



# Best Practice Framework

## Proposals: Code of Practice for Consumers in Vulnerable Circumstances

UR Consultation  
22 June 2023



## About the Utility Regulator

The Utility Regulator is the independent non-ministerial government department responsible for regulating Northern Ireland's electricity, gas, water and sewerage industries, to promote the short and long-term interests of consumers.

We are not a policy-making department of government, but we make sure that the energy and water utility industries in Northern Ireland are regulated and developed within ministerial policy as set out in our statutory duties.

We are governed by a Board of Directors and are accountable to the Northern Ireland Assembly through financial and annual reporting obligations.

We are based at Queens House in the centre of Belfast. The Chief Executive leads a management team of directors representing each of the key functional areas in the organisation: Corporate Affairs, Markets and Networks. The staff team includes economists, engineers, accountants, utility specialists, legal advisors and administration professionals.



### Our mission

To protect the short- and long-term interests of consumers of electricity, gas and water.



### Our vision

To ensure value and sustainability in energy and water.



### Our values

- Be a best practice regulator: transparent, consistent, proportionate, accountable and targeted.
- Be professional – listening, explaining and acting with integrity.
- Be a collaborative, co-operative and learning team.
- Be motivated and empowered to make a difference.



## Abstract

The Best Practice Framework (BPF) programme is being delivered as part of the UR's Consumer Protection Programme to ensure positive outcomes for all domestic consumers in Northern Ireland (NI). The main delivery mechanism for this programme is a new mandatory Code of Practice (CoP) for Consumers in Vulnerable Circumstances which will apply to utility suppliers and Distribution Network Operators in the three regulated sectors in NI. This paper follows a consultation on the proposed approach to the BPF programme, in which respondents provided feedback on the proposed delivery, principles and measures to be included in the new CoP. This paper outlines the feedback from the previous consultation, our responses to the comments received and our subsequent proposed decisions. In addition, this consultation introduces a proposal on new industry level customer care registers, the formation of industry working groups to comply with the CoP and our proposals on the implementation and monitoring of the new requirements. The aim of this document is to seek stakeholders' views on the proposed decisions by 31 August 2023 at 17:00, through responding to any or all of the series of questions set out through the paper and provided in Appendix 1.

## Audience

This document is most likely to be of interest to regulated companies in the energy and water industries, consumer organisations and representatives, community and voluntary organisations, natural gas, electricity and water consumers, government, and other statutory bodies.

## Consumer impact

The objective of this new CoP for Consumers in Vulnerable Circumstances is to address the current gaps in the service provision for utility consumers in vulnerable circumstances within NI and ensure they are identified, adequately protected, and receive an appropriate level of support from the three regulated sectors. The new CoP will also ensure that the support and protections offered to NI consumers are consistent, adequately promoted, and reflective of best practice exemplars seen in Great Britain (GB) and across other jurisdictions and regulated sectors.



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## Executive Summary

The overall aim of the Best Practice Framework (BPF) programme is to establish best practice principles and measures which utility Suppliers and distribution network companies (DNO's) in Northern Ireland (NI) across electricity, gas and water must implement to better identify, support and protect consumers in vulnerable circumstances.

The main delivery mechanism for this programme is via a new mandatory Code of Practice (CoP) for Consumers in Vulnerable Circumstances. Through development of this CoP, we aim to address the gaps and inconsistencies in the regulatory frameworks between DNOs and Suppliers and across regulated sectors, in regard to the support and protections for consumers in vulnerable circumstances. The new CoP will also ensure that the support and protections offered to NI consumers are consistent, adequately promoted, and reflective of best practice exemplars seen in Great Britain (GB) and across other jurisdictions and regulated sectors.

This paper follows on from a consultation on our proposed approach to the delivery, content, monitoring and reporting for the BPF programme (the 'Approach' paper). Within the consultation we set out our proposals for the new CoP which included a combination of ten high level principles supported and underpinned with 'required measures'.

This paper summarises the stakeholder feedback from the 'Approach' paper, sets out our responses to the comments received and our subsequent proposed decisions. In addition, this consultation introduces a proposal on new industry level customer care registers, the formation of industry working groups to comply with the CoP and our proposals on the implementation and monitoring of the new requirements. We invite comment on these proposed decisions by 31 August 2023 at 17:00, through responding to any or all of the series of questions set out through the paper and provided in Appendix 1.

The key proposed decision areas include the following:

### **Definition of vulnerability**

The paper sets out our proposed decision to implement a new wider definition of vulnerability which recognises that any consumer could be considered vulnerable given a particular set of circumstances, and that vulnerability is not necessarily a permanent characteristic, but rather a fluid state.

***'A consumer is deemed vulnerable when their personal characteristics or circumstances reduce their ability to engage effectively and achieve fair outcomes. A vulnerable consumer is significantly less able to protect or***



***represent their interests and significantly more likely to suffer detrimental impacts on their health, wellbeing or finances.'***

We propose to implement this new definition through a licence modification for DNOs and Suppliers which will require Licensees to apply this definition to all vulnerability requirements throughout.

### **Mandatory code of practice**

We set out our proposed decision to make the CoP for consumers in vulnerable circumstances mandatory for DNOs and Suppliers. We intend to produce a single CoP of high level principles that will be applicable across all regulated sectors. There will also be a number of complementary required measures that, due to the risk of consumer harm in not delivering, we deem necessary to prescribe to ensure fair consumer outcomes are delivered across NI Utilities. As there are sectoral differences in the operation and conduct of different utility licence holders, we have identified that some of the required measures in the CoP will not be applicable to certain licence holders and will therefore state clearly which are applicable to each licensee (with separate sections for each industry).

### **Industry working groups**

To deliver the proposals set out in this paper industry working groups will have to be established by the DNOs and Suppliers. We expect there to be three industry working groups (electricity, gas and water) tasked with the delivery of the following outcomes:

1. Develop industry procedures for compliance with the requirements in the CoP.
2. Develop and implement the industry level customer care registers.
3. Maintain the industry level customer care registers (including processes for the inputting and sharing of data via a data sharing methodology across and within the industry groups).

### **CoP High level principles**

Based on our review of the stakeholder feedback, we are proposing to maintain the same ten high level principles that we outlined in the 'Approach' paper. These ten principles will be applicable to all DNOs and Suppliers to ensure consistent levels of consumer protection are provided across the whole Northern Ireland utility sector.





**Principle 1:** Utility Suppliers and DNOs will proactively establish and promote a corporate culture that focuses and fosters their efforts to identify and support consumers in vulnerable circumstances.

**Principle 2:** Consumers in vulnerable circumstances will experience tailored support and positive outcomes when interacting with utility Suppliers and DNOs.

**Principle 3:** Consumers in vulnerable circumstances will feel able to disclose information in relation to their support needs and understand that this disclosure will enable them to have their needs addressed appropriately.

**Principle 4:** Consumers in vulnerable circumstances will have their needs recorded in the most appropriate way, enabling access to the most relevant support.

**Principle 5:** Consumers in vulnerable circumstances will receive support in relation to security of their utility supply, accessibility and personal safety requirements.

**Principle 6:** Consumers in vulnerable circumstances will receive relevant, timely and accessible information on the support available.

**Principle 7:** Consumers in vulnerable circumstances as a result of affordability difficulties, will be provided with targeted support by their utility Supplier.

**Principle 8:** Consumers in vulnerable circumstances will experience consistency and improved ease of access to the support provided by utility Suppliers and DNOs through the cross-industry sharing of relevant data.

**Principle 9:** Utility Suppliers and DNOs will monitor and report on how they are meeting their obligations in relation to the protection of consumers in vulnerable circumstances.

**Principle 10:** Consumers will have easy access to relevant information on how well utility Suppliers and DNOs are supporting consumers in vulnerable circumstances.

## CoP Required Measures

This paper also summarises the stakeholder feedback from the 'Approach' paper for each of the required measures. It sets out our response to the comments received and our subsequent proposed decisions. This included some amendments to the original required measures, some changes in drafting for additional clarity, a number of new required measures and some deletions. We also specify which Licensees each required measure is applicable to.

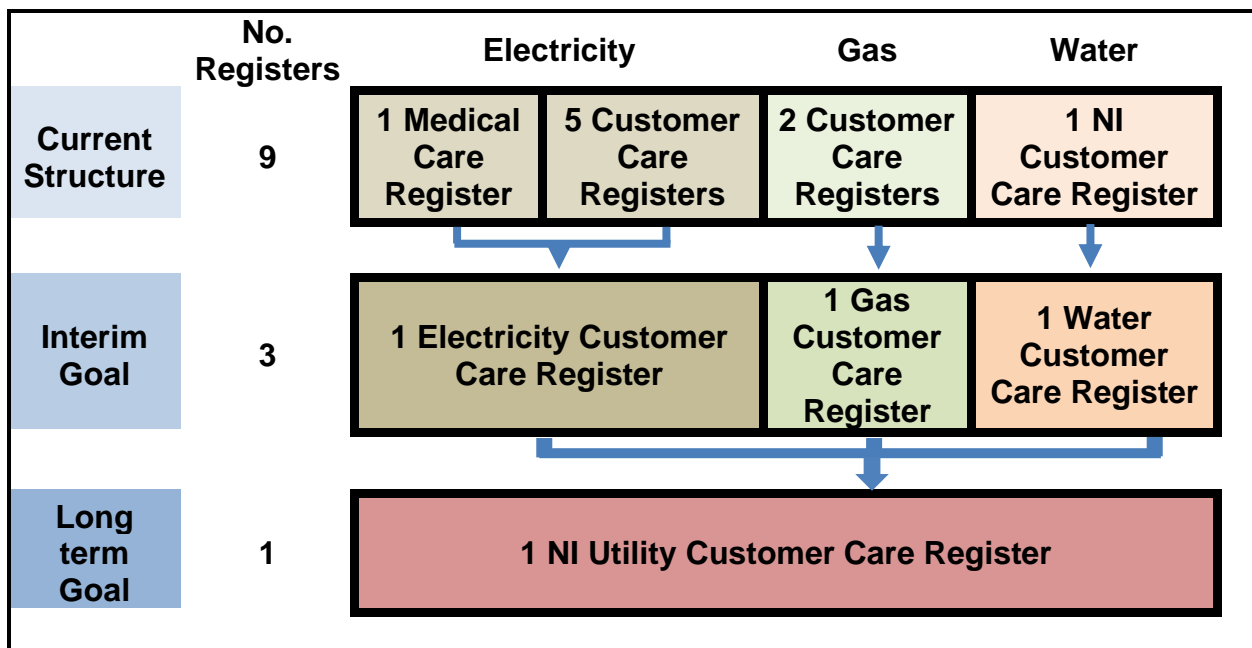
We believe that the ten high level principles and the required measures will ensure that NI utility companies will provide appropriate protections to support any



consumer in vulnerable circumstances. The required measures can be found in Appendix 2.

### Customer care registers

Within the paper we put forward revised proposals in relation to a new customer care register structure. We are proposing to reduce the number of customer care registers in the NI utility sector down from nine<sup>1</sup> (as it currently is) to three. These would be industry specific customer care registers (one for each industry of electricity, gas, and water), which will be managed by one company (the Register Holder). We also propose that the registers will be two-tiered. The top tier will be for medical care, for consumers who rely on utilities for healthcare needs, and these consumers will automatically be eligible to receive all the additional protections. The second tier of the register will be needs-based and be applicable to consumers who are covered under the vulnerable definition. Consumers eligible for this tier will register for and receive only the additional services that they require relevant to their specific need(s).



### Proposed Licence Conditions

In this paper we describe how we seek to implement our proposals. These will be enacted through the statutory licence modification process and we are proposing that a new licence condition would be added to, and an existing condition amended, in all distribution and supply licences across gas and electricity (including in NI Water’s licence). The proposed licence conditions are set out in this paper, and the

<sup>1</sup> Six registers for electricity (five under each domestic Supplier and one by the electricity DNO, NIEN who hold the Medical Care Register); two registers for gas (held by the two domestic Suppliers and one register for water held by the water DNO (NI Water)).



new licence condition 'Code of Practice for Consumers in Vulnerable Circumstances' will require Licensees to comply with the obligations applicable to it under the new CoP. In addition, and to implement the new definition of vulnerability, we propose a modification to insert the new definition which will apply to all applicable licence conditions, schedules and codes pursuant to the respective licences.

### **Monitoring and Compliance**

As a result of the CoP for consumers in vulnerable circumstances being a mandatory licence requirement on all Suppliers and DNOs, any breach of the CoP will be considered a breach of the respective licence. To ensure effective and efficient licence compliance monitoring, we propose a number of potential options, which we seek feedback on. The monitoring submissions could be reported retrospectively or via forward looking compliance plans. They could be voluntary or implemented through a licence requirement, or within the current REMM framework.

