

July 2020

Consultation on changing the Water UK metrics in D-MeX

About this document

We introduced the developer services measure of experience (D-MeX) during the 2019 price review (PR19). D-MeX is a common performance commitment which applies to the 17 largest water companies in England and Wales. It is designed to incentivise companies to improve the service provided to developer services customers, including property developers, self-lay providers and new appointees (NAVs).

In the PR19 final determinations, we selected a number of Water UK metrics to be included in D-MeX to measure the service provided by water companies to their developer services customers. At that time we said we may incorporate revised or new metrics that are developed by Water UK during the 2020-25 period and noted this may include proposed metrics relating to NAVs and changes arising from the Code for Adoption Agreements.

This document is a consultation on changing D-MeX to reflect new metrics relating to the services provided to NAVs and the adoption of sewerage assets, providing an opportunity for stakeholders to comment on:

- which revised Water UK metrics should be included in D-MeX;
- when the changes should apply; and
- how we propose companies should report against these metrics in 2020-21.

Responding to this consultation

We welcome your views on the questions in our consultation that we have set out below by 24 August 2020. We will then consider the responses to our consultation and intend to publish our decision in September 2020.

When responding, please identify which question number(s) your comments are in response to. Please email your response to OfwatPandO@ofwat.gov.uk, with the subject 'Response to D-MeX consultation'. Due to the Covid-19 pandemic, we are currently unable to accept responses by post.

Q1: Do you agree with the NAV metrics that we propose to include in the quantitative component of D-MeX?

Q2: Do you agree with the NAV metrics that we propose to include in the qualitative component of D-MeX?

Q3: Do you agree with the sewerage adoption metrics that we propose to include in the quantitative component of D-MeX? Do you agree that the existing sewerage metric S7.1 should be removed where the new metric SAM3/1 applies? Should any other metrics also be removed?

Q4: Do you agree with the sewerage adoption metrics that we propose to include in the qualitative component of D-MeX? Do you agree that the existing sewerage metric S7.1 should be removed where the new metric SAM3/1 applies? Should any other metrics also be removed?

Q5: Do you have any comments on which draft self-lay water metrics should be included in the quantitative and qualitative components of D-MeX? Which existing metrics should be removed?

Q6: Do you agree with our proposal that the NAV metrics which we choose to include in D-MeX should apply from 1 April 2020, with survey fieldwork based on relevant transactions made from 1 October 2020, and the sewerage adoption metrics which we choose to include should apply from 1 October 2020?

Q7: Do you have any comments on our proposed approach to reporting?

We intend to publish responses to this consultation on our website at www.ofwat.gov.uk, unless you indicate that you would like your response to remain unpublished. Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with access to information legislation – primarily the General Data Protection Regulations, Data Protection Act 2018, Freedom of Information Act 2000 (FoIA), and Environmental Information Regulations 2004.

If you would like the information you have provided to be treated as confidential, please be aware that, under the FoIA, there is a statutory ‘Code of Practice’ with which public authorities must comply and which deals, among other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided to be confidential. If we receive a

request for disclosure of that information we will take full account of your explanation, but we cannot give an assurance that we can maintain confidentiality in all circumstances. An automatic confidentiality disclaimer generated by your IT system or a blanket request for confidentiality will not, in itself, be regarded as binding on Ofwat.

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1. Introduction

1.1 Background

We introduced the developer services measure of experience (D-MeX) during the 2019 price review (PR19). D-MeX is a common performance commitment which applies to the 17 largest water companies in England and Wales. It is designed to incentivise companies to improve the service provided to developer services customers, including property developers, self-lay providers and new appointees (NAVs).

As set out in the [PR19 final determinations](#), D-MeX has two components:

- a **qualitative component** – which includes a satisfaction survey of the company’s developer services customers; and
- a **quantitative component** – which measures the performance of the company across selected Water UK performance metrics.

We directly use a selection of Water UK metrics in the quantitative component, and indirectly use them in the qualitative component, as the data source for the surveys of developer services customers, carried out by a survey agent on our behalf.

