

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1307

Date of Decision: 15 April 2019

Complaint

The customer submits that his complaint concerns long term issues with water pressure and water quality at this property. The company recently admitted responsibility for these issues having discovered a filter connected to his property that should have been removed many years ago. The filter caused low pressure at the property. He has also been concerned about the water quality and whether this has caused any risk to health. The company has offered £1,000.00 as compensation. However, he would like a third party to make a determination. The customer requests compensation in the sum of £3,000.00.

Defence

The company submits that it first became aware of the customer's concerns on 2 October 2018 after being contacted by the customer advising of an issue with the water pressure at the Property. The customer suggests that the issue was raised when he first moved into the Property 21 years ago and that he was advised by one of its engineers that he was in a "low water pressure area". However, it has no record of such a contact. In addition, prior to the recent contacts, the customer's wife had previously contacted it on one occasion – 22 August 2005, to advise of water pressure issues. However, this contact occurred when works were being undertaken in the vicinity of the Property that could have affected the water pressure. The customer's wife was advised that the water pressure should return to normal once the works were completed. No further contact was received until the customer's contact in October 2018. On attending the Property, the water pressure was confirmed to be 1 bar which is the equivalent of 10 meters head. Whilst at the Property the engineer discovered that a filter had been fitted to its side of the supply pipe. This filter was removed. This had the effect of increasing the pressure to 5 bar. It has no records to suggest that such a filter had been installed at the Property. In addition, notwithstanding this, at all times, the water pressure at the Property has been above the minimum pressure standard of 7 meters static head, as prescribed by the Water Supply and Sewerage Services (Customer Service Standard) Regulations 2008. It has also been confirmed that the water quality complied with the requirements of the current Water Supply (Water Quality) Regulations.

Findings

It is almost inevitable in such adjudications that conflicts of evidence arise, and the mere fact that the adjudicator finds in favour of one party on a particular

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issue does not mean that the other is telling an untruth. The adjudicator's role is to balance the evidence that is presented. In addition, any offers to settle are a business decision for the company alone to determine and fall outside the scope of WATRS. Offers may be made to avoid the financial cost and time of going to adjudication. Adjudicators must consider any claim independently of any offers made. The customer's submissions about the water quality at the property and the potential long-term effects on health fall outside the scope of WATRS adjudications. The evidence submitted to this adjudication does not show that the company failed to supply the water to the Property below the minimum pressure standard required, except on or around 22 August 2005, when it was entitled to do so as per section 65 of the Water Industry Act. I acknowledge the customer's claim and I can appreciate the customer's distress at the issues experienced within the property; however, the evidence does not show that the company failed to provide its services to the customer to the standard to be reasonably expected.

Outcome

The company does not need to take any further action.

The customer must reply by 15 May 2019 to accept or reject this decision.

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ADJUDICATOR'S DECISION

Adjudication Reference: WAT 1307

Date of Decision: 15 April 2019

Party Details

Customer: []

Company: [].

Case Outline

The customer's complaint is that:

- His complaint concerns long term issues with water pressure and water quality.
- The company recently admitted responsibility for these issues having discovered a filter connected to his property that should have been removed many years ago.
- The filter caused low pressure at the property. He has also been concerned about the water quality, caused by the filter, and experienced over the years and whether this may have caused a risk to health, until the problem was remedied.
- The company has offered £1,000.00 as compensation. However, he would like a third party to make a determination. The issue has been ongoing for over 20 years and caused distress and inconvenience to him and his family.
- The customer requests compensation in the sum of £3,000.00.

The company's response is that:

- It first became aware of the customer's concerns on 2 October 2018 after being contacted by the customer advising of an issue with the water pressure at the Property.
- The customer suggests that the issue was raised when he first moved into the Property 21 years ago and that he was advised by one of its engineers that he was in a "low water pressure area". However, it has no record of such a contact or records of the water pressure at the Property at the time.

