

## **The guaranteed standards scheme (GSS)**

Applicable to England and Wales from 1 April 2008

Customers of water and sewerage companies are entitled to guaranteed minimum standards of service, as laid down by the Government. Where a company fails to meet a standard then it is required to make a specified payment to the customer affected. We monitor the scheme and recommend changes. Each year we publish the number of payments made under the scheme.

This information note summaries these standards and conditions as a guide for consumers. It is not intended to be a substitute for the GSS Regulations. Each water and sewerage company is responsible for ensuring that it understands and correctly interprets its statutory obligations under the GSS Regulations. Under no circumstances will we be bound to interpret the GSS Regulations in accordance with these summaries. When considering regulatory decisions, in particular in determining disputes, we will consider the original text of the GSS Regulations as well as the facts as they arise.

On 1 April 2008 revised GSS Regulations came into force which, among other things, amend the previous GSS Regulations for sewer flooding. The amendments relating to sewer flooding include:

- setting a minimum payment level of £150 for each incident of internal sewer flooding;
- setting a new standard for customers materially affected by external sewer flooding; and
- setting external sewer flooding payments at 50% of the annual sewerage charge for each external sewer flooding incident (minimum payment of £75 and maximum payment of £500).

The 2008 GSS Regulations also ensure that the service standards are now the same regardless of whether the water and sewerage company operates in Wales or England. In the previous GSS Regulations there were variations between standards for the water and sewerage companies operating in Wales and those operating in England.

## **Customers' rights**

The scheme applies to all customers of water and sewerage companies.

The water and sewerage companies must inform billed customers of their rights under the scheme every year.

If a company fails to meet any of the guaranteed standards, customers are entitled to a payment. Details of these are shown under each service standard.

Some companies operate schemes that go further than the GSS. For example, where a reply to a complaint letter is required in ten days under the GSS, the company may raise this standard to five days. In other cases, a higher amount is paid than the minimum amount set out in the GSS Regulations.

The standards which companies must meet are as follows.

### **1. Making appointments (GSS Regulation 6)**

If an appointment is made with a customer, the company must give notice to the customer that its representative will visit during the morning or the afternoon. The company must specify to the customer the times it considers to be the morning or afternoon.

If the company fails to do this, the company must automatically make a GSS payment.

If requested by the customer the company must give notice to the customer that its representative will visit within a specified two-hour time slot.

If the company fails to do this, the company must automatically make a GSS payment.

The company must make the GSS payment within ten working days of the payment becoming due. If the company fails to do this and the customer makes a claim for an additional penalty payment within three months of the GSS payment becoming due, the company must make the additional penalty payment.

### **2. Keeping appointments (GSS Regulation 6)**

If an appointment is not kept because:

- the company representative did not visit on the appointed day;

- the company representative did not visit during the morning or the afternoon (in accordance with the appointed time specified);
- the company representative did not visit within the appointed 2-hour time slot; or
- the company cancelled the appointment but did not give the customer at least 24 hours' notice

a GSS payment must be made automatically.

The company must make the GSS payment within ten working days of the payment becoming due. If the company fails to do this, and the customer makes a claim for an additional penalty payment within three months of the GSS payment becoming due, the company must make the additional penalty payment.

There are exceptions to the requirement to make a GSS payment if an appointment is not met. These are:

- the customer cancels the appointment;
- the company cancels the appointment giving at least 24 hours' notice;
- it is impracticable to keep the appointment due to severe weather;
- it is impracticable to keep the appointment due to industrial action by the company's employees; or
- it is impracticable to keep the appointment due to an act/default of a person other than the company's representative.

### **3. Low pressure (GSS Regulation 10)**

The company must maintain a minimum pressure in the communication pipe of seven metres static head (0.7 bar).

If pressure falls below this on two occasions, each occasion lasting more than one hour, within a 28-day period, the company must automatically make a GSS payment.

There are exceptions to the requirement to make a GSS payment if the pressure standard is not met. These are:

- a payment has already been made to the same customer in respect of the same financial year;
- it is impractical for the company to have identified the particular customer as being affected, and the customer has not made a claim within three months of the date of the latter occasion;

- industrial action by the company's employees makes it impracticable to maintain the pressure standard;
- the act or default of a person other than the company's representative make it impracticable to maintain the pressure standard; or
- the pressure falls below the minimum standard due to necessary works taking place or due to a drought

#### **4. Notice of interruption to supply (GSS Regulation 8)**

Where it is planned that the supply will be materially interrupted or cut off for more than four hours to carry out necessary works the company must give written notice to affected customers at least 48 hours before the supply will be interrupted or cut off, including notification of the time by which the supply will be restored.

If the company fails to do this, the company must automatically make a GSS payment.

Where the supply is interrupted or cut off to carry out necessary works in an emergency the company must, as soon as is reasonably practicable, take all reasonable steps to notify affected customers:

- that the supply has been interrupted or cut off;
- where any alternative supply can be obtained;
- the time by which the supply will be restored; and
- of the phone number of an office from which further information may be obtained.

Where a customer was not given the correct notification for a planned interruption lasting more than four hours caused by necessary works, but the company does not make an automatic payment to the customer within 20 working days of this event, the company must automatically make an additional penalty payment to the customer.

