

# Consumer Complaint Determination

2024/12

03 May 2024

Water supply and  
complaints process  
complaint

## Basis of complaint

A consumer contacted DWQR on the 30 September 2023. The consumer explained that they had been complaining to Scottish Water for a year about the quality and pressure of the water supply to their property. Their complaint is based on a concern of the harm to health from consuming the water which is untreated and visibly discoloured as well as the stress and significant financial impact this had had on them and their family. They have incurred significant costs on installing a private filtration system, replacing pipes, and investigating solutions. The following specific concerns were raised relating to the quality of the water supplied:

- Water samples taken by the council and analysed at Scottish Water laboratories were found to contain *E.coli* and colour above the prescribed concentration value (PCV)
- Potential for harm to health to them and their family
- The time taken for Scottish Water to come to a conclusion on their complaint

My colleague advised the consumer that they must first make a formal complaint to Scottish Water which they did at the beginning of October 2023. They contacted DWQR on the 12 March 2024 to make us aware that they had yet to receive a response from Scottish Water and DWQR got in touch with Scottish Water Regulation team to ask for an update. DWQR was advised that the complaint was ongoing and that we would be informed when the final response was given, however we pressed for a firm expected deadline and for the consumer to be contacted to provide her with an update on progress.

DWQR began the investigation process on the 03 May 2024 and received all the available information on the case on 10 May 2024, the same day that the consumer received their final response from Scottish Water. On this occasion it was felt necessary to initiate the investigation once it was clear that a final response had not been given on the date stated in the email to DWQR of 23 April 2024.

## **Context of complaint**

### **1. Status of supply**

Scottish Water stated that presently, the consumer and *'other nearby properties are supplied with a raw water supply from the main aqueduct which carries large volumes of raw water to the water treatment works. The provision of water at this location is a part of an historical agreement with landowners when the water mains and aqueduct were constructed'*. Scottish Water has explained to the consumer that all pipework from the Scottish Water meter, which supplies properties in this area is private pipework.

The DWQR is aware of these type of supplies across Scotland and has asked the Scottish Government to seek clarification from lawyers on two occasions. On both occasions it was deemed that, as they were provided by Scottish Water, they could only be considered as public water supplies and must meet the requirements of the 2017 regulations. This was communicated to Scottish Water on 08 November 2017 and reiterated earlier this year.

## 2. Water quality

Stirling Council took a sample on the 01 November 2022. This confirmed there to be 2 MPN *E.coli* per 100ml, a colour of 21mg/l Pt/Co (PCV <20□g/l Pt/Co). All other parameters were satisfactorily below prescribed concentration values (PCV).

Scottish Water took a sample from the kitchen tap (post-filtration) on 11 July 2023 which found there to be <1.1µg/l lead from first draw and flushed samples.

## 3. Water pressure

The consumer reported to Scottish Water numerous times when they had no water and reported that the incoming water was brown, contained *E.coli* and was acidic.

They also found the water supply was too low in pressure for them to install a combi boiler and too low for the water filtration kit (installed by the consumer) to operate. At times, the consumer has not had any water pressure.

DWQR can only report on matters relating to water quality, so this matter is out-with the remit of the DWQR and does not form part of our determination.

### **DWQR Assessment of complaint and the actions taken**

DWQR is not satisfied that the quality of the water supplied to the consumer has yet been sufficiently tested and examined to understand whether the water is safe and wholesome. Under regulation 17(1), Scottish Water must immediately investigate (and take action) where it has reason to believe that water supplied for human consumption has failed or is likely to fail to meet the requirement of regulation 4(2) or the PCV.

The consumer is concerned that the quality of the water, which they report as visually brown

and unpleasant, is a risk to their family's health. They contacted Scottish Water on the 10 February 2023 to seek specialist advice on why they were getting a turquoise residue on her sinks, baths and toilets and why there was a crust on their water fittings. They were advised by the Scottish Water staff member that it could be related to the pH of the water but the pH from the test taken showed the pH to be 7.4.

An inspector attended the property on the 8 March 2023 and confirmed that discolouration and particles were present with the level of discolouration described vaguely as 'raw water'. No samples were taken and the comment '*will escalate this to someone who can give him a scientific run down of what he is experiencing as this is out with our range of knowledge*' was made on the Field Response Debrief sheet. It is disappointing that no further investigation appears to have been carried out on this case.

The consumer has not been kept sufficiently updated on their complaint during its lengthy process. Having, myself requested the complaints handling process, Scottish Water reports that it did comply with its internal target to respond to the initial formal complaint within 5 days, however, there does not appear to be any other target in place for dealing with complaints following initial acknowledgement.

A project has now been raised to look at these supplies across Scotland and the treatment that may be needed to ensure they comply with the legislation. Scottish Water has stated that the project will '*improve water quality supplied from raw water infrastructure to ensure compliance with the water quality regulations where not supplied under a commercial raw water agreement.*'

**DWQR does uphold the complaint**, as DWQR considers this to be a public water supply and Scottish Water is not currently meeting the requirements of the public water supplies regulations. The support and information supplied to the consumer has also fallen short of DWQR's expectations.

## Recommendations

DWQR recommends that Scottish Water:

1. Immediately undertakes regular risk assessment and sampling from this supply to determine whether it is wholesome and investigate the cause of any failures.
2. Agree with the DWQR and provide the consumer with an expected timescale for full adoption of their supply to public water supply standards once the extent of the works required is known.
3. Mitigate any water quality risks to the consumer and their family in the meantime.
4. Provide DWQR with updates once every two months on the progress of recommendations 1-3.
5. Set clear target deadlines where possible within the service review process for reaching a final response and make this process clear to all consumers making complaints, ensuring that regular updates on progress are provided.