A radical overhaul of the current consumer complaints process is therefore not considered necessary. Nevertheless, the water industry is looking to improve this process because:

- Water (and sewerage) companies want to improve trust and build stronger relationships with their consumers;
- The current consumer complaints process means that a small number of consumer complaints remain unresolved, leaving some consumers dissatisfied;
- The absence of a binding resolution to deadlocked complaints (see Deadlock definition) by an independent ADR provider falls short of consumers' expectations and their experiences in other sectors; and
- Ofwat's own consumer complaints process could work more effectively, speeding up the process for complainants⁴.

The drivers for an ADR scheme in the water industry include:

- Meeting rising consumer expectations;
- Demonstrating a commitment to fairness and building trust with consumers;
- Delivering a fair process and outcome for dissatisfied consumers;
- Increasing the transparency and consistency of consumer complaints handling processes and outcomes;
- Reducing the costs associated with deadlocked complaints;
- Reducing the impacts on consumers associated with deadlocked complaints;
- Enabling Ofwat to prioritise its complaints so that consumers receive a faster, better service⁵.

It is envisaged that an ADR scheme will be required to deal with hundreds rather than thousands of consumer complaints per annum, (likely to be between 250 and 750), although there may be an initial spike when the scheme is introduced.

⁴ Except where stated otherwise, the specification described in this document relates to the service that an ADR provider would supply to participating water (and sewerage) companies. In the event that Ofwat acquires the legal discretion to delegate some of its casework to a third party, it will make sure that the necessary arrangements are put in place to manage and fund that process.

⁵ As above

ADR scheme principles

The following eight principles must be met by the ADR scheme and ultimately must be demonstrated by the chosen ADR provider:

- Independence
 - It will be independent of water companies and any other stakeholder (e.g. a consumer advocate) with a conflict of interest.
- Fairness and impartiality
 - It will be able to take a neutral, objective and balanced view, and deliver outcomes based on clear policy/rules.
- Proportionality
 - It will undertake analysis and make decisions proportionate to the scale and nature of the problem.
- Consistency
 - It will ensure that decisions are clear and consistent from case to case.
- Transparency
 - It will ensure that decisions are public so that they are seen to be made without prejudice; highlight systemic failings in policy or practice; have a deterrent effect and drive service improvements. The process will, however, maintain the confidentiality of individual complainants.
- Effectiveness
 - It will meet its objectives and do so in a way that provides value-for-money through cost-effective, timely⁶ delivery.
- Accountability
 - It will be monitored and tested to ensure that it delivers efficient and effective outcomes for consumers, and that it is accountable to its users and the water industry. Please refer to Monitoring.
- Accessibility
 - It will be available to a wide range of complainants (see Eligible complainants) and easily available to consumers with different needs through the most appropriate channel (for example telephone, e-mail, website and letter); and it will ensure that its role is made clear so that consumers understand the process and know who to contact.

The principle of fairness is deemed to be enshrined within a number of the above principles as well as impartiality, for example proportionality and consistency.

The ADR scheme will on this basis meet all of the quality principles set out in the Alternative Dispute Resolution (ADR) Directive.

⁶ 'Timely' means as quickly as possible to achieve an objective result.

Process principles

In addition to the general principles which will underpin the ADR scheme, the following principles will also apply to the end-to-end consumer complaints process including the ADR scheme:

- The ADR scheme will be added to the end of the existing process. Please refer to Appendix 1: Process model pre-legislative change (no Ofwat discretion) and Appendix 2: Possible process model post legislative change.
- CCWater mediation is the preferred method of resolution for complaints which water companies have not resolved within their consumer complaints processes, and as such the ADR scheme is a last resort where mediation has not resolved the consumer's complaint.
- The ADR scheme will be free to consumers. Please refer to Costs.
- The ADR scheme will provide a binding resolution for those consumers which accept the outcome. Decisions will be binding on water (and sewerage) companies, which will have no right of appeal. Please refer to Binding resolution for more details.
- Complaints received at the wrong stage of the end-to-end consumer complaints process will be referred to the correct stage and the consumer informed of this by CCWater, Ofwat or the ADR provider accordingly.
- Complaints will be referred proactively to the next stage of the consumer complaints process by the water (and sewerage) company or by CCWater where:
 - The consumer remains dissatisfied with the outcome of the complaints handling; and
 - The consumer has given express permission for the complaint to be referred to the next stage of the consumer complaints process.
- The ADR scheme will only be used when a consumer has reached deadlock with the water (and sewerage) company or when certain criteria are met. Please refer to Deadlock definition and to Timescales for referral to the ADR provider.
- Use of the ADR scheme will not normally be restricted on the basis of the complexity or type of complaint, but some exceptions will apply. Please refer to Eligible complaint categories.
- A limit on the value of any financial award determined by the ADR provider will apply for both household and non-household consumers, and consequently consumers seeking financial awards above these limits may choose not to use the ADR scheme. Please refer to Eligible complaint categories.
- Any offer made by the water (and sewerage) company prior to referral to the ADR provider, whether direct to the consumer or via CCWater, no longer applies once the ADR provider accepts the complaint for review.

