



## **Water ADR Household Customer Guide**

Dispute Resolution Ombudsman (DRO) is an independent, not-for-profit organisation, which provides a process for conciliating and adjudicating unresolved disputes between participating Water Companies (WC).

The work that we do is impartial; we are neither a consumer champion nor a trade body.

Our overall aim is to raise standards and inspire confidence and we work to uphold the following key principles whilst delivering our service:

- Independence
- Fairness
- Effectiveness
- Openness and Transparency
- Accountability

If you are in dispute with a Water Company, and you have not been able to resolve your complaint directly with them we may be able to look into your complaint.

### **What is the difference between a Household Customer & a Non Household Customer?**

Household Premises are those which are primarily used as a home, whereas Non Household Premises are those which are primarily used as a business.

For example, a self-employed Individual who works from home may conduct his business from home, but will primarily use it as his home, so will be a Household Customer. A publican may live on the premises but the property's primary use will be as a business, so he would be a Non Household Customer.

### **Can we deal with your Complaint?**

DRO can only consider a dispute with a Water Company if:

- You have exhausted the Water Company's complaints procedure **and** have either:
- Received a deadlock letter  
or
- It has been 8 weeks since your first complaint to the Water Company

You can then raise your dispute via our online portal- if you need any reasonable adjustments please do let us know.

### **What complaints can we consider?**

DRO will consider cases relating to the following:

- bills, payments, collections and debt recovery;
- metering;

- water supply services;
- wastewater/sewerage services including water and sewerage adoption codes;
- Development and new supplies (insofar as they do not fall to be determined by Ofwat);
- other issues which have been the subject of an internal company complaint procedure and which are not excluded under Rules 3.4 or 3.5.

Note: In relation to metering and water supply service claims the Scheme may be used despite a statutory reference to arbitration.

### **When can we not look into your dispute?**

We are unable to investigate your complaint in the following circumstances:

- Your dispute has not previously been referred to the Water Company
- Your dispute is being or has been dealt with by a court or other redress scheme
- Your dispute concerns alleged fraudulent or criminal activity
- Your dispute requires a full legal decision and/or legal sanctions
- Your dispute was referred to DRO over one year from your final contact with the water company
- The value of your complaint is over £10,000. This includes any amounts awarded for non-financial loss, which is limited to £2,500 per award.
- Your complaint is reasonably determined to be frivolous or vexatious
- Dealing with the claim would, in the reasonable opinion of DRO, seriously impair the effective operation of its process
- Your claim relates to disputes that are wholly or partly subject to an ongoing insurance claim, until such time as the insurance claim receives a final outcome or six months have passed since the insurance claim was made, whichever is the earlier;
- Your complaint is against a water company who has entered administration, liquidation or who has ceased trading
- Your dispute concerns the Competition Acts 1998 and 2002 as amended;
- Your dispute is related to regulatory enforcement cases;
- Your dispute relates to bulk supply determinations;
- Your dispute is between undertakers, between licensees and between undertakers and licensees;
- The dispute relates to water supply licensing;
- The dispute involves whistle blowing;
- The dispute relates to any matters over which Ofwat has powers to determine an outcome;
- The dispute relates to eligibility to transfer to a statutory licensee;
- The dispute relates to water quality legal standards;
- The dispute relates to enforcement cases under the Environmental Protection Act 1990 and the Environmental Act 1995 as amended;
- The dispute is the subject of an existing or previous valid application under the scheme;

- The dispute relates to the handling of Ofwat complaints;
- The dispute relates to complaints which are being or have been investigated by a statutory or regulatory agency or agencies including the Drinking Water Inspectorate and/or the Environmental Agency in respect of the breach of a statutory or regulatory requirement;
- The dispute relates to resale and third party complaints;
- The dispute relates to claims for loss of property value;
- The dispute relates to the fairness of contract terms and/or commercial practices;

## **What happens once I submit my case?**

### **Step 1: Case Received**

We will acknowledge your complaint and provide a reference number for all future contact.

### **Step 2: Review**

We will assess whether your complaint falls within our scope. If it is not in scope, we will explain why and direct you where possible.

### **Step 3: Response**

If accepted, we will request a formal response from the water company and assign your case to a case handler.

### **Step 4: Investigation**

We will review all evidence, request further information where necessary, and assess the case based on law, regulatory obligations, and fairness.

### **Step 5: Conciliation**

We will attempt to resolve the dispute by agreement between both parties. If successful, the case will be closed.

### **Step 6: Adjudication**

If no agreement is reached, an Ombudsman will make an independent decision based on the evidence. Not all cases proceed to this stage.

