

# **WATRS**

## **Water Redress Scheme**

### **ADJUDICATOR'S DECISION SUMMARY**

**Adjudication Reference: WAT/ /0902**

**Date of Decision: 16 October 2018**

#### **Complaint**

The customer submits that the dispute concerns unexplained high consumption. It received a higher than usual bill in October 2017. Following numerous calls and emails, the company established that there were no leaks, it was not on a shared supply and the meter was not faulty. However, the amount billed is twenty times more than the standard usage. The customer requests a refund for the unexplained high consumption in the sum of £1,400.00.

#### **Defence**

The company submits that it is the retailer and is completely independent and legally separated from [ ](RSW), the wholesaler. It submitted three market processes to RSW in an attempt to resolve the consumption query. A leak detection visit was conducted by RSW and no leak was found. It then submitted a request to repair or replace a faulty meter, then a request for a meter accuracy test. The results of the test confirmed that the water meter was recording accurately. It requested that RSW grant a Volumetric Adjustment to the customer. However, this request was rejected by RSW. As a water retailer, the wholesale charges have already been passed on to it and these have already been paid. It is unable to provide an allowance. However, it recognises that there were some delays in dealing with the customer's claim and has given the customer £100.00 as a goodwill gesture. No offer of settlement was made.

#### **Findings**

The company and RSW are separate entities. My remit is to determine the issues between the customer and the company. It falls outside of my remit to consider any claims against RSW. The evidence shows that RSW, and not the company, is responsible for investigating high consumption claims and granting any volumetric adjustment/allowances. The company's duty is to contact the wholesaler and raise any claims or query any decisions on the customer's behalf. The evidence shows that the company has fulfilled its duty in this regard. The company did fail in its obligations to the customer in relation to the level of customer service provided to the customer when liaising with the wholesaler on its behalf. The £100.00 offered by the company in relation to the level of customer service provided is fair and reasonable in the circumstances.

#### **Outcome**

The company needs to take the following further actions:

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The company should pay the £100.00 to the customer, if it has not done so already.

The customer must reply by 13 November 2018 to accept or reject this decision.

# ADJUDICATOR'S DECISION

Adjudication Reference: WAT/ /0902

Date of Decision: 16 October 2018

## Party Details

**Customer:** [ ]

**Company:** [ ].

## Case Outline

### **The customer's complaint is that:**

- The dispute concerns unexplained high consumption. It received a higher than usual bill in October 2017 and has been trying to understand where the water it has been charged for has been used.
- Following numerous calls and emails, the company established that there were no leaks, it was not on a shared supply and the meter was not faulty. However, the amount billed is twenty times more than the standard usage. The property has two toilets and a kitchen sink. The outside tap was decommissioned prior to it taking over the property. It has eight office employees who work 9am – 5pm Monday to Friday.
- The customer requests a refund for the unexplained high consumption in the sum of £1,400.00.

### **The company's response is that:**

- It, [ ], is the brand name for [ ] delivering Retail Water Services in the [ ] area. It is completely independent and legally separated from [ ] (RSW), the wholesaler.
- RSW provides water and sewerage services including abstraction, treatment and upkeep of all infrastructure associated with the water and wastewater distribution system. As this complaint is concerns unexplained usage it was predominantly investigated by RSW. RSW has conducted a full review of the case and determined that no volumetric adjustment will be completed regarding the period of consumption.
- The customer experienced a large increase in its water consumption recorded on its water meter between 18 April 2017 and 13 October 2017.
- It submitted three market processes to RSW in an attempt to resolve the consumption query.

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- First, a leak detection visit was conducted by a RSW technician on 13 November 2017. During this visit it was confirmed that no leaks were present on the supply to the property as the meter was stationary; additionally a meter reading was taken. The meter reading showed that the consumer's consumption had returned to normal levels between the readings on 13 October 2017 and 13 November 2017.
- It then submitted a request to repair or replace a faulty meter. This was received by RSW on 22 December 2017. However, this request was cancelled by RSW as the meter was not diagnosed as faulty or leaking during the initial leak detection visit on 13 November 2017 and on the basis that the consumer's consumption had returned to normal levels. RSW provided this feedback on 17 January 2018.
- Following this, it submitted a request for a meter accuracy test. An appointment was arranged with the consumer and a RSW technician attended the site on 13 February 2018. During the visit the technician removed the water meter for testing. This was replaced with a new water meter, which allowed the consumer to continue to be charged measured charges.
- Again, the meter reading for the period from 13 November 2017 to 12 February 2018 showed that the customer's consumption was at normal levels.
- RSW's metering team then arranged for the meter to be sent for testing by an independent company on 16 February 2018.
- The results of the test confirmed that the water meter was recording accurately and had passed the test.
- On 7 June 2018, it submitted a request for a Volumetric Adjustment to be granted due to the period of increased consumption queried by the customer. This request was rejected by RSW as the outcome of the water meter inspection and water meter test proved that the water meter had been recording accurately.
- It has attempted to get an allowance for the customer on several occasions. However, RSW will not provide one. As a water retailer, the wholesale charges have already been passed on to it and these have already been paid. It is unable to provide an allowance.
- However, it recognises that there were some delays with updating the customer and has given the customer £100 as a goodwill gesture.