- This means that the consumer cannot revert to the company's previous offer or outcome, in those cases where the ADR provider determines a lower offer or a lesser outcome than the company had previously put forward or had been agreed to through CCWater mediation or as a result of a CCWater investigation.
- The consumer will be made aware of this before deciding to refer the complaint to the ADR provider.
- Any payment which has already been made by the company will not be refundable (except where the consumer has returned a cheque).
- Where the ADR provider determines an outcome which is equal to or greater than the offer or outcome previously put forward by the company or CCWater, this issue does not arise.
- Should the water (and sewerage) company and the consumer concerned reach agreement to resolve the complaint before the ADR provider has completed its review of the complaint, the consumer may withdraw the complaint from the ADR scheme; the company should inform the consumer to do this as part of the agreement that is reached.
- The ADR provider must have due regard to legal and regulatory requirements, and to decisions and determinations made by legal and regulatory bodies, when deciding the outcome of a consumer complaint; this includes complaint and price review determinations and any guidance or instruction issued to water (and sewerage) companies by Ofwat.
- The ADR provider must access suitable subject matter experts and take account of any decisions taken previously by independent and/or professional parties, for example loss adjusters, when required to investigate and determine the outcome to complex, technical or legalistic complaints.
- The ADR provider must provide a service for consumers whose first language is not English (including consumers whose first language is Welsh).
- Decisions made by the ADR provider both in favour of consumer and the water (and sewerage) company must be transparent.

Eligible complainants

Complaints from the following will be considered to be eligible for the ADR scheme provided that those complaints meet the criteria outlined in Eligible complaint categories:

- Customers⁷
 - Household customers⁸;
 - Non-household customers;

⁷ This includes customers' representatives, for example solicitors, carers and those holding power of attorney.

⁸ Customers are defined here as bill-payers, whereas consumers are service users who may not be bill payers, for example tenants.

- Intermediate customers, for example developers, self-lay operators and water supply licensees;
- Potential customers⁹.
- Consumers¹⁰
 - Household consumers;
 - Non-household consumers;
 - Potential consumers.

Consumer is also used throughout as a general term to mean all eligible complainants. A complaint must be referred to the ADR provider by the consumer making the complaint, or an appointed representative, as stated above.

Multiple complainants

Complaints made on behalf of more than one consumer may only be referred to the ADR provider in respect of those named, provided that they are signatories to the complaint and each has confirmed that they wish to refer the complaint to the ADR provider; alternatively each must have confirmed that they agree to a representative acting for them and therefore the representative may decide to refer to the complaint to the ADR provider on behalf of all of the signatories.

In such cases, it is for the ADR provider to determine whether the circumstances of each signatory are the same or differ, and correspondingly whether the outcome of the complaint should be the same for all signatories or differ dependent upon their individual circumstance.

Once a complaint has been made, adding further consumers or customers will not normally be permitted.

Eligible complaint categories

It is a principle of the ADR scheme not to restrict its use other than in exceptional circumstances. An eligible complaint is one which passes through the normal water (and sewerage) company complaints procedure and then be referred to the ADR provider to consider and respond.

Complaints considered to be eligible for the ADR scheme include the following, provided that the complainants meet the criteria outlined in Eligible complainants.

- Bills, payments, collections and debt recovery;
- Metering;

⁹ This includes customers currently living outside the supply area that are considering or planning to move into the area.

¹⁰ This includes consumers' representatives, for example solicitors, carers and those holding power of attorney.

- Water supply services;
- Wastewater / sewerage services;
- Development and new supplies.

The ADR provider may choose to signpost any consumer or refer any complaint elsewhere if it considers that another organisation or body has a statutory duty to investigate the complaint or that there is a more appropriate organisation or body to consider the complaint, for example another ADR scheme.

Financial limits

If the ADR provider upholds the consumer complaint, the outcome may be financial or non-financial, or a combination of both.

Where the complaint comprises or includes a financial claim, or in any complaint case where the ADR provider determines that the complaint resolution must include an amount payable¹¹, the amount awarded will be limited to £10,000 for household consumers and £25,000 for non-household consumers.

These limits apply per consumer and therefore where the complaint has been made by more than one consumer¹², the limit is multiplied accordingly.

The application of financial limits does not mean that such complaints are excluded; the consumer will, however, be made aware of this, when deciding whether or not to refer the complaint to the ADR provider. It is accepted that consumers seeking a financial settlement above the limits provided for by the ADR scheme may choose not to refer their complaint to the ADR provider, but take an alternative route such as the courts.

Out-of-scope complaints

Complaints relating to the following are outside the scope of the ADR provider:

- Competition Act cases
- Regulatory enforcement cases
- Bulk supply determinations
- Disputes between undertakers, between licensees and between undertakers and licensees
- Water supply licensing disputes
- Whistle blowing
- Cases over which Ofwat has powers to determine an outcome
- Water quality legal standards
- EA enforcement cases

¹¹ For example: compensation or a discretionary allowance against charges

¹² This does not apply to multiple consumers residing or working at the same address , except where each is a separate bill payer

- Disputes that are subject to existing court action or on which a court has ruled, unless the Court's decision has been set aside
- The handling of CCWater and Ofwat complaints

Resale and third party complaints¹³ are also excluded, unless the ADR provider decides to offer the service independently.

