

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1335

Date of Decision: 3 April 2019

Complaint

The customer asserts the wholesaler has refused to adopt the private sewer system as it should. She claims for the company to adopt the sewerage system; pay £1640.00 for the costs of emptying the sewage tank since 2012; and pay £6688.43 for the costs of maintenance and new pumps since 2012.

Defence

The company states it is the wholesaler's decision whether or not to adopt the sewer. It has made representations to the wholesaler on the customer's behalf, to no avail.

Findings

The customer has not proven any failing by the company.

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/ /1335

Date of Decision: 3 April 2019

Party Details

Customer: []

Company: []

Case Outline

The customer's complaint is that:

- The wholesaler, [RST Water], has refused to adopt the club's private sewer system.
- She claims for the company to adopt the sewerage system; pay £1640.00 for the costs of emptying the tank since 2012; and pay £6688.43 for the costs of maintenance and new pumps since 2012.
- In her comments on the company's defence, she again asserts the wholesaler should adopt the sewer.

The company's response is that:

- It is wholly separate and independent to the wholesaler. It notes the wholesaler has refused to adopt the customer's sewer system. It has no influence over this decision. Its role is limited to making representations to the wholesaler on the customer's behalf.
- As soon as CCWater brought the customer's complaint to its attention it passed this onto the wholesaler to respond. It also provided the wholesaler's response to the customer.
- It has acted appropriately as the retailer and to the standards expected.

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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.

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. In order to make a decision in this matter I must clearly distinguish between actions taken by the wholesaler and the duty owed by the retailer (the company) to its customers. Since the water market in England opened up to retailers in April 2017, all non-household customers have been moved to a wholesale/retail split service. As a result, a non-household customer now only has a relationship with the retailer. In turn, an adjudicator operating under the Water Redress Scheme may only make findings related to those things for which the retailer, as the party to the case, has responsibility, and not those things for which the wholesaler has responsibility. This includes, however, the effectiveness with which the retailer has operated as an intermediary between the wholesaler and the customer.
2. Both parties are aware it is up to the wholesaler whether to adopt the customer's private sewer. As explained above, I cannot comment or make findings on the wholesaler's decision, as it is not a party to this case. For the sake of completeness, I find no obligation on the company to adopt the customer's sewer and therefore I find no failing by the company in this regard.

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3. Although the customer is entitled to bring a claim against the company (retailer), it is clear this claim solely relates to the actions and decision of the wholesaler. The customer has not made any complaints about the customer service provided by the company, or about its effectiveness in acting as intermediary between her and the wholesaler.
4. The documents demonstrate the company raised the customer's complaints with the wholesaler and then fed back its response to the customer. I am therefore satisfied the company discharged its duty to the customer by making representations to the wholesaler on her behalf.
5. I find no failing by the company and therefore the customer's claim is unable to succeed.
6. I appreciate the customer will be disappointed with this outcome; however, it is clear any complaint lies with the wholesaler and not the company.

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.



Justine Mensa-Bonsu, LLB (Hons), PGDL (BVC)

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Adjudicator

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