### **Timelines for Implementation and Next Steps**

We propose to implement the proposals set out in this paper via new licence provisions enacted through the statutory licence modification process. Licensees will have a period of six months to implement the new requirements to be compliant with the new CoP, following publication of the decision paper. When the licence condition is implemented, the licence holders will be expected to be compliant immediately.

As required in the proposed licence condition, Licensees will need to develop the industry procedures to comply with the obligations of the CoP for consumers in vulnerable circumstances. We therefore expect Licensees to begin planning the implementation of the CoP to ensure that they will be in the position to meet all of the CoP requirements by the implementation date. For example, we advise that the formation of the industry working groups can begin before the publication of the final decision paper so that this process can be expedited and terms of reference can be agreed with participants (to be ready to begin discussions once the final decisions have been published).

We also want to ensure that the CoP, once implemented, continues to deliver best practice for consumers in vulnerable circumstances. We will therefore continue to monitor and review its effectiveness in delivering fair and appropriate protections to customers in vulnerable circumstances.



## Glossary

<b>AIR</b>	Annual Information Return
<b>BPF</b>	Best Practice Framework
<b>BSI</b>	British Standards Institution
<b>CCNI</b>	Consumer Council for NI
<b>CoP</b>	Code of Practice
<b>CPAG</b>	Consumer Protection Advisory Group
<b>CPP</b>	Consumer Protection Programme
<b>CPS</b>	Consumer Protection Strategy
<b>CVWG</b>	Consumer Vulnerability Working Group
<b>DNO</b>	Distribution Network Operator <sup>2</sup>
<b>DPA</b>	Data Protection Act 1998
<b>FCA</b>	Financial Conduct Authority
<b>FOIA</b>	Freedom of Information Act
<b>GB</b>	Great Britain
<b>GDN</b>	Gas Distribution Network operators
<b>GDPR</b>	General Data Protection Regulation
<b>ICO</b>	Information Commissioner's Office
<b>ISO</b>	International Organisation for Standardisation
<b>NI</b>	Northern Ireland
<b>NIEN</b>	Northern Ireland Electricity Networks
<b>Ofgem</b>	The Office of Gas and Electricity Markets
<b>Ofwat</b>	The Water Services Regulation Authority
<b>PPM</b>	Prepayment Meters
<b>PSR</b>	Priority Services Register
<b>REMM</b>	Retail Energy Market Monitoring
<b>RIG</b>	Regulatory Instructions and Guidance
<b>Rol</b>	Republic of Ireland
<b>SMS</b>	Short Message Service
<b>UR</b>	Utility Regulator

<sup>2</sup> Where reference is made to DNO within this Approach document please note that this also includes Northern Ireland Water (dual role of network and supply) in addition to the Electricity and Gas network operators.



# 1. Introduction

## Purpose of this document

- 1.1 On 27 January 2022 we published an ‘Approach’ consultation paper<sup>3</sup> on our proposals on how the Best Practice Framework (BPF) programme would be delivered, monitored and reported on, the regulatory changes that would be required, and the input required from industry. This included a set of proposed principles and required measures that would form the new CoP for consumers in vulnerable circumstances.
- 1.2 The purpose of this paper is to:
- Discuss the responses to the ‘Approach’ consultation;
  - Set out our proposed decisions on the new definition of vulnerability;
  - Detail new proposals for industry working groups;
  - Present the draft CoP for consumers in vulnerable circumstances, including our reasons for any changes made since the previous consultation;
  - Outline our proposal on implementing a new structure for customer care registers;
  - Detail the proposed licence modifications in advance of the statutory consultation notice (to be published alongside the decision paper) and;
  - Detail proposed monitoring and compliance arrangements with timelines for implementation.
- 1.3 The aim of this document is to seek stakeholders’ views on the above.

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<sup>3</sup> [bpf-approach-paper.pdf \(uregni.gov.uk\)](https://www.uregni.gov.uk/bpf-approach-paper.pdf)



## Background

### The Best Practice Framework programme

- 1.4 The BPF project received universal endorsement from stakeholders during consultation on the UR Consumer Protection Programme (CPP)<sup>4</sup> and was identified as a UR priority ‘flagship’ project<sup>5</sup>.
- 1.5 However, since its inception, the BPF project has evolved and widened in scope to include multiple outputs and routes for delivery. It is being delivered as a programme in conjunction with the CPP to ensure positive outcomes for all consumers in NI.
- 1.6 The overall aim of the BPF programme is to establish best practice principles and measures which both utility Suppliers and DNOs in NI should implement to identify, support and protect consumers in vulnerable circumstances.
- 1.7 This is a complex and challenging programme given the differences between utility Suppliers and DNOs. In particular, the closeness and frequency of contact with domestic consumers, the differing ‘starting points’ in relation to operationalising ‘vulnerability’ within their business, and the variation in the reach and quality of the consumer protection measures currently available. Also, unusually, the project outcomes will be applicable to all gas and electricity Suppliers and DNOs and Northern Ireland Water (NIW).
- 1.8 The COVID-19 pandemic further highlighted the importance of identifying people in vulnerable circumstances or in need of additional support, and the need for a more standardised approach to engagement and support provision across all regulated utility companies in NI.

### **BPF – New Code of Practice for Consumers in Vulnerable Circumstances**

- 1.9 A main delivery mechanism for the BPF programme is a new mandatory CoP for consumers in vulnerable circumstances that will apply to utility Suppliers and DNOs in the three regulated sectors in NI.
- 1.10 This will be delivered through licence amendments for utility Suppliers and DNOs which will require the Licensees to comply with the CoP via agreed

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<sup>4</sup> The Consumer Protection Programme (CPP)<sup>4</sup> is a three year programme that was launched in April 2019 and then reviewed in 2021<sup>4</sup> to take into account the implications of the COVID 19 pandemic. It includes a series of tailored consumer protection projects which have been approved by the Utility Regulator’s (UR) Board and developed through extensive consultation and discussion with stakeholders.

<sup>5</sup> [CPP Final Decisions April 2019 with links.pdf \(uregni.gov.uk\)](#)



industry procedures that will be established at industry working groups (as outlined in section 3).

- 1.11 We are proposing a hybrid approach to the CoP consisting of a combination of high level principles supported by industry specific required measures. Our original proposals for the principles and required measures was outlined in the 'Approach' consultation paper.
- 1.12 Through development of a single CoP for both Suppliers and DNOs across electricity, gas and water, we aim to address the gaps and inconsistencies in the regulatory frameworks in NI with regard to the support and protections for consumers in vulnerable circumstances.
- 1.13 The new CoP will ensure that the support and protections offered to NI consumers are consistent, adequately promoted and reflective of best practice exemplars seen in Great Britain (GB) and across other regulated sectors.
- 1.14 This paper addresses the responses we have received on our original proposals for the CoP principles and required measures, and outlines our proposed decisions that will form the new CoP for consumers in vulnerable circumstances.

### **Consultation process to date**

- 1.15 Development of the BPF programme included a series of intensive engagements with key stakeholders. A summary of this engagement was presented in 'Approach' consultation paper. The 'Approach' consultation paper sought stakeholders' views on our proposals on how the BPF programme would be delivered, monitored and reported on, the regulatory changes that would be required, and the input required from industry.
- 1.16 The key areas included:
  - The UR's proposed definition of vulnerability.
  - A mandatory CoP based on a combination of high level principles and required measures.
  - The proposed ten high level principles.
  - The proposed required measures associated with each principle.
  - Whether any additional required measures should be included under each principle.



- The timeline for delivery of the required measures (short, medium, longer-term).
- 1.17 Stakeholders were also provided with an invitation for a 1:1 meeting to discuss any of the proposals in more depth ahead of submitting a consultation response.
- 1.18 Overall, we received fourteen responses from industry (Suppliers and DNOs of water electricity and gas) and consumer bodies:
- British Standards Institute (BSI)
  - Christians Against Poverty (CAP)
  - Consumer Council Northern Ireland (CCNI)
  - Commissioner for Older People for Northern Ireland (COPNI)
  - Electric Ireland
  - Firmus Energy
  - National Energy Action (NEA)
  - Northern Ireland Water
  - Northern Ireland Electricity Networks (NIEN)
  - Phoenix Natural gas Ltd (PNGL)
  - Power NI
  - Scotia Gas Networks (SGN)
  - System Operator for Northern Ireland (SONI)
  - SSE Airtricity.
- 1.19 We have used the 'Approach' consultation responses and the feedback received to develop a draft CoP for consumers in vulnerable circumstances.
- 1.20 As outlined in this paper, we are proposing that the new CoP will be mandatory for Suppliers and DNOs and that new licence conditions will be introduced to require compliance. This paper also contains our proposals for the new licence conditions and how compliance with these will be established at the industry working groups, via agreed industry procedures.





## Proposed key milestones

- 1.21 Upon completion of the consultation phase, we will review and consider all responses received in order to inform our final decisions on the key areas, this will include: the new CoP for consumers in vulnerable circumstances alongside, our proposals for the formation, operation and outcomes of the industry working groups, the implementation of the licence conditions and the arrangements for licence monitoring and compliance. We will publish a decision paper setting out our final decisions alongside the final versions of the CoP.
- 1.22 We are currently in discussions with the Information Commissioner’s Office (ICO) about our proposals and will continue to engage with ICO throughout the development and implementation of the CoP. We will incorporate any changes in the decision paper.
- 1.23 Due to the differing starting points in relation to operationalising vulnerability, and the variation in the reach and quality of the consumer protection measures currently available across DNOs and Suppliers, we are proposing to provide all Licensees with a period of six months (from the date of the publication of the final decision paper) for full implementation of the CoP and compliance with the industry procedures.
- 1.24 Licence modifications require a 28 day statutory consultation. We propose to publish the statutory consultation notice on the proposed licence condition(s) after we publish our final decision paper.
- 1.25 The decision notice on the licence modifications (which will be published after the 28 day statutory consultation notice) will specify the effective date for each modification (which will be six months from the date of publication of our decision paper or 56 days after the publication of the decision notice, whichever is the longest of the two).
- 1.26 The proposed key milestones for the implementation of the new CoP for consumers in vulnerable circumstances are set out in the table below.

**Table 1: Key milestones for implementation**

Milestone	Proposed Date
<b>Publication of second consultation (including proposed licence modifications)</b>	22 June 2023
<b>Closure of second consultation</b>	31 August 2023
<b>Establish industry working groups</b>	During Autumn 2023



<b>Publication of final decisions on CoP for customers in vulnerable circumstances and licence modifications</b>	Autumn 2023
<b>Publication of the statutory consultation notice on the proposed licence condition and amendments</b>	End of 2023
<b>Development of industry procedures</b>	Q4 2023 – Q1 2024
<b>Final decision on licence notification published</b>	March 2024
<b>Licence condition in force and industry procedures in place</b>	May 2024

## Structure of the paper

- 1.27 This paper will go through the key areas where we sought responses from stakeholders in the ‘Approach’ consultation. The paper will outline the responses received, our comments on each point and our proposed decision.
- 1.28 The paper will also set out our proposals for the industry working groups, the customer care registers, the proposed licence modifications for gas, electricity and water licence holders, arrangements for licence monitoring and compliance, and timelines for implementation.
- 1.29 For transparency we have summarised the responses to the ‘Approach’ consultation and our comments in the applicable sections of this paper. It is not possible to detail every comment and respond to each one individually. As a result, we have included those comments that are most significant or those opinions that have been shared by a number of respondents.
- 1.30 We thank all our stakeholders again for their engagement throughout the development of this CoP and delivery of the BPF. We received a large amount of written and verbal feedback during this process, and we are confident that we have developed a CoP that is representative of the feedback we received throughout the project.



1.31 This paper contains the following sections:

- **Section 2:** provides a summary of the responses, our comments and proposed decisions on our proposed new definition of vulnerability and delivery and structure of the CoP for consumers in vulnerable circumstances.
- **Section 3:** sets out our proposals for the development of the industry working groups and establishment of the industry procedures to comply with the CoP.
- **Section 4:** provides a summary of the responses, our comments and proposed decisions on the proposed principles.
- **Section 5:** provides a summary of the responses, our comments and proposed decisions on the proposed required measures.
- **Section 6:** sets out our proposals around customer care registers.
- **Section 7:** sets out the proposed licence modifications to implement the proposals into the respective licences.
- **Section 8:** sets out our proposals for monitoring and compliance of the proposed CoP.
- **Section 9:** sets out our proposed timelines for implementation of the proposals set out in the paper.
- **Section 10:** sets out our next steps.
- **Appendix 1:** contains the list of the questions we seek feedback on from stakeholders.
- **Appendix 2:** contains a draft version of the CoP for consumers in vulnerable circumstances.

