

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1063

Date of Decision: 6 December 2018

Complaint

The customer states that she has psoriasis and should be entitled to a "100% discount" for her water service charges. The company has provided her with various discounts and goodwill gestures over the years. It has also offered her a further discount on her water service charges. However, the customer is not satisfied that this is enough and seeks a "100% discount" from the company. The customer is therefore seeking an apology, an explanation, a larger discount for her water services and a payment from the company in the sum of £10,000.00 (with interest).

Defence

The company explains that it has provided the customer with various discounts in recognition of her circumstances and has continuously reviewed her account to offer further discounts. Specifically, the company placed the customer on its [] plus tariff (so that her service charges are capped) and it has also offered her a 45% discount on her bills. It has also provided the customer with various goodwill payments. The company states that, in light of the above, it does not accept that it has failed to provide its services to the standard to be reasonably expected by the average person.

Findings

Based on the submissions provided, I am not satisfied that the company's refusal to provide the customer with a "100% discount" for her water services amounts to a failure to provide its services to the standard to be reasonably expected by the average person. I find that the company's actions to assist the customer, in light of her circumstances, were fair and reasonable. Consequently, I must conclude that the customer's claims for redress are unable to succeed.

Outcome

The company does not need to take any further action.

The customer must reply by 8 January 2019 to accept or reject this decision.

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- The company states that, in light of the above, it does not accept any liability for the customer's claims for redress.

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 customer states that she has psoriasis and should be entitled to a "100% discount" for her water service charges. The company states that it has already provided the customer with various discounts and goodwill payments but does not accept that the customer is entitled to a "100% discount" for her water services. The customer is therefore seeking an apology, an explanation, a larger discount for her water services and a payment from the company in the sum of £10,000.00 (with interest).
2. I remind the parties that adjudication is an evidence-based process and in order for any remedy to be awarded, the evidence must show that the company has not provided its services to the standard that would reasonably be expected of it.
3. It has not been disputed that, for the past several years, the company has assisted the customer with her water service charges. Placing her on discounted/capped rates, applying goodwill

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gestures and agreeing to payment plans. However, the customer does not feel that this is sufficient and is now seeking a “100% discount” for her water services.

4. Whilst I appreciate the customer’s difficult circumstances, I do not find that the company is obliged (contractually or otherwise) to provide a “100% discount” on its water services for its customers with psoriasis. Therefore, I am unable to objectively conclude that the company’s refusal to provide the customer with a “100% discount” for her water charges amounts to a failure to provide its services to the standard to be reasonably expected by the average person.
5. Under the circumstances, having regard for all the actions taken by the company in order to assist the customer (such as providing her with discounted/capped rates and periodically reviewing her account to ensure that the company is providing her with the most appropriate discounts), I am only able to conclude that the company’s actions were fair and reasonable. Accordingly, I do not find that the company’s actions amount to a failure to provide its services to the standard to be reasonably expected by the average person.
6. Therefore, following careful review of all the submissions provided, I am not satisfied that the evidence shows any failures on the part of the company to provide its services to the standard to be reasonably expected by the average person. Consequently, in the absence of any established failures on the part of the company, I do not uphold the customer’s claims for redress.

Outcome

The company does not need to take any further action.

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What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 8 January 2019 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.



E. Higashi LLB (Hons), PGDip (LPC), MCI Arb.

Adjudicator

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