For the quantitative component, to inform the PR19 final determinations we appointed Jacobs to recommend which Water UK metrics should be included in the quantitative component of D-MeX. We accepted [its recommendation](#) to include 20 metrics. For the qualitative component, we included all performance-based metrics except for acknowledgements. We set out which metrics apply for the quantitative and qualitative components from 1 April 2020 in the [C-MeX and D-MeX policy appendix](#) of the final determinations.¹

In the final determinations, we said we may incorporate revised or new metrics that are developed by Water UK during the 2020-25 period. We noted that this may include proposed new metrics relating to the services provided to NAVs and changes arising from the Code for Adoption Agreements.

¹ See annex 1 for the relevant metrics in the qualitative component and annex 2 for the relevant metrics in the quantitative component.

1.2 Overview of recent changes to the Water UK metrics

In February 2020, Water UK [published](#) 13 new metrics to measure companies' performance relating to services provided to NAVs ('NAV metrics'). These metrics were developed by the NAV market improvement project, made up of companies and NAVs, and companies have agreed to comply with and report against these metrics from 1 April 2020. We welcome the collaboration shown by industry in developing these metrics.

As part of work relating to the [Code for Adoption Agreements](#) for companies wholly or mainly in England ('English companies'), 10 metrics relating to the laying of sewerage infrastructure by developers or their agents (which we refer to in this document as 'sewerage adoption metrics') were adopted by Water UK and approved by Ofwat in October 2019. While English companies are expected to comply with these sewerage adoption metrics from 1 April 2020, they will not report against them until 1 October 2020.

We have also been working with companies and other stakeholders to finalise revised metrics relating to the adoption of self-laid water assets under the Code for Adoption Agreements for English companies (which we refer to in this document as 'self-lay water metrics'). The latest proposal by companies was submitted in June 2020 and we expect these revised self-lay water metrics to be finalised shortly.

Changes to Water UK metrics arising from the Code for Adoption Agreements for English companies do not apply to companies wholly or mainly in Wales ('Welsh companies'). To account for this, in the final determinations we said Welsh companies should instead report against the equivalent metrics that existed prior to the changes being made. We also said that, should new metrics be developed as a result of the introduction of a Code for Adoption Agreements for Welsh companies, we expect to include them in D-MeX.

1.3 Incorporating changes to the Water UK metrics in D-MeX

In the final determinations, we acknowledged that revised or new metrics may be developed by Water UK during the 2020-25 period and that, subject to certain considerations and stakeholder consultation, we may incorporate such changes to the Water UK metrics which form the basis of the quantitative and qualitative components of D-MeX.

We said that, in determining whether to make changes to D-MeX in light of these changes, our decision would be based on the principles that revisions are in

customers' interests, support consistent and fair comparisons between companies and align with our wider duties.

As with all changes to performance commitments in the 2020-25 period, we said we would consult proportionately with stakeholders in line with annex 2 of the ['Outcomes performance commitment appendix' for each company](#). It states that additional or different procedures for particular performance commitment may be specified in the relevant performance commitment template, which is the case for D-MeX as set out in each company's performance commitment appendix.

2. Review of the NAV metrics

In this section we set out our proposal for the NAV metrics which we consider should be included in the quantitative and qualitative components of D-MeX.

2.1 Quantitative component

During its review of the Water UK metrics which informed the PR19 final determinations, Jacobs also evaluated six draft NAV metrics provided by Water UK. Because these metrics were not finalised we did not include them in the quantitative component of D-MeX at the time. Once they were finalised in February 2020, we appointed Jacobs to assess the final versions of the NAV metrics using the same evaluation approach as applied for the final determinations.

We have published a copy of Jacobs' report ([‘Review of Water UK Service Levels for PR19 D-MeX Incentive: Review of NAV metrics’](#)) alongside this consultation which sets out its reasoning and final recommendation. Jacobs recommends seven of the 13 NAV metrics are included in the quantitative element of D-MeX.

