

## Annex C

### Redress proposal for Sewerage Adoption Sector Guidance

- 1 Where the Sewerage Company fails to comply with a Relevant Metric, without prejudice to any liability on part of the Sewerage Company under an Adoption Agreement, the consequences shall be as follows.
- 2 Where the failure arises in relation to a Category One metric, the company shall within thirty working days of the failure arising and without any requirement on the part of the Customer to notify the company of the failure, send to the customer a refund for the fee in question.
- 3 Where the failure arises in relation to a Category Two metric, without any requirement on the part of the Customer to notify the Sewerage Company of the failure, the following procedure shall apply:-
  - Within one working day of the failure, the Sewerage Company shall email the Customer with such information as shall reasonably be available to it regarding the nature and cause of the failure with relevant supporting evidence, and an indication of the proposed remedial action;
  - That email shall also contain a new date for the performance of the service in question;
  - The Customer may either confirm acceptance of this information or request escalation to the Compliance Manager;
  - Where the Customer requests such escalation, the Compliance Manager shall within five working days of receipt of such notification, report in writing on the causes of the failure and on how the failure can be corrected, if this has not already occurred and whether there any lessons for either party arising out of the failure which might prevent a recurrence of similar failures.
- 4 Where in any case referred to in this clause, the Customer considers that it has suffered direct financial loss as a result of the failure, it may make a complaint to the Sewerage Company in question and the Sewerage Companies shall all ensure that their complaints processes are able to handle complaints of this nature and able to make ex gratia payments where Customers are able to demonstrate such financial loss.
- 5 The above provisions represent a minimum level of redress and where individual companies consider it appropriate, they may adopt other forms of redress in addition to those set out.
- 6 Repeated failure may raise questions about the compliance of the company with its competition law obligations and may result in legal/regulatory consequences.

#### Definition

Compliance Manager shall mean a person nominated by a Sewerage Company for the purposes of this element of the Sector Guidance, whose name and email address shall be published by the Sewerage Company and who shall be at the level of Regulation Director or other equivalent within the company hierarchy.