

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1395

Date of Decision: 15th May 2019

Complaint

The customers state that they have endured harassment in the form of numerous phone calls from the company. The customers state that the company's use of an automated computer system to call customers is in itself an unacceptable practice and caused worry and concern to themselves as vulnerable customers.

The customers seek a direction for the company to undertake not to phone account holders without written notice, not to make computer generated calls, to revert to sending postal reminders about payment and to provide details of another water supplier and to pay compensation of £100.00.

Defence

The company states that it has not contacted the customers regarding their account since 2015. It states that the number in question is linked to another customer's account and that it is not at liberty to disclose any more information regarding this to the customer. It states that its automated call system is acceptable practice.

The company has not made any offer of compensation.

Outcome

The customers have not shown in the presentation of their case that the company has not provided its services to the standard to be reasonably expected by the average person.

Findings

The company does not need to take any further action.

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 must reply by 13th June 2019 to accept or reject this decision.

ADJUDICATOR'S DECISION

Adjudication Reference: WAT/ /1395

Date of Decision: 15th May 2019

Party Details

Customer: [].

Company: [].

Case Outline

The customer's complaint is that:

- The customers claim that the company has called their office number, []7, repeatedly and that this amounts to harassment and nuisance.
- They state that the system that is being used by the company is an automated system and that this is bad practice.
- The customers state that the actions of the company have caused them to be concerned, as the calls are silent and therefore intimidating.
- The customers state that the calls are computer generated and as such sometimes disconnect when answered, which is intimidating.
- The customers state that, as they are people in their 70's, these types of silent calls are particularly worrying.
- The customers state that they are not late payers and that they always pay within a reasonable time of any reminder letter.
- The customers seek the following in redress: For the company to undertake not to phone account holders without written notice. Not to make computer generated calls. To revert to sending postal reminders about payment. To provide details of another water supplier and to pay compensation of £100.00.

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 company's response is that:

- It has not called the customers since 2015 regarding their account.
- It states that the computer call system is legitimate business practice and is not unreasonable.
- It states it has the number, []7, on record for another account and that it is not at liberty to disclose the name of the account holder due to Data Protection legislation.
- It accepts that it has called this office number, []7, but not in relation to the customers' account.
- The company states that it does send paper reminders.
- The company states that it only has the customers' home number on file for their account as a mobile number and the aforementioned office number were both removed from the account at the customers' request in 2015.
- The company states that its practice of debt pursual is legitimate and standard.
- The company does not believe that the remedies sought by the customer are warranted.

In their comments in reply the customers state:

- They don't believe that the office number, []7, is connected to another account.
- They have not received paper reminders for a couple of years.

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.

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.

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 customers state that the company has been making calls to their office number, []7, in a manner that they consider to be harassment. The company denies this allegation and states that the number in question is on its file for another customer.
2. The customers state that an automated computer calling system is being used by the company to chase accounts and that this is causing them to feel harassed and threatened. The company states that the system it uses helps to streamline the system and is cost effective.
3. I take into account that the manner in which a company pursues its business interests is outside the remit of the WATRS scheme. The company is entitled to make its own business related decisions. I shall restrict my considerations regarding this matter to the customer service aspect of the complaint. I shall look at whether or not the company provided its service to a standard to be expected by a reasonable person.
4. The customers state that the number of calls they have received is part of their claim of harassment. There is no evidence submitted, such as times or dates, regarding the amount of calls.
5. The customers state that the automated machine calls have meant that they, as vulnerable people, feel harassed. The customers state that this is because the phone often goes dead when it is answered. I do appreciate that the customers have concerns regarding this type of call. However, I have to take into account that this type of technology is now commonplace and large companies do use automated call systems, especially to chase up unpaid billing. I also consider that once that customers became aware that the calls were automated calls from the company that this must have meant they were not so much worried by the calls, although I do accept that they may well have felt inconvenienced.
6. The customers have stated that they would wait until the red letter arrived and then pay the bill. The customers state that this is reasonable. The letter dated 30th April 2015 indicates that this

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.

was the customers' usual method of running their account. I make no criticism of this manner of payment by the customer. However, it must be noted that the fact that the customer waits for the last letter may mean that they do run over the usual payment time, on occasion.

7. The company states that it has not actually called the customers regarding their account since 2015. The company accepts that it has called the office number, []7, but that these calls relate to another person's account who has given this number. The company states that it only has the customers' home phone number listed on the account, and that the office number and mobile were removed from the account details after a complaint from the customers in 2015. In a letter to the Consumer Council for Water ("CCW") dated 13th February 2019 the customers have provided the initials of alternative organisations that may have used this number. This indicates that there may be other people who do have access to the office number.
8. I take into consideration that this issue is complicated by the fact that the company are bound by the legislation on data protection and that it has indicated that it cannot give information to the customer regarding the account to which their office number is now attached. I note here that any matters pertaining to data protection issues are properly in the remit of the Information Commissioners Office ("ICO") and cannot be dealt with under this WATRS scheme. I do not intend to make any findings in relation to the company's actions relating to its interpretation of its duties under data protection legislation and the information it holds regarding telephone number []7.
9. I note that the company did have the customers home number on record according to the evidence it has submitted. This is also supported by the letter from the customer dated 30th April 2015 that shows the customers home number at the head of the correspondence.
10. The customers have referred to the issue of how they pay their account. The company has stated that it sends postal reminders. The customers state in reply that they have not had a red reminder for a couple of years, let alone "two or three paper reminders a years." However, I note that in the customers' letter dated 7th November 2018 to the company the customers states; "*I do rely on your postal reminder to which I respond with reasonable promptness.*" Based on this, and on the fact that the company states it has not contacted the customers via phone regarding their account since 2015, I accept the company's statement that it does send out paper reminders to the customers.

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.

11. The customers have not directed me to any legislation or guidance supporting their assertion that the company should not use an automated system of calling. I do not find that there is any such supporting guidance or laws in this regard.
12. On balance, in considering whether or not the company has failed to provide its service to an adequate standard, I do not find that the evidence presented supports such a finding. I take into account that the company has not called the customer on the number provided for his account, that is the home number, since he first complained of calls in 2015. I do not consider that the use of an automated system constitutes harassment.
13. I understand that the customers will be disappointed in this decision. I accept that they have felt inconvenienced by the calls to their office. However, on the evidence presented, I do not find that this is due to a fault on the part of 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 13th June 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.

A handwritten signature in cursive script, reading "J J Higgins", on a light green background.

J J Higgins Barrister, ACI Arb.

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