

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1117

Date of Decision: 18 February 2019

Complaint

The customer submits that he received a high consumption bill for the three month period between June and September 2017. A supply check was completed in April 2018 and no leaks were discovered. Consumption has now returned to normal. He experienced a similar unexplained spike in consumption in 2014 and RST Water (RST) granted an allowance, but has declined to do so again. The company provided a poor level of customer service during the complaint. The customer requests that the company provide a better level of customer service; provide an apology; remove the excess charges based on average daily consumption; and pay compensation in the sum of £2,500.00.

Defence

The company submits that the customer initially made contact on 22 September 2017 to question the high consumption bill. The customer is solely invoiced for clean water. The customer carried out a self-leak test and confirmed there was not a leak at the property. A request was made to RST, the wholesaler, to visit the property to check the supply. However, delays in sending the request to the wholesaler meant that the supply check was not carried out until 7 April 2018. The results of the supply check confirmed that the meter only supplied the customer's property. RST rejected a leak allowance claim on several occasions as it does not grant allowances for increases in consumption, or when a supply is solely for clean water with no sewerage connection. RST stated that although an amount had been credited for an increase in consumption in 2014, this was done as a gesture of goodwill and not as an allowance. It accepts that there were customer service failings during the complaint; a total of £500.00 has been applied to the account to address this.

Findings

The company and RST 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 RST. The evidence shows that RST, and not the company, is responsible for investigating high consumption claims and granting any volumetric 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. However, the company failed to provide a reasonable level of customer service during the period of the complaint.

This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.



Outcome

The company needs to take the following further action:

I direct that the company (1) ensure that the £300.00 compensation stated has been applied to the account, if it has not already been done; (2) provide the customer with a written apology for the level of customer service provided.

The customer must reply by 18 March 2019 to accept or reject this decision.

This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.

The company's response is that:

- The customer initially made contact on 22 September 2017 to question why he had received an invoice of £569.81, as this was larger than normal. The customer is solely invoiced on this account for clean water.
- During the call, the customer was advised to carry out a self-leak test to see if there were any leaks as the account had been invoiced to an actual read obtained on 10 August 2017.
- Three days later, the customer contacted the company again to advise that he had carried out the leak test and confirmed there was not a leak at the property. Further to this call, a request was made to RST, the wholesaler, to visit the property to establish the supply set up and to ensure there was not a shared supply.
- Delays in sending the request to the wholesaler, meant that the supply check was not carried out until 7 April 2018. The results of the supply check confirmed that the meter only supplied his property.
- The wholesaler rejected a leak allowance claim as it does not grant allowances for increases in consumption, nor when a supply is solely for clean water with no sewerage connection.
- The customer explained that a similar incident in 2014 resulted in RST granting an allowance for an increase in consumption. This was raised to the wholesaler again. The wholesaler stated that although an amount had been credited for an increase in consumption in 2014, this was done as a gesture of goodwill and not as an allowance.
- The matter of the latest increase in consumption has been raised with the wholesaler on several occasions. However, as there is no leak at the property, as confirmed by the customer, no allowance will be granted.
- The customer has been offered a meter accuracy test. However, this has not been agreed. A meter suspected of not recording correctly, would under-record rather than over-record. If a meter test was carried out and it confirmed the meter to be working within the prescribed limits, the customer would be liable for the cost of this test.
- During its investigations, it can confirm that two £20.00 GSS payments were applied to the account along with a £10.00 late GSS payment. There has also been a debt collection fee credited back to the account of £150.00. Considering the length of time this matter has taken to resolve, and recognising the customer service aspects, it has also applied £300.00 credit to the account.

This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.

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?

Wholesaler and Retailer

1. For clarity, in April 2017 the water market in England opened up to retailers and all non-household customers were moved to a retail/wholesale structured service.
2. The evidence shows that the company is the retailer and RST is the wholesaler. Retail companies and wholesale companies are separate entities. The customer has a contractual relationship with the retailer only. Under the Water Redress Scheme, a customer can only make a complaint against the company with whom they have a contractual relationship with; that is, the retailer. Therefore, for the purposes of this decision, my remit is to determine the issues between the customer and the company.
3. This adjudication can only consider the duty owed by the company to its customers. The company's duty is to contact the wholesaler and raise any claims or query any decisions on the customer's behalf.