## How to respond

- 1.32 The UR welcomes engagement from all industry and other stakeholders. We appreciate your views and comments on all the proposals set out in this consultation paper through responding to any or all of the questions set out in the paper and summarised in Appendix 1.
- 1.33 Responses to this approach document should be forwarded to reach us by 31 August 2023 at 17:00 to:



Rachel Strong  
The Utility Regulator  
Queens House  
14 Queen Street  
Belfast  
BT1 6ED

Email: [Rachel.Strong@uregni.gov.uk](mailto:Rachel.Strong@uregni.gov.uk)

- 1.34 Our preference would be for responses to be submitted by e-mail. If you would prefer to provide us feedback in another format (for example via a meeting) please get in touch and we will try to facilitate this.
- 1.35 Your response may be made public by the Utility Regulator. If you do not want all or part of your response or name made public, please state this clearly in the response by marking your response as 'CONFIDENTIAL'.
- 1.36 If you want other information that you provide 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, amongst 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 as confidential.
- 1.37 Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA)).
- 1.38 As stated in the GDPR Privacy Statement for consumers and stakeholders, any personal data contained within your response will be deleted once the matter being consulted on has been concluded though the substance of the response may be retained.
- 1.39 This document is available in accessible formats. If required in alternative formats please contact: [Rachel.Strong@uregni.gov.uk](mailto:Rachel.Strong@uregni.gov.uk)

### **Equality considerations**

- 1.40 Section 75 of the Northern Ireland Act 1998 places a number of obligations on public authorities concerning the promotion of equality of opportunity and



regard to the desirability of promoting good relations between different categories. We aim to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

1.41 In the consultation paper we requested that respondents commented on the overall equality impact of the proposals. Those who provided a response to this agreed that foreseeable impacts of the proposals would be positive for equality considerations.

1.42 We have undertaken a Section 75 screening of the original proposals as set out in the 'Approach' document and reviewed all of consultation responses as part of the development of this consultation paper. We consider that our Code of Practice helps all consumers and we do not anticipate any negative impacts on any groups.

***Q1. Do you agree that where this document has an impact on the groups listed, those impacts are likely to be positive in relation to equality of opportunity for utility consumers?***

## 2. Response to definition of vulnerability and delivery and structure of new CoP

### Introduction

- 2.1 This section provides our response and proposed decisions to the comments we received on the definition of vulnerability and on the delivery and structure of the CoP for consumers in vulnerable circumstances.
- 2.2 We have included anonymised stakeholder comments, our response to these comments and our proposed decisions where relevant.

### UR definition of vulnerability

- 2.3 In developing the BPF we proposed a new definition of vulnerability that regulated companies in NI will have to use to identify and support consumers in vulnerable circumstances. We proposed that the new definition is implemented through the respective licences of both the DNOs and Suppliers (via licence modifications).
- 2.4 In the 'Approach' paper we asked for views on the UR's definition of vulnerability which would be used by regulated companies in NI to identify and support consumers in vulnerable circumstances. This definition underpins the various requirements in the new CoP.

***'A consumer is deemed vulnerable when their personal characteristics or circumstances reduce their ability to engage effectively and achieve fair outcomes. A vulnerable consumer is significantly less able to protect or represent their interests and significantly more likely to suffer detrimental impacts on their health, wellbeing or finances.'***

### Stakeholder feedback

- 2.5 There was overall support from respondents for the creation of a standardised utility sector definition of consumer vulnerability.
- 2.6 However, there were some concerns on the breadth of the definition in terms of the number of individuals that would be covered under it. Generally consumer groups considered the definition was not broad enough, whilst industry representatives considered the definition was too broad. The responses are outlined below.
- 2.7 **Definition regarded as not broad enough** - in general, consumer groups considered that the definition could be expanded to capture all the forms of

vulnerability that a consumer could experience. Specifically, the following areas were mentioned:

- 2.8 A) *Transient vulnerability* - some respondents considered the definition implied that vulnerability can only be fixed (long-term), rather than in some cases transient in nature (short-term). A respondent was concerned that this could lead to the neglect of consumers who are temporarily vulnerable (for example as a result of bereavement, sudden job loss, or illness).
- 2.9 B) *Factors within the market* - some respondents stated that the definition does not acknowledge that vulnerability can stem from factors within the market and would prefer the definition to be amended to include wording to overtly recognise organisational behaviour as a risk factor that can cause or exacerbate vulnerabilities. It was noted that stating organisational behaviour and market conditions as a risk factor would be in line with other regulators' definitions of vulnerability namely Ofgem<sup>6</sup>, Ofwat and the Financial Conduct Authority (FCA).
- 2.10 **Definition regarded as too broad** - some Suppliers and DNOs were worried that the definition was too broad which could lead to operational issues that would be challenging for regulated companies. In addition respondents stated that this could reduce the effectiveness of the benefits that the definition is intended to provide. Specifically, the following areas were mentioned:
- 2.11 A) *Customer care registers* - it was mentioned that widening of eligibility for consumers who require additional support could potentially result in customer care registers holding (a) such a number of individuals with (b) different ranges of needs, that it could subsequently decrease the value and level of service provided by customer care registers to those who need them most.
- 2.12 B) *Transient vulnerability* - there was concern from some Suppliers and DNOs that the broad reach of the definition would make the identification of vulnerable customers challenging (especially for Suppliers). They asserted that many customers may be classed as vulnerable at some point in their lives, and it is important for the UR to recognise issues of transient or circumstantial vulnerability which can be either short term or long term.

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<sup>6</sup> OFGEMs definition of vulnerability: 'We define vulnerability as when a consumer's personal circumstances and characteristics combine with aspects of the market to create situations where he or she is: - significantly less able than a typical domestic consumer to protect or represent his or her interests; and/or - significantly more likely than a typical domestic consumer to suffer detriment or that detriment is likely to be more substantial.'

- 2.13 Some Suppliers stated that typically, unless explicitly informed; a Supplier may have partial information on their customers, such as only the name of the individual registering, the address, consumption information and preferred payment method. Respondents contended that this information offers limited insight into the customers' circumstances or potential vulnerability, particularly if the customer is not forthcoming in providing information around their circumstances.
- 2.14 For a Supplier to be aware and therefore able to record a customer as vulnerable, in many instances it would require the customer to actively contact their Supplier to update them with the relevant personal information. A Supplier noted that for many instances of transient vulnerability, that due to the specific event or circumstance causing the vulnerability, contacting their electricity Supplier could be the "last thing on a customer's mind". The Supplier therefore has concerns on the feasibility of being able to record this type of vulnerability.
- 2.15 It was also noted that in expanding the definition of vulnerability consideration should be given to ensure the collection, storage and sharing is in line with relevant Data Protection legislation. Respondents noted that the collection of personal data (regarding vulnerability of consumers) must have a clear rationale and purpose. In terms of practical application of the definition listed, a Supplier proposed that vulnerable customers be segmented into two categories: those with a tangible vulnerability (who would be recorded on the customer care register) and those with an intangible vulnerability status (who would not be recorded on the customer care register but provided the appropriate engagement and services from their Supplier according to their specific circumstances).
- 2.16 Some Suppliers considered the current industry procedures relating to additional support needs are sufficient to ensure vulnerabilities are captured. They stated that they already have their staff trained to explore, as appropriate and with sensitivity, a customer's circumstances to establish if they may be vulnerable in other ways, and to provide appropriately for them (such as taking more time to answer a query or allowing customers more time with repayment plans).
- 2.17 One Supplier asked for more tightly controlled clarity, or at a minimum, some pre-listed examples of when a customer should be classed as vulnerable. Stating this would also make it easier to train employees and establish a consistent approach within the company and across other Suppliers. Another Supplier stated that a distinction needs to be drawn between standardising the availability of tangible supports from entities vs. intangible support that is offered via enhanced internal ethos, training and championing of accommodating customers who may be vulnerable. A further Supplier stated



that step change to the vulnerable customer definition and subsequent operationalisation will need further clarification from the UR to ensure that customers' needs are met and to prevent Suppliers over-stepping their role by imposing a status of 'vulnerable' where it does not apply. In addition there was a concern that without further clarity the Supplier could not undertake meaningful actions to actually help support that current state of vulnerability.

## **UR response**

- 2.18 We welcome the broad support for creating a standardised utility sector definition of consumer vulnerability.
- 2.19 We agree that vulnerability can stem from factors within the market, however, we do not consider it is necessary to explicitly state this in the definition of vulnerability. This is because whilst factors from within the market may influence vulnerability, it is still dependent on the individual's personal characteristics or circumstances whether the factors in the market combine to make the consumer vulnerable. In our definition of vulnerability, we want to keep the focus on the consumer to recognise their individual needs which depend on personal characteristics and circumstances.
- 2.20 Regarding the concern that the definition could lead to the neglect of consumers who are temporarily vulnerable, we consider the definition as it stands covers both fixed and transient vulnerabilities as it relates to a consumer's 'personal characteristics or circumstances' which in their nature are transitional and can therefore change over time. We also note that other regulators' definitions of vulnerability such as Ofgem, Ofwat and FCA, cover consumers with transient vulnerability in their definition, but do not make specific reference to the fact that a consumer could have long and/or short-term vulnerability.
- 2.21 We note respondents' concern regarding customer care registers, this will be addressed in the specific principle and measures relating to customer care registers, which will include more information on the practical application of recording and monitoring the new definition of vulnerability (including transient vulnerability) for both Suppliers and DNOs.
- 2.22 In regard to the issue of transient vulnerability we are of the opinion that all consumers who are vulnerable (regardless of length of vulnerability) should be provided the specific protections and/or services they require for the duration of their vulnerable circumstances, where feasible. It is therefore important that the definition of vulnerability does not exclude those who have a transient vulnerability. In terms of the practical operation and application of this form of vulnerability we acknowledge that the wider definition of vulnerability will make the identification and targeting of vulnerable consumers more difficult. However, we deem it is necessary to ensure all

consumers are afforded the appropriate protection when they need it. The specifics of how the definition will work in practice are addressed in the principles and required measures section of this report (section 4 and 5).

- 2.23 We have decided to implement the new definition of vulnerability (unamended). The definition recognises that vulnerability is highly context-specific and therefore it is deliberately wide in nature, to be flexible enough to permit application in a wide range of personal circumstances and characteristics. Targeting vulnerability for policy purposes will require identification on a case-by-case basis. This will require individual judgement by industry participants, coupled with the use of characteristics such as age, chronically sick, disabled etc. where appropriate. This definition aims to provide a tool to help industry identify vulnerable customers and offer the appropriate services.

### **UR proposed decision**

- 2.24 We will implement the new definition of vulnerability (unamended).

***‘A consumer is deemed vulnerable when their personal characteristics or circumstances reduce their ability to engage effectively and achieve fair outcomes. A vulnerable consumer is significantly less able to protect or represent their interests and significantly more likely to suffer detrimental impacts on their health, wellbeing or finances.’***

- 2.25 This definition will be used by regulated companies in NI to identify and support consumers in vulnerable circumstances across all their operations. Anywhere a Licensee has a requirement regarding vulnerability (either in their licence or accompanying Codes), they will take vulnerability to mean this definition.
- 2.26 The new definition will be implemented via licence modification for both DNOs and Suppliers. The proposed licence modifications are set out in section 7 of this paper, but the statutory consultation notice on the proposed licence conditions and amendments will not be published until after the decision Paper is published.

### **A mandatory code of practice with high level principles and required measures**

- 2.27 We proposed to implement a new mandatory CoP for consumers in vulnerable circumstances to apply to Suppliers and DNOs. We proposed a hybrid approach for the new CoP that would consist of a combination of ten high level principles, alongside more detailed consumer protection required measures.

- 2.28 We proposed that principles within the new CoP will apply to both Suppliers and DNOs but were mindful of the sectoral differences in relation to the delivery of the consumer protection measures. Therefore, under the required measures we proposed these would clearly set out which Licensee they applied to.
- 2.29 The key aspiration for the new mandatory CoP for consumers in vulnerable circumstances is to ensure all consumers in vulnerable circumstances are protected and able to avail of support regardless of who their Supplier or DNO is.

