

April 2017

Trust in water

Guidance note for weather-related exemptions in the GSS Regulations

www.ofwat.gov.uk

ofwat

Practical application of GSS Regulations: Payment exemptions for severe or exceptional weather

This guidance note is intended to help companies in the practical application of the Water Supply and Sewerage Services (Customer Service Standards) Regulations 2008 (otherwise known as **the GSS Regulations**). It is not intended to be a substitute for the GSS Regulations. It is the responsibility of all water and sewerage companies and all retailers (“**the company/companies**”) to ensure that they understand and interpret correctly their obligations under the GSS Regulations. When considering regulatory decisions, in particular in determining disputes, we will apply the GSS Regulations to the particular facts presented.

The guidance note is for companies to use in applying the minimum requirements of the GSS Regulations. If companies currently enhance the levels of service they provide to customers above the minimum standard as set out in the GSS Regulations they can continue to do so. We encourage companies to enhance their service in this manner.

We will monitor how the guidance is working in practice and review it if necessary.

The guidance note refers to evidence of the reason for an exemption. The company must retain this evidence and, if requested, make it available to us in order to demonstrate GSS compliance. We may also request evidence if we are dealing with a dispute.

1. Severe weather

1.1 Keeping of appointments

If the company is unable to visit the customer because of severe weather the company does not have to make a payment.

Instances where this payment exemption may apply, include:

- Access to property blocked by:
 - snow;
 - flooding; or
 - fallen trees or other obstacles following gales.
- Regional snow fall or flooding which has prevented a significant number of relevant staff attending work, or has affected company buildings or vehicles, preventing staff from attending customer property.
- Weather conditions have occurred that have made it unsafe for employees and contractors of the company to undertake the required work in an appropriate and safe manner.

Access is defined as including the usual route from the water company to the customer's property, or from one appointment to the next appointment and including reasonable alternatives.

A 'significant number of staff' will be different depending on the size of the company. This would be applicable when the absence of staff has caused problems to the company in carrying out its day-to-day operations. Companies should be able to justify why the number is thought to be significant.

Companies must be able to provide evidence to justify not making a GSS payment. This could include (not all items would be necessary for each event):

- employee and contractor attendance records;
- records of the action taken to gain access to the property;
- records of contacts from customers, employees or contractors on problems;
- video or photographic evidence;
- radar data and rain gauge information;
- rainfall data from the Met Office;
- flooding information or reports from the Environment Agency;

- traffic reports confirming tree falls, snow, and general accessibility and the impact on travel routes;
- emergency service reports;
- media reports; or
- warnings from police or highway agencies.

If a company cannot demonstrate severe weather has occurred, then a payment should be made to the customer.

If requested, companies should be able to provide a clear explanation to the customer about why a GSS payment is not being made following the event.

1.2 Complaints, account queries and requests about payment arrangements

If the company is unable to respond to a complaint, account query or a request about payment arrangements because of severe weather the company does not have to make a payment.

Instances where this payment exemption may apply, include:

- Access to property blocked by:
 - snow; or
 - flooding; or
 - fallen trees or other obstacles following gales.
- Regional snow fall or flooding which has prevented a significant number of relevant staff attending work, or has affected company buildings or vehicles preventing staff from attending customer property.
- Weather conditions have occurred that have made it unsafe for employees and contractors of the company to undertake the required work in an appropriate and safe manner.

Access is defined as including the usual route from the water company to the customer's property, or from one appointment to the next appointment and including reasonable alternatives.

A 'significant number of staff' will be different depending on the size of the company. This would be applicable when the absence of staff has caused problems to the

company in carrying out its day-to-day operations. Companies should be able to justify why the number is thought to be significant.

Companies must be able to provide evidence to justify not making a GSS payment. This could include (not all items would be necessary for each event):

- employee and contractor attendance records;
- action taken to gain access to the property;
- records of contacts from customers, employees and contractors on problems;
- video or photographic evidence;
- radar data and rain gauge information;
- rainfall data from the Met Office;
- flooding information or reports from the Environment Agency;
- traffic reports confirming tree falls, snow, and general accessibility and the impact on travel routes;
- emergency service reports;
- media reports; or
- warnings from police or highway agencies.

If a company cannot demonstrate severe weather has occurred, then a payment should be made to the customer.

If requested, companies should be able to provide a clear explanation to the customer about why a GSS payment is not being made following the event.

1.3 Entitlement to a payment or credit where supply not duly restored

If the company is unable to restore a water supply because of severe weather the company does not have to make a payment.

