

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0824

Date of Decision: 12 June 2018

Complaint

The customer's claim is that his annual charges for water and sewerage services are unnecessarily high. Furthermore, the company provides unsolicited junk mail and unnecessary publications together with its annual bill and also shares his data with credit reference agencies without his consent. The customer is seeking for the company to explain why his charges are unnecessarily high, stop sharing his data with credit reference agencies and stop inserting unsolicited junk mail and/or unnecessary publications together with its annual bill.

Defence

The company submits that the customer was correctly billed on a Rateable Value basis and a metering option has been offered to the customer if he is unhappy with the current billing regime. The company provides company publications within its bills informing customers of what they can expect from the company and how it can improve its services. Furthermore, it provides information on the charity, Water Aid, which is for awareness only and there is no obligation for customers to support this charity. With regard to sharing his data with credit reference agencies the company is permitted, by the Information Commissioners Office and OFWAT, to share this data and all the company bills explain how it shares its data with the credit reference agencies. Furthermore, the company has provided a good level of service at all times throughout its dialogue with the customer and therefore the company is not liable for any damages in this respect. The company has not made any offers of settlement.

Findings

I am satisfied the company did not fail to provide its services to the customer to the standard to be reasonably expected, with regard to billing, publications and inserts included with its bills and sharing data with the credit reference agencies. Furthermore, I am satisfied there have been no failings with regard to customer service as the company has provided a good level of service at all other times throughout its dialogue with the customer.

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Outcome

The company does not need to take any further action.

- The customer must reply by 10 July 2018 to accept or reject this decision.

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ADJUDICATOR'S DECISION

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Date of Decision: 12 June 2018

Party Details

Customer: []

Company: []

Case Outline

The customer's complaint is that:

- The customer's claim is that his annual charges for water and sewerage services are unnecessarily high.
- The company provides unsolicited junk mail and unnecessary publications together with its annual bill.
- The company shares his data, without his consent, with credit reference agencies who then sell his data to other entities for marketing purposes.
- The customer is seeking for the company to: explain why his charges are unnecessarily high; stop sharing his data with credit reference agencies; and, stop inserting unsolicited junk mail and/or unnecessary publications together with its annual bill.

The company's response is that:

- The company's position is that the customer has been correctly charged on a Rateable Value basis at his property since 1985. Furthermore, the company is committed to keeping charges as low as possible and any increase has been in line with RPI. Furthermore, It has also offered metering as an option, which the customer has not yet accepted or declined.
- The company submits it has also explained thoroughly to the customer as to why his annual bill includes various company publications and charity information for Water Aid.

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- The company also states that the Welsh content within its publications is required by the Welsh Language Act 1993 and in line with its own Welsh Language Policy.
- The company also submits that sharing data with credit reference agencies is permitted, by the Information Commissioners Office and OFWAT, and complies with GDPR.
- Furthermore, the company has provided a good level of service at all other times throughout its dialogue with the customer, and therefore the company is not liable for any damages in this respect.

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 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. To succeed in a claim against the company, the customer must prove on a balance of probabilities the company has failed to provide its services to the standard one would reasonably expect and that, because of this failure, the customer has suffered some loss or detriment. If no such failure or loss is proved, the company will not be liable.
2. I must also remind the parties that adjudication is an evidence-based process where the burden of proof rests on the claimant, in this case the customer, to prove his case on the balance of the evidence.
3. The dispute centres around whether the company's annual charges are unnecessarily high, unsolicited junk mail and whether the company should share its data with the credit reference agencies. The company is required to meet the standards set out in OFWAT's Charges Scheme Rules and the Water Industry Act 1991.

