

Drinking Water Inspectorate Guidance to water companies



GUIDANCE ON CONSUMER COMPLAINTS

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DWI GUIDANCE ON CONSUMER COMPLAINTS

1 Introduction

- 1.1 Sometimes consumers contact the Drinking Water Inspectorate (DWI) because they have a concern about their drinking water quality, and they are not satisfied with the way their water supplier has dealt with their concern. The Inspectorate has a duty to investigate these matters, and such contacts are logged as complaints and investigated by an Inspector.
- 1.2 If a consumer contacts the DWI with a concern about their tap water quality and they have not contacted their own water supplier, the Inspectorate will refer the consumer to their water supplier.
- 1.3 As the regulator for drinking water quality in England and Wales, the Inspectorate has a duty to investigate consumer complaints about public water supplies, where the water is used for human consumption as defined in the drinking water quality regulations¹ (referred to throughout as the Regulations). Consumer contacts to the Inspectorate about other water quality concerns, for example:
 - private water supplies (the consumer is normally referred to the responsible local authority);
 - private domestic systems and private storage tanks;
 - public water supplies used for other purposes (e.g. fish tanks, central heating, pets and livestock, swimming pools, laundry and garden watering);
 - bottled water (unless provided by a water supplier as an alternative to the normal piped supply)
 - environmental water quality (may be referred to the Environment Agency or Natural Resources Wales)

are excluded from this duty and such contacts are normally logged as an enquiry. If appropriate, the DWI will refer the consumer to their water supplier.

2 Receipt of Complaints in DWI and Contacting the Water Supplier

- 2.1 Consumers normally contact DWI either through the general DWI enquiries phone number, by email to DWI.Enquiries@defra.gov.uk or, less frequently, by letter.

¹ The Water Supply (Water Quality) regulations 2016, as amended which apply in England, and the Water Supply (Water Quality) Regulations (Wales) 2018

- 2.2 The Inspectorate will advise the consumer that their personal details will be shared with their water company for the purposes of investigating their complaint, and the consumer should agree to this. Without this agreement the DWI is unable to investigate the matter. The consumer will be informed in writing by email or letter to explain the process.
- 2.3 The Inspectorate will send an email from the DWI Enquiries mailbox to the supplying water company's nominated day-to-day contact with the reference number for the complaint, requesting a full report on the company's communications with the consumer and its investigation into the matter. The consumer's name, address and contact information will be provided in a spreadsheet file, password protected using the standard 3-letter format.
- 2.4 Companies should provide a similarly password-protected report to DWI.Enquiries@defra.gov.uk within 10 working days of the date of the email. The Inspectorate will acknowledge receipt by email.

3 Information to include in the Company's Report to DWI

- 3.1 Companies should include the following information in reports to the Inspectorate to enable the Inspectorate to investigate the matter properly:
 - The water supply zone in which the consumer's property is situated and brief details of the supply system. Maps and diagrams can be helpful.
 - Details of all contacts between the consumer and the company, including telephone and written contacts, details of visits to the property, samples taken and other work carried out.
 - Details of contacts from other consumers about the same issue.
 - Whether any work was being carried out in the distribution system or at supplying assets that might have caused the consumer's concern.
 - Actions taken by the company to investigate the cause, and actions taken to restore a wholesome supply and to prevent a recurrence.
 - Where the cause of the concern is attributed to the private domestic system of the property, the company should provide evidence to demonstrate this. This should include results of investigational samples taken at upstream and downstream properties, plumbing inspection reports and if appropriate, samples from additional points within the consumer's property.
 - Copies of all sample results, plumbing inspection reports, written

advice provided to the consumer and section 75 notices² should be appended to the company's report.

- 3.2 Under regulations 18 and 19 of the Regulations, where a water supplier has reason to believe that water supplied to consumers is unwholesome, or is likely to be unwholesome, it has a duty to investigate the cause and extent of the issue, and to establish whether the cause may be attributed to the private domestic system of a property. Companies should be able to demonstrate that they have complied with this regulatory duty. Where the cause of a water quality issue has been attributed to the private domestic system, evidence that rules out a problem with the wider public supply should be included in the company's report.
- 3.3 Samples taken should be analysed for parameters that appropriately reflect the consumer's concern. For example, if a consumer is concerned about the taste and odour of the water supply, the Inspectorate would expect on-site tests for taste, odour and chlorine to be conducted as well as taking a sample from the kitchen tap for laboratory taste and odour analysis. Samples should also be taken for other appropriate chemical and microbiological parameters.
- 3.4 The Inspectorate considers that it is good practice for investigational samples to be taken at upstream and downstream neighbouring properties to inform the company's investigation into the likely cause.
- 3.5 If the cause is attributed to the private domestic system of a property, regulations 18 and 19 require that appropriate written advice is provided to the consumer. This advice should include the cause of the failure, its nature and actions the consumer should take to protect their health or mitigate the risk of unwholesomeness. Companies may also wish to inform the consumer how they can find a plumbing contractor approved through the WaterSafe scheme.
- 3.6 If the cause of the water quality issue is associated with the condition of the private domestic system of a building where the tap water is made available to members of the public for regulation 4(2) purposes (known as public buildings), the water supplier has a duty to ensure that defects are rectified, if necessary using its powers and duties under the Act². This may mean that the water supplier should carry out any necessary work and recover the costs from a responsible person, in order to ensure that defects causing or contributing to the water quality issue are rectified.
- 3.7 If the cause of the consumer's complaint was related to the operation or condition of any of the supplier's assets, the company should provide details of actions taken to protect the health of affected consumers and actions taken to address the issue and prevent a recurrence.

² Refer to sections 73 to 75 of the Water Industry Act 1991 as amended

4 Closure of the Inspectorate's Investigation

- 4.1 Following receipt of the water supplier's report, the Inspectorate will assess the supplier's investigation of the consumer's concern. The role of the Inspectorate is to assess the water supplier's actions and investigation with regard to the complaint to determine if it has met the requirements of the Regulations.
- 4.2 If the Inspectorate is satisfied with the supplier's investigation into the consumer's concern, the Inspectorate will write to the consumer to explain the outcome of the investigation, and advise the consumer on any further actions they should take to help address their concern (for example, replacement of the private supply pipe). A password-protected PDF copy of the letter will be sent to the supplier's day to day contact for the company's records.
- 4.3 If the Inspectorate concludes that the supplier has not fully complied with the requirements of the Regulations and/or their duties under the Act, the Inspector will write to the board level contact of the supplier, and will make recommendations or initiate further enforcement as deemed necessary, in accordance with the Inspectorate's published Enforcement Policy. These letters will not normally be copied to the consumer unless the consumer submits a request under the Freedom of Information Act, in which case a redacted version protecting individuals' identity may be provided.
- 4.4 If the Inspectorate makes any recommendations or proceeds to further enforcement, the consumer will be informed in the Inspectorate's final letter to the consumer.

Version History

Date	Version no.	Sections changed	Reason
April 2019	1.0	First major version	N/A