

SPSO decision report

Case: 201203305, Business Stream
Sector: water
Subject: supply pipe issue
Outcome: upheld, recommendations

Summary

Mr C complained that in 2010 the sewer to his factory became blocked, and was not properly cleared for eight working days. As his business was unable to function due to an inability to discharge water into the sewer, the factory had been obliged to close. Mr C's business had then incurred overtime costs while catching up with the backlog of work. Mr C had made six phone calls to Scottish Water's emergency line, and regarded their response as unreasonable.

Scottish Water had refused Mr C's application for compensation, as they said that the blockages had been caused by waste discharged by the factory. Mr C, therefore, withheld the sum he claimed in compensation from a bill payable to Business Stream. He was pursued by Business Stream for payment between August 2010 and March 2012. In March 2012 he received a letter informing him that Business Stream would no longer consider his complaint and that the SPSO was his only option for further review.

We took independent advice from one of our water advisers who said that while the initial response to the blockages had been reasonable, the problem had taken too long to identify and the correct equipment had not been brought on site quickly enough. In addition, communication with the customer had been poor, with only one update to him during the period.

We cannot order Business Stream to provide compensation to Mr C as we are unable to establish liability for financial loss, which is normally a matter for the courts. However, we upheld Mr C's complaint, because we found Business Stream's actions unreasonable. They had failed to make clear to Mr C within a reasonable timescale that they would not consider his complaint, allowing the matter to remain open for two years. Business Stream had not kept accurate records of meetings with Mr C and at times had requested information from him about the actions of Scottish Water's contractors. We also found that Scottish Water's code of practice did not appear to distinguish between domestic and commercial properties, and made a recommendation relating to this.

Recommendations

We recommended that Business Stream:

- apologise in writing for the poor customer service provided; and
- review the case and draw the attention of Scottish Water to the lack of differentiation within their code of practice between business and non-business customers.