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4. Furthermore, the company also has certain obligations in respect of its customer services as set out in OFWAT Guaranteed Standards Scheme and the company's own Customer Guarantee Scheme.
5. From the evidence put forward by company the customer has been billed on a Rateable Value. The Rateable Value is based on the value of the customer's property, its location, the proximity to local amenities and was set in the 1970's by an independent District Valuer and the Local Authority. I can see the company has two tariff systems in place, either the Rateable Value or by a meter, and the evidence shows that until April 2018 there was no request by the customer for a meter to be installed despite being offered a meter by the company. The company defence states that the company keep charges as low as possible and has maintained a price increase in line with Retail Price Index (RPI) for the last eight years. The evidence shows that there has been an approximate 6.5% increase between 2014/2015 charge and 2018/2019 charge that that the company state is in line with RPI. After careful review of the evidence put forward by the company I am satisfied that the company's prices increase is in line with RPI and not unnecessarily high. Furthermore, the customer has been offered the option to request a change from the Rateable Value tariff to metered tariff and has not been prevented from taking up this option. Therefore, I find the customer has not been kept unnecessarily on the Rateable Value tariff and has been billed the correct Rateable Value tariff up until April 2018.
6. In light of the above and after careful review of all the evidence, I find the company has not failed to provide its services to the standard one would reasonably expect with regard to billing.
7. With regard to the customer's comments that the company inserts unnecessary publications together with its annual bill. The company states that there is an expectation by OFWAT and the Consumer Council for Water (CC Water), to provide its customers with information about what they can expect from the company and how it invests in improving services. I am satisfied that it is reasonable that these publications are included together with the annual bill.
8. Within his reply the customer states that much of the company's publications are irrelevant as they contain a high percentage of images or empty space, but little about the quality of the water and services. Whilst these documents do contain images and empty space I am satisfied that the evidence shows that these are not excessive and the copy content is relevant to the company's services.

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9. Furthermore, as stated within the defence, the company is required to include Welsh content within its publications by the Welsh Language Act 1993. Therefore, I find it correct that any publications and base stationery sent out by the company would have been in bilingual format.
10. With regard to the customer's comments that the company inserts unsolicited junk mail. The evidence shows that the unsolicited junk mail is information on the charity Water Aid, a charity that the company supports. As explained within its defence, the company covers the cost of printing this information, but it does form part of the customer's bill. Furthermore, there is no obligation for customers to support Water Aid and the company does not follow up with any marketing. I am satisfied that the company provides this information for awareness rather than for marketing purposes.
11. I therefore find the company has not failed to provide its services to the standard one would reasonably expect with regard to including various bilingual company publications and charity information for Water Aid.
12. With regard to the customer's comments concerning how the company use and share his data, the company states that its bills include information about how it shares data with credit reference agencies. The evidence shows that the company's 2018/2019 publication '*For you, not for profit*' explains the company's usage and sharing policy. Furthermore, as set out in the defence, since 2010 water companies have been permitted by the Information Commissioners Office and OFWAT to share data with credit reference agencies and that the company's policy on this matter complies with the latest General Data Protection Regulation (GDPR). I am satisfied that the evidence shows that this is the case.
13. I note the customer's evidence showing that he has been contacted by a third party through data obtained from one of the credit agencies that the company shares data with. I accept that it is likely that the company did supply some information used by the credit agency, but I accept the company's submissions that it only shares customers data for necessary credit functions and does not sell customer information for marketing purposes. However, with regard to being contacted by a third party through data obtained from one of the credit agencies that the company shares data with; I find that this is an issue that is between the credit agency in question and the customer, accordingly, this falls outside the scope of this dispute.

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14. As a result, I find the company has not failed to provide its services to the standard one would reasonably expect with regard to using and sharing the customer's data.
15. The company has certain obligations in respect of its customer services and after careful consideration of all the evidence put forward by both parties, I am satisfied the company has not failed to provide its services to the customer to the standard to be reasonably expected by the average person.
16. In light of the above, I find the customer has not proven the company failed to provide its services to the standard to be reasonably expected with regard to billing nor has the customer proved the company failed to provide services to the standard to be reasonably expected when investigating these issues. Furthermore, I am satisfied there have been no failings with regard to customer service, as the company has provided a good level of service at all times throughout its dialogue with the customer.

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 10 July 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 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.



Mark Ledger FCI Arb
Adjudicator

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