

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0960

Date of Decision: 5 September 2018

Complaint

On his first or subsequent bills (or at all), the customer was not given clear information about the availability of a Watersure Plus ("WSP") discount. The customer states he only found out about the WSP scheme from a third party. If the company had made the customer aware of the discount, he would have applied for it much earlier than he did. In the circumstances, the customer requests that his WSP discount now be backdated to 1 April 2017.

Defence

There is no basis for backdating the customer's WSP account to 1 April 2017. The company's standard documentation makes clear that - if a customer is struggling to pay their bills - they should call the company as help may be available. In addition, a website link to which customers are directed includes details about the WSP scheme specifically. The rules of the WSP scheme are clear. The new WSP account can only start from the date when the customer's application form is received.

No offer of settlement has been made.

Findings

There was no failure on the part of the company in the provision of its services. By use of its standard documentation - in conjunction with 'signposting' to sources of additional information - the company adopted a reasonable approach to publicising the WSP scheme.

Outcome

The company does not need to take any further action.

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

ADJUDICATOR'S DECISION

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Adjudication Reference: WAT/ /0960

Date of Decision: 5 September 2018

Party Details

Customer: []

Company: []

Case Outline

The customer's complaint is that:

- The company:
 - is refusing to backdate his Watersure Plus ("WSP") account to the date when he originally became liable for charges at his property, which was 1 April 2017; and
 - had not given clear information on his first and subsequent bills that people on benefits could apply for the WSP discount; and
 - claimed that they had given the relevant information on page 3 of his first bill but, in fact, there was no such page on that bill.
- In the circumstances, he would like his WSP discount to be backdated to 1 April 2017. If he had been aware of the availability of the discount from the bills sent to him by the company, he would have applied for it earlier.

The company's response is that:

- It does not believe that there is any basis for backdating the customer's WSP account to 1 April 2017 in this case. It would be unfair to all of its other customers being billed on this scheme if it were to do so without justification.
- The rules of the WSP scheme are clear. The new WSP account will start from the date when the application form is received with satisfactory evidence of income and expenditure. The company cannot assess eligibility without this evidence as the income and expenditure needs to be compared against the cost of the water bills. If the water bills are in excess of 3%, then WSP will commence from the date of the application. The following information is contained on the WSP application form and guidance notes: "... Assuming your application is successful, you will get the discount from the date we receive your application, so send it to us straight away ..."

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- The customer’s initial water bill was sent to him on 23 March 2017. On page 3 of that bill, the following information invited customers to contact the company if they were having difficulties paying their bill. The same invitation was included on the bill dated 9 June 2017:
 - “... **Helping you pay.** *If you’re finding it hard to pay your water bill, let us try to help. We have a range of support available from spreading bills and arrears into affordable amounts to our tariff to support customers in hardship. [www.water.co.uk/support ...”*
- Furthermore, on all the company’s reminders and final demands, the following advice appears:
 - “... **Problems paying?** *If you’re having problems paying your bill, we’re here to help. Please don’t ignore this letter and call us straight away on 0800 009 3651 ...”*
- All of its bills and notices sent out clearly provided the company’s freephone telephone number and opening times. Its standard documentation makes it clear that - if a customer is struggling to pay their bills - they should call the company as help may be available. In addition, the website link to which customers were directed – [www.water.co.uk/support] - does include details about the WSP scheme specifically.
- From the outset, when he received his initial bill sent out on 23 March 2017, the customer had the opportunity to access this advice and support.
- When the customer did make contact by telephone to set up a payment plan on 9 June 2017, he did not make the company aware of his financial position. If he had done so, the WSP application forms would have been sent to him straight away. When, on 4 December 2017, the customer did let the company know about his financial circumstances (and about the fact that he was having difficulties paying), it sent him the WSP application forms that same day.
- The company argues, therefore:
 - that it acted correctly when it closed the (previous) Rateable Value-based account and opened the WSP account on 11 January 2018; and
 - that it fulfilled its obligations to the customer in respect of assessing his claim and placing him on the WSP scheme from the correct date.

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.

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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. I have read the 'chain of events' section in the company's defence, which details the relevant history from 30 December 2016 through to the end of June 2018. I have also examined the supporting materials that the company has put in. I do not understand there to be any major challenge from the customer to this chain of events and therefore, I accept (and find) that the key background was in fact as the company explains it.
2. I should also mention that I have had the benefit of reading the customer's comments, contained in a letter dated 14 August 2018, in response to the company's defence ("Comments"). Those Comments were received very slightly later than the WATRS Scheme Rules require but I have nonetheless taken them into account in reaching my decision.
3. As I see it, the customer's core complaint is that the company's profiling of the availability of the WSP scheme was inadequate. The company points to the standardised information printed on its bills ("Standardised Information"), for example, the sections that say:
 - a. "... **Helping you pay.** *If you're finding it hard to pay your water bill, let us try to help. We have a range of support available from spreading bills and arrears into affordable amounts to our tariff to support customers in hardship. [www.water.co.uk/support ...*"; and
 - b. "... **Problems paying?** *If you're having problems paying your bill, we're here to help. Please don't ignore this letter and call us straight away on 0800 009 3651 ...*"

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4. In the first instance, I note the customer's assertion that some of the Standardised Information did not come to his attention (anyway) because 'page 3' was missing from the initial bill that he received from the company. Working from the evidence available to me, I am not able to conclude definitively that 'page 3' was missing I would only be able to decide on balance what was likely to have happened. However, it seems to me that – even if the customer had received or seen 'page 3' – the main element of his complaint would still remain to be pursued in this case.
5. In his Comments, the customer explains very specifically why he contends that the company's reliance on its Standardised Information is/was insufficient:
 - a. *"... I don't think this is clear information for an ordinary customer on benefits to understand that there is a discount for them on their bills from that information. I think the information should be clear to the customer from the print to the customer and not when he phones them or go their website before he can know ...";* and
 - b. *"... The information should be clear on their bills and not when you ring them or go [to] their website. I was only able to the find out the information from a third party and not through their bills ..."*
 - c. *"... [the company is] using this technicality to deny customers their due discount ..."*
6. The customer's essential argument, therefore, is that:
 - a. in its printed materials, the company ought to have spelled out the availability of the WSP discount much more prominently than it did; and
 - b. with the Standardised Information being presented as it was, customers could only 'find out' about the WSP discount by telephoning the company or clicking through to its website.
7. Whilst the customer's frustration is readily understood, the conclusion I come to is that the company provided information about the availability WSP scheme in a reasonable way. I take account of the fact that there is a great deal of information that (for statutory or regulatory or other reasons) the company is obliged to convey to its customers through its printed materials. There is too much to compress into one single document. Some 'signposting' by the company – for example, by directing customers to a website link that they can click onto as a source of additional information – is unavoidable and practicable, it seems to me. In this case, I find that

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the company's use of 'signposting' – in conjunction with its Standardised Information – was a fair and sufficient process for it to adopt.

8. I acknowledge that there may be a wider debate as to whether it is reasonable to put the onus on customers to access a website to discover additional layers of information. (A proportion of the company's customer-base may not have access to the internet, for example). However, I do not consider that I can adjudicate on that aspect because it goes to the fairness of the company's 'commercial practices', which is a category of dispute excluded by WATRS Scheme Rule 3.5.
9. For the reasons above, I cannot find any failure on the part of the company in the provision of its services in this matter.
10. The customer's complaint, therefore, is 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 3 October 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.
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- 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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Nik Carle, LLB (Hons), Solicitor, DipArb, FCIArb

Adjudicator

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