

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0575

Date of Decision: 14 September 2017

Complaint

The customer's claim is that he encountered a loss in water supply at his property which caused significant distress to him and his family. The company has refused his claim for £100.00 in compensation.

Defence

The company admits there was an interruption in the customer's water supply and asserts that this was due to a burst to a strategic main. It regrets the disruption caused but the water supply was restored within a few hours and therefore the customer does not qualify for any Guaranteed Standards Scheme (GSS) payments. However the company reinstates its offer of a £20.00 goodwill gesture for the disruption caused to the customer.

Findings

The customer encountered a loss in water supply at this property caused by a burst to a strategic main. Whilst this caused distress and inconvenience to the customer and his family, as the company restored the supply within a few hours, the customer does not qualify for any GSS compensation payments, which only apply for 48-hour interruptions (or longer). The company responded to the customer's contact made at the time in an adequate and timely manner offering to arrange for an alternative supply of water. Therefore, there is insufficient evidence that the company failed to provide its services to the customer to the standard to be reasonably expected by the average person.

Outcome

The company is not required to take any further action.

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The customer must reply by 12 October 2017 to accept or reject this decision.

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Party Details

Customers: ██████████

Company: ██████████

Case Outline

The customers' complaint is that:

- There was a loss of water supply at his address on 19 July 2017 throughout the night and in the morning.
- He works a full time job from 8am to 5.30 pm, has a young baby and a partner at the property and they are all reliant on running water.
- It is unacceptable to not have access to washing, drinking and toiletry facilities due to the company's inability to maintain its supply and have sufficient continuity measures in place. He had to go to work without access to the most basic of hygiene requirements which made him feel "disgusting."
- They noticed the water was off when their son woke up crying around 3am needing to be changed and fed. They were unable to change his nappy hygienically and were unable to provide his bottle due to no water. He had to drive to a 24-hour petrol station to purchase some bottled water; something he did not expect to have to do. His son should not have had to wait over an hour to have a bottle. The water supply was restored at 9:28 am.
- The interruption to his water supply caused great distress to all of them however it mainly affected his son as he is too young to understand why they could not provide for him.
- Given that he pays his bills from the company on time every month when requested and duly follows instructions from the company, he requests compensation of £100.00 from the company for failing to supply water to his address.

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The company's response is that:

- It accepts that there was a temporary interruption to the customer's water supply at this property on 19 July 2017. In the early hours of 19 July 2017 a strategic main near ■■■ Pumping Station burst causing an initial loss of supply to 35,000 properties. Whilst it designs and operates its network to be as resilient as possible and regrets any disruption or inconvenience to its customers, bursts like this do happen. In such circumstances, it will comply fully with the statutory obligations imposed on it and all other water companies. Therefore it provided additional services for a minimum level of supply, in accordance with its obligations.
- The minimum level of supply is outlined in Drinking Water Inspectorate (DWI) guidance as "at least 10 litres of water per person per day to all those affected within the first 24 hours of an undertaker becoming aware of an incident". Several bowsers were set up in the affected area.
- Following receipt of the customer's initial email at 9.22am on 19 July, it also arranged for water to be delivered to him and his family. However, prior to their delivery the water supply was restored and the supply diverted to other similar customers who were still without water. In addition to responding promptly to any direct customer communications, including the customer, it posted regular social media updates and spoke to the press to ensure that its customers were aware of how long the interruption would continue. Its employees and contractors worked around the clock to restore services to all customers. By 5.30am on 20 July 2017 the water supply was reinstated across all affected areas with pressure at normal levels.
- The Water Supply and Sewerage Services (Customer Service Standards) Regulations 2008 govern the payment of compensation in the event of an interruption to the water supply. Regulation 9(3)(b) requires water companies to restore the supply within 48 hours of the initial interruption if it is caused by a burst in a strategic main. If the water supply is not restored within these timescales, the water company is required to pay compensation of £20.00 to its domestic customers and a further £10.00 for each subsequent 24 hours during which the supply is not reinstated. The 48-hour legislative time limit reflects the significant impact a burst strategic main has on water companies' supply networks and the amount of work required to reinstate supply.
- In the customer's case a strategic main burst and the water supply to the customer's property was restored well within 48 hours of the initial interruption. Therefore the company does not accept that any compensation is due to the customer. However it offered him a £20.00 credit as a gesture of goodwill but this was rejected. It is willing (without any admission of liability) to reinstate its offer to the customer of a £20.00 goodwill credit.

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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.

How was this decision reached?

1. I remind the parties that adjudication is an evidence-based process and it is for the customer to show that the company has not provided its services to the standard that would reasonably be expected of it.
2. The customer's claim concerns a loss in his water supply at his property on 19 July 2017, which I accept commenced in the early hours and was not reinstated until approximately 9:28 am.
3. Whilst I find that water companies are required to provide a constant supply of water, I acknowledge that a customer's supply may be interrupted by an emergency including a burst main pipe or strategic main. On balance, I accept the accuracy of company's assertion that the customer's water supply was interrupted by a burst to a strategic main near █████ Pumping Station (which I note caused an initial loss of supply to 35,000 properties).
4. In the case of emergency cuts in water supply, water companies must restore the water supply within 12 hours from when they first became aware of the problem if the cause is a burst water pipe, and within 48 hours if the cause is a burst to a strategic main. Further, I acknowledge that in accordance with OFWAT guidance, water companies should advise customers when the

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supply will be restored, where they can get an alternative supply and also provide a phone number for further information on the issue. I find that under the Guaranteed Standards Scheme (GSS), in the case of a burst strategic main, water companies are only liable to pay customers compensation if the water supply is not restored within 48 hours; £20.00 in compensation plus a further £10.00 for each further 24-hour period.

5. In the customer's case, his water supply was restored by 9:28 am on 19 July 2017 after it had stopped in the early hours of the same day. I am also satisfied that the restoration of his supply occurred within minutes of him contacting the company regarding the issue. As such I find that the customer is not entitled to any GSS compensation payments for the loss in water supply encountered as the duration of this lasted less than 48 hours. Further, in light of the company's emails to the customer dated 19 July and 20 July 2017, on balance, I am satisfied that the company sought to arrange an alternative supply of water for the customer in response to his communication (although this was aborted when the water supply was restored). Therefore I am satisfied that the company acted in accordance with its obligations surrounding emergency interruptions to the water supply.
6. As no failure on the part of the company has been proven, it follows that it is not liable to provide the remedy requested by the customer. As a consequence, the claim cannot succeed.
7. I acknowledge that the company made an offer to the customer to apply a credit of £20.00 to his account for the inconvenience caused which it has re-newed in its Defence. However, as I found no service failure by the company, any such offer is discretionary on the part of the company and a matter for the parties to agree outside of this process.

Outcome

The company is not required to take any further action.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.

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- The customer must reply by 12 October 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.
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A. Jennings-Mitchell, Ba (Hons), DipLaw, PgDip (Legal Practice), MCI Arb
Adjudicator

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