

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1324

Date of Decision: 3 April 2019

Complaint

The customer states that he will not pay any of his outstanding bills until the company removes a payment default registered on his credit file. The customer asserts the company is lying that it sent him previous outstanding payment warnings before registering a default on his credit file. The customer has also raised complaints about the alleged actions of bailiffs in connection with this issue. The customer is now claiming for the payment default on his credit file to be removed, for the debt recovery to be stopped, for 50% of the services charges from his bills from the last 2/3 years to be removed, for a formal investigation into water usage and compensation for stress and inconvenience in the amount of £5000.00.

Defence

The company does not accept that it has failed to provide its services to the standard to be reasonably expected. The company disputes the customer's assertion that it failed to provide him with notice prior to registering his payment default. The company confirms that it has sent regular invoices to the customer detailing the customer's outstanding charges and when they were due. The company states that these invoices have been provided in evidence. The company confirms that, as proven in the evidence provided, it has marked the customer's credit file correctly in accordance with his payment history. Furthermore, the company confirms that it provided the customer with appropriate notice before correctly registering his payment default. The company states that, in accordance with its scheme of charges, it is entitled to refer an account to a debt collection agency. In any event, the company states that WATRS cannot be used for complaints regarding third-parties (such as debt collections agents). The company states that all the evidence shows that it has provided its services to the standard to be reasonably expected by the average person. Accordingly, it does not accept any liability to provide the customer with the redress claimed.

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Findings

It has not been established that the company failed to provide its services to the standard to be reasonably expected by the average person. The company has adequately demonstrated that it took fair and reasonable actions in response to the customer's issues.

Outcome

The company does not need to take any further action.

The customer must reply by 3 May 2019 to accept or reject this decision.

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ADJUDICATOR'S DECISION

Adjudication Reference: WAT/ /1342

Date of Decision: 3 April 2019

Party Details

Customer: [].

Company: [].

Case Outline

The customer's complaint is that:

- He will not pay any of his outstanding bills until the company removes a payment default registered on his credit file.
- The customer asserts that the company is lying that it sent him outstanding payment warnings before registering a payment default on his credit file.
- The customer has also raised complaints about the actions of bailiffs. He states that the bailiffs were appointed as a result of the company actions and therefore, in turn, it should bear responsibility for their actions.
- The customer is now claiming for the payment default on his credit file to be removed, for the debt recovery to be stopped, for 50% of the services charges from his bills from the last 2/3 years to be removed, for a formal investigation into water usage and compensation for stress and inconvenience in the amount of £5000.00.

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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.
- The company highlights that it has been long-established by regulators (such as the ICO - Information Commissioner's Office, OFWAT and the Consumer Council for Water), that water companies are permitted to participate in Credit Account Information Sharing (CAIS).
- The company disputes the customer's assertion that it failed to provide him with notice prior to registering his payment default. The company confirms that it has sent regular invoices to the customer detailing the customer's outstanding charges and when they were due. The company states that these invoices have been provided in evidence.
- The company confirms that, as proven in the evidence provided, it has marked the customer's credit file correctly in accordance with his payment history. Furthermore, the company confirms that it provided the customer with appropriate notice before correctly registering his payment default.
- The company states that, in accordance with its scheme of charges, it is entitled to refer an account to a debt collection agency. The company also clarifies that debt collection agents are not the same as bailiffs.
- The company acknowledges that the customer is being pursued for debt collection by an organisation called 'Recover'. The company explains that Recover appears to have been instructed in November 2018 in respect to the customer's outstanding payments at a different property (not relevant to this current complaint). In any event, the company states that WATRS cannot be used for complaints about third-parties.
- The property receives a measured water supply and therefore charges are raised on a volumetric basis according to the amount of water measured by the customer's water meter. Fixed standing charges are also applied to the customer's account in accordance with the company's scheme of charges.
- The company states that all the evidence shows that it has provided its services to the standard to be reasonably expected by the average person. Accordingly, it does not accept any liability to provide the customer with the redress claimed.

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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.

If the evidence provided by the parties does not prove both of these issues, the company will not be directed to do anything.

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 customer's position is that he is refusing to pay his outstanding bills until the company removes a payment default registered on his credit file. The customer asserts that the company is lying that it sent him outstanding payment warnings before it registered a default on his credit file. The customer has also complained about the actions of bailiffs. He states that the bailiffs were appointed as a result of the company actions and therefore, in turn, it should bear responsibility for their actions. The customer is now claiming for the payment default on his credit file to be removed, for the debt recovery to be stopped, for 50% of the services charges from his bills from the last 2/3 years to be removed, for a formal investigation into water usage and compensation for stress and inconvenience in the amount of £5000.00.
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 not provided its services to the standard that would reasonably be expected of it.
3. I must also make clear that it is entirely outside the remit of this scheme to examine allegations of fraud or to review the conduct of third-parties unconnected to this adjudication. Accordingly, I am unable to consider the customer's allegations that the company has fraudulently faked evidence of sending him several outstanding payment warnings. Furthermore, I am unable also

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to consider the customer's allegations regarding the actions of third-parties (such as bailiffs or debt collection agents) who are not a party to this adjudication. My remit as a WATRS adjudicator is to review the evidence provided and objectively determine whether the company has failed to provide its services to the standard to be reasonably expected by the average person. I will proceed accordingly.

4. Following careful review of all the evidence submitted by the respective parties, I note that I have been provided with the customer's payment history detailing his failure to fully discharge his bills and copies of several outstanding payment warnings from the company to the customer. In light of the evidence available, I am only able to objectively conclude that after the customer failed to pay his outstanding charges, the company sent several outstanding payment warnings to the customer before referring his account to debt collection and registering the payment default on his credit file. I find that the company's actions in this regard are common industry practices (approved by regulators) and also permitted under in its scheme of charges. Accordingly, I am not satisfied that the company has failed to provide its services to the standard to be reasonably expected by the average person.
5. I note that the customer has raised complaints about having to pay fixed standing charges to the company. Whilst I appreciate the customer's displeasure about having to pay these charges, I find that this type of charge is also common industry practice and expressly permitted under the company's scheme of charges. In the interest of clarifying any potential confusion, I must highlight that it is beyond my remit as a WATRS adjudicator to challenge the fairness of the company's set scheme of charges or to amend them.
6. 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.
7. Following a full review of all the evidence available to me, I am not satisfied that the company's actions amount to a failure to provide its services to the standard to be reasonably expected by the average person. I note that my findings above are also mirrored in CCWater's (Consumer Council for Water) investigation outcome, where it found no substantive evidence of failure on

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the part of the company. Consequently, in the absence of any substantiated failures on the part of the company, I am unable to uphold the customer's claims for redress.

8. This marks the end of the WATRS stage of the customer's complaint. The customer is not obliged to accept this decision and is free to pursue redress through all other avenues as available to them.

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 3 May 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), MCI Arb.

Adjudicator

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