

Case: 201103863, Scottish Water
Sector: Scottish Government and devolved administration
Subject: sewer flooding - external
Outcome: not upheld, action taken by body to remedy, no recommendations

Summary

Mrs C complained that Scottish Water were doing nothing to resolve the flooding she had experienced several times. She explained that after heavy rainfall, her garden was flooded. The water was sometimes higher than the top step at her front door, although the water did not enter the house because Scottish Water had given her sandbags and a door guard. She said the flooding prevented her from getting out and had ruined her garden. She also said that Scottish Water had refused to compensate her for the damage.

Our investigation revealed that Scottish Water acknowledged that there was a flooding problem in Mrs C's neighbourhood and had been actively and continuously trying to resolve it. For various reasons, they had been unable to find a solution but now planned to appoint engineers to see what could be done. They had kept in contact with Mrs C, usually by telephone, and, after a few months, had sent a detailed letter to local residents to update them on what was happening. They also told Mrs C that as they had not been negligent they would not pay compensation.

We explained to Mrs C that flooding could be a very difficult problem to resolve. For example, there may be more than one cause, and other organisations, such as the local authority, could share responsibility in the matter. Flooding is not always the fault of Scottish Water sewers and Scottish Water could not always get funding to resolve major flooding problems. We explained to her that Scottish Water's funding was part of a complex process, in line with government requirements. Scottish Water could not simply decide to spend extra money or increase customers' water charges to give themselves extra money. We also explained that it was not Scottish Water's responsibility to deal with all rainwater. Some rainwater was the responsibility of the local authority, who had separate sewers of their own.

In respect of Scottish Water's action to try to resolve Mrs C's problem, we considered that they had actively been trying, and were continuing to try, to resolve the situation and that there was no evidence that their handling of it was unacceptable. In respect of the compensation claim, our role in such complaints is, broadly speaking, limited to considering whether Scottish Water followed their procedures in reaching their decision. It is not for us to decide whether compensation should be paid or, if so, how much. We found no evidence that Scottish Water had done anything wrong when deciding not to pay compensation.