

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0926

Date of Decision: 5 November 2018

Complaint

The customer has been experiencing low water pressure such that it is impossible to live a normal family life. The issue is especially bad at peak times. The company does not appreciate the effect on a household of having no running water. The company states that plans are proceeding but they will not be complete until Summer 2019; this is not good enough and does not resolve the problems being experienced today.

Defence

The company acknowledges that there is an issue of low water pressure in the area. It conducted investigations, attempting short-term fixes by opening valves, however a long-term solution is needed. The company has planned infrastructure upgrades. It has always supplied water in excess of the legal minimum of 0.7 bar at the customer's boundary stop tap. The customer is especially affected by the issues as her plumbing system requires around 3 bar to function correctly and is not designed to work effectively on the mains pressure in the area. The company denies that the severity of the pressure and flow problems are as a result of a failure on its network.

Findings

The company must maintain water pressure of at least 0.7 bar to the boundary of the customer's property. The loggers demonstrate that it has consistently done so. The water pressure fluctuates significantly and falls below the company's internal standard of 15 metres of static head, prompting it to look to resolve the wider pressure issue, however there is no effective short-term solution. The evidence indicates that the customer's plumbing system relies on mains pressure and is not designed to work with low water pressure. On the balance of probabilities, this is the reason for the water supply at the customer's property being unusable, as the company has consistently provided above the legal minimum. There were some customer service failures, including a delay in identifying that the customer's plumbing system was unsuitable, for which compensation was warranted.

Outcome

The company needs to take the following further action:

Provide the customer with a written apology;
Pay the customer the sum of £250.00 in compensation.

The customer must reply by 3 December 2018 to accept or reject this decision.

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ADJUDICATOR'S DECISION

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Date of Decision: 5 November 2018

Party Details

Customer: []

Company: [].

Case Outline

The customer's complaint is that:

- The customer submits that the company has failed to adequately supply her with water due to low pressure. The customer is not able to use the washing machine, dishwasher or plumbed fridge as the water loss is irregular and there is no pattern. The customer is not able to flush the toilet or perform basic hygiene functions. The issue is worse during a 'rush hour' and affects many people in the area. The company did not respond to the customer's complaint in a timely manner and failed to remedy the problem or provide interim solutions. The customer and her family have been caused enormous stress, anxiety and inconvenience. She has also spent several hundred pounds on plumbers and equipment to try and improve living conditions. The issue affects the customer and many other people living in the area. The customer has complained to the company, MPs, the Local Authority, the Parish Council and the media. The company does not appreciate the effect on the household of having no running water. The company's plans are not due to complete until Summer 2019; this is unacceptable and does not resolve the problems still being experienced today. The company's supply to the customer is not fit for purpose. The company only took readings since work on the water main in [] Road was completed and after engineers experimented with valves, which did improve the customer's water pressure a little. If the customer has always received the minimum legal level of water pressure, she submits that the requirement needs to be looked at. The company has not sent out letters advising the community about the issues in the area, despite stating that they would do so.

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- The customer requests a formal apology, consistent water pressure, and £3,041.99 in compensation, including £2,500.00 for distress and inconvenience.

The company's response is that:

- The company states that the area of [] has experienced low pressure. The company has investigated this, made changes to its network, and is implementing a long-term solution to improve network pressure as a whole. The customer enquired about low water pressure on 20 June 2016; the company advised of the low-pressure process. The company heard nothing further from the customer until 30 May 2017. As the company had been advised that the customer's plumber had inspected her property, it arranged for a technician to attend and investigate external issues on the water network, given the known problems in the area. The company made changes to its network which reflected in its data loggers, however the customer appeared to be experiencing a more significant loss of pressure than other properties in the area. The company visited the customer's property and found that there was a good flow of 1.8 bar at the boundary stop tap.

The customer's plumbing system is unvented hot and cold cylinders which would perform best with an incoming pressure of 3 bar. The pressure by the time the water reaches the attic of the customer's property is around 1 bar. The customer's system is not designed to work effectively on the mains pressure in the area. The customer has advised that the show home on her development had additional equipment fitted to maintain a decent pressure and flow. The customer's problems appear to be related to the systems in her property not being designed to work on the pressure the company is providing in its mains network. The logger data confirms that the pressure does not fall below 7 metres of head, but that it does drop at weekends. The company's Hydraulic Modelling Team has run scenarios to find a solution to the pressure problems. This suggested that there may be a valve slightly closed in the area and the company sent a technician to check these. The company moved a District Valve in January 2018 which resolved some low-pressure issues as the properties were supplied by a different main.

The loggers fitted to the customer's property showed that the pressure has not fallen below 1.2 bar at the boundary stop tap, but that it does drop to less than 1.0 bar at the customer's outside gap. This suggests an issue somewhere between the boundary stop tap and the pipework at the outside tap in the customer's garden. The company has formally apologised to the customer for the distress and the length of time it was taking to reach a conclusion to the pressure issues.