We consider the metrics that Jacobs recommends are appropriate. They are broadly consistent with the existing metrics in D-MeX, represent the key stages of physical service delivery and maintain an overall balance that is proportionate to the level of NAV activity relative to other developer services work.

We consider these metrics are in line with the principles set out in the final determinations as follows:

- **Revisions in customers' interests:** including the NAV metrics in D-MeX provides an incentive on companies to provide improved levels of service to NAVs. This should support NAVs to compete for new housing developments, in turn leading to greater competition for some developments in the new connections market, which should provide benefits to developers and end customers. We consider the proposed metrics strike the right balance between different types of developer services customer, ensuring they are appropriately represented in D-MeX.
- **Consistent and fair comparisons between companies:** all companies have been reporting against these metrics since April 2020, and we consider that including these NAV metrics maintains consistent and fair comparisons between companies. While it could be argued those companies with an over or underrepresentation of NAV activity in their area could be disadvantaged, we

consider that, as with the existing metrics, this potential issue is sufficiently mitigated by the quantity of NAV metrics we propose to include relative to other metrics. Our approach will continue to focus on driving customer service improvements across all customer and work types, regardless of associated work volumes.

- **Alignment with our wider duties:** including the proposed NAV metrics will incentivise companies to properly carry out their functions and should facilitate more effective competition in the new connections market by supporting NAVs to provide competitive offerings. We also consider this is consistent with the strategic policy statements of the UK and Welsh Governments, which we must act in accordance with, in terms of incentivising companies to provide excellent service to customers, promoting housing growth and regulating in a way that supports sustainable development.

We set out the NAV metrics we propose to include in the quantitative component of D-MeX in appendix 1 of this document.

Q1: Do you agree with the NAV metrics that we propose to include in the quantitative component of D-MeX?

2.2 Qualitative component

For the qualitative component, in the final determinations we decided to include all performance-based metrics excluding acknowledgments, which we considered did not represent sufficiently stretching service delivery to customers.

Because the survey focuses on the quality of customer service provided to developer customers rather than just the physical service delivery, we considered it appropriate that it relates to a broader set of metrics than the quantitative component. We also noted that including this range of metrics helps to ensure a sufficient sample is provided for all customer types, supporting robust survey sample sizes.

We consider this rationale also applies to the NAV metrics and so propose to maintain this approach. We consider this will maximise the opportunity for NAVs to be interviewed, without over-representing this customer group due to our sampling approach in D-MeX which excludes customers that have recently been interviewed.

We consider these metrics are in line with the principles set out in the final determinations, with the same reasoning as applied to the quantitative component.

We set out the NAV metrics we propose to include in the qualitative component of D-MeX in appendix 2 of this document.

Q2: Do you agree with the NAV metrics that we propose to include in the qualitative component of D-MeX?

3. Review of asset adoption metrics

In this section we:

- set out our proposal for the sewerage adoption metrics we consider should be included in the quantitative and qualitative components of D-MeX for English companies; and
- invite views on which draft self-lay water metrics should be included in D-MeX for English companies.

Because these new metrics arise from the Code for Adoption Agreements for English companies, they will not apply to Welsh companies. We set out the implications for reporting in section 4.2.

3.1 Quantitative component

In October 2019, we approved sector guidance and a model adoption agreement for sewerage services which now form part of the Code for Adoption Agreements for English companies. These documents included level of service metrics developed by Water UK in consultation with developers and their representatives.²

Given the extensive industry work to develop these new metrics, we consider this consultation is a proportionate and effective approach to seek views from stakeholders on which of these metrics should be included in D-MeX.

We assess which metrics to include in the quantitative component of D-MeX with regard to Jacobs' original review and base our proposal on those metrics that we consider reflect the key stages of service delivery by companies in the sewerage adoption process, noting their relatively minor role compared to other developer services activities. We also consider the overall balance between the sewerage adoption metrics and other existing metrics.

