

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1270

Date of Decision: 28 February 2019

Complaint

The customer accrued an outstanding balance of over £3,000.00 on his water account due to his household struggling financially. In 2017 the customer was accepted onto the Sure tariff and this has considerably reduced his water bills. The customer complains that the company knew he was experiencing financial difficulties but did not make him aware of the Sure tariff or offer him any other help. The customer requests a refund of the difference between the Sure tariff and the charges applied to his account before 2017.

Defence

The company states that it was not made aware of the customer's financial difficulties until the application for the Sure tariff was made in July 2017. The company had telephone contact with the customer in 2010, 2011 and 2012 and sent the customer a financial statement form to complete after each of these calls, but the forms were not returned. Therefore, the company did not have the opportunity to assess the customer's eligibility for the Sure tariff before 2017. The company states that it cannot assume that a customer with an outstanding balance wants or needs help, but it advertises the available assistance for customers facing financial pressures on yearly bills, bill inserts, the internet and the telephone. Sure is a government tariff and the company has complied with the Sure policy by applying the tariff to the customer's account from April 2017. The company denies liability to backdate the Sure tariff on the customer's account.

The company has not made an offer of settlement.

Findings

I find that the company made reasonable efforts to inform the customer about the Sure scheme and other financial assistance available to him by advertising the range of available help on bills, bill inserts, the company's website and the telephone helpline. I also find that the company made several attempts to assess the customer's financial situation with a view to offering him appropriate help. Therefore, I do not find that the company failed to provide the customer with information about the Sure scheme and did not fail to provide its services to the standard to be reasonably expected by the average person.

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 does not need to take any further action.

The customer must reply by 28 March 2019 to accept or reject this decision.

ADJUDICATOR'S 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.

Adjudication Reference: WAT/ /1270

Date of Decision: 28 February 2019

Party Details

Customer: []

Company: [].

Case Outline

The customer's complaint is that:

- For several years he complained to the company about the high water bills he had been receiving since he moved into his property. He was struggling financially and, although he paid what he could, the arrears on his water account built up to over £3,000.00.
- The company was aware that he was struggling to pay his bills; the company sent an instalment payment book in 2009 and asked him to complete financial statements in 2010, 2011 and 2012, but he never received the forms. Instead of offering to help, the company kept sending bills and letters threatening court action, which was overwhelmingly stressful. With help from family and friends he was able to borrow money to pay off the arrears.
- A friend made him aware of the Sure tariff and he has been on it since 2017.
- He wants the company to refund the difference between the Sure tariff and the tariff he paid during the years that he was struggling financially, on the basis that the company knew he was in financial difficulties but did nothing to help him during this time.

The company's response is that:

- Sure is a government backed social tariff, offered by all water and sewerage companies, to certain metered customers. Eligible customers have their bills capped at the average household level for their company's area.
- It offers support to customers facing difficulty paying their water bills, including Sure, other social tariffs and flexible payment arrangements.

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.

- It does not assume that customers with overdue balances are experiencing difficulty paying; however, it signposts the assistance available should this be the case. For example, its bills include information regarding what to do if customers experience difficulty paying and up until 2017 bill inserts included detailed information about the financial help available. Furthermore, its website includes specific information on all tariffs and what to do if customers need help paying bills, external organisations such as Citizens Advice are aware of social tariffs and the applicable eligibility criteria, and signposts on bills and the website encourage customers to telephone the company to access help.
- There are various ways for customers to apply for social tariffs. Customers with internet access can complete a social tariff application form on-line, download it and send it to the company. If a customer telephones about tariff availability, its trained telephone operators use the Sure eligibility criteria as the call structure and customers can complete a short financial statement to determine which tariffs are available to them. The appropriate application form is then sent out in the post. Alternatively, the full application form can be sent and returned by post.
- In July 2017 the customer sent an application form for the Sure tariff and he was accepted onto Sure in August 2017. The customer's charges were adjusted accordingly and in line with the Sure policy published by the government.
- In June 2018 the customer complained that the company had not made him aware of Sure prior to 2017. However, it disputes that it did not do enough to inform the customer of the social tariffs available and states that there were a number of opportunities for the customer to access help between 2010 and 2017.
- In October 2010 it received a telephone call from the customer who called because he was unable to pay 25% towards the balance of his account. The customer was unable to go through the financial review on the telephone so a full financial statement was sent by post and the customer was asked to return it within ten days. Financial statements were also sent in 2011 and 2012 but none of the forms were returned and, as a consequence, it did not have the opportunity of assessing the customer's eligibility for available tariffs.
- The customer also had other telephone, email and postal contact with the company between 2010 and 2017. It responded to all contact made.
- The customer's bills from 2011 to 2017 included information about the additional help available to customers experiencing difficulty paying their bills. The customer's bills of 2015, 2016 and 2017 specifically mentioned the Sure scheme.
- The bill inserts included with the customer's bills up until 2017 also included detailed information about the range of services available to help customers experiencing financial difficulties. The customer's bill inserts of 2010, 2012, 2014 and 2016 specifically mentioned the Sure tariff.

