

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0962

Date of Decision: 5 November 2018

Complaint

The customer claims that she made an application for a meter in 2015 and was not given appropriate information about the Assessed Household Charges (AHC) Single Occupancy tariff at that time. She claims that the company have deliberately withheld information regarding tariffs from her and she was only put on this tariff in 2018 as a consequence, and this has been financially detrimental to her.

She claims that she should receive a refund of excess charges back to 2015, which the customer estimates to be £545.00

Defence

The company states that it has acted in accordance with its Charging Scheme and has not breached its obligations to the customer. It states that it put the customer on the AHC Single Occupancy tariff after her application in 2018 and that historically she was charged appropriately according to the ratable valuation of the property.

No offer of settlement has been made by the company.

Findings

The company has not breached its legal obligations and has acted in accordance with its Charging Scheme 2018.

Outcome

The company does not need to take any further action.

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

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- It received an application for a water meter on 11th April 2018.
- It acted according to its procedures and carried out a survey of the customer's property on the 8th May 2018.
- The customer's property was deemed unmeterable and therefore the customer was moved onto an AHC, Single Occupancy Tariff from the date of her initial application, 11th April 2018.
- The company states that it has abided by the appropriate legislation and properly applied its Charging Scheme 2018/2019.
- The company denies that it told the customer that she could not be metered in 2015. It states that there is no evidence of this on its records.
- The company denies that it misled the customer or that she had insufficient information. It claims that she received an "annual billing leaflet" with all the relevant information therein.
- The company wishes to defend this action and it does not believe that the customer has supported her claim with evidence.

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?

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1. The customer states that she made an application in 2015 for a meter to be installed and was told it was not possible for her to be metered. She claims that she was not told at that time that she could avail of AHC Single Occupancy tariff. The company states that it has no record of this application. The company states that it has checked back over its customer records and cannot find any details about this application. I note that it is not clear from the papers whether the customer is stating that she made the application by phone or in writing or both. I refer to an email dated 6th July 2018 from the customer to the company, which is in the Consumer Council for Water (CCW) documents, that an application was made online in 2015. However, this is not evidenced by either party. I note that the company has produced, in its evidence, notes of the customer's conversations dated 28th June 2018. This note states that the customer claimed she had been told in a phone call in 2015 that she could not be metered. The note also states that the customer had made two application, but that there was no record of these. I take into account that the customer has not provided any supporting evidence regarding the application in 2015. While I appreciate that it is often difficult for customers to gather such evidence, especially after a number of years, I have to make a decision as to what happened in 2015 and to do so I have to look at the evidence before me.
2. I am mindful that if the customer had called by phone to request a meter it would not have been possible to make the decision that she was not in a property that could be metered without carrying out a survey. There is no evidence that a survey was carried out in 2015.
3. I note that there is no information in the customer's case regarding how the information that her property was not suitable for a meter was conveyed to her. There is no detail regarding any phone call, letter or date regarding this application.
4. I find, on the information presented, that there is insufficient evidence to find that an application was made to the company for a meter in 2015. I note that my opinion concurs with that of the CCW in that, without this important evidence, there is no basis to the claim for a refund.
5. The customer claims that she was not made aware of the AHC single occupancy tariff and that, as she was a single person occupier, this was detrimental to her and advantageous to the company. She states that she believes that this was a deliberate oversight by the company as it is financially beneficial for it if customers are unaware of this tariff. The company denies that this is the case. The company has submitted evidence of the Annual Billing Leaflets which it states that it sent out to customers each year. The company states that the company sent this leaflet

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regularly to the customer. The leaflet contains information on the last page about how to go about making an application for a meter. It also contains information regarding the AHC tariff that is available for customers whose property is unmeterable. The customer states in her reply that she has studied the leaflets and “nowhere is a single person tariff mentioned.” She also states that she was not able to find the information regarding a single person’s tariff online. I accept that the Single Person tariff is not specified on the leaflet. I have no evidence on this point regarding the internet.

6. In considering this issue I am mindful that the water company is actively promoting the metering of properties in its literature. I note that the AHC tariff is mentioned in its leaflets and is only applicable to those whose properties are unmeterable. It is only when applying an AHC tariff that the company would then have to consider the Single Occupier tariff. I note from the evidence provided regarding OFWATs information, that the focus of the water industry is on providing a metered service to those customer’s who make an application for a meter. It is considered that having a meter is an advantage to customers and the AHC scheme is only meant to ensure that customer’s who apply for meters and find that their properties are unmeterable are not left at a disadvantage financially. I refer to the OFWAT quotation provided in the company’s defence: *“The purpose of the charge is to make sure that customers’ are not unreasonably disadvantaged because they cannot have a meter. The charge is not available if the company can fit a meter at their property”*.
7. I note that after the customer made an application for a meter in 2018, and the survey found that her property was unmeterable, she was put onto the AHC Single Occupancy tariff by the company. This was in accordance with the published information regarding the AHC tariff.
8. I take into account that the AHC tariffs are entirely dependent on the customer having made an application for a meter. There is nothing in the legislation or industry guidance that requires the company to ensure that each customer is aware of the Single Occupancy tariff and the customer has not made the case that there is any legislative basis for her claim in this regard. There is no route for a customer to be able to apply directly for an AHC Single Person Occupancy tariff without first having applied for a meter. Therefore, I do not consider it unfair or inappropriate for the company not to have particularly referred to the Single Occupancy tariff on its leaflets.
9. Regarding the allegation that the company has acted unfairly and has constructed a system that is to its own advantage. The customer has not supplied any evidence to directly support this

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claim. The company has shown with evidence of its Annual Billing Leaflets that it actively pursues a course of assisting customer's who seek metered charges and that this is considered to be often financially beneficial to customers. As I have found above, the AHC Single Occupancy tariff is entirely dependent on the metering application. I am not persuaded that there is evidence that the company has behaved deliberately to the detriment of the customer in the way in which information relation to the AHC Single Occupancy tariff is processed.

10. Regarding the customer service aspect of this complaint. The customer claims that the company has not properly dealt with her complaint regarding the backdating of her claim and states that its answers have been inadequate and unhelpful. The company believes that it has acted in accordance with its duties. I have read carefully the correspondence between the parties and I take into account that the customer was not happy with the responses that she received in relation to her claim for a refund. I take into account that the evidence submitted by the company, in the form of emails between the parties, shows that it investigated the customer's complaint and answered her request for a backdated tariff to be applied with what I consider to be detailed replies. I appreciate that the customer was very disappointed with the attitude of the company to the request she had made, but the fact that the company took a decision which did not please the customer is not in itself poor customer service.
11. I have noted that the company has justified the manner in which it was charging the customer based on RV (Ratable Value) and that it gives a legislative basis for this charging. However, I do not believe that the customer is making any case to argue that the charging system itself was wrong, rather that she should have been made aware of the alternative AHC Single Occupancy tariff.
12. I find no evidence that persuades me that the customer is entitled to have the AHC Single Occupancy tariff backdated to 2015. In fact, I am only able to conclude from the evidence provided that the company duly complied with the legislation and its Charging Scheme. Consequently, in light of all of the above, and upon review of all the evidence provided by the parties at the time of adjudication, I am not satisfied it has been shown that the company has failed to provide its services to the standard to be reasonably expected by the average person in this instance.

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13. It follows from the above that I find that the customer has not proved that there has been a departure by the company from the standard reasonably to be expected of it and the customer does not succeed in her claim for redress.

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 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.



J J Higgins, Barrister, ACIArb.

Adjudicator

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