

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1600

Date of Decision: 30 September 2019

Complaint

The customer submits that he did not pay his water bills for several months and then received a bill for over £300.00. The customer submits that he is now paying £70.00 per month towards his outstanding balance. The customer feels that his charges are too high. The customer is displeased because he does not understand his water bills and resents his water meter because he believes that it is used to increase his bills. The customer submits that he does not know if his water meter is calibrated correctly and states that it does not measure sewerage. The customer's only claim is for the company to reduce his bills or switch him to a tariff that is cheaper.

Defence

The company does not accept that it is liable to provide the redress claimed by the customer. The company states that it has assisted the customer appropriately and it confirms that he has been charged correctly for this water services.

Findings

Under the circumstances, I am not satisfied that the company has failed to provide its services to the standard to be reasonably expected by the average person. Consequently, in the absence of any established failures on the part of the company, I am unable to uphold the customer's claims for redress.

Outcome

The company does not need to take any action. The customer is not obliged to accept this decision and is free to continue pursuing his complaint through all other resolution avenues as available to him.

The customer must reply by 28 October 2019 to accept or reject this decision.

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The company's response is that:

- It does not accept any liability to the customer.
- The company explains that the customer's property is fitted with a compulsory water meter under the compulsory metering scheme (in line with government guidelines on compulsory water metering).
- The customer's bill of £304.24 is consistent with the normal water usage to be expected of four occupants.
- The company acknowledges that the customer is displeased with the cost of his water services; however, it has already confirmed that its charges are approved by Ofwat and it has also illustrated how they are calculated.
- The company confirms that it has tried to assist the customer with payment plans (and it has also discussed various schemes which the customer may benefit from) but it cannot change its set service prices just because the customer is displeased with the cost.
- The company states that it can arrange for the customer's water meter to be tested. However, if no fault is found, the customer would need to pay for the meter test.
- The company confirms that water meters do not measure sewerage. Sewerage is calculated in line with its set scheme of charges.
- The company states that the customer is being charged correctly for his water services.
- The company states that, in light of all the above, it does not accept any liability for the customer's claims for redress.

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.

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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. It is evident that the core of this dispute lies with the customer's displeasure regarding the cost of his water services. Specifically, the customer feels that the cost of his water service is too high. The customer's only claim is for the company to reduce his water bills or switch him to a tariff that is cheaper.
2. At this stage, I believe that it may be important to remind the parties that this is an evidence based scheme where the initial onus of proof rests with the customer. Accordingly, it falls to the customer to prove (with substantive evidence) that the company has failed to provide its services to the standard to be reasonably expected by the average person.
3. I understand that the customer feels his water service is too expensive and he does not know if he is being correctly charged by the company. After close examination of all the documents submitted by the customer, I find no evidence that would enable me to objectively conclude that the company has incorrectly charged the customer. To the contrary, I acknowledge that the company has provided the customer's bill (detailing his water usage) in order to prove that he has been correctly charged. Accordingly, based on the evidence provided, I am not satisfied that the customer has been incorrectly charged by the company.
4. Furthermore, I find that the company's set scheme of charges makes it expressly clear that it is entitled to charge its customers through water meters. I also note that the company's set scheme of charges expressly state that if a customer requests a water meter test, and it is found that the meter is working correctly, they will liable for the meter testing charge. As such, I am unable to objectively conclude that the company's acts of appropriately following its set scheme of charges amount to a failure to provide its services to the standard to be reasonably expected. I acknowledge that the findings above are also consistent with the final outcome of CCWater's investigation.
5. In the interests of completeness, I draw attention to the fact that under section 142 of the Water Industry Act 1991, the company is entitled to set its own scheme of charges and charge its

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customers in accordance with that scheme of charges. Therefore, I am not satisfied that the company has failed to provide its services to the standard to be reasonably expected by the average person by setting its own scheme of charges and charging the customer accordingly. Further, I must make it clear that it is entirely beyond the scope of this scheme to examine/review any issues relating to the fairness/appropriateness of the company's set contract terms and/or commercial practices (WATRS rule 3.5).

6. Turning to a review of the company's overall customer service actions, based on the evidence available, I am satisfied that it provided a fair and reasonable standard of customer service. Specifically, I am satisfied that the company adequately engaged with the customer, provided suitable explanations and offered appropriate assistance (in light of the circumstances).
7. In summary, I am not satisfied that any failures on the part of the company to provide its services to the standard to be reasonably expected by the average person have been objectively substantiated. Consequently, in the absence of any established failures on the part of the company, I find that I am unable to uphold the customer's claims for redress.
8. This concludes the WATRS stage of the customer's complaint. I remind the parties that the customer is not obliged to accept this decision and is free to continue pursuing his complaint through all other resolution avenues as available to him.

Outcome

The company does not need to take any further action. The customer is not obliged to accept this decision and is free to continue pursuing his complaint through all other resolution avenues as available to him.

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What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 29 October 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.



E. Higashi LLB (Hons), PGDip (LPC), MCI Arb.

Adjudicator

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