

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0737

Date of Decision: 21 August 2018

Complaint

The customer states that his water meter is located near to the output of his neighbour's septic tank. The customer is concerned that this might lead to cross contamination with his water supply and cause illness or death. He has raised this issue with the company but it has explained that this type of situation is relatively common and it does not present a threat to the water network. In order to reassure the customer further, it has offered to take water samples for analysis. The customer is not satisfied with the company's actions or convinced by its reassurances and believes that the location of the water meter is unsafe. Accordingly, the customer's claim is for the company to relocate his water meter and re-educate its managers on customer care.

Defence

The company appreciates the customer's concern that there might be a risk with his water meter being near to a septic tank output. His concern is that, if there should be a septic tank spill, this might contaminate his water supply. The company states that it has already explained to the customer that it is confident about the safety of the water meter's location. The water system is a pressurised and sealed system which prevents any ingress. It has explained that the location of the water meter does not present any risk to the water supply and it cannot justify relocating it at its own expense. The company confirms that it offered to send the customer one of its Water Regulations Officers to ease his concerns. However, the customer has not taken up this offer. Consequently, the company does not accept that it is liable to provide the customer with the redress claimed

Findings

Based on the evidence provided, I am not satisfied that the company failed to provide its services to the standard to be reasonably expected by the average person. Under the circumstances, I am satisfied that the company's actions in response to the customer's concerns about the location of his water meter were fair and reasonable.

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Outcome

The company does not need to take any further action.

The customer must reply by 19 September 2018 to accept or reject this decision.

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ADJUDICATOR'S DECISION

Adjudication Reference: WAT/ /0737

Date of Decision: 21 August 2018

Party Details

Customer: [].

Company: [].

Case Outline

The customer's complaint is that:

- His water meter is located near to the output of his neighbour's septic tank.
- The customer is concerned that this might lead to cross contamination with his water supply.
- The customer is concerned that this could cause illness or death.
- He has raised this issue with the company but it has explained that this type of situation is relatively common and it does not present a threat to the water network.
- The company has confirmed that its water system is a closed system and it is confident that his water is safe. In order to reassure the customer further, it has offered to take water samples for analysis.
- The customer is not satisfied with the company's actions or convinced by its reassurances and believes that the location of the water meter is unsafe. The customer states that there is no manufacturer test information regarding the safety of the water meter if it is submerged and under pressure. Furthermore, the customer alleges that one of the company's engineers agreed that the situation was unsafe.
- Accordingly, the customer's claim is for the company to relocate his water meter and re-educate its managers on customer care.

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The company's response is that:

- It appreciates the customer's concern that there might be a risk with his water meter being positioned near to a septic tank output. His concern is that, if there should be a septic tank spill, this might contaminate his water supply.
- The company states that it has already explained to the customer that it is confident about the safety of the water meter's location. The water system is a pressurised and sealed system that prevents any ingress. It has explained that the location of the water meter does not present any risk to the customer's water supply and it cannot justify relocating it at its own expense.
- The company states there is no evidence that it (or its staff) ever advised the customer that the location of the water meter is unsafe.
- The company confirms that it offered to send the customer one of its Water Regulations Officers to alleviate his concerns. However, the customer has not taken up this offer.
- The company states that its water meters are approved by the Water Regulations Advisory Scheme and are designed to ensure that any fitting is appropriate to prevent the contamination of the water supply. It states that it has also offered to check the pressure at the stop tap (if this would ease the customer's concerns); however, this is not an offer the customer wished to take up.
- Consequently, in light of all the above, the company does not accept that it is liable to provide the customer with the redress claimed.

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.

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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. The customer's dispute with the company lies with his concern that the position of his water meter is unsafe because it is near to his neighbour's septic tank output. He has complained to the company about this issue but it has confirmed that the location of the water meter is safe and it cannot justify relocating it at its own expense. The customer does not accept the company's position and is now claiming for the company to relocate his water meter and to re-educate its managers on customer care.
2. I remind the parties that adjudication is an evidence-based process and in order for any remedy to be awarded, the evidence must show that the company has not provided its services to the standard that would reasonably be expected of it.
3. The customer has made a claim for the company to re-educate its managers on customer care. I understand that the customer has based this claim on his dissatisfaction with the outcome of his complaint to the company. However, I must draw attention to the fact that it is beyond the scope of this scheme to examine or amend a company's set business practices/training processes (such as its management training processes). Accordingly, in any event, I am unable to address the customer's claim for the company to re-educate its managers on customer care. I will proceed accordingly.
4. At this stage, I must also highlight that I am not a water meter engineer and cannot make any determinations regarding the technical performance/safety parameters of water meters/water supply systems. I am only able to review the evidence provided by the parties and determine whether the company has provided its services to the standard that would reasonably be expected by the average person.
5. As stated above, the customer's concern is that the position of his water meter is unsafe because it is near to his neighbour's septic tank output. However, I find that the evidence available does not enable me to impartially conclude that this concern is warranted under the circumstances. Specifically, I find no water safety guideline/expert report that would enable me

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to determine that the location of the customer's water meter presents any safety concern. In addition, I also find that the evidence available does not show that any member of the company's staff had ever agreed that the location of the customer's water meter was unsafe. I appreciate that it is difficult to provide evidence of what may have been said in any verbal exchange between the parties. However, bearing in mind the consistency of the company's position based on the evidence provided and the absence of any supporting evidence to the contrary, I am unable to the customer's assertions on this occasion.

6. I am satisfied that the evidence shows that the company has been consistent in its advice to the customer that the location of his water meter does not present any safety concerns with his water supply and that it is confident in the safety of its system. I can see the company has explained to the customer that the water system is a closed and pressurised system that prevents any ingress. In addition, the company has also offered to send a Water Regulations Officer to examine the customer's water quality if this would help to reassure him (however, he has not taken up this offer). I find that the company has adequately responded to the customer's concerns and that declining to relocate the water meter, at its own expense, does not constitute a failure to provide its services to the standard to be reasonably expected by the average person.
7. For the reasons detailed above, I am not satisfied that the company's actions amount to a failure to provide its services to the standard to be reasonably expected by the average person. I find that the company has confirmed to the customer that the location of his water meter is safe and that it has made fair and reasonable attempts to reassure the customer of this. Under the circumstances, I am not satisfied that the evidence presented shows that the location of the customer's water meter is unsafe. Consequently, in the absence of any substantiated failures on the part of the company, I am unable to uphold the customer's claims for redress.

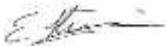
Outcome

The company does not need to take any further action.

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What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 19 September 2018 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

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