### **Stakeholder feedback**

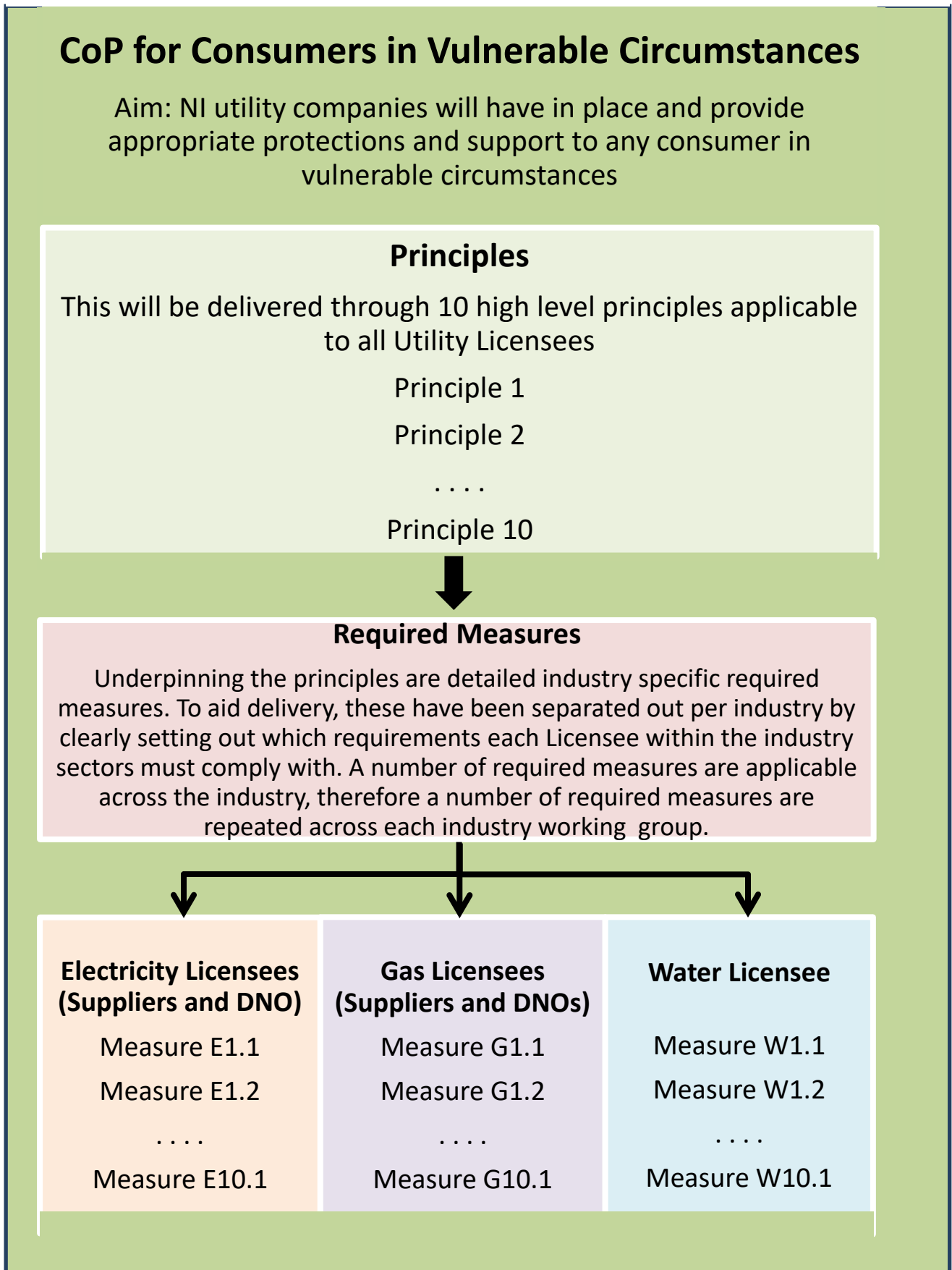
- 2.30 **Mandatory Code** - Overall there was broad support for the development of a mandatory CoP for consumers in vulnerable circumstances.
- 2.31 **Single or Sector Specific Code** – NI Water noted that they are in unique position in that they do not bill household customers directly or hold a complete domestic customer database. They therefore questioned the need for the CoP to be a uniform code spanning all utilities or if there would be a bespoke code for NI Water only.
- 2.32 **Hybrid Approach** – there was support across respondents to deliver the CoP as a hybrid approach that would include principles supported by more details of what is expected.
- 2.33 **Required Measures** – consumer groups supported the use of required measures that represent the minimum standard that all companies should be held to, noting we should make it clear and recommend that companies can go above and beyond the stated required measures to encourage both ambition and continuous improvement among Suppliers and DNOs.
- 2.34 Some Suppliers and DNOs were concerned about the level of detail included in the required measures and how they can be effectively operationalised.
- 2.35 One Supplier noted they consider the required measures should be directly proportionate to the size of the company and market that it operates in.
- 2.36 Another respondent considered that rather than required measures minimum standards set within the CoP (as in the existing CoP) would be a more appropriate approach.

### **UR response**

- 2.37 We welcome the broad support for the development of a mandatory CoP for consumers in vulnerable circumstances.

2.38 We intend to produce a single CoP of high level principles that will be applicable across all regulated sectors. There will also be a number of complementary industry specific required measures that, due to the risk of consumer harm in not delivering, we deem necessary to specify to ensure fair consumer outcomes are delivered across NI utilities. As there are sectoral differences in the operation and conduct of different utility licence holders, we have identified that not all of the required measures in the CoP will be applicable to all licence holders. To avoid any confusion about which required measures are applicable to a Licensee, we propose to have separate sections for each industry (electricity, gas and water) around which required measures are applicable to each particular licence holder. This is set out in Figure 1 below.

Figure 1: Structure of CoP for Consumers in Vulnerable Circumstances



- 2.39 As this will be a mandatory CoP we are including required measures rather than 'minimum standards'. We encourage companies to go above and beyond the required measures and we are supportive of any activity which exceeds the required measures.
- 2.40 The specifics of each required measure will be discussed later in the paper, where they are reviewed against responses and proposed decisions outlined to ensure they can be effectively operationalised to benefit consumers.

### **UR proposed decision**

- 2.41 We will implement a new single mandatory CoP for consumers in vulnerable circumstances to apply to Suppliers and DNOs. The CoP will be a hybrid approach consisting of principles alongside more detailed consumer protection required measures. For clarity, the required measures will be listed separately for each industry (electricity, gas and water).

***Q2. Do you have comments on any of the UR proposed decisions set out in section 2? Please clearly state in your response which decision your comments relate to.***

## 3. Industry working groups

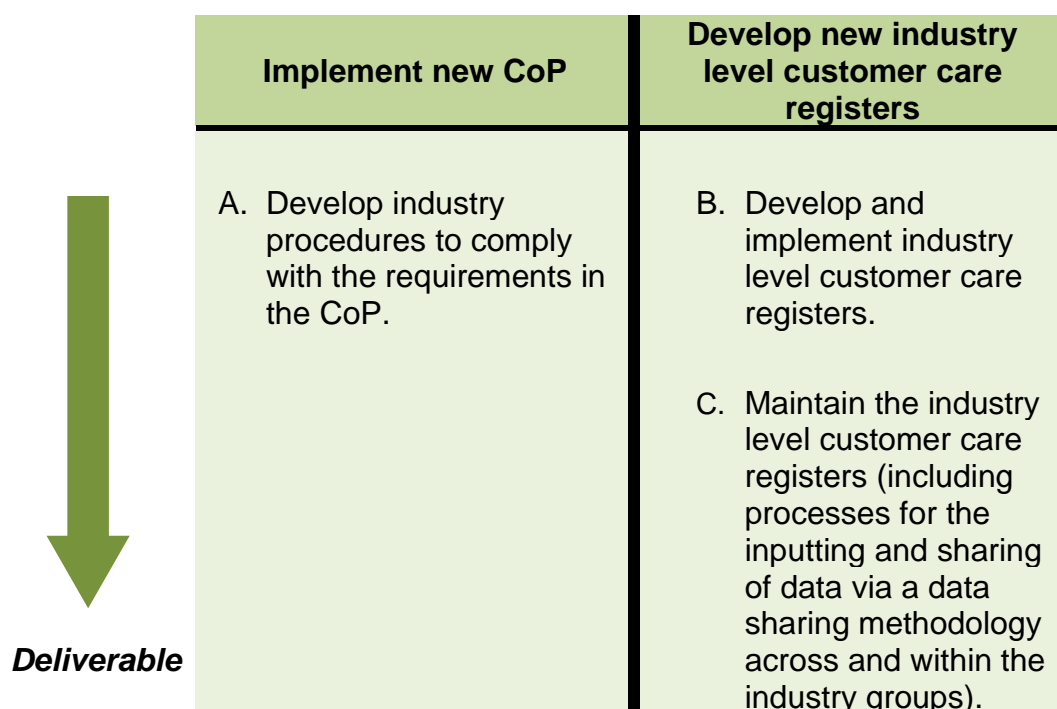
### Introduction

- 3.1 To deliver the proposals set out in this paper, industry working groups will have to be established by the DNOs and Suppliers in each industry (electricity, gas and water).
- 3.2 Our proposals set out in this paper, if implemented, will require DNOs and Suppliers to deliver three distinct outcomes:
1. Successfully embed the new definition of vulnerability into all areas of operation;
  2. Implement and comply with the new CoP for consumers in vulnerable circumstances (proposed decisions on the CoP content are set out in sections 4 and 5) via the establishment of industry procedures in the industry working groups; and
  3. Work together in the industry working groups to develop, implement, and maintain interoperable industry level customer care registers (details of this is provided in section 6).
- 3.3 Delivery of the first outcome (embed the new definition of vulnerability) will be individual for each DNO and Supplier. Therefore, it is the responsibility for each DNO and Supplier to take this requirement, internally review and update their own processes and operations to ensure compliance.
- 3.4 For the second and third outcome we require DNOs and Suppliers to work together collaboratively and we propose this will be achieved through the development and operation of new industry working groups.

### Deliverables

- 3.5 In order to achieve both of the outcomes (establishment of industry procedures to comply with the CoP and the development of the customer care register), the industry working groups will have to meet a number of deliverables (see Figure 2) and work in parallel to achieve these.

**Figure 2: Industry working group deliverables**



**Industry working group deliverable: (A) Develop industry procedures to comply with the requirements in the CoP**

- 3.6 To comply with the CoP for consumers in vulnerable circumstances, DNOs and Suppliers for electricity gas and water will need to cooperate and work together (at industry level) to develop and implement detailed industry procedures to ensure compliance with the CoP. The industry procedures will state how Licensees will comply with the requirements within the CoP for consumers in vulnerable circumstances.
- 3.7 We envisage that there will be a set of industry procedures developed by each industry group. These procedures will have a common set of procedures for the whole industry and, in addition, procedures tailored to each licence (DNO or Supplier). The specific requirements for DNOs and Suppliers will be discussed and agreed in the industry working group to enable the production of a set of industry procedures that will ensure full compliance with the CoP.
- 3.8 Key requirements for the industry procedures will be that they set out best practice processes and work on a continuous improvement basis to ensure the procedures are effective and will ensure compliance with the CoP on an ongoing basis. Additionally, the industry procedures must clarify the roles and responsibilities for each company to ensure that processes work efficiently and successfully.



- 3.9 The industry procedures must include a process for ongoing reviews and changes. This will include pre-planned reviews at set timeframes and an ability to review the procedures on an ad-hoc basis when it is considered necessary to react to changes in the industry and/or environment. The review process must allow for changes to be proposed by any Licensee that is party to the procedures or proposals by the UR.
- 3.10 We are proposing that the industry procedures would be drafted, agreed and implemented by the relevant licence holders. We do not envisage that the UR would have a role in approving the industry procedures. However, we would provide feedback and note that where we consider that the industry procedures are not best practice arrangements or do not comply with the CoP for consumers in vulnerable circumstances, then we may direct DNOs and Suppliers to review and amend the procedures.

**Industry working group deliverables: (B) and (C) Develop, implement and maintain industry level customer care registers.**

- 3.11 The DNOs and Suppliers for electricity, gas and water will have to work together to develop industry level customer care registers. This will include the transfer of customers from the existing customer care registers to the new industry specific customer care registers and that there are processes in place to ensure there is appropriate accessibility and maintenance of the customer care registers (for example, processes to ensure the customer care registers are accurate and that the relevant companies can input customer data and share the data). Further details of the customer care registers proposal is provided in section 6.
- 3.12 To develop, implement and maintain the industry level customer care registers, industry may find it useful to establish a further set of industry procedures to meet this requirement. This can be decided on by the industry working groups.
- 3.13 For the first stage of the implementation of the new customer care registers, we propose that there will be one customer care register per industry (i.e. one for electricity, gas and water). However it is important that all aspects of the customer care register, such as the needs categories and communications are interoperable across the industries, so that at a future date the registers can be amalgamated into one centrally held customer care register for all NI utilities.
- 3.14 We are proposing that the DNOs will be the holders of the customer care registers for each industry and should therefore have a principal coordinator role in the industry working groups to facilitate this.

