

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ / 0551

Date of Decision: 8 August 2017

Complaint

The customer's claim is that she is seeking a surface water drainage rebate from the company "of at least half of 8 years".

Defence

The customer is seeking a rebate "of at least half of 8 years". The company submits it has explained to the customer that, in accordance with OFWAT guidelines, this was not possible and that it could only provide a rebate dating back to 1 April 2014. However, it acknowledges that the agent with whom the customer originally spoke was unsure of this issue and it therefore offered her compensation for this matter. The customer declined this offer. The company does not accept that it should provide the customer with the redress claimed.

Findings

The company has correctly adhered to OFWAT guidelines in relation to the surface water rebate issue and has not failed to provide its services to the standard to be reasonably expected. Furthermore, the company took appropriate remedial action following the initial agent's shortcomings with regards to providing correct and definitive information on the rebate issue.

Outcome

The company does not need to take any further action.

The customer must reply by 6 September 2017 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.

This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.

ADJUDICATOR'S DECISION

Adjudication Reference: WAT/ /0551

Date of Decision: 8 August 2017

Party Details

Customer: ██████████

Company: ██████████

Case Outline

The customer's complaint is that:

- The company provided her with some literature which led her to believe that she would be eligible for a surface water drainage rebate.
- She contacted the company in relation to this issue and the agent who she spoke with was unsure as to how far back the rebate could be provided but indicated to her that she might be able to claim for the last 6 years or merely the current year. She submits that agent mentioned a figure of around £950.00.
- Upon further investigation, it transpired that the customer was only entitled to a rebate up to 1 April 2014.
- The company accepted that the agent should have known this information and offered the customer £100.00 in recognition of this issue. However, the customer declined this offer.
- The customer remains dissatisfied with this issue and is now seeking a surface water drainage rebate from the company "of at least half of 8 years".

This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.

The company's response is that:

- It accepts that the customer contacted it in relation to a surface water drainage rebate and the agent who she spoke with was unsure as to how far back the rebate could be provided.
- The company submits that in accordance with its scheme of charges, it is only able to provide a rebate to the customer up to 1 April 2014 and that this has been approved by OFWAT in its guidelines.
- The company accepts that the agent should have known this information and has offered the customer £100.00 in recognition of this issue. However, the customer has declined this offer.
- The company does not accept the customer's claim that it should provide a rebate "of at least half of 8 years".
- The company indicates that it has correctly adhered to OFWAT's requirements in relation to this matter and does not accept that it has failed to provide its services to the standard to be reasonably expected.

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.

If the evidence provided by the parties does not prove both of these issues, the company will not be directed to do anything.

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.

This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.

How was this decision reached?

1. The crux of this dispute lies with the customer's assertion that she should be entitled to a surface water drainage rebate from the company "of at least half of 8 years".
2. Following careful review of all the evidence provided by the parties, with particular attention paid to the communicative exchanges between the parties, I note that the company ultimately confirmed to the customer that, in accordance with its charge scheme, it could only backdate the rebate to 1 April 2014 and this position was approved by OFWAT.
3. From the evidence provided, I note that the customer complained to CCWater (Consumer Council for Water) who also upheld the position taken by the company and concluded that the company had correctly adhered to OFWAT's guidelines under the circumstances.
4. At this juncture, it is prudent to highlight to the parties that it is beyond the scope of my powers under this scheme to set aside or modify regulatory guidelines laid down by OFWAT.
5. Consequently, following careful examination of all the evidence provided at the time of adjudication, I am unable to objectively conclude that the company has failed to provide its services to the standard to be reasonably expected with regards to this issue. I am only able to deduce that the company correctly adhered to its charges scheme as approved by OFWAT in its guidelines with regards to the surface water rebate issue and appropriately explained and illustrated this to the customer. In particular, I note that the customer's bills highlight surface water drainage rebates and directs the customer to review the company's charges scheme (freely available online) for more information. I am mindful that the charges scheme confirms the position taken by the company.
6. I am mindful that neither party disputes that the agent with whom the customer initially spoke was unsure of how far back the rebate could be issued and provided unclear information. I note that the company accepts that the agent should have known the correct information with regards to this issue and in recognition of this matter offered the customer £100.00. I acknowledge that the customer declined this offer and opted to pursue resolution through this scheme where her singular claim for redress is for the company to offer a rebate "of at least half of 8 years". Having regard for the nature and extend of the agent's oversight in relation to this issue, the brief

This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.

interval it took for the company to provide the correct information and the company's remedial offers of compensation for this matter, I am not satisfied that (when considered holistically) the company failed to provide its services to the customer to the standard to be reasonably expected by the average person in this instance.

7. Furthermore, in any event, I do not find that the nature and extent of the agent's oversight warrants the singular claim for redress sought by the customer in her application (the company to offer a rebate "of at least half of 8 years"). I acknowledge that the customer has crossed out the compensation section on her application and written "NA" indicating that she is not seeking any other compensation.
8. Consequently, in the absence of any substantiated failures on the part of the company to warrant the redress claimed, I am unable to uphold the customer's claim for redress.

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 6 September 2017 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.



E. Higashi LLB (Hons), PGDip (LPC), MCIArb.

Adjudicator

This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.