

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1517

Date of Decision: 5 August 2019

Complaint

The customer states the company failed to act in a professional and timely manner when carrying out works in his street. He claims compensation in the sum of £150.00 for the lack of project management, lack of realistic timescales and lack of consultation.

Defence

The company states its works took longer than expected due to unavoidable delays. However, it communicated with the customer regularly. It denies the claim.

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 **2 September 2019** to accept or reject this decision.

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Date of Decision: 5 August 2019

Party Details

Customer: []

Company: []

Case Outline

The customer's complaint is that:

- He is unhappy with the time taken by the company to replace a mains pipe on his road.
- The company sent four notifications letters suggesting dates for completion, none of which it adhered to.
- He considers there were a lack of workmen and a lack of proper planning and project management.
- He pays for these works through his bills and expects value for money. But the work was not planned or carried out efficiently.
- He claims compensation in the sum of £150.00 for the lack of project management, realistic timescales and lack of consultation, which all caused unnecessary disruption.
- In his comments on the company's defence, he states the company should have given realistic deadlines and drafted in extra staff. He believes it should pay compensation for failing to carry out the project in an efficient and timely manner.

The company's response is that:

- It carried out works as part of its mains renewal programme.
- It accepts the works took longer than expected. It kept customers informed of the proposed completion date and sent updates when it was unable to meet the expected deadline.
- Delays were due to changes of staff and another customer being affected by a water outage. Delays were also caused due to unforeseen works.

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- Once the customer raised concerns it communicated with him regularly.
- Residents had access to their properties at all times.
- It denies the claim.

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. Under the WATRS scheme rules I cannot consider disputes relating to commercial practices. This means I cannot consider the customer's complaints about how many workmen the company employed or the extent of its project management. These are business decisions for the company.
2. I acknowledge the company was carrying out works in or near the customer's street for around three months.
3. The company accepts the works took longer than expected however it explains this was due to unforeseen and unavoidable circumstances. In considering the company's submissions and, in the absence of evidence to the contrary, I accept on balance that the delays were unavoidable.

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4. I consider the company acted reasonably in keeping residents updated of the expected completion date. Although I appreciate the customer felt frustrated and annoyed that the date kept changing.
5. I note the customer was unhappy with the company's level of communication however, I would not expect the company to provide information beyond the notices given. The company has provided evidence of its further communications with the customer. This demonstrates that it provided him with further information about the works and sought to address his concerns. I consider it acted reasonably in doing so.
6. The customer has not suggested his water supply or access to his property was affected by the company's works. The customer has not set out how he was disrupted or inconvenienced by the works. Rather, his main complaint is that the project was poorly run and was not value for money. As explained above, I cannot comment upon the company's commercial practices. However, in terms to its services to the customer, I find the company provided its services to the standard to be reasonably expected. Therefore, the customer's claim is unable to succeed.

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 **2 September 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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Justine Mensa-Bonsu, LLB (Hons), PGDL (BVC)

Adjudicator

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