There are exceptions to the requirement to make a GSS payment if the correct notice of interruption to supply is not given. These are if:

- industrial action by the company's employees makes it impracticable for the company to give the correct notice at least 48 hours before the supply was cut off;
- the act or default of a person other than the company's representative made it impracticable for the company to give the correct notice at least 48 hours before the supply was cut off; or

- it is impractical for the company to have identified the particular customer as being affected, and the customer has not made a claim within three months of the date on which the supply was cut off.

## **5. Supply not restored (GSS Regulation 9)**

The company must automatically make a GSS payment to affected customers if:

- the supply is interrupted or cut off to carry out necessary works, and the supply is not restored by the time stated in the written notice given to affected customers;
- the supply is interrupted or cut off in an emergency due to a leak or burst in a strategic main and is not restored within 48 hours of the company first becoming aware of the interruption or that the supply was cut off; or
- the supply is interrupted or cut off in an emergency for any other reason and is not restored within 12 hours of the company first becoming aware of the interruption or that the supply was cut off.

A further automatic GSS payment must be made for each full 24-hour period that the supply is interrupted or cut off.

If the company does not make an automatic payment for which it is liable to the customer within 20 working days of the interruption to supply, the company must automatically make an additional penalty payment to that customer.

There are exceptions to the requirement to make a GSS payment if supply is not duly restored. These are if:

- industrial action by the company's employees prevented the supply being restored;
- the act or default of a person other than the company's representative prevented the supply being restored;
- severe weather prevented the supply being restored;
- where the supply was interrupted or cut off due to a leak or burst on a strategic main, or for any other unplanned reason, the circumstances were so exceptional that it would be unreasonable to expect the supply to be restored within the relevant period;
- It is impractical for the company to have identified the particular customer as being affected, and the customer has not made a claim within three months of the date of the supply not being duly restored; or
- the regulation does not apply where supply is interrupted or cut off due to a drought.

## **6. Account queries and requests about changes to payment arrangements (GSS Regulation 7)**

If a customer queries in writing the correctness of an account, the company must despatch a substantive reply to the customer within ten working days from the receipt of the query

If the company fails to do this, the company must automatically make a GSS payment.

If a customer requests, in writing, a change to a payment arrangement and the company is unable to agree to the request, the company must despatch a substantive response within five working days from the receipt of the request.

If the company fails to do this, the company must automatically make a GSS payment.

The company must make the GSS payment within ten working days of the payment becoming due. If the company fails to do this and the customer makes a claim for an additional penalty payment within three months of the GSS payment becoming due, the company must make the additional penalty payment.

There are exceptions to the requirement to make a GSS payment if the company does not respond to account queries or requests in the given timeframes. These are if:

- the customer informs the company that they don't wish to pursue the query or request;
- in the case of a query the company reasonably considered a visit to be necessary, but severe weather made it impracticable to make the visit;
- industrial action by the company's employees made impracticable to despatch a substantive response within the relevant period;
- the act or default of a person other than the company's representative made it impracticable to despatch a substantive response within the relevant period;
- the query or request was not sent to an address notified in writing by the company to its customers as the appropriate address for such queries or requests; or
- in the case of a query, it is frivolous or vexatious.

## **7. Complaints (GSS Regulation 7)**

If a customer complains in writing to a water company about the supply of water, or to a sewerage company about the provision of sewerage services, the company must despatch a substantive response to the customer within ten working days of receipt of the complaint.

If the company fails to do this, the company must automatically make a GSS payment.

The company must make the GSS payment within ten working days of the payment becoming due. If the company fails to do this and the customer makes a claim for an additional penalty payment within three months of the GSS payment becoming due, the company must make the additional penalty payment.

There are exceptions to the requirement to make a GSS payment if the company does not respond to written complaints in the given timeframes. These are if:

- the customer informs the company that they don't wish to pursue the complaint;
- industrial action by the company's employee's make it impracticable to despatch a reply within the relevant period;
- the act or default of a person other than the company's representative made it impracticable to despatch a reply within the relevant period;
- the complaint was not sent to an address notified in writing by the company to its customers as the appropriate address for complaints of that nature;
- the complaint was frivolous or vexatious; or
- the company reasonably considered a visit to be necessary, but severe weather made it impracticable to make the visit.

## **8. Flooding from sewers – Internal flooding (GSS Regulation 11)**

If effluent from a sewer, which is vested in a sewerage company, enters a customer's building, the company must make an automatic GSS payment of the sum equal to the customer's annual sewerage charge up to a maximum of £1,000.

If the amount the company is required to make is less than £150, the company must pay the customer £150.

If the company does not make an automatic payment for which it is liable to the customer within 20 working days following the date on which the effluent entered his building, the company must automatically make an additional penalty payment to that customer.

This payment must be made for each incident.

There are exceptions to the requirement to make a payment if effluent enters a customer's building. These are if:

- the entry of the effluent was caused by:
  - exceptional weather conditions;
  - industrial action by the company's employees;
  - the actions of the customer;
  - a defect, inadequacy or blockage in the customer's drains or sewers; or
- it is impractical for the company to have identified the particular customer as being affected, and the customer has not made a claim within three months following the date on which the effluent entered his building.