Complaints being investigated by the Drinking Water Inspectorate (DWI) or Environment Agency (EA) on the basis of breaches of legal or regulatory requirements sit outside the ADR process, unless they are also being handled via the normal consumer complaints process.

Complaints which should be investigated by other authorities or bodies as part of their statutory duties will sit outside the ADR process for example statutory nuisance complaints which fall within the remit of Local Authorities, and retail related complaints which fall within the remit of the Financial Conduct Authority or Advertising Standards Authority.

Where a complaint is deemed to be out-of-scope or falls within the remit of an authority or body as part of its statutory duties or within the remit of a different ADR scheme, the water (and sewerage) company concerned, CCWater, Ofwat and/or the ADR provider will signpost the consumer accordingly, in order that the complaint can be re-directed appropriately.

CCWater investigations¹⁴

CCWater will investigate a consumer complaint in accordance with its statutory duties¹⁵ when the following circumstances apply:

- Where the water (and sewerage) company's complaints procedure has been exhausted and there are further issues which CCWater believes should be addressed;
- Where there are long-standing service failures of which the company is aware and has failed to action; and/or
- Where the company has not adhered to its own procedure but this would have been exhausted when the complaint reached CCWater.

CCWater will not investigate a complaint if it generally supports the company's position but feels a minor, previously unmentioned company action would resolve the complaint.

Complaints which have been investigated by CCWater are eligible for the ADR scheme, if the consumer is dissatisfied with the outcome.

¹³ See Ofwat's 'A guide to water resale'.

¹⁴ Investigation means that CCWater will challenge a water (and sewerage) company on behalf of the consumer, where a complaint has exhausted the complaints procedure and where case material evidence about an alleged service failure justifies further examination. CCWater will not investigate a complaint if it feels the company has acted reasonably.

¹⁵ Under the provisions of the Water Industry Act 1991

Deadlock definition

Deadlock occurs when a consumer complaint remains unresolved following the water (and sewerage) company's initial response to and its subsequent review of the complaint, and following mediation by CCWater with the company and the consumer or a CCWater investigation; in other words, when all efforts to resolve the consumer complaint have failed, the parties concerned cannot agree upon an outcome and neither party is willing to consider changing its position.

ADR referral process

Where a consumer complaint has been considered by a water (and sewerage) company in accordance with its complaints procedure and by CCWater in its mediation or investigations role and it still remains unresolved (i.e. it reaches deadlock), the consumer may seek resolution through the ADR provider.

When the consumer complaint reaches deadlock, CCWater will contact the consumer to confirm / explain the options available to the consumer and what will happen next if the consumer refers the complaint to the ADR provider or requests that CCWater refers it to the ADR provider on the consumer's behalf¹⁶. CCWater will copy this letter or email to the water (and sewerage) company concerned.

If the consumer requests that CCWater refer the complaint to the ADR provider, CCWater will forward on the consumer's complaint file and notify the company.

On receipt of a complaint, the ADR provider may enter into dialogue with or request additional information from the consumer, the water (and sewerage) company, CCWater, Ofwat and/or any other party, as required.

Possible post-legislative developments

It may also be possible for Ofwat to refer a consumer complaint directly to the ADR provider without the consumer's consent, provided that:

- The ADR provider has powers to exercise Ofwat's adjudication functions on Ofwat's behalf;
- Either the consumer or the water (and sewerage) company has submitted the complaint to Ofwat for a determination; and
- Where Ofwat has the discretion to choose whether to delegate or make a determination itself, it decides that the ADR provider is best placed to deal with the consumer's complaint.

In these circumstances Ofwat will inform the consumer accordingly.¹⁷ Please refer to Appendix 2: Possible process model post legislative change.

¹⁶ Except where the nature of the consumer complaint falls outside the remit of the ADR provider

¹⁷ This is subject to the relevant provisions within the Water Act 2014 coming into effect; consent from the consumer would not be required if the ADR provider is acting for Ofwat in accordance with these provisions.

Timescales¹⁸

In normal circumstances a consumer complaint will either be resolved or reach deadlock within 12 weeks of its receipt, following the water (and sewerage) company's initial response to and its subsequent review of the complaint, and following mediation by CCWater with the company and the consumer.

This is shown in Figure 1.

Figure 1: Timeline for the consumer complaints process excluding the ADR provider

Stage 1	Stage 2		Stage 3	
Company response	Consumer response	Company response	Consumer response	CCWater mediation
2 weeks	2 weeks	2 weeks	2 weeks	4 weeks
2 weeks	4 weeks		6 weeks	
12 weeks				

A consumer complaint may be resolved or reach deadlock more quickly than the normal timescale of 12 weeks, because company and consumer responses are quicker than the timeline assumes. The majority of complaints are resolved within 8 weeks currently.¹⁹

Equally, there are circumstances where the consumer complaint will not reach deadlock within this timescale because of the nature of the complaint, because of the nature of the investigations or remedial actions required to resolve the complaint, or because of delays which are the responsibility of the consumer.

