

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1153

Date of Decision: 19 February 2019

Complaint

The customer states that the company did not properly notify him of payment assistance available to him. He requests that his previous charges be cancelled and replaced with the Sure Plus tariff.

Defence

The company states that the customer first notified it that he was having difficulty with his payments in 2018, and he was immediately sent an application for Sure Plus. This discount has been backdated to the date on which the customer's application for the scheme was received.

No offer of settlement has been made.

Findings

The company has established that it satisfactorily notified the customer of the assistance available to him, and reasonably responded when assistance was requested.

Outcome

The company does not need to take any further action.

The customer must reply by 19 March 2019 to accept or reject this decision.

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- On 20 September 2018, the customer contacted the company to ask if there were any discounts that could be applied to his account.
- The company's agent informed the customer of the Sure Plus scheme and sent him an application.
- The company received the customer's Sure Plus application on 8 October 2018.
- The customer's application was accepted on 15 October 2018, and the Sure Plus reduction was applied as of 8 October 2018.
- The Sure Plus discount is applied from the time that the company receives an application, as this is the company's first opportunity to examine the customer's financial circumstances.
- Alongside one of the two bills the customer receives every year is supplied an Annual Billing Leaflet, which includes information on the options the company makes available to assist customers with their bills.
- The company has never been on notice that the customer was having difficulty paying his bills. He regularly paid his bill in full, and Equifax categorised him as an individual who regularly paid his bills.
- The Sure Plus scheme was only created in 2014. Prior to this there was a Sure scheme and a Customer Assistance Fund, but there is no evidence that the customer would have qualified for either of these schemes.

The customer's comments on the company's response are that:

- The company made no effort to assist him.
- His call in 2010 related to affordability, but he was only offered the opportunity to pay by instalments.
- The Sure scheme was available in 2010, but it was not offered to him.
- He reiterates that he saw no point in phoning the company again, as he had done this previously but had not been offered assistance.
- That he was paying his bills on time does not mean that he was not struggling and sacrificing.
- The way that the company mentions its assistance schemes in its Annual Billing leaflet is inadequate, as it is a very brief mention that easily gets lost amidst other information.

How is a WATRS decision reached?

In reaching my decision, I have considered two key issues. These are:

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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 company acknowledges that the customer made contact about his bill in 2010. While the company states that this discussion was about the customer's bill being too high because it was estimated, the customer states that he expressed to the company that he was having difficulty paying his bill.
2. The customer notes that although the Sure Plus scheme was only introduced in 2014, the Sure scheme was available when he called in 2010. However, the company has explained the very different criteria that apply for the Sure scheme, and that there is no indication that the customer met these criteria. The customer has not provided any information that would challenge the company's statement that the customer did not qualify for the Sure scheme.
3. As a result, even if the customer did raise concerns about affordability in the 2010 phone call, I find on the basis of the evidence available to me that the customer suffered no loss as a result of the company not mentioning the Sure scheme to him, as the customer did not qualify for that scheme.
4. The company introduced the Sure Plus scheme in 2014, and it accepts that the customer qualifies for this scheme. The customer argues that his financial situation has not changed, and so if he now qualifies for Sure Plus, then he has done so since it was introduced.

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5. However, I acknowledge that the company cannot be expected to know the financial situations of all of its customers, and so reasonably relies upon customers to notify it when they are experiencing payment difficulties. In turn, however, the company is obligated to notify customers of the assistance it makes available.
6. The customer argues that the Annual Billing leaflets sent by the company provide inadequate information on the support options it makes available, and that as a result he saw no benefit in contacting the company again to ask for assistance, as he had been offered no support in 2010.
7. The customer is unquestionably correct that the mention of assistance options in the company's Annual Billing leaflets is usually both brief and vague. However, I nonetheless find that it is sufficient to fulfill the company's obligation to notify customers that assistance is available if it is needed, and to inform them of how they can find out what specific assistance is available.
8. That said, it remains the case that there will be customers who have in the past contacted the company about assistance but have not qualified for any of the company's schemes. Such customers will understandably not continue to contact the company every year to ask for assistance when they have already been told that no assistance is available.
9. The consequence of this is that the company's obligation to make assistance available to its customers does not merely require that the company notify customers of how to ask for assistance, but also that it specifically highlight to customers when new schemes are available, or when significant changes have been made to existing schemes. Otherwise customers who did not previously qualify for assistance will not ask for assistance for which they now qualify.
10. However, Sure Plus was introduced in 2014, and while other Annual Billing leaflets are much more vague, the 2014 Annual Billing leaflet does expressly discuss Sure Plus, explaining that "This new social tariff (introduced in April 2014) could reduce your charges. To be eligible, someone in your household must receive a qualifying means-tested benefit, and your water bill must be greater than a set percentage of your household's net income."
11. I find, therefore, that the company properly notified the customer in 2014 of the introduction of the Sure Plus scheme, and thereby made it possible for him to apply for this new form of assistance. While I accept that the customer did not note this mention of the new scheme, the

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company's obligation can only be to make information on the scheme reasonably available to customers.

12. The company has also emphasised that application of the Sure Plus scheme was backdated to 8 October 2018, the date on which the company received the customer's application, and I find that such an approach is reasonable. Prior to the point at which an application is received, the burden is reasonably placed on customers to respond to the information the company provides.
13. The company has also emphasised that it was never placed on notice that the customer was having trouble paying his bill, because he paid his bill regularly and Equifax confirmed that he also paid his other bills regularly.
14. The customer may understandably be unhappy that the fact that he strives to pay his bills, even when doing so may involve making personal sacrifices, plays a role in denying the backdating of a discount to his bill. However, the company can only be responsible for making reasonable efforts to notify customers of the assistance it makes available, and for making reasonable efforts to identify when customers need assistance. Where information is not available to the company that a customer is currently having trouble paying its bills, the company does not fail to provide its services to the standard to be reasonably expected by the average person by not proactively contacting that customer to offer assistance.
15. For the reasons given above, I find that the company has provided its services to the customer to the standard to be reasonably expected by the average person, and the customer's claim does not 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.

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- The customer must reply by 19 March 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.
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Tony Cole

Tony Cole, FCI Arb

Adjudicator

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