Based on our assessment, we propose to include two sewerage adoption metrics in D-MeX. We include those activities which reflect key stages of service delivery by companies and exclude metrics that measure less stretching activities such as acknowledgements and technical vetting. We also ensure there is consistency with existing metrics in D-MeX by excluding those sewerage adoption metrics where we have excluded their equivalents for other customer groups. We also have regard to

² See [Appendix F](#) of '[Sewerage sector guidance – approved documents](#)' on Water UK's website.

the overall balance of metrics in D-MeX, and we consider the two metrics we proposed to include are an appropriate representation of the volume and importance of work undertaken by companies relative to other developer services.

By proposing to include the new metric SAM3/1 (which measures the issuing of a draft adoption agreement) in the quantitative component of D-MeX, this could lead to double counting of the same activity as measured by an existing sewerage metric (S7.1). Should we decide to include SAM3/1 in the quantitative component of D-MeX, we therefore propose that S7.1 no longer applies for the relevant companies.

We consider these metrics are in line with the principles set out in the final determinations as follows:

- **Revisions in customers' interests:** including the new sewerage metrics in D-MeX provides an incentive for companies to provide a good level of service to developers or their agents who lay sewerage assets. At present, there are relatively few sewerage metrics overall in D-MeX and without sufficient incentive on companies to respond in a timely manner, the adoption of sewerage assets could be delayed which would not be in customers' interests. Including the new sewerage adoption metrics should lead to improved stretch and higher levels of service to developers and customers.
- **Consistent and fair comparisons between companies:** all English water and sewerage companies (but not 'water only' companies) will report against these metrics from October 2020. In general, the level of sewerage adoption activity is consistent across companies, but even so we consider the potential issue of over or underrepresentation of this activity for companies with no or low sewerage asset adoption in their area is sufficiently mitigated by the quantity of metrics we propose to include relative to other metrics. In line with our final determinations, we consider it appropriate that English companies will be assessed against those levels of service underpinned by the Code for Adoption Agreements that applies to them while Welsh companies will be assessed against the existing metrics that apply to them, until a relevant code is developed in line with legislation and the strategic priorities and objectives of the Welsh Government.
- **Alignment with our wider duties:** including the proposed metrics will incentivise companies to properly carry out their functions and should facilitate more effective competition in the new connections market. Successful adoption of sewerage assets depends on companies providing non-contestable services to developers or their agents. We also consider this is consistent with the strategic policy statements of the UK and Welsh Governments, which we must act in accordance with, in terms of incentivising companies to provide excellent service to customers, promoting housing growth and regulating in a way that supports sustainable development.

We set out the sewerage adoption metrics we propose to include in the quantitative component of D-MeX in appendix 3 of this document.

Q3: Do you agree with the sewerage adoption metrics that we propose to include in the quantitative component of D-MeX? Do you agree that the existing sewerage metric S7.1 should be removed where the new metric SAM3/1 applies? Should any other metrics also be removed?

3.2 Qualitative component

As we explain in section 2.2, we consider the same rationale applies to the sewerage adoption metrics and so propose to follow the same approach which includes all performance-based metrics except for acknowledgements. We consider the proposed metrics are in line with the principles set out in the final determinations, with the same reasoning as applied to the quantitative component.

As set out for the quantitative component, we also propose to remove the existing sewerage metric S7.1 from the qualitative component of D-MeX where the new metric SAM3/1 applies for the relevant companies.

We set out the sewerage adoption metrics we propose to include in the quantitative component of D-MeX in appendix 4 of this document.

Q4: Do you agree with the sewerage adoption metrics that we propose to include in the qualitative component of D-MeX? Do you agree that the existing sewerage metric S7.1 should be removed where the new metric SAM3/1 applies? Should any other metrics also be removed?

3.3 Self-lay water metrics

Currently, there are seven metrics in the quantitative component (and ten in the qualitative component) of D-MeX relating to the services provided by companies to self-lay providers of water services.