Should CCWater decide to investigate the complaint, this may add an extra four weeks to the process, increasing the timeline from 12 weeks to 16 weeks. Please refer to CCWater investigations.

The timeline begins on the date that the water (and sewerage) company first receives the consumer complaint. The timescales for companies' responses are aligned with the statutory Guaranteed Standards Scheme (GSS)²⁰. The timeline provides for the same length of time for consumers to respond.

When a complaint has reached deadlock and the consumer decides to refer it to the ADR provider for resolution, the timeline is extended by 4 weeks, as shown in Figure 2.

¹⁸ The timescales which would apply for Ofwat referrals to the ADR provider would differ from these and be subject to public consultation

¹⁹ CCWater data 2012/13: 92% of complaints were resolved within 8 weeks.

²⁰ The Water Supply and Sewerage Services (Customer Service Standards) Regulations 2008

Figure 2: Timeline for the consumer complaints process including the ADR provider

Stage 1	Stage 2		Stage 3		Stage 4
Company response	Consumer response	Company response	Consumer response	CCWater mediation	ADR resolution
2 weeks	2 weeks	2 weeks	2 weeks	4 weeks	4 weeks
2 weeks	4 weeks		6 weeks		4 weeks
16 weeks					

Again, should CCWater have decided to investigate the complaint in accordance with its statutory duties, this may add an extra four weeks to the process, increasing the timeline from 16 weeks to 20 weeks. Please refer to CCWater investigations.

Timescales for referral to the ADR provider

A consumer may, of course, refer a complaint to the ADR provider at any time, however the ADR provider will only accept the complaint if it meets certain requirements, including eligibility criteria. (Please see Eligible complainants and Eligible complaint categories).

To assist the consumer in this respect, CCWater will advise the consumer when it is appropriate to refer the complaint to the ADR provider. Ultimately, however, it is for the ADR provider to decide whether to accept or reject a complaint once received from or on behalf of a consumer.

The ADR provider will accept the complaint once it has passed through the first three stages of the process, as shown above in figures 1 and 2, and is deemed to be deadlocked. Please refer to Deadlock definition.

If the ADR provider rejects a complaint, this may simply be an issue of timing, because the ADR provider is referring the complaint back to an earlier stage in the process or because the ADR provider considers it inappropriate to accept the complaint whilst the water (and sewerage) company is taking reasonable steps to investigate or resolve the complaint.

In order to ensure that complaints move through the process to the ADR provider in a timely manner, CCWater will advise the consumer of the option to refer the complaint to the ADR provider when it has been unresolved for 12 weeks from the original date of receipt, even if it is not deadlocked, provided that:

- The consumer’s complaint has passed through stages 1 and 2 of the process and is at stage 3 (CCWater mediation); and
- The complaint is not being investigated by CCWater.

CCWater will recommend referral in these circumstances if it considers that:

- The water (and sewerage) company has not met the timescales provided to the consumer for its investigations and/or works to be completed, in order to resolve the complaint, and the consumer is unhappy that the commitments made by the water (and sewerage company) to resolve the complaint are not happening accordingly; and
- The company has not demonstrated satisfactorily that the promised investigations and/or works are taking place and will conclude within a reasonable timescale.

CCWater will reprise this role at appropriate intervals after 12 weeks, whenever a new timescale set by the company expires or if the consumer expresses dissatisfaction at the progress being made. On each occasion CCWater will advise the consumer accordingly.

CCWater will also advise the consumer of the other options available to seek resolution to the complaint; this will always be the case where the consumer cannot use the ADR scheme.

The process is designed:

- To minimise the number of complaints bouncing back from the ADR provider because water (and sewerage) company investigations or works are ongoing;
- To ensure that sufficient time for companies to carry out the necessary investigations or works is allowed;
- To incentivise (and not disincentivise) companies to resolve complaints quickly;
- To meet and manage consumers' expectations;
- To provide assurance to and transparency for consumers.

Time limits

Opening time allowances/limits

All complaint cases which are open at the time that the ADR process goes live, will have the opportunity to use the ADR process.

In order to be fair to those consumers whose complaints reached deadlock in the period immediately before the ADR process is implemented, consumers will be allowed to refer an 'old' complaint to the ADR provider provided that it reached deadlock within a period of six months before the ADR process start date.

These complaints must, however, have gone through the water (and sewerage) company's stages and CCWater's mediation/investigation stage of the consumer complaints process to be eligible for referral to the ADR provider. If not, they will be referred to the correct stage in the process.

If a consumer wishes to re-open a complaint by providing new information, this will be treated as being at stage one of the consumer complaints process, in accordance with the SIM Guidance²¹ issued in April 2012.

Water (and sewerage) companies may decide to notify certain consumers of the ADR process being implemented, if appropriate complaints can be identified, for example litigation is pending or imminent.

Time limits for referral to the ADR provider

Consumers will have six months to refer their complaint or request CCWater to refer their complaint to the ADR provider from the date that the complaint has reached deadlock or the date on which CCWater has informed the consumer that the complaint may be referred to the ADR provider at that point in time (see Timescales).

