

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0901

Date of Decision: 27 November 2018

Complaint

The customer applied for the Tariff Plus tariff for help with her water bills. The company rejected this as she does not meet the scheme requirements. The customer submits that her benefits are spent mostly on childcare and this should be taken into account. She requests that the company acknowledge that she is experiencing financial hardship and place her on the Tariff Plus tariff.

Defence

The customer applied for the Tariff Plus tariff, however her bill was found to be 2.77% of her income, less than the threshold of 3% required for the tariff. The customer has not confirmed that she earns nothing from her self-employment and it appears that the customer may be in receipt of more income than she declared.

Findings

The Tariff Plus scheme provides a reduction in a customer's water bills where they meet the scheme criteria. The customer is in receipt of the necessary benefits, however the bill amount was less than 3% of her net annual income. The company has calculated the customer's entitlement properly based on the evidence she provided. The scheme does not take into consideration what a customer spends the benefits on, unless it is in relation to a disability. The company had not fallen below the standard reasonably to be expected of a water supplier.

Outcome

The company does not need to take any further action.

The customer must reply by 28 December 2018 to accept or reject this decision.

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Date of Decision: 27 November 2018

Party Details

Customer: []

Company: [].

Case Outline

The customer's complaint is that:

- The customer applied for the company's Tariff Plus tariff. The application has been rejected as her income does not fall within the qualifying parameters. The customer submits that it is unfair as her income is only £11.00 over the threshold. The bills for the previous 12 months were £253.90 and 3% of her income was £265.44. The customer's benefits are also spent mostly on childcare and the customer submits that this should be taken into account. The company will not consider a Tariff Plus application against the customer's new bill.
- The customer requests the company to acknowledge that she is experiencing financial hardship with the water bills, and to be placed on the Tariff Plus tariff.

The company's response is that:

- The company states that the customer applied for the Tariff Plus scheme. The customer's application form and proof of income was assessed against her water bills. The bills were found to be 2.77% of the disclosed income and she therefore did not qualify for the scheme. The bills must be in excess of 3% of the customer's income for a customer to be entitled to the Tariff Plus Scheme. The customer advised that she was self-employed and that her latest P60 showed zero income. A further application form was sent out to the customer. The company has reconsidered the customer's case, but she is still not eligible for the Tariff Plus scheme. Further, the customer is in receipt of Working Tax Credits, meaning that she does have a job. The customer has not confirmed that she earns nothing from her self-employment with a P60 or self-

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employed accounts. The customer may be in receipt of more income than she has disclosed to the company. The company has not insisted that any information be provided in relation to the two businesses that the customer appears to run as she was not eligible for the Tariff Plus scheme in any event.

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.

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 a Tariff Plus scheme that reduces a customer's bills by 50%. There are strict criteria for a customer to be eligible to benefit from this scheme. The first requirement is that the customer's water bill must be equal to or greater than 3% of her net annual income. Secondly, the customer must have an annual income of less than £16,105.00 and have a person aged over 62, a registered disabled person, or a child of less than 5 years of age at the property; or, the customer must be in receipt of certain benefits. I am satisfied that these requirements are strict and that a customer must meet both requirements to be eligible for the Tariff Plus scheme.
2. The company has provided the customer's Tariff Plus application form and income evidence. I note that the customer is in receipt of housing benefit and working tax credit. The customer

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therefore meets the second part of the criteria. It remains necessary, however, that her water bill amounts to 3% or more of her annual net household income.

3. The company calculated the customer's income and found that her water bill was 2.77% of her net annual income. As this is less than the 3% required by the Tariff Plus scheme, the company rejected her application.
4. I note that, when creating its defence, the company identified that it may have incorrectly calculated the percentage, based on the customer not having provided it with all information about her income. Specifically, no evidence was available for how much child benefit the customer receives, or to confirm her earnings. After including child benefit at £20.70 per week in the customer's income, the water bill was found to be only 2.54% of the customer's net annual income.
5. I am satisfied from the evidence that the company has properly assessed the customer's entitlement to the Tariff Plus scheme. I find that the company has correctly assessed the customer as not being entitled to the Tariff Plus scheme based on the information and evidence provided by the customer with her application form. The evidence shows that, even with the highest calculation that misses evidence in relation to child benefit and the customer's earnings, the customer's water bill is less than 3% of her net annual income.
6. I find that the company has fully explained its calculation to the customer and provided her with a further application form for her to provide more evidence that may demonstrate that the water bill was at least 3% of her net annual income. The Tariff Plus scheme has strict criteria and the company does not take into account what a customer's earnings are spent on unless there is a disability involved. I am satisfied that the company has fully reviewed the customer's claim and acted correctly by not taking into account how the customer spends her benefits as she has not demonstrated this to be related to any disability. Whilst I accept that this will be disappointing for the customer, I find no basis for the company to depart from the strict criteria requirements of the Tariff Plus scheme. I find that, having found that the customer did not meet the requirements for the Tariff Plus scheme, the company properly advised her of this.
7. I find no failure of the company to act in the manner expected of a reasonable water provider. I note that it has acknowledged the customer's financial difficulty, providing advice on how to

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reduce her water bill. I find no basis for the customer to be entitled to the remedies requested. 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 28 December 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.



Alison Dablin, LL.M, MSc, MCI Arb

Adjudicator

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