We have been working with companies and other stakeholders to finalise revised self-lay water metrics under the Code for Adoption Agreements for English

companies since January 2019. The most recent submission by companies is on Water UK's website, which includes draft copies of the new self-lay water metrics.³

Once the final guidance and related metrics are approved, which include changes to existing self-lay water metrics, we will separately consider which metrics should be included in the quantitative and qualitative components of D-MeX. However, at this stage we welcome initial views from stakeholders on which draft self-lay water metrics should be included in D-MeX, as well as which existing metrics should be removed.

Q5: Do you have any comments on which draft self-lay water metrics should be included in the quantitative and qualitative components of D-MeX? Which existing metrics should be removed?

³ See '[Water asset adoption guidance](#)' on Water UK's website which will shortly show the June 2020 submission. For the May 2020 submission, see [Appendix G](#) of '[Water companies' recommendations to Ofwat 20 May 2020](#)'.

4. Implementation and reporting

4.1 Implementation dates

In the final determinations, we said changes to performance commitments should as a default apply from the beginning of the next reporting year (so for changes made during 2020, from 1 April 2021) but recognised there may be circumstances where they could apply earlier.

We consider it appropriate for these changes to apply earlier than 1 April 2021. This is because companies have already been reporting on the NAV metrics since 1 April 2020, and English companies will be reporting against the sewerage adoption metrics from 1 October 2020. We are concerned that delaying until April 2021 would lead to these key customer groups being unrepresented in D-MeX in both the quantitative component and ongoing survey fieldwork, which could lead to them receiving poor service relative to other customer groups.

We therefore propose that the selected NAV metrics apply from 1 April 2020, with survey fieldwork to be based on relevant transactions made from 1 October 2020 (see section 4.2) and the selected sewerage adoption metrics to apply from 1 October 2020.

We do not consider this will excessively increase administrative burdens on companies given they have or will report against these metrics to Water UK.

Q6: Do you agree with our proposal that the NAV metrics which we choose to include in D-MeX should apply from 1 April 2020, with survey fieldwork based on relevant transactions made from 1 October 2020, and the sewerage adoption metrics which we choose to include should apply from 1 October 2020?

4.2 Reporting

Quantitative component

As with all performance commitments, companies will report their performance in the quantitative component of D-MeX in their annual performance reports following the calculation methodology set out in the PR19 final determinations.

With an implementation date of 1 October 2020 for some metrics, we need to slightly revise the calculation approach set out in the final determinations. Companies should separately calculate their performance using those metrics that apply in the first six months of the reporting year (i.e. 1 April 2020 to 30 September 2020) and the last six months of the reporting year (i.e. 1 October 2020 to 31 March 2021).

To calculate an annual score for the quantitative component, companies should report an average of these two half-yearly scores.

Qualitative component

As set out in the [D-MeX guidance for the 2020-25 period](#), the submission deadline for companies to provide our survey agent with relevant customer contacts will move to the 10th of the following month starting with October 2020. This means companies should submit their data for contacts in October by 10 November 2020.

As with the existing metrics, companies should provide our survey agent with a list of relevant transactions completed in the previous month and should ensure that it includes all metrics that apply from 1 October 2020. For the avoidance of doubt, based on the proposals in this consultation, this will include the NAV metrics and new sewerage metrics. Our survey agent will continue to randomly sample from the data provided and its approach to calculating each company's qualitative score will not change.

Impact on Welsh companies

As set out in section 1.2, the new sewerage adoption metrics do not apply to Welsh companies. As a result, based on the proposals in this consultation, we expect Welsh companies to report against the proposed NAV metrics but to continue to report against the existing sewerage metrics in D-MeX.

To maintain appropriate comparability with other companies, we consider Welsh companies should still separately calculate their performance in the first and last six months of the reporting year but only using the metrics that apply to them.

Q7: Do you have any comments on our proposed approach to reporting?