- 3.15 In gas, where there are three DNOs<sup>7</sup> within NI, we propose that one DNO adopts the role of holding the customer care register. This role can be determined by the participants of the industry working group.
- 3.16 We are proposing that the processes for the development, implementation and maintenance of the industry customer care registers is done via agreement by the relevant licence holders in the industry working group. We would not have a role in approving how the industry develops, implements or maintains the customer care registers, but the UR could feed into the development and attend relevant meetings if requested to do so. We propose that the UR would approve the needs-based categories.
- 3.17 The processes for the inputting and sharing of data in the customers care registers will be via a data sharing methodology as required under measure 8.1 (see section 5). This data sharing methodology will be developed and implemented across and within the industry working groups.

### **Operation of industry working groups**

- 3.18 We propose that the industry may seek independent views from other parties such as the ICO or the CCNI to assist in the development of proposals in this paper. For example these parties could be invited along to relevant industry working groups.
- 3.19 If members of the industry working groups cannot reach agreement on certain issues, either during the drafting of the industry procedures or during the development, implementation or maintenance of the industry customer care registers, these issues can be brought to the UR for adjudication. It is important to note that we will only consider issues that have been brought by industry collectively as a group, rather than by a DNO or Supplier on an individual basis. Where an issue is referred to us, we will make a decision which will be final, and the industry must abide by that decision and implement our decision.
- 3.20 Although we will not have a role in approving the operational industry procedures, if we consider that the industry procedures are not best practice arrangements and/or do not comply with the CoP for consumers in vulnerable circumstances, then we may direct the DNOs and Suppliers to review and amend the procedures where necessary.

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<sup>7</sup> Phoenix Natural Gas Limited (PNGL) is the DNO for the Greater Belfast licensed area, firmus energy (Distribution) Limited is the DNO for the Ten Towns licensed area and SGN Natural Gas Limited is the DNO for the West licensed area.

- 3.21 Each industry working group will be required to provide regular progress updates to us on the development of the industry procedures. The progress reports will be required every two months or as requested by the UR.
- 3.22 The industry procedures must include a process for ongoing reviews and changes. This will include pre-planned reviews at set timeframes and an ability to review the procedures on an ad-hoc basis when it is considered necessary to react to changes in the industry and/or environment. The review process must allow for changes to be proposed by any Licensee that is party to the procedures or proposals by the UR.
- 3.23 For clarity, where a review of the industry procedures is being undertaken, each Licensee must continue to comply with the existing industry procedures until such time as any amendments are agreed and made.
- 3.24 We propose that the formation of the industry working groups can begin before the publication of the final decision paper (refer to proposed key milestones in section 1) so that this process can be expedited and terms of reference can be agreed with participants (to be ready to begin discussions once the final decisions have been published).

***Q3 Do you have comments on the URs proposal on industry working groups as set out in section 3? Please clearly state in your response which aspect of the proposal that your comments relate to.***

## 4. Response to CoP proposed principles

### Introduction

- 4.1 In the 'Approach' consultation paper we proposed ten principles to be delivered in the new CoP. These are high level principles of company practice that will underpin the more detailed consumer protection required measures.
- 4.2 This section provides our response and proposed decisions to the general comments we received on the ten proposed principles. We have included stakeholder comments, our response to these comments and our proposed decisions where relevant.
- 4.3 This section will only cover response to the high level principles, the proposed required measures under each principle will be addressed in section 5.

**Table 2: Ten principles for the CoP for consumers in vulnerable circumstances**

<b>Culture, ethos and training</b>
<p><b>Principle 1:</b> Utility Suppliers and DNOs will proactively establish and promote a corporate culture that focuses and fosters their efforts to identify and support consumers in vulnerable circumstances.</p> <p><b>Principle 2:</b> Consumers in vulnerable circumstances will experience tailored support and positive outcomes when interacting with utility Suppliers and DNOs.</p>
<b>Identification of vulnerability</b>
<p><b>Principle 3:</b> Consumers in vulnerable circumstances will feel able to disclose information in relation to their support needs and understand that this disclosure will enable them to have their needs addressed appropriately.</p> <p><b>Principle 4:</b> Consumers in vulnerable circumstances will have their needs recorded in the most appropriate way, enabling access to the most relevant support.</p>
<b>Practical support measures</b>
<p><b>Principle 5:</b> Consumers in vulnerable circumstances will receive support in relation to security of their utility supply, accessibility and personal safety requirements.</p> <p><b>Principle 6:</b> Consumers in vulnerable circumstances will receive relevant, timely and accessible information on the support available.</p> <p><b>Principle 7:</b> Consumers in vulnerable circumstances as a result of affordability difficulties, will be provided with targeted support by their utility Supplier.</p>

## Data sharing

**Principle 8:** Consumers in vulnerable circumstances will experience consistency and improved ease of access to the support provided by utility Suppliers and DNOs through the cross-industry sharing of relevant data.

## Monitoring, reporting and publication

**Principle 9:** Utility Suppliers and DNOs will monitor and report on how they are meeting their obligations in relation to the protection of consumers in vulnerable circumstances.

**Principle 10:** Consumers will have easy access to relevant information on how well utility Suppliers and DNOs are supporting consumers in vulnerable circumstances.

## Stakeholder feedback

- 4.4 In general, no feedback was received to oppose or amend any of the ten principles.
- 4.5 As noted previously, there was general agreement in responses about the adoption of high level principles in conjunction with more detailed required measures. Comments from respondents were made in relation to the detail in the required measures (these will be covered in section 5).
- 4.6 A consumer group suggested the inclusion of an additional measure to be added under Principle 7, for Suppliers to provide consumers with an annual review to ensure they are on the lowest tariff and payment method.
- 4.7 Some comments from industry had queries on certain principles being applicable to all, for example a respondent noted that they consider Principle 7 should only be applicable to Suppliers and not DNOs.
- 4.8 For Principle 9 and 10 a respondent stated that they believe it could be more appropriate to wait and review the other principles before finalising the monitoring and reporting work stream.
- 4.9 There was a further question on the need for Principle 10 by one respondent as they considered an earlier proposed required measure for BSI/BS ISO accreditation would provide the same outcomes without the need for Principle 10.

## UR response

- 4.10 We welcome the support received from respondents for the proposed principles.

- 4.11 We note the suggestion above made by the consumer group on the inclusion of an additional measure. However, we do not consider that this CoP would be the best vehicle for this proposal. Therefore, we will consider the suggestion when consulting on the new CPP later in the year.
- 4.12 The high level principles will be applicable to all Licensees. The required measures that underpin each principle will be industry specific and may only apply to Suppliers or DNOs within that industry. Each required measure will clearly state which licence it is applicable to.
- 4.13 We consider the inclusion of Principle 9 and 10 will help both Licensees and ourselves in evaluating the effectiveness of the other principles, and therefore consider that these principles should be included in the CoP from its inception. If monitoring and reporting on the CoP highlights any gaps or issues with the principles, we will review the principles and required measures and make amendments where appropriate.
- 4.14 Regarding the comments on the BSI/BS ISO accreditation, we consider there are both additional benefits and protections that Principle 10 offers to consumers that cannot be obtained through BSI/BS ISO accreditation alone. Therefore, we are maintaining the inclusion of Principle 10 in the CoP but have amended some of the required measures under the Principle (refer to section 5).

#### **UR proposed decision**

- 4.15 We propose to include the ten principles (unamended) in the CoP for consumers in vulnerable circumstances these principles will be applicable to all Licensees. There will be certain requirements (required measures) that will only be applicable to Suppliers or DNOs and these are detailed in section 5.

***Q4 Do you have comments on the UR proposed decision set out in section 4?***

## 5. Response to CoP proposed required measures

- 5.1 In the 'Approach' consultation paper we outlined a number of proposed required measures under each of the ten principles. These would be explicit requirements in the new CoP.
- 5.2 This section sets out each proposed required measure, an overview of the responses we received on it, our response and proposed decision on each required measure.
- 5.3 We have included stakeholder comments, our response to these comments and our proposed decisions where relevant.

### Principle 1 Measure 1 (1.1)

All companies to adopt the UR's vulnerability definition: 'A consumer is deemed vulnerable when their personal characteristics or circumstances reduce their ability to engage effectively and achieve fair outcomes. A vulnerable consumer is significantly less able to protect or represent their interests and significantly more likely to suffer detrimental impacts on their health, wellbeing or finances.'

#### Stakeholder feedback

- 5.4 This measure is in regard to introducing the new definition of vulnerability were referred to in the licences and accompanying codes or Codes of Practice. We have covered the comments and responses to the new definition of vulnerability in section 2.

#### UR response

- 5.5 As detailed in section 2 we propose to introduce the new vulnerability definition and that this measure will therefore remain the same.

#### UR proposed decision

*Measure unamended*

Measure 1.1 - All companies to adopt the UR's vulnerability definition: 'A consumer is deemed vulnerable when their personal characteristics or circumstances reduce their ability to engage effectively and achieve fair outcomes. A vulnerable consumer is significantly less able to protect or represent their interests and significantly more likely to suffer detrimental impacts on their health, wellbeing or finances.'

## Principle 1 Measure 2 (1.2)

All companies to seek, secure and maintain the current BSI 18477 accreditation or the upcoming ISO accreditation (to be released 2022).

### Stakeholder feedback

- 5.6 Respondents recognised the BS ISO 22458: 2022 Consumer Vulnerability accreditation<sup>8</sup> as a tool to help companies identify and meet the needs of consumers in vulnerable circumstances.
- 5.7 Consumer groups were supportive of the mandatory aspect of obtaining and maintaining the accreditation.
- 5.8 Some Suppliers and DNOs were supportive of the requirement, other Suppliers and DNOs noted that the mandatory aspect goes beyond what is expected by GB utility company counterparts.
- 5.9 Some industry respondents had concerns about the cost and resources required to both obtain and maintain the accreditation on an annual basis and in addition questioned its' value-add for customers.
- 5.10 One respondent noted that to obtain the accreditation a company would have to be compliant with the majority of the measures proposed for the CoP. They noted that under Principles 9 and 10 there are similar requirements, and requiring both would result in double regulation, which would not be of consumer benefit.
- 5.11 The respondent considered that proof of compliance via the BS ISO accreditation (rather than the requirements under Principles 9 and 10) would be the most appropriate, as it would provide the UR with independent evidence that companies are meeting requirements and delivering for consumers in vulnerable circumstances. The respondent suggested that each Licensee could then meet with the UR to discuss the results of its BSI/ BS ISO audit and any improvements it is making as a result of this.
- 5.12 Additionally, several respondents noted that the BSI standard is changing to an BS ISO and they would welcome an approach which recognised both the attainment of the BS ISO accreditation and its' value within the context of a best practice framework.

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<sup>8</sup> [BS ISO 22458 - Consumer vulnerability | BSI \(bsigroup.com\)](https://www.bsigroup.com/standards/BS-ISO-22458)



## UR response

- 5.13 BS18477 has now been replaced by BS ISO 22458: 2022 Consumer Vulnerability<sup>9</sup>, therefore this measure will now relate to the BS ISO certification.
- 5.14 We agree making BS ISO certification mandatory goes beyond what is expected by GB counterparts, however, the UR does not consider aligning NI utilities to the standards of their GB counterparts to be a valid reason not to improve the consumer protections offered to NI consumers.
- 5.15 We accept that gaining and maintaining BS ISO accreditation will require additional resources and costs.
- 5.16 We also agree that many of the requirements within the BS ISO align to those required in the proposed CoP.
- 5.17 We therefore propose to introduce the measure to gain and maintain BS ISO 22458: 2022 Consumer Vulnerability certification as a recommended optional activity (and not a mandatory requirement). Those companies who demonstrate they have the accreditation can use their accreditation as evidence of compliance for a number of reporting requirements under Principle 9 (this is explained under the measure 9.1).

## UR proposed decision

### *Measure amended*

Measure 1.2 - Obtaining the BS ISO 22458: 2022 Consumer Vulnerability standard is recommended to all companies (but not required). The BS ISO standard will be aligned to the CoP requirements, so will evidence (for those companies who obtain it) compliance with a number of the CoP requirements.

## Principle 1 Measure 3 (1.3)

All companies to establish a centralised specialist vulnerability team or person (dependent on the size of the business) within the appropriate part of the business to champion innovative strategies for the treatment of consumers displaying signs of vulnerability including the use of inclusive design principles. This vulnerability team should include a staff member at a senior level, and a Board member to be identified as a vulnerability champion. This team will represent and oversee the work on vulnerability.

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<sup>9</sup> For more information on BS ISO 22458: 2022 Consumer Vulnerability, please follow this [link](#).