### **Step 7: Closure**

Once a final decision is made, the case will be closed. If accepted, the decision is binding on the water company

**How long will the ADR process take?**

It is difficult to give any firm estimates as the time taken to consider each case will depend on the complexity of that case and how much the parties disagree. DRO aims for decisions to be issued within 90 days of a case being received, but this timescale may be extended in exceptional circumstances.

To review our most recent set of statistics relating to case outcomes and average case times please visit the Case Statistics page on our website or refer to our latest Annual Review.

**Will I need legal representation?**

Neither party is obliged to appoint a lawyer or legal advisor in order to access our dispute resolution service. However, if either party is unsure as to their rights or obligations we recommend that they seek the appropriate advice.

**What will I need to provide?**

Each case is decided based on the evidence available and the relevant legal position.

Any evidence provided will be evaluated by the Case Handler and as part of our process, we may request additional information from you or the Water Company to support in the decision making process.

**How will the Case Handler assess my complaint?**

DRO is a recognised alternative dispute resolution body. This means that we will decide cases along the same principles as those used by the courts. We will take account of relevant legislation, together with the requirements of the Guaranteed Standards Scheme (GSS) and the Water Company's individual Charter. Like the courts we will make awards (which could include compensation) where appropriate.

However, unlike in a court of law, we have no power to cross-examine witnesses under oath. As such, there are occasions where we may not be able to come to a formal decision. We will always ensure we arrive at a decision based on what appears to be fair and reasonable in the circumstances.

**Offers made to resolve complaints informally**

Once a dispute has been referred to DRO for consideration, we will not be able to consider any further offers to resolve.

Please note that if the Water Company has already made you any form of financial offer by way of settling your dispute – be it of compensation or goodwill – that offer will lapse on referral of your complaint to us. We will make our own decision based on the information and evidence submitted to us, and that decision may award more or less than any sum already offered by the Water Company.

### **If the Case Handler rules in my favour, what is the likely outcome?**

The Case Handler may decide that the Water Company needs to make a financial award or they could even make them apologise. Our obligation is to make a decision that will resolve the dispute. We will act as an alternative to the courts, and where necessary make a formal decision as to what should be done.

### **What if I do not agree with the Case Handler's decision?**

The decisions made by the Case Handler are not binding on water customers; which means they remain free to pursue the complaint through other channels. Customers can withdraw from the process at any time and the outcome will only be binding on them if they agree with our decision about what should be done to resolve the case. We would advise that you seek professional legal advice before taking further action, for example by contacting Citizen's Advice on 08 454 04 05 06.

### **Does the Water Company have to do what the Case Handler says?**

You will have 20 working days from the date of receiving the decision, to decide whether you wish to accept it. Where an award is accepted by you within this timeframe it becomes a full and final settlement and is binding upon the Water Company. They must then action the settlement within 20 working days.

### **What if I still don't accept the Case Handler's decision?**

If you reject our decision, it will lapse. If you wish to take further action, this avenue remains open to you. No legal rights are affected by our decision, however, the Case Handler's decision may be considered by a Court.

### **How do we ensure quality of service at DRO?**

DRO's Independent Assessor is available to receive comments and concerns on the standard of service provided by our Case Handlers but not the basis of decisions. The Independent Assessor also provides an annual report based upon the cases they have seen



and any action taken by DRO as a result of their recommendations.

**Can I see details of the awards you have made in other cases?**

Our decisions remain strictly confidential between the parties involved. We do however publish Annual Reports which refer to case outcomes.

**How many customers win their case?**

To review our most recent set of statistics relating to case outcomes and average case times please visit the Case Statistics page on our website or refer to our latest Annual Review.

**How is DRO independent?**

Board of Directors

Comprising a Chair and a balance of non-executive directors, the Board is responsible for appointing the Chief Ombudsman and providing governance. The Board also helps to safeguard the DRO's interests so that it is free to operate effectively and independently.

Our Staff

Our team of Case Handlers hold legal and professional qualifications in Alternative Dispute Resolution and have amassed several years of experience in the law and resolving complex customer disputes. All of our staff are expected to abide by our Values which represent how we approach all aspects of our work and demonstrate our commitment to everyone involved with our service.

**How is DRO funded?**

Like many ADR schemes we are funded by the industry which we have jurisdiction over and that means our services remain free for water customers.

**Appeals Process**

There is no appeals process and as such the response received following consideration of your complaint will be final. We will not be able to enter into any further correspondence with you regarding your dispute at this stage, either in writing or via telephone.