### How is a WATRS decision reached?

In reaching my decision, I have considered two key issues. These are:

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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?**

#### ***Wholesaler and Retailer***

1. I note that in the evidence the company refers to the wholesaler (RSW) as having made key decisions and undertaken actions to confirm the customer's usage. In order to make a decision in this matter I must clearly distinguish between actions taken by the wholesaler and the duty owed by the retailer (the company) to its customers. Since the water market in England opened up to retailers in April 2017, all non-household customers have been moved to a wholesale/retail split service. As a result, a non-household customer now only has a relationship with the retailer. In turn, an adjudicator operating under the Water Redress Scheme may only make findings related to those things for which the retailer, as the party to the case, has responsibility, and not those things for which the wholesaler has responsibility. This includes the effectiveness with which the retailer has operated as an intermediary between the wholesaler and the customer.

#### ***High consumption bill***

2. The evidence shows that RSW, and not the company, is responsible for investigating high consumption claims and granting any volumetric adjustment/allowances.

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3. The company's duty is to contact the wholesaler and raise any claims or query any decisions on the customer's behalf.
4. The evidence shows that the company contacted RSW on the customer's behalf and submitted requests for a leak test and a meter accuracy test, which were undertaken by RSW. The evidence also shows that the company requested that RSW provide a volumetric adjustment for the customer for the period of high consumption but that this request was declined by the wholesaler.
5. As discussed above, any claim or complaints against RSW cannot be considered under this adjudication. The company's duty is to contact the wholesaler and raise issues on behalf of the customer, and the company has fulfilled this duty.
6. I acknowledge the customer's claim and appreciate that it will be disappointed that the high consumption bill cannot be considered under this adjudication. However, I find no failings on the company's part in relation to the high consumption bill.

#### ***Customer service***

7. Notwithstanding the above, the company itself admits that there were delays in its handling of the customer's claim on its part. It is not clear from the evidence that the company contacted RSW or the customer within reasonable frames at times during the period October 2017, when the customer first raised the complaint, to 7 June 2018, when the company submitted a request for a volumetric adjustment to RSW. In addition, the evidence also shows that the company incorrectly submitted a request for the repair/replacement of a faulty meter in December 2017 when no fault had been diagnosed on the meter, further delaying the process. I find that the company has failed to provide its services to the customer to the standard to be reasonably expected by the average person in this regard.

#### ***Redress***

8. The customer requests a refund for high consumption bill in the sum of £1,400.00. However, as discussed above, there are no failings on the company's part in relation to the high consumption bill. I can therefore make no directions in this regard. The company did fail in its obligations to the customer in relation to the level of customer service provided to the customer when liaising

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with the wholesaler on its behalf. The £100.00 offered by the company in this in relation to the level of customer service offered is fair and reasonable in the circumstances. The company should pay the £100.00 to the customer, if it has not done so already.

9. Consequently, this case is unable to succeed.

#### **Outcome**

The company needs to take the following further actions:

The company should pay the £100.00 to the customer, if it has not done so already.

#### **What happens next?**

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 13 November 2018 to accept or reject this decision.
- If you choose to accept this decision, the company will have to do what I have directed within 20 working days of the date on which WATRS notifies the company that you have accepted my decision. If the company does not do what I have directed within this time limit, you should let WATRS know.
- If you choose to reject this decision, WATRS will close the case and the company will not have to do what I have directed.
- If you do not tell WATRS that you accept or reject the decision, this will be taken to be a rejection of the decision. WATRS will therefore close the case and the company will not have to do what I have directed.



**U Obi LLB (Hons) MCIArb**

**Adjudicator**

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