## **Stakeholder feedback**

- 5.18 There was general contentment amongst respondents on the value of a vulnerability team. However, there were concerns around its implementation, specifically in terms of resource requirements.
- 5.19 An industry respondent asked if the vulnerability team could be incorporated into existing roles in customer teams. A further industry respondent stated that whilst in agreement that each Licensee's vulnerability team should include a staff member at a senior level, they do not believe that a Board member should be identified as a vulnerability champion. They consider it would be an operational role that is best delivered by an individual(s) within each customer facing area who can be on hand to provide additional help and support.
- 5.20 Responses from consumers groups particularly commended the requirement in this measure to include staff at a senior level and Board level. One consumer group stated that they believed it would be beneficial for Board members identified as vulnerability champions to undergo appropriate training in fuel poverty and vulnerability, with the UR leading by example by adopting the same role within their Board (if that is not already the case).
- 5.21 A consumer group requested the measure be expanded to require the specialist vulnerability team/person to provide briefings with relevant consumer support groups to ensure external communication, delivery of practical action and prevent this criterion simply becoming another tick box exercise. The consumer group noted that the engagement could be achieved through existing forums such as the Consumer Protection Advisory Group (CPAG) or by regular direct contact between the relevant team/person and the consumer support group.

## **UR response**

- 5.22 We welcome respondents' recognition of the value of a vulnerability team/person in each company.
- 5.23 We would like to clarify that this proposed measure would not mandate the development of a new team specifically dedicated to dealing with vulnerability. The requirements of this measure could be incorporated into existing roles within the company and can be delivered in a means that would fit with the company's current structure.
- 5.24 We acknowledge the point made on the value of having an individual(s) within each customer facing area of the business who has been provided

with appropriate training. We recommend that where there is a vulnerability team, that at least one member of the team is from a customer facing area of the business.

- 5.25 We require a staff member at senior level to be on the vulnerability team, as their role in this measure is to embed the concept of vulnerability within a company's culture and ethos to provide 'top-down' support in embedding and operationalising the concept of vulnerability.
- 5.26 We propose to remove the requirement for a Board member to be identified as a vulnerability champion, as we consider the intended outcome of the measure can be obtained by a staff member at a senior level on the vulnerability team, therefore the addition of a Board vulnerability champion will not be required within this obligation.
- 5.27 We note that we may build on this measure at a later stage, for example, we may explore the requirement for the development and reporting on a vulnerability strategy which has senior level commitment and Board signoff. This approach would ensure the consideration of the needs of consumers at board level within companies and provide accountability for the same at a more strategic level. However, this would be a separate piece of work which we may consult on as part of the new CPP later in the year.
- 5.28 We recognise the value of companies providing briefings to relevant consumer groups on their work with customers in vulnerable circumstances, but we do not consider this needs to be a formal requirement. We agree CPAG would be an appropriate channel for this if CPAG members consider it would be of benefit and value-add. Generally we would encourage all companies to actively engage with consumer groups when developing customer processes and operations to ensure they bring positive consumer benefits. We are happy to facilitate this if this is not the case.

## **UR proposed decision**

### *Measure amended*

Measure 1.3 – All companies should have a specialist vulnerability team or person (dependent on the size of the business) within the appropriate part of the business to champion innovative strategies for the treatment of consumers displaying signs of vulnerability (including the use of inclusive design principles). This vulnerability team should include a staff member at a senior level and will represent, mentor and oversee the company's work on vulnerability.

## Principle 2 Measure 1 (2.1)

Ensure that all relevant staff (e.g. consumer facing staff, field staff, call centre handlers, and sub-contractors), to include staff at a senior level, are adequately and frequently trained in the identification of consumers in vulnerable circumstances or /and who may be eligible for the customer care scheme, and in treating customers in an empathetic manner to encourage customers to self-identify. To include but not exclusive to JAM training, mental health awareness training and empathy training.

### Stakeholder feedback

- 5.29 Respondents provided no strong feedback or opposition to this proposed measure. Some Licensees stated that they are already JAM Card<sup>10</sup> friendly and some have worked with Advice NI to deliver introductory vulnerability training to frontline staff and training staff in the use of Plain English.
- 5.30 Consumer groups supported the measure and recommended delivery of it could be supported through City & Guilds Level 3 Award in Energy Awareness 6281-01 training and that all relevant staff should be appropriately trained, supported and resourced. A consumer group noted that this measure, as is, may not be sufficient to identify vulnerable customers who use Prepayment Meters (PPMs), as they have less regular communication with their Suppliers. They noted that it would be helpful for the UR to set some minimum expectations on how often Suppliers should proactively contact their PPM consumers.
- 5.31 A DNO noted that companies with high numbers of staff will face substantial time and resources to implement the measure, so whilst not opposing the measure, would have concerns around the timelines and noted that the UR should also consider the cost and resource implications of undertaking the training.
- 5.32 Clarity was also sought on the training awareness requirements for staff at all levels as it was noted that having staff across all levels of the company having a thorough understanding of the definition of vulnerability would require extensive time and resource.

### UR response

- 5.33 We acknowledge that to meet this obligation companies with higher numbers of staff will require more time and resources to implement the measure. We

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<sup>10</sup> JAM Card allows people with a hidden disability or communication barrier to tell others that they need extra time and understanding in a private and easy way. For more information see [here](#).

do not consider that this measure will be a significant cost burden for any company, as we note that the training can be conducted by whatever means the company deems to be best. For example, this could be delivered as in-house training with refresher training provided at appropriate intervals.

- 5.34 The training provided to staff should be proportionate to their area of work, responsibilities, and level of interaction they may have with consumers.
- 5.35 We note and recognise the merit in the other external training schemes provided by respondents. We are supportive of any company who participates in these training schemes or any training scheme that helps staff identify and meet the needs of vulnerable customers. However, we will not prescribe specific training schemes for companies to participate in, as it is up to individual companies to decide what training is best suited to meet their vulnerability requirements. Therefore, we have decided to remove the specificity previously included in this measure by deleting reference to specific training (JAM training).
- 5.36 We suggest that companies should prioritise specific staff when implementing this measure across all staff members, for example frontline or customer facing staff should take priority in this training.

### **UR proposed decision**

#### *Measure amended*

Measure 2.1 - Ensure that all relevant staff (e.g. consumer facing staff, field staff, call centre handlers, and sub-contractors) and to include staff at a senior level, are adequately and frequently trained in the identification of consumers in vulnerable circumstances or /and who may be eligible for the customer care register, and in treating customers in an empathetic manner to encourage customers to self-identify. To include, but not exclusive to, disability training (in relation to hidden disabilities, learning difficulties or communication barriers), mental health awareness training and empathy training.

### **Principle 2 Measure 2 (2.2)**

All companies to remove call duration targets for vulnerability and affordability themed calls.

### **Stakeholder feedback**

- 5.37 Only a small number of respondents provided feedback on this measure. Two consumer groups fully endorsed the new measure, stating it is

imperative to ensure consumers with affordability and vulnerability issues are provided with the support they need.

- 5.38 A DNO stated they were happy to adopt the new measure, as they have already (as part of their own new customer measures) removed the emphasis on call duration for customer calls.
- 5.39 Two Suppliers questioned the new measure. One stated it was unclear what the UR's intention was regarding the requirement, noting that all companies who operate a Contact Centre will measure call duration, as it is critical to understanding demand and adequately resourcing the business operation.
- 5.40 The other stated that their existing process-based calls have no time limits, however, due to recent issues experienced at their call centres they have placed renewed focus on bringing down overall call handling times, to increase agent capacity. They stated that they would never prioritise call handling targets over the customer experience but would be concerned on a measure that prohibits targets as they can relate to call efficiency (as many sign-up calls can take upwards of 20 minutes).

#### **UR response**

- 5.41 For clarity, we note that this measure does not prevent companies from performing any type of monitoring on their calls or call duration. Rather the objective of this measure is that call handlers should not be limited to a set time when they are on a call with a customer who is vulnerable or experiencing affordability concerns.
- 5.42 The intended outcome of this measure is to ensure call handlers can spend longer on a call if they identify the customer (due to a vulnerability) requires extra time. This can be because extra time is needed for the customer to explain their vulnerability to the call handler or as a direct result of a vulnerability (such as needing the call handler to explain things at a slower pace or repeat aspects of the call).
- 5.43 We further note that the proposed measure only relates to vulnerability and affordability calls. Suppliers can still aim to bring down overall call handling times, but there should not be duration/time targets for calls that have affordability issues or where the call handler is dealing with a consumer in vulnerable circumstances. Furthermore, in any event, call handlers should not be encouraged to prioritise call handling targets over the customer experience. Companies cannot penalise their call handlers for spending longer time on calls where the customer is identified as having vulnerability or affordability issues.

## UR proposed decision

*Measure unamended*

Measure 2.2 - All companies to remove call duration targets for vulnerability and affordability themed calls.

## Principle 2 Measure 3 (2.3)

Establish a specialist team/ specialist contact who have authority to make flexible decisions in relation to the support provided to consumers represented by the UR's vulnerability definition.

### Stakeholder feedback

- 5.44 Only a small number of respondents had feedback on this measure.
- 5.45 Consumer groups supported the introduction of this measure, specifically focusing on the flexible decision-making aspect. One consumer group considered the measure could be expanded to include specific targets such as regular reviews of complaints data.
- 5.46 Some industry respondents had an issue with the practicalities of creating a specialist team. Stating that the requirement does not recognise the practical realities of providing a large-scale customer service business, as it would require a significant resource commitment. They considered training all call centre staff to manage customers in vulnerable circumstances, including the provision of support or the referral to advice agencies and continual learning and development for staff, would be a more appropriate measure to deliver this.

### UR response

- 5.47 We recognise that a requirement to create a new specialised team to operate this measure would require a significant cost and resource commitment. However, for clarity, this measure does not necessitate the development of a new team. Companies can deliver this measure through existing teams and personnel, by affording them the authority (and associated appropriate training) to make flexible decisions in relation to the support provided to consumers represented by the UR's vulnerability definition.
- 5.48 The requirement under this measure is for companies to be able to demonstrate that consumers who have vulnerable characteristics and

require flexible decisions, can have relevant decisions made about their query at time of contact rather than having to wait for the company to get back to them at a later date.

- 5.49 We have updated this measure to add clarity to deliver the desired outcome of the capacity to make flexible decisions on support provisions for vulnerable consumers anytime a consumer is in contact with their Supplier or DNO. We have removed the reference to 'establish a specialist team' and replaced it with 'ensure there is always a person(s) on duty during call centre operating hours who has the authority'.
- 5.50 In order to achieve this measure, companies may choose to give all their contact staff the authority to make flexible decisions in relation to the support provided to consumers represented by the UR's vulnerability definition.
- 5.51 We will not dictate how the measure is implemented and leave this to the individual companies.

### **UR proposed decision**

*Measure amended*

Measure 2.3 - Ensure there is always a person(s) on duty during call centre operating hours who has the authority to make flexible decisions in relation to the support provided to consumers represented by the UR's vulnerability definition.

### **Principle 2 Measure 4 (2.4)**

Establish a partnership between consumer representative bodies and Suppliers/network companies (which can be readily evidenced and which is intentionally cultivated and maintained) to raise awareness of the existence of customer care registers amongst members and clients and to ensure processes are in place to enable a warm handover of consumers in vulnerable circumstances who are in need of additional support.

### **Stakeholder feedback**

- 5.52 This measure received some clarification requests but no objections.
- 5.53 A DNO wanted to establish if these areas of support apply to DNOs.
- 5.54 A Supplier noted GDPR requirements that would have to be adhered to in delivering this measure, highlighting that when a warm handover is



performed or information is passed onto a consumer representative body, the consent of the customer needs to be obtained.

- 5.55 A consumer body asked for the measure to specifically state debt advice bodies for the warm handover.

### **UR response**

- 5.56 We note that this measure is requiring two separate actions from companies, namely to:

1. Establish a partnership between consumer representative bodies and Suppliers/DNOs (which can be readily evidenced and which is intentionally cultivated and maintained) to raise awareness of the existence of customer care registers amongst members and clients; and
2. Ensure processes are in place to enable a warm handover of consumers in vulnerable circumstances who need additional support.

- 5.57 We are therefore proposing to separate this into two discrete measures to hone and clarify the requirements.

- 5.58 We confirm that both measures will be applicable to DNOs and Suppliers. Whilst DNOs may not have a direct billing relationship with consumers, they still have interactions with consumers through other services such as meter readings and consumers calling or emailing their contact centres. In addition they hold customer care registers and therefore, there is consumer benefit in DNOs meeting both requirements.

