



**WATRS**

**Water Redress Scheme**

**Guidance Notes**

## **Overview**

### **What is WATRS?**

WATRS is an independent adjudication service which has been set up to resolve disputes between customers and water and sewerage companies. WATRS is designed to adjudicate disputes that have not been resolved through the company's complaints procedure or by referring the matter to CCWater.

### **What is difference between WATRS and CCWater?**

WATRS has the authority to make a decision based on the evidence provided which the company is required to comply within a specified timeframe, if the customer decides to accept the decision's findings.

### **How can I be sure that WATRS will be independent?**

The operation of the Scheme is overseen by an independent Panel (the ADR Panel) which has been set up to ensure the independence, effectiveness and integrity of the Scheme. More information about the ADR Panel can be found at [www.resolvingwaterdisputes.org.uk](http://www.resolvingwaterdisputes.org.uk)

### **Who makes the decision in relation to my dispute?**

WATRS is an independent dispute resolution service based entirely on documentary evidence. Your claim will be considered by a professional, legally qualified WATRS Adjudicator who will have no direct contact with you or your water company to ensure full independence and impartiality.

### **How will the adjudicator decide the case?**

The adjudicator will consider the information you provide in your application along with any supporting evidence you submit. They will also consider the evidence submitted by the company in response to your claim, all relevant law such as the Water Industry Act 1991 and relevant terms and conditions and the Guaranteed Standards. Finally the adjudicators will consider what is most fair and reasonable in light of all of the circumstances before them.

### **Can I talk directly to the WATRS Adjudicator?**

No, the appointed adjudicator will have no direct contact with either you or your water company to ensure full independence and impartiality.

### **Will there be a hearing for me to provide evidence?**

No, WATRS is an adjudication service; it is therefore an entirely documentary evidence based process.

### **When will I receive a decision?**

WATRS will aim to send you a decision within 25 working days of receiving your completed

application.

**Do I have to use WATRS?**

No, you are not obliged to make an application to WATRS in order to resolve your dispute.

**My complaint is about sewerage not water, can I still use WATRS?**

Yes, WATRS deals with disputes about water or sewerage services.

**Do I have to pay to use WATRS?**

No, WATRS is free to use for customers at all times and in all circumstances. All water and sewerage companies in England & Wales have voluntarily agreed to fund the cost of WATRS as part of their commitment to providing independent and impartial dispute resolution for their customers.

**Can I recover the costs of preparing my WATRS case?**

No, you must pay any costs you incur in preparing and submitting your case to WATRS, which include any incidental or third party costs. If, for example, you decide to take legal advice about making an application you must pay for that yourself.

**Do I need a lawyer?**

No, you do not need a lawyer but you can choose to use one if you wish, but you will have to pay all of the legal (or other professional) costs you incur in making your application yourself.

**Can I withhold payment to the company for its services pending the outcome?**

No, referring a dispute to WATRS does not remove your duty to pay the company any bills that are not part of your dispute.

## **Referring a Dispute to WATRS**

**When can I make an application to WATRS?**

An application to WATRS can be made after:

1. you have exhausted the company's complaints procedure and
2. you have been told by CCWater (Consumer Council for Water) that you are eligible to apply to WATRS. CCWater will give you a WATRS Notification or a WATRS Option Letter.

Once you make an application to WATRS CCWater will no longer be able to mediate on your behalf with your water company or investigate your complaint any further.

**What's the difference between a Notification Letter and an Option Letter?**

A Notification Letter is issued when a dispute has been through the company's complaints' procedure and CCWater have mediated and/or investigated the dispute and the dispute still cannot be resolved.

It means that CCWater does not think that they can take the matter any further. An Option Letter is issued when a dispute is still being investigated or CCWater are still mediating but either 4 weeks or 8 weeks has gone by since the dispute went to CCWater.

**Do I have to go to WATRS if I get an Option Letter?**

No, an Option Letter just means that you can go to WATRS if you want to or you can wait until CCWater finish their mediation and/or investigation.

**Are there any time limits to making an application?**

Yes, you have 6 months from the date of the Notification letter in which to make an application. There is no time limit in relation to an Option letter but the Option Letter will be superseded by the Notification letter when it is issued and the 6 month time limit will then apply.

**Can CCWater make my application for me?**

No, but you can ask CCWater to refer your complaint to WATRS, WATRS will then send you an application form and you will have to complete and sign it.

**What should I consider before making my application?**

You should read these guidance notes carefully before making an application to ensure your claim can be dealt with by WATRS. The WATRS Rules detail the type of claims WATRS can deal with and provide an explanation of how the Scheme procedure works and what you should expect to happen if you make an application. You are not expected to know this document in detail, the WATRS Team will keep you informed of any rule requirements you need to be aware of.

**What kind of disputes can WATRS deal with?**

We can deal with disputes related to:

- bills, payments, collections and debt recovery;
- disputes concerning metering;
- water supply services;
- wastewater / sewerage services;
- development and new supplies.
- other issues which have been the subject of an internal company complaint procedure and which are not excluded under the WATRS rules.

WATRS will assess your application against the above criteria, and if your dispute does not fall within the scope of the scheme, you will be told by WATRS and your application will not go to an adjudicator.

The company concerned will also have the opportunity to object to the acceptance of your application if it considers that the dispute is outside the scope of the scheme. In such circumstances WATRS will rule on the validity of the application and the decision of WATRS will be final.

