

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1478

Date of Decision: 26 June 2019

Complaint

The customer's complaint is that despite her request not to receive postal mail she has received two pieces of communication from the company through the postal system rather than email. This mail has caused her distress due to her disability and the need to have correspondence sent by email. The customer is seeking for the company to pay compensation of £10,000.00 for the stress and inconvenience incurred.

Defence

The company submits that, as requested it did have put a flag on the customer's account to ensure no ancillary mail was sent, however, at the time of the customer registering it did not have the facility to send any reminders via email and therefore the reminder to pay the second half year bill was sent via post. The second letter was sent following the customer setting up a Direct Debit instalment plan online and the company is obliged to confirm in writing it has initiated the Direct Debit. The customer has already been made a goodwill payment of £77.73 with regard to stress and inconvenience incurred, according no further sums are due. The company has not made any further offers of settlement.

Findings

I am satisfied the company did not fail to provide its services to the customer to the standard to be reasonably expected with regard to the correspondence sent via post. Furthermore, I find the company did not fail to provide its services to the customer to the standard to be reasonably expected with regard to customer service and inconvenience and stress caused.

Outcome

The company needs to take no further action.

The customer must reply by 24 July 2019 to accept or reject this 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.

www.WATRS.org | info@watrs.org

ADJUDICATOR'S DECISION

Adjudication Reference: WAT/ /1095

Date of Decision: 26 June 2019

Party Details

Customer: []

Company: []

Case Outline

The customer's complaint is that:

- Despite her request under the Equality Act 2010 not to receive postal mail from the company, she has received two pieces of communication from the company through the postal system rather than email.
- These letters have caused distress due to her disability and the need to have correspondence sent by email.
- The customer is seeking for the company to pay compensation of £10,000.00 for the distress incurred.

The company's response is that:

- As requested the company did put a flag on the customer's account to ensure no ancillary mail was sent, however, at the time of the customer registering the company did not have the facility to send any reminders via email and therefore the reminder to pay the second half year was sent via post.
- The second letter was sent following the customer setting up a Direct Debit instalment plan online and the company is obliged to confirm in writing it has initiated the Direct Debit.
- The company has already been made a goodwill payment of £77.73 in recognition of the distress incurred due to the two postal communications.
- The company has provided a good level of service at all times throughout its dialogue with the customer and therefore the company is not liable for any damages in this respect.

How is a WATRS decision reached?

In reaching my decision, I have considered two key issues. These are:

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

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. The dispute centres on whether the customer is entitled to compensation of £10,000.00 for the stress and inconvenience incurred when the company sent her communications by post rather than email. The company has certain obligations in respect of its customer services as set out in OFWAT Guaranteed Standards Scheme and the company's own Customer Guarantee Scheme.
2. From the evidence put forward by the customer and the company, I understand the customer registered to receive her bills online on 26 June 2018, however, she did not sign up to receive reminders or Direct Debit confirmations online. On 12 September 2018, the customer received a reminder from the company regarding payment of the second half year bill. The same day the customer contacted the company to make a complaint that she had requested due to her disability and under the Equality Act 2010 the company should not to send her postal correspondence. However, the evidence shows at the time of the customer registering to receive her bills online and the time the reminder was sent, the company did not have the facility to send any reminders via email. Therefore, the reminder to pay the second half year bill was sent via post. On 4 October 2018, the evidence shows that after a request via webchat by the customer the company put a flag on the customer's account to ensure no ancillary mail was sent going forward. In March 2019, the customer contacted the company regarding setting up a Direct Debit. Under the Direct Debit scheme, once a Direct Debit has been set up the company is obliged to confirm in writing it has initiated the Direct Debit. A letter was sent out to the

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@watrs.org

customer confirming the company had initiated the Direct Debit. In April 2019, the customer contacted the company regarding the second correspondence by post. Various discussions took place between the parties resulting in the customer escalating the dispute to CCWater at the end of April 2019.

3. I note the customer's comments the company should have not sent the reminder by post. As stated within the company's defence documents, before the reminder was sent the company did not have the facility to send any reminders via email. I understand since then the company has upgraded its system so in future it will be able send any reminders via email. Whilst I sympathise with the customer regarding the distress the reminder would have undoubtedly caused her, the letter was unavoidable due to, at the time of the reminder letter, the company could not have sent its reminders by electronic means. Therefore, I find there are no grounds to conclude the company has failed to provide its services to the customer to the standard to be reasonably expected by the average person with regard to the reminder sent via post.
4. With regard to the Direct Debit confirmation sent by post rather than email. The company states it is a requirement under the Direct Debit scheme that once a Direct Debit has been set up the company is obliged to confirm in writing it has initiated the Direct Debit. I am not satisfied the company has failed to provide its services to the customer to the standard to be reasonably expected by the average person with regard to sending the Direct Debit confirmation. Furthermore, I note the company has apologised within its dialogue with the customer and made a goodwill payment of £77.73 in recognition of the distress incurred due to the two postal communications. In light of the above, I am not persuaded the company failed to provide its services to the customer to the standard to be reasonably expected by the average person regarding the Direct Debit confirmation sent via post.
5. The company has certain obligations in respect of its customer services. After careful review of the evidence I find the company has provided sufficiently informative responses to the customer's complaint and the reasons why the two pieces of correspondence were sent via post. This is evidenced by the timeline of events set out in both the customer's claim documents and the company's defence. Therefore, in light of the above, I find the company did not fail to provide its services to the customer to the standard to be reasonably expected with regard to customer service and any distress caused.
6. In light of the above, I am satisfied the company did not fail to provide its services to the customer to the standard to be reasonably expected with regard to the correspondence sent via

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.

post. Furthermore, I find the company did not fail to provide its services to the customer to the standard to be reasonably expected with regard to customer service and any distress caused.

Outcome

The company needs to take no further action.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 24 July 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 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.



**Mark Ledger FCI Arb
Adjudicator**