Binding resolution

The ADR scheme will add a 'binding resolution' stage to water companies' existing complaints procedures in order to address deadlocked complaints.

The ADR function will sit at the end of the existing consumer complaints process, after:

1. Companies have had an opportunity to address consumer complaints via their existing two-stage procedure; and
2. CCWater has had the opportunity to mediate (or to investigate the complaint in accordance with its statutory duties).

Please refer to Appendix 1: Process model pre-legislative change (no Ofwat discretion) or Appendix 2: Possible process model post legislative change for the possible ADR process models.

Decisions made by the ADR provider are final, in the sense that they will be binding upon the water (and sewerage) company, but they will not be binding upon the consumer. This is to ensure that the ADR process complies with all relevant legislation and regulations, and effectively means that the consumer's right to take the matter to court is unaffected.

As the decision is binding on the water (and sewerage) company, there is no right of appeal.

Costs

The ADR scheme will provide a 'free' service to the consumer, except in respect of any incidental costs which may be incurred by the consumer in interacting with the water company concerned, CCWater, Ofwat or the ADR provider, such as postage, telephone or broadband costs, unless these are covered within the final resolution determined by the ADR provider. Any third party costs will be the responsibility of the consumer.

²¹ Service incentive mechanism – guidance for collating customer service information for calculating the SIM score

The cost of the ADR scheme will be borne by water (and sewerage) companies.

Monitoring

It is envisaged that the ADR provider will put measures in place which allow its performance and adherence with the scheme principles to be monitored and reported under the governance arrangements which will be established for the scheme, and that these are likely to include:

- Consumer feedback forms;
- Standards and Key Performance Indicators (KPIs);
- Independent audits;
- Tests to demonstrate adherence to requirements and guideline values;
- Stakeholder feedback forms.

Data reporting

The ADR provider will be required to collate, produce and publish information and data. It is anticipated that this may include:

- The volumes and types of complaints received;
- Analysis of recurrent problems;
- The number of steps that each complaint went through before a final outcome was determined;
- The final outcomes and resolutions to complaints;
- Rate of compliance by water companies with decisions resulting from ADR scheme (assumed to be 100% as the decisions will be binding);
- The average time taken to resolve complaints;
- Consumer satisfaction with the ADR scheme and provider.

Performance measures including Key Performance Indicators (KPIs) will be agreed with the ADR provider, as part of the contractual arrangements. Companies or organisations which wish to submit tender proposals with a view to being selected as the ADR provider will be expected to put forward suitable performance measures and KPIs for consideration.

The tender process will also identify which data will be provided to individual water (and sewerage) companies and which will be shared with Ofwat and CCWater.

Review period

The ADR scheme will be subject to review after the first six and twelve months of its operation. Subsequently reviews will take place annually.

This process will be managed under the governance arrangements which have been established for the scheme.

Relevant legislation and regulations

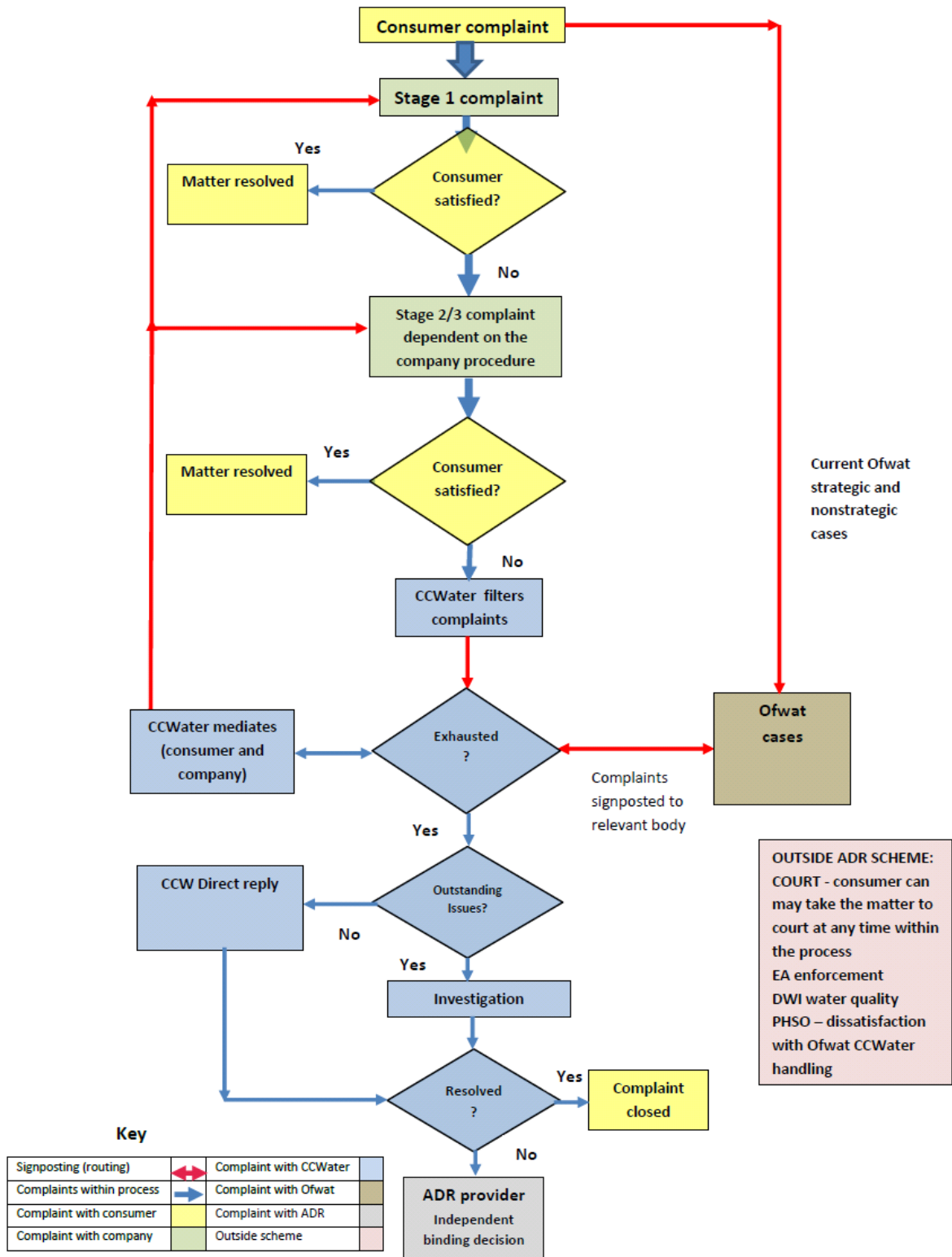
The ADR scheme is designed to comply and align with all relevant legislation and regulations, including:

- Those which lay down requirements for Ofwat or CCWater such as the 1991 Water Industry Act;
- Those which lay down requirements for water companies such as the 1991 Water Industry Act and The Water Supply and Sewerage Services (Customer Service Standards) Regulations 2008.
- Those which lay down consumer rights which are applicable to the water industry in England and Wales.

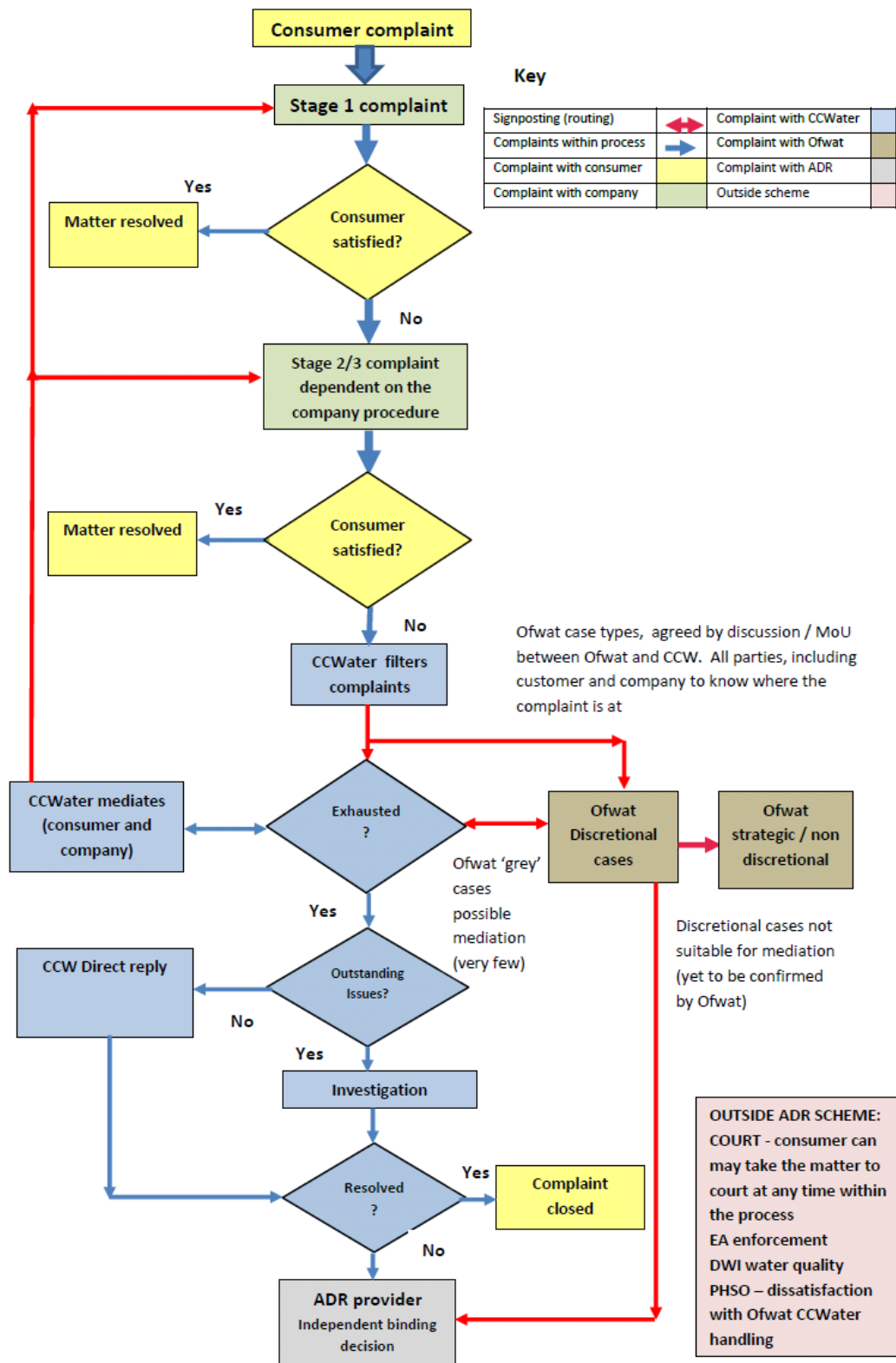
Consideration has also been made to provisions contained within the Water Act 2014 which have not yet come into effect.