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 customer's bills and bill inserts also signposted its website and telephone services.
- It disputes that it is liable to refund charges applied to the customer's account or backdate the Sure tariff on the basis that it has done as much as can reasonably be expected to help the customer and has provided information in a variety of formats and in a number of places in order to facilitate the customer.

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. Having reviewed the correspondence between the parties submitted in evidence by the company, I accept that the customer first applied for the Sure tariff in July 2017 and was accepted onto the scheme on 4 August 2017. The company applied the Sure tariff to the customer's account from the April 2017 billing period, in accordance with the Sure charging policy.
2. The customer complains that the company did not do enough to inform him about the availability of social tariffs before he submitted his Sure application to the company, during the time he was in debt to the company and struggling to pay his water bill.
3. To support his claim for a refund of the difference between the Sure tariff and the charges applied to his account before April 2017, the customer has supplied three letters from the company. The first letter is dated 16 March 2007 and refers to the customer's overdue balance, stating that the

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.

matter may be referred to the county court if payment is not made. The second letter dated 22 June 2009 refers to an arrangement to pay the overdue amount on account by instalments. The third letter dated 6 November 2018 appears to have been sent following the customer's complaint to the company and refers to the company's request for financial statements from the customer in 2010, 2011 and 2012. It also demonstrates that the company changed the meter at the customer's property following complaints from the customer that the bills were high. However, the meter readings from the new meter were in line with the meter readings from the replaced meter and, therefore, the company concluded that the water consumption registered on the replaced meter was correct and the customer had not been overcharged.

4. The company states that it proactively advertises a range of help available to customers facing financial difficulties on its yearly bills, and this information was also included on bill inserts up until 2017. The company has provided a copy of the customer's bill dated 11 November 2011. Page 4 of the bill contains a section entitled "Payment Difficulties", which invites customers experiencing financial difficulties to telephone the company and information on flexible payment plans is also provided. The company states that the customer's bills from 2012, 2013 and 2014 were of a similar format and each included a section providing information about help available to customers facing financial difficulties and, on the balance of probabilities, I accept that this is likely to be the case. The customer's bill dated 20 October 2015 has also been supplied and this refers specifically to Sure on page 1 and gives further information about how customers experiencing financial difficulties can make contact with the company on page 4. Extracts from the customer's bills from 2016 and 2017 have also been provided; the 2016 bill includes a section entitled "Difficulty Paying?" that refers to "schemes available for eligible customers" and the 2017 bill directly refers to Sure.
5. The company states that the customer received bill inserts every year until 2017 and has provided the bill insert from 2010 as an example. I note that the section entitled "Difficulty paying your bill" on page 6 refers to a range of assistance available including a charitable trust, payment plans, the Citizen's Advice Bureau, the Money Advice Centre and a highlighted section states "Are you eligible for reduced bills through the Sure scheme? See opposite or check out our website". The section entitled "Extra help if you need it" on page 7 provides more detailed information about Sure eligibility and provides a telephone number and website address should customers want further information.

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.

6. The company has also provided an example financial statement and, having reviewed the correspondence between the parties, I accept that the company sent financial statements for completion by the customer in 2010, 2011 and 2012 and that these were not returned to the company. A telephone memo from 6 November 2018 indicates that the customer declined to complete a financial statement over the telephone in 2013. Having reviewed the documentation supplied in defence, I accept that it is necessary for the company to receive a completed financial statement in order to assess the customer's social tariff eligibility.

7. In view of the above, and having considered all the evidence presented by the parties, I find that the company made reasonable efforts to inform the customer about the Sure scheme and other financial assistance available to him before 2017. I also find that the company made several attempts to assess the customer's financial situation with a view to offering him appropriate help. It therefore follows that I do not find that the company failed to inform the customer about Sure before 2017, or failed to provide its services to the standard to be reasonably expected by the average person. Consequently, whilst I appreciate that this decision will disappoint the customer, 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.
- The customer must reply by 28 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.

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.



KS Wilks

Katharine Wilks

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.

www.WATRS.org | info@watsr.org