- 5.59 We also note that companies should all follow their own GDPR requirements to ensure compliance with the legislation and emphasise that the UR would not require any company to conduct any actions or implement measures that would be GDPR non-compliant.

### **UR proposed decision**

#### *Measure amended*

Measure 2.4 – Establish a partnership between consumer representative bodies and Suppliers/network companies (which can be readily evidenced and which is intentionally cultivated and maintained) to raise awareness of the existence of customer care registers amongst members and clients.

Measure 2.5 – Ensure processes are in place to enable a warm handover of consumers in vulnerable circumstances who are in need of additional support.

## **Proposed Additional Measure**

- 5.60 Under Principle 2 we had proposed that companies introduce both a dedicated customer service phone line that consumers in vulnerable circumstances can call without incurring a premium rate charge, in addition to a free phone number for customers who are in financial hardship where appropriate.
- 5.61 We consider this should have been included as a required measure rather than a principle and therefore we will add this measure under Principle 2 to cover this requirement.
- 5.62 Several Industry respondents provided a response on the proposals relating to a customer service phone line. One company noted that they currently offer customer service telephone line free of charge so do not agree that there would be value in providing a separate phone number for customers on financial hardship.
- 5.63 Others noted they currently have a low-rate telephone number for customers in financial hardship but provide other avenues that are free of charge such as requesting a call back through their website and a dedicated email address included on their website and within information sent to customers. The respondent stated that whilst they acknowledge the benefit of introducing a free phone number which could be limited to those facing financial hardship, they believe the administration and unintended consequences of such a service would not support its implementation.

## **UR response**

- 5.64 We acknowledge the additional costs and potential administration companies would face in introducing a freephone number for customers in financial hardship. We also accept that companies may not know which of their consumers are in vulnerable circumstances or financial difficulty (to offer this service) until the customers contact them. Therefore, we are not asking companies to provide a freephone number for customers in financial difficulty as there are alternative free channels of communication.
- 5.65 We are currently conducting a review of energy Supplier customer service levels (this includes customer contact centres and suppliers processes for setting direct debits and returning credit balances), which will be subject to a separate consultation and is not part of the scope of the BPF.

## UR proposed decision

5.66 We propose the following requirement be introduced as a required *New measure*;

Measure 2.6 - All companies to provide a phone number for consumers that will not incur a premium rate charge, alongside providing other avenues for customer contact that are free of charge (to include as a minimum a call back option).

## Principle 3 Measure 1 (3.1)

Establish and maintain a register of domestic customers who are of pensionable age, disabled or chronically sick [medical care register], or are represented by the UR's vulnerability definition and who wish to be included on the list.

## Stakeholder feedback

5.67 Respondents had concerns with this proposed measure, which can be divided into three main issues, namely:

1. Inclusion of DNOs;
2. GDPR Compliance; and
3. Registering customers under the broader definition of vulnerability.

### Inclusion of DNOs

5.68 Some gas DNOs stated their concerns with this measure as this requirement has never been placed on DNOs to establish and maintain their own care customer care register. They stated that whilst they actively promote each gas Suppliers' customer care register, the register itself is established and maintained by the gas Supplier.

5.69 They stated that as the DNO does not have a customer-facing (e.g. billing) relationship with the customer after initial connection, they do not see any merit in DNOs managing a separate customer care register when this activity is already being undertaken by Suppliers and shared with DNOs on a monthly basis.

5.70 Gas DNOs further noted that the proposed measure exceeds what is required by GB counterparts, as GB currently follows the present approach with gas DNOs not responsible for maintaining a customer care register. They therefore do not believe this measure should cover DNOs and would welcome further engagement with UR on this matter.

- 5.71 A Supplier had concerns about the proportionality of each utility holding their own list. They stated that if the UR is concerned about a variance between lists, Suppliers and DNOs could synchronise their lists on a regular basis, similar to the process in the Republic of Ireland (RoI) which is synchronised annually for electricity customers.
- 5.72 Some DNOs stated that they already maintain a register of customers in vulnerable circumstances, holding the customers' specific needs when engaging with them.
- 5.73 However, they noted that their registers are not a complete database, so they would need to understand the logistics and GDPR requirements around capturing this information along with system configuration requirements to comment appropriately.

### **GDPR compliance**

- 5.74 Suppliers stated they believed the broadening of the URs definition of vulnerability would require additional Data Protection responsibilities to hold special category data and would be unlikely to bring any additional benefits of protection to customers over and above their existing processes.
- 5.75 A further Supplier stated that they currently have a customer care register in place and make customers aware of the customer care register should they wish to be included. They note that while a customer may meet the UR's vulnerability definition, they cannot be added to the Supplier's customer care register without their prior consent.

### **Registering customers under the broader definition of vulnerability**

- 5.76 A Supplier stated that as the new vulnerability definition is much broader and covers temporary vulnerability, there would need to be processes around how long a customer is left on the customer care register, which would prove challenging.
- 5.77 Another Supplier stated that they would welcome further engagement with the UR to understand how it envisages Suppliers and DNOs recording transient vulnerability.
- 5.78 A further Supplier stated that they considered the definition of vulnerability should be split into two separate customer care registers based on tangible or intangible vulnerabilities and whether a Suppliers can assist with the vulnerability i.e. where Suppliers have a corresponding service that would assist that customer.
- 5.79 A Supplier had concerns that expanding the criteria for the list to include those who are, "represented by the UR's vulnerability definition and who

wish to be included on that list” could dilute the value of being registered and lead to a scenario where the majority of customers are treated differently, which could heighten the risk of missing a vulnerable customer in an emergency.

## **UR response**

### **Inclusion of DNOs**

- 5.80 We are proposing implementing a new structure for customer care registers, this is set out in section 6. In developing this proposal, we took into consideration the responses we received on this measure regarding the customer care registers and we consider this proposal will address the concerns raised by respondents on inclusion of DNOs.

### **GDPR compliance**

- 5.81 Companies should follow their own GDPR requirements to ensure compliance with the legislation and emphasise that the UR would not require any company to conduct any actions or implement measures that would not be GDPR compliant. We also confirm that we do not require companies to record any special category data (in this case concerning the customers health) without their consent for it to be added to the customer care register. The only exception to this would be in instances of poor health where disconnection should be avoided as it would pose a life-threatening risk if the customer were to be disconnected.
- 5.82 As mentioned in section 1, we are currently engaging with the ICO on the proposals set out in this paper to ensure there are no issues identified.

### **Registering customers under the broader definition of vulnerability**

- 5.83 As stated above we are proposing to implement a new structure for customer care registers which is set out in section 6. In developing this proposal, we took into account the responses we received on this measure regarding customer care registers. We consider this proposal will address the concerns raised by respondents in regard to registering customers under the broader definition of vulnerability.

## **UR proposed decision**

### *Measure amended*

**Measure 3.1 - All Regulated Companies:**  
Provide the applicable customer care register holder with the relevant and lawful details (required for the customer care register), of any domestic customers who are of pensionable age, disabled or chronically sick [medical care register], or are

represented by the UR's vulnerability definition, and who wish to be included on the list.

#### Measure 3.2 - Register Holder:

Establish and maintain a customer care register of domestic customers who are of pensionable age, disabled or chronically sick [medical care register], or are represented by the UR's vulnerability definition and who wish to be included on the list. Provide a secure transfer channel for relevant Suppliers and DNOs to share details of their consumers who require or need updating on the customer care register. Update the customer care register in a timely manner following receipt of data from Suppliers and/or DNOs.

### Principle 3 Measure 2 (3.2)

All companies to carry out a promotional awareness raising campaign for care registers annually. This activity is to be cross-utility and involve consumer representative bodies.

#### Stakeholder feedback

- 5.84 Support for this measure was received from consumer bodies with one noting that consumer awareness of the support available is low and falling, citing that research from UR and CCNI is finding low levels of awareness.
- 5.85 They considered it is crucial that companies are obliged to raise awareness of the support available so that consumers know what help is available, how they can access it and make decisions on whether the services would be useful to them.
- 5.86 However, the consumer bodies who responded stated that they would like more detail in the measure on the amount of promotional activity energy companies should conduct, suggesting it could be beneficial to add targets.
- 5.87 A Supplier considered that due to the cross-utility aspect of the measure, responsibility should lie with either the UR or CCNI, as the company noted that they can only promote the customer care register to their own customers.
- 5.88 A DNO questioned the appropriateness and cost-effectiveness of customers receiving the same information from multiple companies, suggesting the formation of a working group to develop how best to practically deliver the promotion could be beneficial.

## UR response

- 5.89 Given further consideration, we have decided to divide this measure into two separate measures, as we require two different deliverables from companies.
- 5.90 The first measure requires companies to inform their domestic customers of the existence of and how to be added to the customer care register (this could be achieved through existing communications such as, adding the information on the bill<sup>11</sup>). The second measure expands the requirement on regulated companies to actively promote customer care registers externally to the general population through public channels, this could be for example via social media, at outreach events and/or through joint promotion with other utility companies and/or consumer representative bodies.
- 5.91 We do not want to set an exact target for the amount of promotional activity to be conducted as we recognise this will vary depending on the size of company and types of communication channels a company chooses to run its promotional activity on. However, we are proposing to require companies to deliver the promotional activity on customer care registers from at least three different communication channels, to increase the range of audience the communication can reach.
- 5.92 Companies can choose to conduct their promotional activity as a joint venture with other companies and/or consumer groups. We consider the industry working groups would be a useful place to develop this.
- 5.93 We will monitor the effectiveness of company's implementation of this measure using evidence of consumer awareness of customer care registers alongside the number of individuals who are on customer care register lists. If a company can evidence that they have conducted adequate promotional activity for customer care registers, but we have concerns about sign-up rates and evidence that awareness of the customer care registers among their customer base is low, we will work with the company to establish how they can improve their promotional activity in the subsequent year.

## UR proposed decision

*Measure amended*

**Measure 3.3 - Inform all your domestic customers, at least annually, on the existence of customer care registers and how to be added to the customer care register, if eligible.**

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<sup>11</sup> In the UR NI Domestic Consumer Insight Tracker for 2022 77% of electricity and 70% of gas customers reported looking at correspondence from their Supplier. See [Domestic Consumer Insight Tracker for 2022](#).

Measure 3.4 - Actively promote customer care registers (to encourage greater identification and sign up of eligible customers) to the wider public through a number of different communication channels such as, but not limited to, social media, websites, outreach events and advertisements. Engagement should occur with at least one consumer representative body in developing and/or delivering the promotion. Companies must be able to evidence promotional activity through at least 3 different communication channels each year. This activity can be delivered in collaboration with other utility companies and/or consumer representative bodies.

### **Principle 3 Measure 3 (3.3)**

All companies to use best endeavours to make use of their own data to proactively identify when someone is experiencing a potentially vulnerable period and make contact with them to establish if they are need of support.

#### **Stakeholder feedback**

- 5.94 Two DNOs stated that their data within this area is limited as they do not have a customer facing (e.g. billing) relationship with the customer, so they were unsure how the data could be used to identify vulnerability and subsequently make proactive contact.
- 5.95 Both DNOs sought clarity on how the UR propose DNOs use the data to proactively identify vulnerable customers.
- 5.96 Three Suppliers noted that they only have limited information on customers so implementing this measure would require significant assumptions to draw conclusions e.g. a change in vend could be an indicator of financial hardship, energy efficiency or change in tenancy. They stated they believe continual promotion for customers to get in contact if experiencing difficulty would achieve better results.
- 5.97 A consumer group sought clarity on what is expected as 'best endeavours'.

#### **UR response**

- 5.98 The purpose of this measure is for companies to ensure their staff are appropriately trained to identify through any customer interactions (and information they may hold) if a consumer is potentially vulnerable.
- 5.99 This interaction could be through direct communication such as the consumer calling the company with a query or indirect communication such as field visits e.g. to install a meter.



- 5.100 If a company's staff member identifies a potential vulnerability, they should be able to signpost the customer to protections available to them and how to avail of them. Alternatively they could update a designated staff member(s) who will contact the customer to see if the company can help the customer.
- 5.101 As this measure is 'best endeavours' it is not an absolute obligation, but in fulfilling this measure the Licensee must include steps which a prudent, determined and reasonable Licensee, acting in its own interests and desiring to achieve that result, would take.
- 5.102 We have updated this measure to make the requirements clearer.

### **UR proposed decision**

#### *Measure amended*

Measure 3.5 - All companies to use best endeavours during any customer interaction to proactively identify when someone is experiencing a potentially vulnerable period and make contact with them to establish if they are need of support.