Weather conditions preventing the company from restoring supply may be different or more localised than for complaints or keeping appointments. Instances where this payment exemption may apply, include:

- Weather conditions have occurred that have made it unsafe for employees and contractors of the company to undertake the required work in an appropriate and safe manner.
- Weather conditions have effected ground conditions, making access or excavation very difficult and this prolongs the restoration of supply.

- Flooding or deep snow has covered the area which the company needs to access to restore supply.
- Weather conditions have prevented the company from being able to locate a leak or burst (such as if the area is covered with flood water or deep snow).
- Weather conditions have prevented the delivery of a part needed in order to restore supply.

Companies must be able to provide evidence to justify not making a GSS payment. This could include:

- employee and contractor attendance records;
- action taken to gain access to the property;
- records of contacts from customers, employees or contractors on problems;
- video or photographic evidence;
- radar data and rain gauge information;
- rainfall data from the Met Office;
- flooding information or reports from the Environment Agency;
- traffic reports confirming tree falls, snow, and general accessibility and the impact on travel routes;
- emergency service reports;
- media reports; or
- warnings from police or highway agencies.

Where a company cannot demonstrate severe weather has occurred then a payment should be made to the customer.

If requested, companies should be able to provide a clear explanation to the customer about why a GSS payment is not being made following the event.

2. Exceptional weather

2.1 Internal flooding from sewers

If a customer suffers sewage flooding because of exceptional weather the company does not have to make a payment. Exceptional weather, which would exempt a company from making a GSS payment, is more extreme than severe weather.

Sewer flooding is most likely to occur during severe and exceptional weather and most modern public sewers are designed to cope with storms likely to occur on average once or more in 30 years. Customers might legitimately expect a GSS payment if flooding occurred in such weather.

The GSS looks at standards from an individual customer perspective. Therefore, these guidelines on exceptional weather are described in terms that a customer can relate to rather than solely from a technical definition of weather.

Instances where this payment exemption may apply, include:

- where the sewer flooding has affected properties in a wider area;
- surrounding land and roads are extensively flooded, as well as properties or gardens;
- there is extensive flooding from rivers or watercourses; or
- flooding is caused by storms with a return period of more than 30 years.

Companies must be able to provide evidence to justify not making a GSS payment. This could include:

- records of contacts from customers, employees or contractors on problems;
- video or photographic evidence;
- radar data and rain gauge information;
- rainfall data from the Met Office;
- flooding information or reports from the Environment Agency;
- emergency service reports;
- media reports; or
- warnings from police or highway agencies.

As part of their handling of a case of sewer flooding in exceptional weather, companies should provide a clear explanation to the customer about why a GSS payment is not being made following the event.

If a company cannot demonstrate exceptional weather has occurred, then a payment should be made to the customer.

If asset failure (for example, blockages or pump failures) contributes to flooding, then rainfall data must be part of the evidence.

2.2 External flooding from sewers

If a customer suffers external sewage flooding because of exceptional weather the company does not have to make a payment. Exceptional weather, which would exempt a company from making a GSS payment, is more extreme than severe weather.

Sewer flooding is most likely to occur during severe and exceptional weather and many public sewers are designed to cope with storms likely to occur on average once or more in 30 years. Customers might legitimately expect a GSS payment if flooding occurred in such weather.

The GSS looks at standards from an individual customer perspective. Therefore, these guidelines on exceptional weather are described in terms that a customer can relate to rather than solely from a technical definition of weather.

Instances where this payment exemption may apply, include:

- where the sewer flooding has affected properties in a wider area;
- surrounding land and roads are extensively flooded, as well as properties or gardens;
- there is extensive flooding from rivers or watercourses; or
- flooding is caused by storms with a return period of more than 30 years.

Companies must be able to provide evidence to justify non-payment of a GSS payment. This could include:

- records of contacts from customers, employees or contractors on problems;
- video or photographic evidence;
- radar data and rain gauge information;
- rainfall data from the Met Office;
- flooding information or reports from the Environment Agency;
- emergency service reports;
- media reports; or
- warnings from police or highway agencies.

As part of their handling of an external sewer flooding case in exceptional weather conditions, companies should provide a clear explanation to the customer about why a GSS payment is not being made following the event.

If a company cannot demonstrate exceptional weather has occurred, then a payment should be made to the customer.

If asset failure (for example, blockages or pump failures) contributes to flooding, then rainfall data must be part of the evidence.