

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1247

Date of Decision: 11 March 2019

#### Complaint

The customers state that the company provided poor customer service relating to their attempt to have a supply in their field disconnected.

#### Defence

The company states that the disconnection will be performed and the customers are not being billed for the supply in the field, backdated to November 2017. It acknowledges that there have been customer service failings, but notes that compensation of £80.00 has already been paid.

No further offer of settlement has been made.

#### Findings

The company failed to provide its services to the customers to the standard to be reasonably expected by the average person with respect to the delays in completing the customers' disconnection.

#### Outcome

The company needs to take the following further action: It must apologise to the customers for the extended delays that have occurred since they initially enquired about having the supply in their field disconnected, and must pay the customers compensation of £400.00.

The customers must reply by 8 April 2019 to accept or reject this decision.

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- The company stated that charges would still be payable until the disconnection was completed.
- After a challenge by CCWater, the company confirmed that once the account was closed, all charges would be removed dated back to November 2017.
- This has still not been done, and the customers continue to receive bills from the company.
- The disconnection has still not taken place.
- The customers request that the disconnection be completed, that the company apologise for the poor customer service they have received, that all charges relating to the supply after 27 November 2017 be removed from their account, and that compensation be paid of £1,500.00.

**The company's response is that:**

- It argues that there is no evidence the customers contacted the company until CCWater made contact with the company in May 2018.
- It has ensured that all fixed charges have been removed from the customers' account, backdated to November 2017. This was done in October 2018.
- As a result, the customers' account is currently in credit.
- The company will continue to pursue the water wholesaler to ensure that the disconnection takes place, but as the customers' complaint has been closed any delays will not affect the customers.
- The company has already been paid the customers compensation of £80.00.
- The company argues that it has done all it can for the customers, and has answered the customers' questions in full.

**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 customers to the standard to be reasonably expected by the average person.
2. Whether or not the customers have suffered any financial loss or other disadvantage as a result of a failing by the company.

In order for the customers' 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

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customers have 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 fundamental facts underlying this dispute are agreed between the parties. As a result, the remaining disagreements concern the specific remedies being claimed by the customers. This decision will, therefore, focus on those remedies, addressing each in turn.
2. The customers request that the disconnection of the supply in their field be completed.
3. The company argues that it did not receive any communications from the customers regarding the disconnection until May 2018, when it was contacted by CCWater on the customers' behalf. However, I find that the customers have satisfactorily established that they initially contacted the company about disconnection in November 2017. Once the disconnection request was received, further delays occurred, including a significant delay resulting from the company's failure to correctly complete paperwork required for the disconnection. As a result, the disconnection has not been completed despite more than a year having passed since the initial enquiry was made by the customers.
4. Nonetheless, the company has confirmed that the disconnection will be performed. In addition, it has confirmed that the customers are not being billed for the supply while it remains connected. I do not, therefore, find that there would be a benefit to be gained by ordering the company to disconnect the supply, given that it has already committed to do so and given that any ongoing delays do not directly impact on the customers.
5. Consequently, this element of the customers' claim does not succeed.
6. The customers also request that the company apologise for the poor customer service they have received.

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7. While the company has offered an apology to the customers in its Defence for the “delay in submission on the case”, and has paid compensation to the customers for specific failures of customer service, I note that the company continues to argue that it received no communications from the customers until May 2018. As already noted, I find that the customers have sufficiently established that they initially contacted the company about disconnection of the supply in their field in November 2017, but received no response. In addition, I note that CCWater has described the company as responding to its own communications only after “a lot of chasing”, and that even once the company was in communication with CCWater there were further delays.
8. I find, therefore, that an apology would be appropriate for the entirety of the delays the customers have experienced, rather than only for the specific delay for which the company has already offered an apology.
9. Consequently, the company must apologise to the customers for the extended delays that have occurred since they initially enquired about having the supply in their field disconnected.
10. The customer also request that all charges relating to the supply after 27 November 2017 be removed from their account.
11. The company has stated in its Defence that this has now been done, and this statement has not been challenged by the customers.
12. Consequently, this element of the customers’ claim does not succeed.
13. The customers also request that compensation be paid of £1,500.00.
14. The company has sufficiently established that it has taken actions that will ensure that the customers do not suffer financial loss as a result of the delays that they have experienced in getting the supply in their field disconnected. As a result, no award of compensation for financial loss can be made.
15. However, the Water Redress Scheme Rules permit an award to be made for inconvenience and distress, and it is clear that the customers have indeed been inconvenienced by the delays they have experienced and by the failures in communication by the company. Nonetheless, any

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such award must be reduced in recognition of the fact that the company has taken action to remove all charges relating to the supply from the customers' account, backdated to when the customers first made contact about disconnecting the supply, and in recognition of the fact that the company has also ensured that the customers will not experience financial losses from any ongoing delays.

16. In consultation with the WATRS Guide to Compensation for Inconvenience and Distress, and taking account of the aforementioned considerations, I find that compensation of £400.00 would be fair and appropriate.
17. Consequently, the company must pay the customers compensation of £400.00 for failing to provide its services to the customers to the standard to be reasonably expected by the average person.
18. For the reasons given above, the company must apologise to the customers for the extended delays that have occurred since they initially enquired about having the supply in their field disconnected, and must pay the customers compensation of £400.00.

#### **Outcome**

The company needs to take the following further actions: It must apologise to the customers for the extended delays that have occurred since they initially enquired about having the supply in their field disconnected, and must pay the customers compensation of £400.00.

#### **What happens next?**

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

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- 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.
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Tony Cole

**Tony Cole, FCI Arb**

**Adjudicator**

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