## **9. Flooding from sewers – External flooding (GSS Regulation 12)**

If effluent from a sewer, which is vested in a sewerage company, enters a customer's land or property, the company must make a GSS payment of the sum equal to 50% of the customer's annual sewerage charge up to a maximum £500. The customer must claim the payment from the company within three months of the incident.

If the amount the company is required to make is less than £75, the company must pay the customer £75.

This payment must be made for each incident.

If the company does not make a payment for which it is liable to the customer within 20 working days following the date on which the claim is received by the company, the company must automatically make an additional penalty payment to that customer.

There are exceptions to the requirement to make a payment if effluent enters a customer's building. These are if:

- the entry of the effluent was caused by:
  - exceptional weather conditions;

- industrial action by the company's employees;
  - the actions of the customer;
  - a defect, inadequacy or blockage in the customer's drains or sewers;
- the company has made a payment to the same customer in respect of the same incident for internal sewer flooding;
- the customer was not materially affected by the incident; or
- the customer has not claimed the payment within three months following the date on which effluent entered the customer's land or property.

In deciding whether a customer has been materially affected by the incident companies must take into account:

- what parts of the customer's land or property the effluent entered;
- the duration of the flooding;
- whether the flooding restricted the access to the land or property;
- whether the flooding restricted the use of the land or property; and
- any other relevant considerations of which the company is aware.

## **Payment and claims**

If a customer is entitled to a GSS payment and the company has not made the payment automatically, the customer can claim the payment within three months of the incident.

If, at the time of the incident, the customer owes money to the company, and has done so for more than six weeks, the company will normally credit the customer's account rather than make payment by cheque.

## **Legal rights**

The scheme does not affect any legal rights to compensation that customers may have.

## **Exclusions to the scheme**

There are certain exemptions to the scheme. Different exceptions apply to different standards, but they include failure to comply because of circumstances beyond the company's control, such as unforeseen events, industrial action or severe or exceptional weather conditions.

## **Disputed claims**

Any disputed claims for payment under this scheme can be referred to us by either the company or the customer. Our decision is final and binding upon both parties.

## **Payments in the event of drought**

All companies are required under Condition Q of their licence conditions to make a payment to customers where essential household water supplies are interrupted as a result of restrictions authorised by emergency drought orders. This includes water supplies for purposes such as:

- cooking;
- washing;
- drinking; and
- flushing the toilet.

It does not include uses such as watering the garden, car washing or filling a pool.

Although this measure is not part of the GSS, it does mean that customers have access to compensation if essential supplies are not maintained.

The licence commits the companies to accept our decision in the event of any disputes about entitlement.

Companies should pay household customers £10 for each day (or part day) that the water supply is interrupted or cut off. The maximum compensation entitlement is equal to the company's average household bill for the previous year.

Companies should pay business customers, in the same circumstances, £50 a day (or part day). The maximum amount payable is the water charge paid by the customer in the previous year. If, however, the customer has not paid a full year's water charge, or a third party is responsible for the water charges, the maximum is set at £500.

There is no entitlement to a payment under Condition Q if the circumstances are so exceptional that, in our view, it would be unreasonable to expect the company to avoid the interruption.

## **Further information**

If you want to know more about the GSS, contact your local water company. A description of GSS (and any company-specific enhancements) will be provided to you on request. Details are also available in the companies' code of practice for domestic customers.

Copies of the statutory instruments (SIs) containing the GSS regulations may be purchased from TSO. (Please quote the following: SI 2008 No. 594).

You can also:

- contact our Library on 0121 625 1373;
- send an e-mail to [enquiries@ofwat.gsi.gov.uk](mailto:enquiries@ofwat.gsi.gov.uk); or
- visit our website at [www.ofwat.gov.uk](http://www.ofwat.gov.uk)

**Revised April 2008**

**Summary of payment amounts that apply in England & Wales:** See individual sections for details of when these apply. These are the minimum payment amount. Some companies may voluntarily increase these – ask your company for details.

GSS Regulation	GSS payment		Late payment penalty	
	Domestic customers	Business customers	Domestic customers	Business customers
Appointments not made properly	£20	£20	£10	£10
Appointments not kept	£20	£20	£10	£10
Incidences of low water pressure	£25	£25	-	-
Incorrect notice of planned interruptions to supply	£20	£50	£20	£50
Supply not restored(*) – initial period	£20	£50	£20	£50
Supply not restored(*) – each further 24 hours	£10	£25		
Written account queries and requests to change payment arrangements not actioned on time	£20	£20	£10	£10
Written complaints not actioned on time	£20	£20	£10	£10
Properties sewer flooded internally	Payment equal to annual sewerage charges (Minimum payment of £150. Maximum of £1000)		£20	£50
Properties materially affected sewer flooded externally	Payment equal to 50% of annual sewerage charges (Minimum payment of £75. Maximum of £500)		£20	£20

(\*) Supply not restored within time notified (planned work) or when supply is interrupted for an extended time under unplanned/emergency situations