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The company disputes that there were delays in acknowledging an area-wide problem. The customer complained on 30 May 2017 and the company explained that it was aware of issues in the area on 13 June 2017.

The company has provided a full explanation of the future project to address the pressure and supply demand in []. The company will be initiating works to improve the distribution system performance, including installing several kilometres of new mains and abandoning a water tower. The company is also looking to install a new booster station, which is a complex project. The community has not been updated as the company's investigations have shown that the problem is not as widespread as first thought, and the more significant pressure problems are unique to the customer's property. Neighbouring customers have not been affected to the same extent and changes to the company's network have improved the pressure in the area. The company disputes that the severity of the customer's pressure and flow problems are caused by any failure on its network.

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.

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How was this decision reached?

1. The customer complains of low pressure at her property and in the surrounding area. The customer has provided two video files demonstrating that her shower is unusable due to the lack of water pressure.
2. It is clear that the customer's claim is in respect of both the issues she is experiencing her property and issues with water pressure in the surrounding area. It is appropriate that I set out the scope of the Water Redress Scheme here, and detail those aspects of the complaint I am able to deal with and those that I cannot.
3. The Water Redress Scheme provides an independent process for adjudicating disputes between water companies and their customers. Under Scheme Rule 2.3, applications may be made on behalf of more than one customer, however each customer must be a named signatory to the application, or have confirmed on their application that they agree to a representative acting on behalf of all signatories. The customer's application does not include any other signatory. I therefore find that the customer is the only complainant in this Water Redress Scheme application. Accordingly, whilst I am able to review the evidence such as that from the customer's Facebook group, I am not able to make any findings as to the cause of the water problems experienced by those posting. I am also not able to make any direction in respect of any other person other than the customer, including, but not limited to, the other members posting on the customer's Facebook group.
4. I am satisfied that the dispute falls within the scope of the Water Redress Scheme as it relates to water supply services. However, the limitations of the Scheme mean that I am only able to make directions in respect of the customer's water supply. I have no power to direct the company to make infrastructure changes, or to take actions to address issues being experienced by anyone other than the customer.
5. The customer states that she has been receiving low water pressure rendering it impossible to use two taps at the same time. The water pressure fluctuates, with lower water pressure being available at 'peak' times.

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6. It is clear from the customer's evidence, in particular the video of the shower, that there is a significant issue with the water supply at her property. As I understand it from reviewing the evidence, the water main serving the customer's property is served by a gravity fed water tower. The topography of the surrounding area is also fairly flat, and I accept that this limits the effectiveness of a gravity fed system. There has also been development in the [] area, placing a greater demand on the existing water network.
7. The company accepts that there is an issue with the water pressure in the [] area generally, however it denies that this is the cause of the customer's issues. In light of these known, accepted issues, the company has generated plans for significant infrastructure changes to improve the pressure in the [] area. Accordingly, I find that, whilst the company accepts that there is an area-wide issue relating to water pressure, it's position is that it has always supplied water to the customer that is above the legal minimum pressure, and that its wider issue with water pressure is not the cause of the issues with water pressure within the customer's property.
8. The company must maintain a legal minimum pressure in the communication pipe, the pipe between the water main and the boundary of a customer's property, of 0.7 bar (7 metres of static head (MSH)). The legal minimum water pressure is set by legislation and I am not able to review its reasonableness or effectiveness. The company's evidence confirms that it aims to ensure that there is at least 15 MSH at this point, in order to ensure that it does not fall below the legal minimum.
9. The company has provided the readouts from various loggers placed in its water network, including the loggers fitted to the customer's boundary stop tap and her outside stop tap in the garden. In reviewing these graphs, it is clear that there is an issue whereby the water pressure in the area fluctuates significantly. At The [], [], a road neighbouring the customer's road, [], the company's logger recorded between a low of approximately 11.5 MSH and a high of approximately 29 MSH between in late-May and early-June 2017. The logger data for the customer's property, taken in March and April 2018, shows that the water pressure had a low of approximately 13 MSH and a high of around 23 MSH.
10. I find from the evidence that, whilst there is clearly an issue with the water pressure being maintained consistently and above 15 MSH, at no point did it fall below 7 MSH. I am therefore satisfied that the company has consistently maintained a water pressure above the legal minimum level. I acknowledge that this does not assist the customer as she has been

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experiencing significant water pressure issues despite the company supplying the legal minimum level to the boundary stop tap, however I must agree with the company that it has met its legal obligation to maintain the required minimum water pressure.

