

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1456

Date of Decision: 19 July 2019

#### Complaint

The customer states that the company deliberately registered her as visually impaired when she is not. Further, she states that it has not billed her correctly and that it has breached general data protection regulations (GDPR) regulations in its treatment of her data.

The customer seeks the removal of £24.34 from her bill and an apology for a threatening email. She also seeks compensation of £500.

#### Defence

The company states that its billing is correct, it registered her as visually impaired as a result of human error and has apologised for this. It has paid £50 as a good will gesture. It states that the GDPR matter is an issue for the Data ombudsman (Information Commissioner's Office) and is outside the WATRS scheme.

Prior to the appointment of an adjudicator the company offered to make a goodwill payment of £24.34 and give an apology for the perceived threat from the company letter. This was refused by the customer and is no longer on offer by the company.

The customer has not established any fault with the actions of the company. I do not find that the company has acted outside its legislative duties or that it has breached any guidance.

#### Findings

The company does not need to take any further action.

#### Outcome

must reply by **16 August 2019** to accept or reject this decision.

### ADJUDICATOR'S DECISION

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## Adjudication Reference: WAT/ /1456

Date of Decision: 19 July 2019

### Party Details

Customer: [ ].

Company: [ ].

### Case Outline

#### **The customer's complaint is that:**

- The customer states that the company placed her on the register of customers with a “visual impairment”, when she has no such impairment.
- She considers that this was deliberate in retaliation for her previous WATRS case.
- The customer states that the company has breached GDPR regulations.
- The customer states that she has been overbilled for the amount of £24.34.
- The customer seeks an apology and the amount of £24.34 to be cleared from her account and compensation of £500.

#### **The company's response is that:**

- The company states that the billing is correct and that it has explained the amounts to the customer.
- It states that the GDPR matter is not within the WATRS scheme.
- It states that it did not deliberately place the customer on the register for the visually impaired, but that this was done as an oversight by human error.
- It states that it has already paid an amount of £50 as a goodwill gesture and apologised for the error.
- Prior to the appointment of an adjudicator the company offered to make a goodwill payment of £24.34 and give an apology for the perceived threat from the company letter. This was refused by the customer and is no longer on offer by the company.

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- **In her comments in reply:**
- the customer states that she would like to claim £500 in compensation and have the whole 6 month bill of £110.37 waived.
- She states that the customer service has been poor and that correspondence is not answered by the company.

### 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. For clarity, the customer's claim relates partly to the company's treatment of her data. The Information Commissioner's Office (ICO) is the forum which deals with these types of matters. It would not be appropriate for me to make findings on issues which are in the jurisdiction of the ICO. The customer's claim also deals with other issues. I intend to proceed with this decision dealing with those aspects of the claim.
2. This is an evidence based process and my decision is made solely based on the information provided to me by the parties.

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3. I shall restrict my deliberations to the issues raised in the application by the customer. These matters have been put to the company and it has had an opportunity to answer them. The further claims raised in the reply cannot be included, as it would not be equitable to consider matters that the company has not had an opportunity to comment on.
4. The customer states in her application: *“RST Water should have indicated in the previous case that there was still an outstanding bill on my account and should have dealt with the matter then.”*
5. In considering the matter of the bill I take into account the evidence submitted by the company in the form of a letter dated 18<sup>th</sup> December 2018. I particularly note the highlighted paragraphs. I find that this fully explains the company’s reasoning regarding the amount of £24.34. The company’s letter contains an apology for the mistake and indicates that a goodwill payment was also made at the time.
6. I also note the letter from the Consumer Council for Water (“CCW”) dated 13<sup>th</sup> May 2019 in which it is stated: *“I am sorry that there is no scope to press for any further reduction of this bill.”*
7. I find that the amount of £24.34 is properly billed to the customer and that the reasoning is clearly laid out. I note that there was confusion over this amount, but that the company has already apologised and made a goodwill payment. I understand that this was prior to the former action. I find that any issue of customer service involving this amount is *already judged*, that is, it has already been dealt with in the former WATRS action. I do not find that the company has failed to provide an acceptable standard of service in this regard.
8. Regarding the matter of the customer being registered as “visually impaired” deliberately by the company, due to her former action. I do not find that the customer has submitted any evidence regarding this part of her claim. The company has explained adequately that it made a human error. It submits, in its defence, that there was another customer who wished to be registered as visually impaired and the company registered the wrong customer by mistake. The company has placed in evidence the request from the other customer to show that this was the chain of events. I accept the company’s explanation and find no fault on its part in relation to the customer in this application.

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9. Regarding the letter sent by the company in the name of [ ]. The customer stated that this letter was threatening. The company denies that any threat was intended, but rather that the customer was being advised of the next stages of the debt collection procedure. I have read the letter and note that it is very similar in tone and content to the usual pre action letters that service companies will send out to customer. I further note that there is an explanation in the letter of the companies position regarding the disputed sum. Whilst I accept that, subjectively, the customer may have found the letter unpleasant, I find that the company has acted reasonably and that there appears to be no objective threat in the letter.
10. On balance, I do not find that the company has failed to provide its services to the customer to the standard to be reasonably expected by the average person. As I have not found any cause in this action against the company I shall not be making any direction regarding a remedy.

#### 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 **16 August 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.



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J J Higgins, Barrister, ACI Arb.

**Adjudicator**

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