Appendices

Appendix 1: Process model pre-legislative change (no Ofwat discretion)

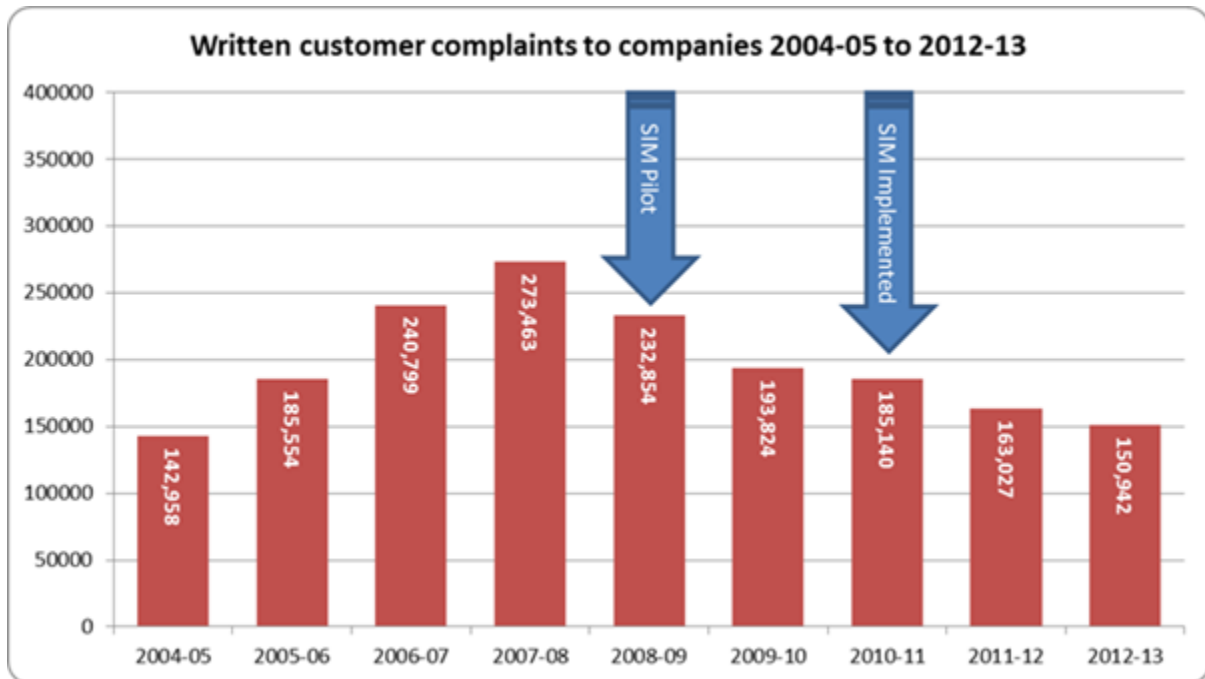


Appendix 2: Possible process model post legislative change²²

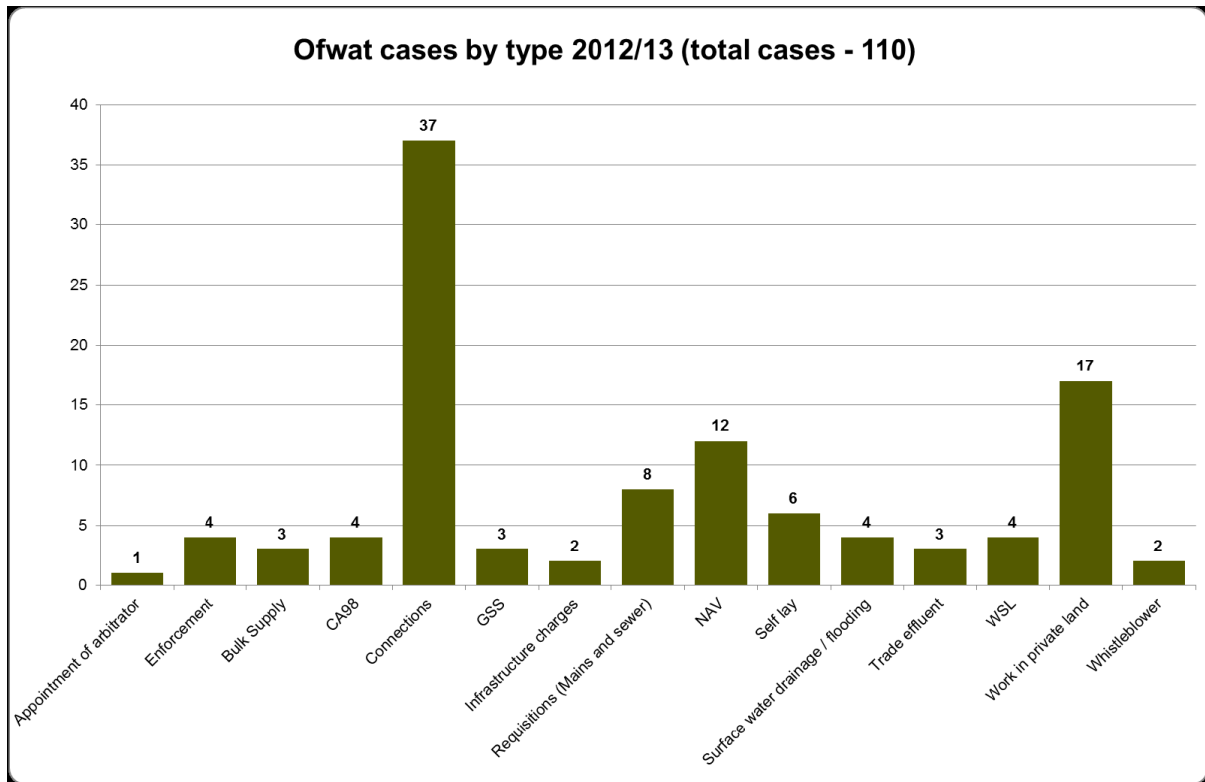


²² Assuming that the relevant provisions of the Water Act 2014 come into effect, the Secretary of State or Welsh Ministers will be able to nominate a third party to exercise any of Ofwat’s