This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.

4. It falls outside of my remit to consider any claims or complaints against RST.

High consumption bill

5. The evidence shows that RST, and not the company, is responsible for investigating high consumption claims and granting any volumetric adjustment/allowances.
6. The company's duty is to contact the wholesaler and raise any claims or query any decisions on the customer's behalf.
7. The correspondence from RST submitted by the company in evidence confirms the company's submissions that it has raised the high consumption claim with the wholesaler on a number of occasions but that RST has declined to make give any allowance for the period of unexplained high consumption.
8. As explained above, any claim or complaints against RST 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 fulfilled this duty.
9. I therefore find no failings on the company's part in this regard.

Customer service

10. It is not in dispute that the company failed to provide a reasonable level of customer service during the period of the complaint. The evidence shows that as a result of delays in sending a request to the wholesaler on the company's part, an engineer was not sent to the customer's property for seven months. In addition, the company does not dispute that it failed to respond to the customer's complaint; set up a Direct Debit incorrectly; applied a debt collection fee incorrectly and failed to pay a GSS payment within the 10 working day period required. The company therefore failed to provide its services to the customer to the standard to be reasonably expected in relation to the level of customer service provided.
11. The company acknowledges its failings and states that it has applied a total credit of £200.00 to the customer's account during the complaint period. The company also states that during its investigations as part of the WATRS claim, considering the length of time this matter has taken

This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.

to resolve and in recognition of the level of customer service provided, it has also applied £300.00 credit to the account. I am satisfied that these credits are fair and reasonable and sufficient to cover the failings shown.

12. Finally, I acknowledge the customer's submissions that these payments have not been received by him and have been deducted from the high consumption bill. However, I am mindful that under WATRS Rule 5.5.7 *"where the adjudicator's decision directs the company to make a payment to the customer, and the customer accepts the adjudicator's decision, the company may, at its discretion, credit the customer's account with the amount directed and pay any credit balance to the customer."* The company therefore has the discretion to apply the payments as a credit against the account and it falls outside my remit to direct that the company make payment to the customer directly.

Redress

13. In respect of the customer's request that the company removed the excess charges based on average daily consumption as discussed above, there are no failings on the company's part in relation to the high consumption bill. As the company is not responsible for granting any volumetric adjustment/allowances, I can therefore make no directions in this regard.

14. In respect of the customer's request that the company pay compensation in the sum of £2,500.00, in view of my findings that the company failed to provide its services to the customer to the standard to be reasonably expected in relation to the level of customer service provided, I am satisfied that the customer is also entitled to a measure of compensation for the distress and inconvenience caused. However, I find that the amount claimed by the customer is disproportionate to the failing shown. In addition, as discussed above, I find that the sums given by the company are fair and reasonable in the circumstances. I therefore only direct that the company ensure that the additional £300.00 compensation stated to have been given as a result of its WATRS investigation has been applied to the account, if it has not already been done.

15. In respect of the customer's requests that the company provide *"a rapid response to a complaint from a team trained to listen and respond in a professional manner, and come to an agreed conclusion,"* I cannot direct that the company must agree settlements with customers. In addition, it is not in dispute that the company failed to provide a reasonable level of customer service during the period of the complaint. This issue has been addressed and redress provided.

This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.

I am unable to direct any further redress as requested. Should the company fail to provide a reasonable level of customer service again, there are steps for escalation of the complaint.

16. Finally, the customer also requests an apology, in light of my findings above, I find that it would be fair and reasonable to direct that an authorised representative of the company provide the customer with a written apology for the level of customer service provided.

Outcome

The company needs to take the following further action(s):

I direct that the company (1) ensure that the £300.00 compensation stated has been applied to the account, if it has not already been done; (2) provide the customer with a written apology for the level of customer service provided.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 18 March 2019 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) MCI Arb
Adjudicator

This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.