

SPSO decision report

Case: 201104122, Scottish Water
Sector: scottish government and devolved administration
Subject: sewer flooding - internal
Outcome: upheld, recommendations

Summary

Mr C's property was flooded with sewage during heavy rain when a pipe was blocked by inappropriate items that had been flushed into it. His insurance company covered the costs of the damage to his property and Scottish Water reimbursed his insurance excess. Mr C assumed that was the end of the matter. However, when he renewed his household insurance, Mr C's insurers informed him that Scottish Water had denied responsibility and the claim had been held against him. He said that this resulted in the loss of his no claims discount and in his insurance premiums increasing.

We cannot establish legal liability, nor can we award compensation. Only a court can look at legal liability between individuals and organisations. However, we can consider complaints about the handling of an insurance claim if we find it was not handled properly. We might make recommendations to put things right if we find that the claim could have been handled better or a more detailed explanation should have been offered.

We upheld Mr C's complaints. Scottish Water had failed to take into account the fact that Mr C's neighbour had told them about potential flooding the day before Mr C's property was flooded. When they referred the insurance claim to their claims handlers, Scottish Water did not tell them about the call from Mr C's neighbour. Although the claims handlers said that this information would not have changed their decision, we considered that Scottish Water should have made them aware of this so that they could make a fully informed decision.

Under their Guaranteed Service Standard scheme, on occasions Scottish Water will make a payment to customers who are flooded internally from a sewer. In Mr C's case, Scottish Water told us that they had not made a payment, because the flooding was external to his property. We told them that Mr C's garage had been flooded and it formed part of an extension to his house. In view of this, Scottish Water issued a Guaranteed Service Standard payment to him.

Mr C also complained that it was three weeks before Scottish Water cleaned the area after the flooding. Although we found that Scottish Water's contractors cleaned up the area five days after the sewage flood, it was clear from the evidence that Mr C and his wife (Mrs C) did not consider that this was done satisfactorily. In their response to us, Scottish Water said that they were unaware of any dissatisfaction with the initial clean-up until they were contacted nearly four weeks later. However, we found evidence that on the day that the initial clean-up was done Mrs C asked for the area to be cleaned again. No action was taken on this until Mr and Mrs C again reported their dissatisfaction nearly three weeks later. We found this delay unacceptable.

Recommendations

We recommended that Scottish Water:

- issue a written apology to Mr C for failing to initially inform their claims handlers of the call his neighbour made to them the day before his property was flooded;
- issue a written apology to Mr C for the delay in carrying out a satisfactory clean-up after the sewage flood;

and

- review this case in order to identify how they can prevent similar delays from occurring.