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- The only record available from the time is one to suggest that the customer made contact on 8 September 1998 to advise of discoloured water.
- It should be noted that prior to the recent contacts, the customer's wife had previously contacted it on one occasion – 22 August 2005, to advise of water pressure issues. However, this contact occurred when works were being undertaken in the vicinity of the Property that could have affected the water pressure. As such, the customer's wife was advised that the water pressure should return to normal once the works were completed. No further contact was received until the customer's contact in October 2018.
- On 5 October 2018, an engineer attended the Property to investigate the issue. The engineer checked the water pressure and confirmed with the customer that the water pressure at the Property was 1 bar which is the equivalent of 10 meters head.
- Whilst at the Property, the engineer discovered that a filter had been fitted on its side of the supply pipe. This filter was removed. This had the effect of increasing the pressure to 5 bar.
- It has no records to suggest that such a filter had been installed at the Property, nor that this filter may have been causing issues with the water pressure at the Property. This could have occurred prior to it being privatised or could have been installed by a previous owner of the Property.
- It was unaware of any serious, longstanding water pressure issues at the Property until the customer made contact in October 2018. Once it was aware of these issues, steps were quickly taken to investigate and rectify the matter. Notwithstanding this, at all times, the water pressure at the Property has been above the minimum pressure standard of 7 meters static head, as prescribed by the Water Supply and Sewerage Services (Customer Service Standard) Regulations 2008.
- Its Scientific Team visited the Property on 18 October 2018 to obtain water samples for analysis. Swabs were taken from inside the washing machine and the bathroom tap. Its Scientific Team wrote to the customer on 20 November 2018 to confirm that the water being supplied complied with the requirements of the current Water Supply (Water Quality) Regulations. It also provided advice on what may have caused any discolouration at the Property.
- It believes that its offer of £1,000.00 is a fair and generous offer.

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. I must remind the parties that adjudication is an evidence-based process.
2. 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.
3. It is almost inevitable in such adjudications that conflicts of evidence arise, and the mere fact that the adjudicator finds in favour of one party on a particular issue does not mean that the other is telling an untruth. The adjudicator's role is to balance the evidence that is presented.

Offers

4. For the avoidance of doubt, any offers to settle are a business decision for the company alone to determine and fall outside the scope of WATRS. Offers may be made to avoid the financial cost and time of going to adjudication. Adjudicators must consider any claim independently of any offers.

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Water quality

5. I note the parties' submissions about discoloured water/the water quality at the property. I also acknowledge the customer's submissions about the potential long-term effects on health. However, I must remind the parties that the matters that can be adjudicated under WATRS are set out in Section 3.3 of the WATRS Rules and, under WATRS Rule 3.5, the Scheme cannot be used to adjudicate on disputes about water quality legal standards.
6. Further such issues regarding impacts on health relate to a complicated area of law excluded under s.3.4.3 of the WATRS Rules and, in accordance with s.3.4.1 of the Rules, such disputes are better resolved in another forum.
7. This issue does not fall within the scope of WATRS. I am therefore unable to consider this aspect of the customer's complaint.

Water pressure

8. I am conscious that no evidence has been submitted to this adjudication to show that the filter was fitted by the company. Similarly, no evidence has also been submitted to this adjudication in support of the customer's submissions that an engineer visited his property 21 years ago and informed him that his property was in a low water pressure area. The company refutes the customer's submissions stating that it has no record of such a contact or records of the water pressure at the Property at the time. The company states that the only record available from the time is one to suggest that the customer made contact on 8 September 1998 to advise of discoloured water. Having carefully considered the matter, I find that it is not unreasonable for the company to have not undertaken further investigations earlier; bearing mind that the evidence submitted to this adjudication indicates that the customer only contacted the company once in September 1998, once in August 2005, and then did not contact the company again until October 2018.
9. In addition, notwithstanding the above, I also accept the company's submission that its obligation is to maintain a minimum pressure of water serving a property of seven meters static head. This is supported by guidelines from Ofwat, the Water Industry Regulator.

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10. It is not in dispute that on attending the Property on 5 October 2018, the company found that the water pressure was found to be 1 bar, equivalent of 10 meters static head. The company also submits that notwithstanding one occasion in 2005, discussed below, the water pressure at the Property has been above the minimum pressure standard of seven meters static head at all times. No evidence has been submitted to this adjudication showing otherwise. Accordingly, I acknowledge the customer's claim and I can appreciate the customer's distress at the issues experienced within the property. However, there is no evidence to show that the company failed to meet its obligation to supply water at the minimum rate required. I can therefore find no failing on the company's part in this regard.

11. In respect of the issue reported on 22 August 2005, it is not in dispute that on or around 22 August 2005, there was an issue with the water pressure at the customer's Property. In correspondence to the company, the customer states that there was nothing but "a trickle" of water coming from the taps. The customer confirms that his wife was advised that work was being undertaken in the area and that the pressure would return to normal once the works were completed. Under section 65 of the Water Industry Act, the company is not required to maintain the water pressure during any period which it is reasonable for the supply to be cut off or reduced for the purposes of the carrying out of any necessary works. The customer confirms that the water pressure did eventually return to normal, as he knew it. Accordingly, in the absence of any evidence showing otherwise, I also find no failing on the company's part in this regard.

12. Consequently, in view of all of the above, the customer's claim is unable to 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 15 May 2019 to accept or reject this decision.

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- 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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U Obi LLB (Hons) MCI Arb
Adjudicator

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