

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0773

Date of Decision: 14 May 2018

Complaint

The customer submits that she should have been put on the WS scheme in June 2016. She was only put on this scheme in July 2017. The customer asks why she was not offered this help in June 2016 and requests a refund of £240.00 for the period June 2016 to July 2017.

Defence

The company was not aware that the customer was struggling with payments. When her situation was discussed with the company's agent, the information provided led the agent to advise that she did not qualify for the WS scheme at that time. The company backdated the application of the scheme to the date it received her application, 27 July 2017.

The company did not make any offer of settlement to the customer.

Findings

The company had no reason to suspect that the customer was having difficulty making payments. She is being charged on an unmetered basis and is not disadvantaged by any excess water use relating to her partner's medical condition. The evidence indicates that the customer did not qualify for the WS scheme in June 2016; in any event no detailed application was submitted for consideration. The company has backdated the scheme to the date it received the application. There is no basis to direct the company to backdate the scheme further or to refund any sums paid by the customer.

Outcome

The company does not need to take any further action.

The customer must reply by 12 June 2018 to accept or reject this 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

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Date of Decision: 14 May 2018

Party Details

Customer: []

Company: []

Case Outline

The customer's complaint is that:

- The customer submits that she should have been put on the WS scheme in June 2016. She was not offered this help in June 2016. She was placed on the scheme in July 2017 but the company has refused to backdate this to June 2016. The customer's partner has been very ill and she submits that the situation is not fair. She has overpaid her bill by £240.00 between June 2016 and July 2017.
- The customer requests a refund of £240.00.

The company's response is that:

- The customer's property was fitted with a Smart Meter on 15 June 2016 as part of the company's compulsory metering policy. The customer is in a two-year transitional period. She has historically been and is currently being billed on an unmetered basis. The customer had a Smarter Home Visit on 23 June 2016 and it was arranged that the company's agent, [], would contact the customer. [] called the customer on 27 June 2016. At this time, based on the information provided, the agent found that the customer did not qualify for the WS scheme as her household income was just too high for her to qualify. The customer applied for the WS scheme, but this is solely for metered water accounts. The company sent the WS application to the customer and, once it was determined that she qualified for this, the scheme was backdated to the date the application was received of 27 July 2017. The company denies that the customer

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is entitled to the scheme being backdated any further. As the customer is being billed on an unbilled basis, her husband's medical condition has not resulted in any increase to her bill.

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. The company has provided copies of its standard documentation in respect of water usage and how savings may be made by customers. It has also provided copies of the information included with water bills advising customers that there are schemes available if they are struggling to pay. I am satisfied that the company's standard documentation makes it clear that, if a customer is struggling to pay their bills, they should call the company's free-phone number as help may be available.
2. The company has also explained that the customer did not appear to be someone who was struggling to pay their bills. When the customer was late with payments, she also advised the company that she would be making the payment the following day. I am satisfied that the customer was not consistently late in paying her bills and that there was nothing to indicate to the customer that she was struggling to pay her water bills.
3. The customer had a water meter fitted on 15 June 2016. I am satisfied that the customer was made aware that she would not be charged based on the meter readings immediately and that

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her account would remain unmetered for a period of two years. I find that the customer has, at the date of the dispute, only been charged on an unmetered basis with a set charge for water and sewerage services for each year.

4. The customer submits that she should have been advised of the WS scheme in June 2016. The company denies that it has any liability to backdate the scheme to June 2016, stating that it did not receive any application from the customer at that time and it appears that she may not have qualified at that time.
5. In reviewing the evidence, I find that the customer had a Smarter Home Visit on 23 June 2016. I am satisfied that the customer's payment issues were discussed in some form and that a callback was agreed with [], the company's agent, to conduct a "free benefit entitlement check and debt advice". The company has provided evidence showing that this callback took place on 27 June 2016 and that it resulted in advice that the customer's son could claim carers allowance for the customer's husband and that her husband could claim carers allowance for the customer.
6. The notes from the call also refer to the possibility that the customer's family could claim additional carers allowance and continues to state that the customer "doesn't qualify for WS/WSP [Watersure/WS] as their household income is over £16k yearly".
7. I note that the WS scheme is limited to metered accounts only. The WS scheme is available where a customer's water bill exceeds 3% of the household income.
8. I find, from the call notes and on the balance of probabilities, that the details provided by the customer at that time indicated that the water bill did not exceed 3% of their household income. I am satisfied that the WS scheme was considered but that the customer was found not to qualify based on the information she provided to the [] representative.
9. I am mindful that the unmetered water charge is usually subject to annual increases. The company has stated that there was an increase of 3.31% in the cost of water services between the year 2016/17 and the year 2017/18. I find that it is likely that the customer's water bill would have been less than 3% of the household income, but that the price increase in April 2017 resulted in the bill being a greater portion of their household income.

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10. I find, from the evidence provided, that the customer did not qualify for the WS scheme for the year 2016/17 as the annual charge for water services did not amount to at least 3% of the customer's household income based on the information provided to the [] representative. The customer did not make any speculative claim for this scheme, likely as a result of being advised that she did not qualify. It is therefore not possible to accurately confirm that the water bill was less than 3% of the customer's household income; however, I find that the company and its agent correctly advised the customer based on the information she provided to them.

11. I also find that there is no basis for the company to backdate the WS scheme to April 2017 when the bill increased. The bill has been backdated to the date that the customer first requested to be placed on the WS scheme. I find that the company has fulfilled its obligations to the customer in respect of assessing her claim and placing her on the scheme. I find no basis for the customer to be entitled to further backdating or any refund. The customer's claim is therefore unable to succeed.

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 12 June 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.



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Alison Dablin, LLM, MSc, MCI Arb

Adjudicator

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