### **What kind of disputes cannot be dealt with by WATRS?**

If your complaint is about one of the following matters, WATRS **cannot deal with it**:

- a dispute concerning the Competition Acts 1998 and 2002;
- regulatory enforcement cases;
- bulk supply determinations;
- a dispute between undertakers, between licensees and between undertakers and licensees;
- water supply licensing disputes;
- whistle blowing;
- any matter over which Ofwat has powers to determine an outcome;
- water quality legal standards;
- enforcement cases under the Environmental Protection Act 1990 and the Environmental Act 1995 as amended;
- disputes that are subject to existing court action or on which a court has ruled unless the Court's decision has been set aside;
- disputes that are the subject of an existing or previous valid application under the scheme;
- the handling of CCWater and Ofwat complaints;
- complaints which are 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 unless CCWater has given you a letter telling you that you can apply to WATRS;
- resale and third party complaints;
- disputes concerning allegations of fraudulent or criminal activity;
- any dispute or disputes that are and considered by WATRS to be frivolous and/or vexatious.

You should only apply if your dispute falls within the criteria of acceptable cases detailed above. If you are unsure, you can contact WATRS

### **What is the maximum amount I am able to claim under WATRS?**

The maximum claim amount is £10,000 per customer for households and £25,000 per customer for non-households. The adjudicator may direct the company to take action or provide you with a service but the total value of any claim including the cost of any action or services cannot exceed the maximum limit. These limits apply where there are multiple customers living or working at the same address unless they are separate bill payers.

### **Can I make an application for more than the maximum amount?**

Yes, but the adjudicator cannot order the company to pay you more and/or tell them to take any action or provide any service where the total value or cost of doing so would be greater than the maximum amount.

### **Can I claim interest?**

Yes, if you have lost out because you were incorrectly charged by your water and/or sewerage provider. If the adjudicator agrees with your claim, interest will be awarded at the same rate that is applied in the County Court from the date when the incorrect payment was made to the date of the adjudicator's decision.

### **What should I put in my application?**

You will need to include the letter from CCWater telling you that you can apply to WATRS. If you do not have this you can ask CCWater to send a copy to WATRS. You should set out what your dispute is about and what you are claiming from the water company and why. You should provide evidence to support your claim(s). In order for your application to be accepted, you must provide your consent to allow the company (and CCWater if you want them to provide documents) to provide all information in relation to your dispute. You should provide any evidence you have in order to support your claims.

Your application should include details of:

- the company's service which the dispute is about;
- the events leading to the complaint;
- the precise issues which are in dispute;
- the steps already taken to attempt to reach a resolution with the company including CCWater involvement;
- the relevant dates for the service issues and prior steps to seek resolution;
- the reasons for requesting the remedy or remedies sought;
- the reasons and evidence in support of any compensation claimed;
- any relevant supporting documents - remember it will help your application if you can provide evidence to support your claim.

WATRS has designed an application form that will take you through these requirements step by step.

### **Can WATRS help me with my application?**

Yes, the WATRS' Team is available to offer guidance about making an application. WATRS is committed to providing appropriate accessibility for everyone it deals with and WATRS will make reasonable adjustments where appropriate to assist the customer further. WATRS will not, however, be able to tell you how to set out your claim.

## **Settlements**

### **The company made me an offer before I made my application, can I still accept it?**

No, any offer or offers made by your water company before you made your application are no longer open and you cannot accept them after you have made your application.

### **What if the company makes me an offer after I have made my application?**

You can accept any offer made by the company after you have made your application but before the adjudicator has sent you a decision. This is called an agreed settlement. If you do accept an offer the company will let WATRS know and the case will be closed. You will have to confirm that you accept the agreed settlement.

### **Will WATRS negotiate with the company for me?**

No, WATRS is an impartial, independent dispute resolution service; it will not act for either you or the company.

## **Adjudication Decisions**

### **What can WATRS make the company do?**

We can tell the company to provide or do any or all of the following:

- provide an explanation and/or an apology;
- provide a service;
- do something about your bill or bills;
- take some specified action ;
- provide financial compensation which, if your account is in arrears, will be credited by the amount directed to be paid with any credit balance paid to you directly.

Remember that in all cases the adjudicator cannot order your water company to pay you more and/or tell your water company to take any action or provide any service where the total value would be greater than the maximum claim amount.

### **Can WATRS fine the company and/or take any punitive action against it?**

No, WATRS is not a regulator and cannot impose fines on companies. The role of WATRS is to resolve individual disputes between customers and companies in an impartial manner.

### **What should I do when I receive the decision?**

You have 20 working days to tell WATRS whether you accept the decision. If you accept the decision, it will become binding on the company and they will have to do what the decision says. If you do not tell WATRS that you accept the decision within 20 working days, the company will not be obliged to

take any action in line with the decision.

**Can I accept the decision after the 20 working days period has expired?**

No, you cannot accept the decision after the 20 working days.

**If I am not happy with the WATRS decision, can I appeal it?**

No, you can simply accept or reject the decision. If you choose to reject the decision, it will have no effect. There is no appeals mechanism.

**If I accept the decision, when will the company comply with it?**

The company must act on the decision within the timescale set out in the decision. If no timescale is set out in the decision, the company must act within 20 working days from the date the decision is published.

**What if the company does not comply with the decision or agreed settlement?**

If a company does not comply you must tell WATRS within 15 working days of the date on which the company should have complied.

**What if I want to complain about WATRS?**

WATRS has a set complaints procedure which can be found [here](#)

**Is WATRS registered under the Data Protection Act 1998?**

WATRS is operated by IDRS, part of Centre for Effective Dispute Resolution, and is registered under the Data Protection Act 1998.

**WATRS**  
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## Timeline