adjudication functions on Ofwat’s behalf. One option may be for the ADR provider to fulfil this role, as shown above.

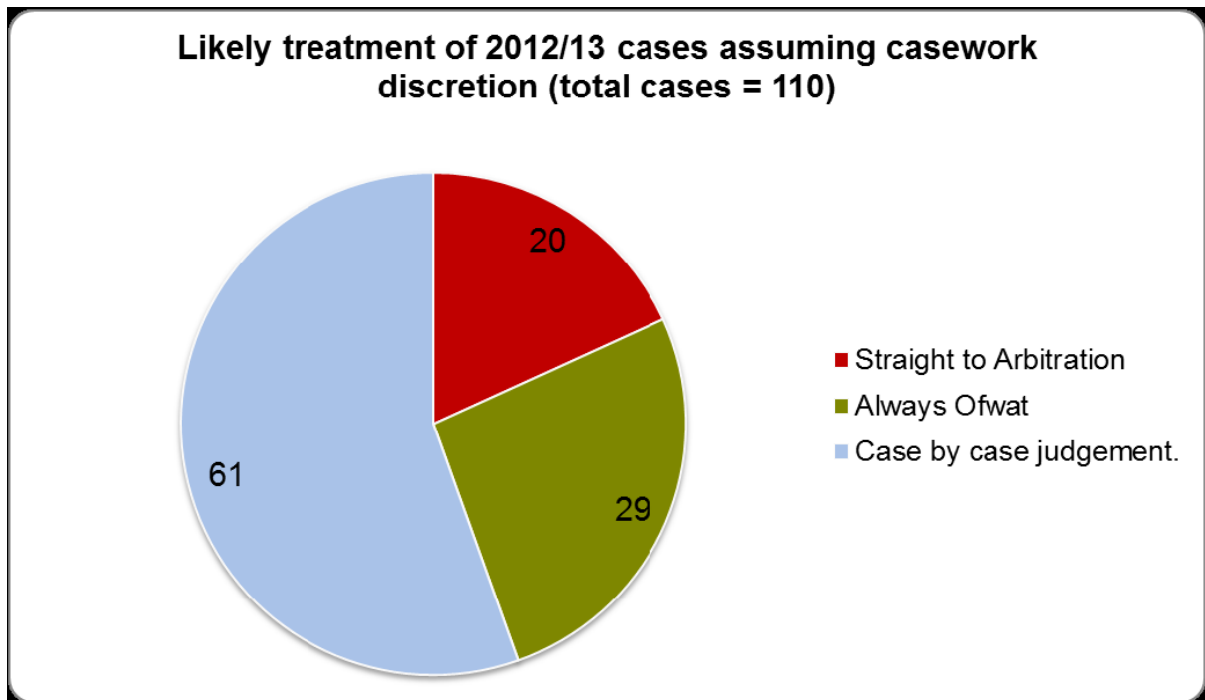
Appendix 3: Written consumer complaints to water (and sewerage) companies



Appendix 4a: Ofwat complaints 2012/13



Appendix 4b: Likely split of Ofwat complaints 2012/13 with discretion applied



Appendix 5: Complaints to CCWater greater than 10 week resolution

