

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1299

Date of Decision: 15 March 2019

Complaint

The customer feels that the water consumption recorded by her water meter is too high. Initially, the company was charging the customer £17.00 per month based on estimated usage. However, following an actual water meter reading, her bills increased to reflect the actual amount of water usage as recorded by the customer's water meter. Following a technician's inspection, it was concluded that there were no leaks and the customer's water meter was correctly recording the customer's water usage. The customer was displeased with this outcome and requested that the water meter be exchanged or tested further. The company's position was that there were no grounds to replace the meter and that there would be a £70.00 charge to test the meter. In any event, the company explained to the customer that it is confident she has been correctly charged. The customer states that this issue has caused her stress and she has now significantly lowered her water usage. The customer is now seeking for the company to: test her water meter for free; fit a smart meter; provide an apology; and pay compensation for stress and inconvenience in the sum of £2500.00.

Defence

The company does not accept that it has failed to provide its services to the standard to be reasonably expected by the average person. The company states that the customer has been correctly charged. This is clearly proven by the detailed bills provided to the customer. The company states that it has responded to the customer's concerns and even visited her property to confirm that her water meter is functioning correctly and that there were no leaks that could have been causing an increase in water consumption. Therefore, the company states that there are no reasonable grounds to further test or replace the customer's water meter. The company states that, in light of all the above, it does not accept any liability for the customer's claim for redress.

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Findings

I am not satisfied that the evidence available shows the company has failed to provide its services to the standard to be reasonably expected by the average person. Based on the evidence provided, I find the company has shown that it has charged the customer appropriately and taken appropriate action in response to the customer's concerns.

Outcome

The company does not need to take any further action.

The customer must reply by 12 April 2019 to accept or reject this decision.

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The company's response is that:

- It does not accept that it has failed to provide its services to the standard to be reasonably expected by the average person.
- The company states that the customer has been correctly charged. This is clearly proven by the detailed bills provided to the customer (also submitted with the company's defence). Furthermore, the company indicates that the customer's bills also provide a full explanation of her charges and water consumption.
- The company states that it has responded to the customer's requests and even visited her property to confirm that her water meter is functioning correctly and there were no leaks that could have been causing an increase in water consumption. Therefore, the company states that there are no reasonable grounds to further test or replace the customer's water meter.
- The company confirms that if the customer wants to have her water meter tested, there is a £70.00 charge for this. However, if her water meter was found to be faulty, the company states it would waive this charge.
- The company does not dispute that it has amended the customer's bills, which were based on estimated usage, once it was provided with actual meter readings.
- The company states that, in light of all the above, it does not accept any liability for the customer's claim 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.

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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.

The WATRS Scheme Rules provide detailed information on the process of adjudication, including the timing of the various stages. It is important for the smooth running of the scheme and fairness to all that time limits are respected and submissions made in good time to allow them to be properly considered as a part of the process. Furthermore, I must also draw attention to the fact that in accordance with the scheme rules, new complaints and evidence cannot be raised at the comments stage. Accordingly, I must disregard any new complaints and/or evidence introduced at the comments stage and will proceed accordingly.

How was this decision reached?

1. The crux of this dispute lies with the customer's belief that the company has charged her incorrectly. Specifically, the customer believes that the water consumption recorded by her water meter is too high. The customer complained to the company; however, after investigation, it concluded that the customer's water bills are an accurate reflection of the water used at her property. The customer is now claiming for the company to: test her water meter for free; fit a smart meter; provide an apology; and pay compensation for stress and inconvenience in the sum of £2500.00.
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 failed to provide its services to the standard that would reasonably be expected of it.
3. I note that the customer appears to have introduced new submissions and evidence with her comments (and also subsequently). I remind the parties that, in accordance with the rules of this scheme, I must disregard any new submissions or evidence submitted at (or after) the comments stage. I will proceed accordingly.
4. I note that I have been provided with copies of the customer's water bills, which provide a detailed explanation of how her charges have been calculated. Upon careful review of this evidence, I am only able to conclude that the customer has been charged appropriately and based on the water usage at her property. Accordingly, I find that the evidence available to me at the time of this adjudication does not support the customer's belief that she may have been

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incorrectly charged by the company. In the interests of completeness, I acknowledge that the company generated bills using estimated usage and then retrospectively amended these bills once it was provided with the customer's actual water meter readings. I find that this is common water industry practice and expressly permitted under the company's set scheme of charges.

5. I draw attention to the fact that by virtue of section 142 of the Water Industry Act 1991, the company is entitled to set its own scheme of charges and charge its customers in accordance with that scheme of charges. Therefore, I am unable to conclude that the company has failed to provide its services to the standard to be reasonably expected by the average person by setting its own scheme of charges and billing the customer accordingly.
6. Further to all the above, having reviewed the company's actions in response to the customer's concerns, I find that it conducted an appropriate investigation and ultimately confirmed that there were no problems with any of its assets and that the customer had been correctly charged. In order to aid the customer further, I note that the company also advised the customer of schemes that may be of benefit to her and provided advice on how to lower her water usage. Additionally, having reviewed the evidence of the communicative exchanges between the parties, I find that the company aptly communicated with the customer and provided appropriate responses to her queries. In particular, I note that the company explained to the customer that if she wanted to have her meter tested, there would be a charge of £70.00. I note that this £70.00 testing charge is expressly prescribed in the Water (Meters) Regulations 1988 under *section 7: expenses*. However, the company has confirmed that it would not charge the customer for the test if her meter was found to be faulty. Accordingly, having regard for the company's overall actions in relation to this matter, I am not satisfied that the company has failed to provide its services to the standard to be reasonably expected by the average person.
7. Consequently, I am inclined to accept the company has illustrated that the customer has been correctly charged for water usage at their property and that there have been no issues with any of its assets to warrant further meter testing or replacement. Accordingly, under the circumstances, I am not satisfied that the company's repeated confirmation that the customer has been correctly charged for water usage at their property (and its refusal to carry out further meter testing free of charge and/or to replace the customer's meter) amounts to a failure to provide its services to the standard to be reasonably expected by the average person.

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8. 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. 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.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 12 April 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), MCIArb.

Adjudicator

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