Appendix 1: Proposed NAV metrics (quantitative component)

Proposed to include from 1 April 2020:

Metri c	Description	Proposed to include?
WN1.1	% of confirmations issued to the applicant within target period	Yes
WN2.1	% of written acknowledgements of a bulk water supply application issued within target period	No
WN2.2	% Bulk supply offer letters issued to the applicant within target period	Yes
WN3.1	% Bulk water supply agreement signed and issued to the applicant within target period	No
WN3.2	% of written acknowledgements of receipt issued within target period	No
WN4.1	% of main laying schemes constructed and commissioned within the target period	Yes
WN4.2	% of testing supplies provided within target period	Yes
WN4.3	% of permanent supplies made available within the target period	Yes
SN2.1	% of written acknowledgements of a bulk discharge application issued within target period	No
SN2.2	% Bulk discharge offer letters issued to the applicant within target period	Yes
SN3.1	% Bulk discharge agreement signed and issued to the applicant within target period	No
SN3.2	% of written acknowledgements of receipt issued within target period	No
SN4.1	% of main laying schemes constructed and commissioned within the target period	Yes

Appendix 2: Proposed NAV metrics (qualitative component)

Proposed to include from 1 April 2020:

Metri c	Description	Proposed to include?
WN1.1	% of confirmations issued to the applicant within target period	Yes
WN2.1	% of written acknowledgements of a bulk water supply application issued within target period	No
WN2.2	% Bulk supply offer letters issued to the applicant within target period	Yes
WN3.1	% Bulk water supply agreement signed and issued to the applicant within target period	Yes
WN3.2	% of written acknowledgements of receipt issued within target period	No
WN4.1	% of main laying schemes constructed and commissioned within the target period	Yes
WN4.2	% of testing supplies provided within target period	Yes
WN4.3	% of permanent supplies made available within the target period	Yes
SN2.1	% of written acknowledgements of a bulk discharge application issued within target period	No
SN2.2	% Bulk discharge offer letters issued to the applicant within target period	Yes
SN3.1	% Bulk discharge agreement signed and issued to the applicant within target period	Yes
SN3.2	% of written acknowledgements of receipt issued within target period	No
SN4.1	% of main laying schemes constructed and commissioned within the target period	Yes

Appendix 3: Proposed sewerage adoption metrics (quantitative component)

Proposed to include from 1 October 2020:

Metric	Description	Proposed to include?
SAM 1/1	Acknowledgement of receipt and application completeness	No
SAM 1/2	Review pre-design application	No
SAM 2/1	Acknowledgement of receipt and application completeness	No
SAM 2/2	Review Design Step 1: Full design review and response	No
SAM 2/3	Review Design Step 2: Design acceptance	No
SAM 3/1	Update draft agreement	Yes
SAM 4/1	Inspections & construction period	Yes
SAM 5/1	Request for pre maintenance inspections	No
SAM 5/2	Issue pre maintenance certificate/provisional certificate	No
SAM 6/2	Issue vesting certificate	No

Proposed to remove from 1 October 2020:

Metric	Description	Proposed to remove?
S7.1	Adoption legal agreement – draft agreements issued within target	Yes

Appendix 4: Proposed self-lay sewerage metrics (qualitative component)

Proposed to include from 1 October 2020:

Metric	Description	Proposed to include?
SAM 1/1	Acknowledgement of receipt and application completeness	No
SAM 1/2	Review pre-design application	Yes
SAM 2/1	Acknowledgement of receipt and application completeness	No
SAM 2/2	Review Design Step 1: Full design review and response	Yes
SAM 2/3	Review Design Step 2: Design acceptance	Yes
SAM 3/1	Update draft agreement	Yes
SAM 4/1	Inspections & construction period	Yes
SAM 5/1	Request for pre maintenance inspections	Yes
SAM 5/2	Issue pre maintenance certificate/provisional certificate	Yes
SAM 6/2	Issue vesting certificate	Yes

Proposed to remove from 1 October 2020:

Metric	Description	Proposed to remove?
S7.1	Adoption legal agreement – draft agreements issued within target	Yes

Ofwat (The Water Services Regulation Authority)
is a non-ministerial government department.
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