11. In reviewing the evidence, I note that the logger data from the customer's property shows a minor loss of water pressure between the boundary stop tap and the customer's outside garden tap. The loss of pressure between these points appears to be around 1.5 MSH. I am mindful that this loss of pressure, whilst minor, is wholly unexplained, but that it occurs on the customer's private pipework within the boundary of her property and is therefore not the responsibility of the company.
12. The evidence also shows that the customer's property uses unvented hot and cold cylinders. I accept that this type of system relies on mains pressure to work effectively and works best with a mains pressure of around 3 bar (30 MSH). The company advises that there will also be some natural loss of water pressure as the water travels to the customer's attic, located at the top of a three-storey town house, due to gravity. The company advises that this loss amounts to around 0.8 bar (8 MSH). I therefore find that, in order to work most effectively, the customer's property would have to be receiving water pressure at around 38 MSH, a level that greatly exceeds the legal minimum.
13. The customer has stated in an email dated 30 May 2017 that the show home on her development "had additional equipment fitted as standard by the developer to maintain a decent pressure and flow so there was obviously a known issue at that time". It appears that the customer's property may have been built without the benefit of this additional equipment. As the water pressure has reduced with increased demands, this has affected the customer's property and, as the unvented cylinder system appears unsuitable for areas of low water pressure, she has been more significantly affected than may otherwise have been the case.
14. The evidence demonstrates that the customer is receiving water pressure that is, at its lowest, almost twice the minimum legal level. The degree to which the customer is experiencing issues, despite the water pressure being above the minimum, does support the submission that there may be issues with the customer's internal pipework and plumbing, including the suitability of the hot water system at her property. I acknowledge that this will be extremely frustrating for the customer, especially as the water issues have worsened over the years with the development of [] and greater demand for water. However, where a customer's plumbing system is not

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suitable for lower, but still legally adequate, water pressures, this is not a matter for which the company is responsible.

15. In reviewing the evidence, I am satisfied that the issue with water pressure is two-fold. Firstly, the company's network is struggling with demand and requires infrastructure updates to improve the water supply. Secondly, the customer's private plumbing is suitable only for areas with a higher mains water pressure than is available in [], a fact that appears to have been known to the developer when fitting out the show home. The company is not responsible for the developer's choice of plumbing systems for the properties they build.
16. In respect of the area-wide water pressure issue, I note that the company has passed the issue to its Hydraulic Modelling Team. As a result of this, it has opened valves and re-routed a number of properties so that they are supplied by a different main. I note that the logger records indicate that there has been some small improvement in the water pressure, but that this was not significant.
17. The company has also provided evidence in respect of its plans to update the network infrastructure. The company plans on installing new water mains and abandoning the gravity-fed system from the water tower. The email dated 10 July 2018 explains that this will likely include a booster station at [] including new pumps, new pumps to be fitted at [], larger water mains, and an application to utilise the power network for these improvements. I am satisfied that the company has been effectively planning to resolve the water pressure issues in [], in order that it is able to maintain at least the minimum water pressure.
18. I acknowledge that the intended timeframe for these works is to be completed in Summer 2019. I accept that this is a significant period where the customer is unlikely to have adequate water pressure in her property. However, as above, the evidence demonstrates that the company is maintaining water pressure in excess of the legal minimum. Whilst the customer's plumbing system is fully functional, it requires a greater mains pressure to work effectively. Accordingly, whilst there is no fault with the customer's internal plumbing system, I am satisfied this is contributing to the impact of the lower and inconsistent water pressure in [].
19. In view of the above, I find that the company has, at all times, met its requirement to supply at least 0.7 bar of water pressure to the customer's boundary stop tap. This is insufficient for the

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plumbing in her property to function effectively, however there has been no failure by the company to supply water to the standard expected of a reasonable water supplier.

20. Notwithstanding this, the water pressure in the area is vulnerable to demand with the pressure fluctuating significantly. The evidence shows that the company has been investigating short- and long-term solutions to these issues in order that it can maintain the minimum water pressure to all properties. The customer is unhappy that the estimated completion date for these works is Summer 2019, however the proposed changes involve a major upgrade to the local water infrastructure and capital investment. I am satisfied that, by addressing the issue of water pressure before the company is failing to provide the legal minimum water pressure, the company has acted in the manner reasonably expected of it.
21. Turning to the customer service, as explained above, I am only able to consider the customer service provided to the customer. That is, whether or not the company acknowledged the area-wide issue promptly to the customer, not whether it acknowledged the issue to other members of her Facebook group.
22. The customer first contacted the company on 20 June 2016, and the company advised of the low-pressure process. However, the customer did not follow up with the company until 30 May 2017. The company responded to the customer by telephone on 13 June 2017. The note from this call states that the representative “spoke to Mrs [] to explain we are aware of issues in the area” and that, whilst the company is supplying above the minimum water pressure requirement, “we know this is not great”. The company advised that a logger had been fitted to a local property in order for it to obtain more information about the pressures being provided over the long-term. The company also advised that a request had been sent to the Hydraulic Team to ask about how things could be improved.
23. I am satisfied that the company did promptly respond to the customer’s complaint and provided her with a full update of the steps it was taking to resolve the wider water pressure issue. The company’s timeline demonstrates that it has kept the customer informed of steps being taken in the network, including valves being opened and supplying some properties from a different network.
24. However, I note that the updates provided to the customer were largely in response to her requesting an update, rather than being made proactively to an affected customer. There have

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also been instances where the company has delayed in responding the customer whilst it waited to receive further information, but it has not advised the customer that it would be delayed in providing a full response. In this way, I find that the company failed to effectively keep the customer up to date or effectively manage the customer's complaint whilst it waited for further information.

25. The company also fitted loggers to the customer's property on 14 March 2018, nearly one year after the customer's first complaint. In view of the customer's ongoing complaint that she had only around 30-60 seconds of normal water when opening a tap, irrespective of the time of day, I consider that it would have been reasonable for the company to have fitted loggers to the customer's property at an earlier time. This is because, from the evidence, the customer appears to have advised that she was affected by the wider pressure issues to a significantly greater degree than neighbouring properties, indicating that a prompt further investigation at the customer's property would have been warranted in order to rule out any other cause of pressure loss. The loggers were fitted to the customer's property only after numerous changes to the water network had been made, and it is therefore likely that the pressures logged to not represent the lowest water pressure received by the customer. Notwithstanding this, the company's investigations found no issue with the individual water supply to the customer. I therefore have no reason to find that the water pressure supplied to the customer's property would have been significantly different from the levels recorded on other loggers. I am therefore not persuaded that the water pressure provided to the customer's boundary stop fell below 0.7 bar at any time.

26. The customer has requested a consistent water pressure and flow of water so that they can live a normal family life. As above, I find that the company will be making infrastructure improvements to increase and stabilise the water pressure in the local area. However, I am satisfied that the customer feels a much greater impact on the fluctuating water pressure due to her internal plumbing system not being compatible with low mains water pressure. I am satisfied that the company is taking the steps expected of a reasonable water provider in respect of ensuring that the water network is capable of supplying the customer's property. I am satisfied that the company is consistently providing the customer with more than the legal minimum water pressure. I am therefore unable to direct the company to take any further action in respect of the customer's property.

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27. The customer has requested a formal apology. The company has provided copy emails in which it has offered written apologies to the customer for the pressure issues in [] and for the issues experienced by the customer. However, I am satisfied that a further apology is warranted. I therefore direct that an authorised representative of the company provide the customer with a written apology for: updates being provided in response to the customer chasing the company, rather than being provided proactively; the company not always advising the customer when it would be delayed in providing a full response; and for the delay in fitting loggers to the customer's property despite her complaint that the water pressure was unusable, indicating that her experience may have been worse than those in the general [] area.
28. The customer has requested compensation to cover the cost of a pump, a pressure valve and plumbing costs. As above, I am satisfied that the company has consistently provided the customer with water pressure above the minimum level. I find that these expenses were incurred in an attempt to make the customer's plumbing system work with the lower water pressure. However, as the pressure remained, at all times, above the legal minimum, I am unable to find the company liable to reimburse the customer for these expenses.
29. Finally, the customer has requested £2,500.00 for the distress and inconvenience caused. I am satisfied that there is an area-wide issue of low pressure that has caused the customer stress and frustration. However, I am mindful that the impact of the low pressure has been greatly exacerbated by the customer's plumbing system being unsuitable where the water main has low pressure. I find that the customer has also been caused stress and inconvenience in respect of the company's failures when handling the complaint, detailed above.
30. In considering a reasonable amount of compensation, I am mindful that the company is not responsible for all of the considerable distress and inconvenience suffered by the customer in relation to the water supply to her property. I note that the complaint has lasted in excess of a year, but that during this time the company has attempted to find short-term fixes to increase the water pressure generally, and has investigated and proposed a long-term solution to the issue. This represents a high standard of care to the customer and the residents of the wider area.
31. I am also mindful that it took until 8 August 2018 for the company to visit the customer's property to determine that her plumbing system was not compatible, and that prior to this point, the customer reasonably believed that the issue with the water pressure stemmed solely from the company's supply.

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32. In considering the evidence, the delays in corresponding with the customer, and the time taken to fully diagnose the water pressure issue at the customer's property, I find it reasonable for the company to pay the sum of £250.00 to the customer in compensation for the distress and inconvenience caused.

Outcome

The company needs to take the following further action:

Provide the customer with a written apology;
Pay the customer the sum of £250.00 in compensation.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 3 December 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.



Alison Dablin, LL.M, MSc, MCI Arb

Adjudicator

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