### **Principle 3 Measure 4 (3.4)**

Take all reasonable steps to ascertain whether an occupant of a domestic property and/or the bill payer falls within the scope of bill payer being of pensionable age, disabled or chronically sick and lives alone or only with other persons who are of pensionable age, disabled, chronically sick or under the age of 18, or has a dependant under the age of 5 and/or represented under the UR's vulnerability definition.

### **Stakeholder feedback**

- 5.103 A DNO responded to this measure noting that they do not have a direct billing relationship with domestic customers, so it would be difficult for them to collect specific customer information such as age.
- 5.104 A number of Suppliers had concerns about collecting data on dependants under the age of 5 stating that collection of children's data required appropriate technical and organisational measures to implement the data protection principles and safeguard individual rights.
- 5.105 They also noted that households with a dependant under the age of 5 could make up a large proportion of their customer base who could then be classed as vulnerable. They asked that the UR review this measure with a view to remove the criteria for those under the age of 5.

5.106 Suppliers suggested that incorporating a check for household makeup at each interaction with the Supplier is not proportionate for the potential customer benefit. Instead, they proposed that such information should only be queried from the customer where it is essential to a process e.g. adding a check to the disconnection process.

### **UR response**

5.107 The purpose of this measure is to ensure all customers who are eligible to be on the customer care register are offered to be added to the customer care register by one of their utility companies.

5.108 As mentioned in section 1, we are currently engaging with the ICO on the proposals set out in this paper to ensure there are no issues identified. The details to be added to the customer care register will be two-tiered. There will be a medical need tier for those who require utilities for medical needs and everyone else will be eligible on a needs-based approach. The details of each category and what is recorded for the needs-based registers will be determined through industry working groups. See sections 3 and 6 for more details.

5.109 Based on the responses received we have updated this measure for clarity.

### **UR proposed decision**

*Measure amended*

Measure 3.6 – Take all reasonable steps to ascertain whether an occupant of a domestic property and/or the bill payer falls within the scope of eligibility to be added to the customer care register, and if eligible add the consumer to the customer care register (subject to their consent).

## **Principle 4 Measure 1 (4.1)**

Development of an adequate Consumer Management System that can provide a detailed consumer profile with regards the customer's specific support needs.

### **Stakeholder feedback**

5.110 We only received responses from industry stakeholders on this measure and not from consumer bodies.

- 5.111 One respondent was content with the measure, noting that they have a Consumer Management System available with respect to the current customer care register.
- 5.112 One respondent noted DNOs hold Asset Register information, and as DNOs do not have operational engagement with customer they consider that would be sufficient without the need to develop a Consumer Management System.
- 5.113 Some DNOs stated that to develop or upgrade a Consumer Management System this would require investment, resource and time and asked if the UR has considered mechanisms to recover costs for the development systems.
- 5.114 Another DNO sought clarity on the level of information that should be held on a customer in vulnerable circumstances, how it should be kept up-to-date and provided to Suppliers (and vice versa).
- 5.115 Suppliers replied to state that they already have systems in place, with one stating their systems have been designed to hold minimal information about the customers who have registered as vulnerable under the current definitions. They therefore seek a more detailed explanation of what the full requirement is under this measure, cognisant of what information a Supplier actually has and recognising that system development is both costly and takes time to implement.
- 5.116 A final Supplier stated that to develop an adequate Consumer Management System industry should leverage what is already available within current market systems to develop any consumer management system. Any enhancement should be evolutionary and must be led by DNOs rather than Supplier led.

### **UR response**

- 5.117 The purpose of this measure is to ensure all companies have suitable systems in place to support the inputting, storing and maintaining of customer's needs (via the customer care register) so that when they are dealing with customers, they will be able to see if the customer has any additional needs (due to vulnerability).
- 5.118 To achieve this, companies' data systems will need to be compatible across industry, to support the development of a single industry customer care register (and to support ultimately in the future a single utility customer care register).
- 5.119 This does not necessarily mean that all companies will require the same system. If a company can either upgrade or amend their current system to

align with the system requirements for the new customer care register structure (to be decided through the industry working groups) and support the inputting, storing and maintaining of customer's needs, then that will be acceptable for this measure.

5.120 The data system requirements for customer care registers will be determined in industry working groups. See section 3 for more details.

5.121 We can confirm that the means to recover the costs for the development of systems in price regulated companies will be dealt with through the applicable price controls.

5.122 We have amended this measure to clarify the requirements.

### **UR proposed decision**

#### *Measure amended*

Measure 4.1 - All companies will have an adequate Data System that is interoperable with industry systems used for customer care registers and will support the inputting, holding and maintaining of an adequately detailed consumer profile with regards the customer's specific support needs.

### **Principle 4 Measure 2 (4.2)**

Ensure that the register holds sufficient information (in line with existing Data Protection legislation) on the age, disability or chronic illness [medical customer care register] and/or mental health status of domestic customers to allow their specific needs or requirements to be identified.

#### **Stakeholder feedback**

5.123 Industry respondents had concerns about the level of personal data that this measure would require businesses to hold on their customers.

5.124 One concern was regarding the holding of sensitive information and compliance with the UK Data Protection Act 2018. The respondent stated that under the Act, information must be gathered for a defined purpose and therefore should only be gathering information on a customer that can result in a direct outcome from holding that information.

5.125 Another concern was cited regarding operationalising the measure as the expanded definition of vulnerability increases the categories of vulnerability exponentially, which would be difficult to categorise, search and report on.

5.126 DNOs noted that they do not have a relationship with the customer, therefore it would be hard to collect specific customer information and under GDPR guidance they may not have legitimate reason to collect this information on the customer.

### **UR response**

5.127 This measure has been amended to align with the proposed decision on customer care registers set out in section 6.

5.128 Further details on the development, maintaining, updating and specific needs categories of the customer care register will be developed in the proposed industry working groups (see section 3).

### **UR proposed decision**

#### *Measure amended*

Measure 4.2 - Ensure that the customer care register holds sufficient information (in line with existing Data Protection legislation) on the needs or requirements of the domestic customers who are considered vulnerable due to age, disability or chronic illness [medical customer care register] and/or mental health status or other reason covered under the definition of vulnerability.

### **Principle 4 Measure 3 (4.3)**

All companies should contact all registered customer care consumers (or a nominated representative) every two years to ensure they are receiving the necessary support. This should be a meaningful contact, which as a minimum could include a telephone call to the consumer to assess the level of support they require.

### **Stakeholder feedback**

5.129 There were mixed responses on this measure.

5.130 Some respondents had concern that multiple contacts from multiple companies would not be appropriate for a vulnerable customer. To address this concern a DNO suggested, that in order to limit the total number of contacts a customer could receive, consideration should be given to either creating a centralised customer care register for all utilities, or the information collected by the Supplier could be shared with the network provider.

- 5.131 Industry had resource concerns if the extended definition of vulnerability was included in this measure as it could require a significant number of calls to customers.
- 5.132 A consumer body considered the time period of contact every two years would not be sufficient for all customers, as some clients in vulnerable positions will need more regular contact.
- 5.133 A further concern from both consumer bodies and industry was the requirement of a telephone call at a minimum, as they believed contact should be via the customers preferred means of contact.

### **UR response**

- 5.134 We agree that multiple contacts from multiple companies would not be appropriate for a vulnerable customer, therefore we are proposing that this measure is only applicable to the customer care register holder.
- 5.135 We consider the customer care register holder is best placed to deliver this measure as they have the details of everyone on the customer care register and can directly update the customer care register with any amendments provided by the customer.
- 5.136 We appreciate that the expanded definition of vulnerability will result in more consumers on the customer care register, thus increasing the number of contacts required. However, we consider that this measure is important to ensure the customer care register is providing benefit to those who are on it.
- 5.137 We acknowledge some groups of customers may benefit from contact on a more frequent basis than every two years. Under the new customer care register proposal for needs-based recording, if it is considered that the consumers' needs may require more frequent review it should be noted in the customer care register for the customer care register holder to be able to respond to. This measure just sets the minimum requirement on contacting registered customers, companies are welcome to go above and beyond these requirements.
- 5.138 We agree that in fulfilling this measure a consumer should be contacted by their preferred means of contact.

### **UR proposed decision**

*Measure amended*

Measure 4.3 - Customer care register holders should contact all registered customer care consumers (or a nominated representative) at least every two years to ensure they are receiving the necessary support. This should be a meaningful contact, by

the consumers preferred method of contact, to re-assess the level of support they require.

## **Principle 4 Measure 4 (4.4)**

All companies to carry out a data cleanse of care registers. Removal of consumers to only take place after attempts to contact the consumers have been made by telephone and letter.

### **Stakeholder feedback**

- 5.139 Some industry respondents were content with this measure as they already carry out a data cleanse regularly, removing customers if they confirm that they no longer require to be on the customer care register.
- 5.140 These industry respondents recommend that the contact should be attempted at least twice via either telephone, email, SMS or post before removal from the customer care register.
- 5.141 A gas DNO considered that this measure should only be applicable to gas Suppliers as they currently hold the gas customer care registers.
- 5.142 A consumer group warned against removing customers from customer care registers following failed attempts to reach consumers, as they noted there may be times when individuals are temporarily unable to engage with utility companies.
- 5.143 The consumer group suggested that instead of this measure applying to all on the customer care register, it could just cover those who might be considered vulnerable for a short period. For these consumers companies could set review dates to determine if they still need to be on the customer care register.

### **UR response**

- 5.144 We are proposing to amend this measure to only be applicable to the customer care register holder.
- 5.145 We acknowledge the risk of removing customers due to failed attempts to reach them, therefore we are proposing that at least three attempts at contact by a customer's preferred means of contact must be completed before removal from the customer care register.

5.146 We also acknowledge that this measure is aimed at those who may have a temporary vulnerability. However, we do not propose to change the measure to apply only to those marked as being temporarily vulnerable. This is because it is hard to establish if a vulnerability will be temporary, as it is dependent on an individual's personal circumstances which can change over time. Therefore, we propose that this measure will remain applicable to all on the customer care register.

5.147 We are proposing to specify the data cleanse must be conducted every two years. This will provide clarity and consistency across Licensees. The time period of two years aligns with measure 4.3, where Licensees, 'should contact all registered customer care consumers (or a nominated representative) every two years to ensure they are receiving the necessary support.' Licensees may choose to align this measure (4.4) and measure 4.3, to complete both in the same contact with the consumer.

### **UR proposed decision**

#### *Measure amended*

Measure 4.4 - Customer care register holders must carry out a data cleanse of customer care registers every two years. Removal of consumers should only take place after a minimum of three attempts to contact the consumer via the consumers' preferred method of contact.

### **Principle 5 Measure 1 (5.1)**

Not disconnect a customer who has not paid their bill and is of pensionable age, disabled or chronically sick and lives alone and who are represented by the CPP vulnerability definition or only with other persons who are of pensionable age, disabled, chronically sick or under the age of 18, or with a dependent aged under 5 years and who are represented by the UR's vulnerability definition during any winter period, that is to say, a period beginning with 1 Oct in any year and ending with 31 March in the following year.

**Applies to gas and electricity Suppliers**

### **Stakeholder feedback**

5.148 Seven responses were received on this measure from both industry and consumer groups.

5.149 Consumer groups sought the disconnection moratorium period to be extended to a full year for consumers in these circumstances. They noted



that this is provided in GB via Energy UK's Safety Net (a commitment from Energy UK members to never knowingly disconnect a vulnerable consumer at any time of year).

- 5.150 Consumer groups further noted that the protection in this measure does not extend to customers using PPMs. One respondent would like to see what measures can be taken to identify and record the numbers of PPM customers self-disconnecting and what additional support can be provided to help avoid the disconnection. Another stated they believe there is a need to block PPM installations due to debt or financial difficulty during the winter.
- 5.151 A final consumer group was concerned that there could be some individuals who fall outside of the specific vulnerability definition and still need protection.
- 5.152 Some Suppliers considered the measure was too broad, stating that the measure to avoid disconnection should only apply to those who require it as a result of their vulnerability. They stated that if the protection is open to those who do not require it, then it is at risk of misuse and vulnerability could be used as a tool for bill avoidance.
- 5.153 Suppliers stated that they only disconnect as a last measure, after they have exhausted their debt recovery process. They consider that it is important to maintain the potential of disconnection as a final deterrent for customers who are not engaging with their Supplier on the matter.
- 5.154 A final area of concern from Suppliers was the expansion to include a customer with children under five, as they stated that it could expand the exception on disconnection to a significant proportion of their customer base.
- 5.155 Suppliers considered a distinction needs to be made between a customer with a dependent under five who may be struggling with other extenuating circumstances as opposed to any customer with a dependent under five.
- 5.156 There was a DNO and Supplier who cited support for the measure, with the Supplier stating that they have a non-disconnection policy regardless of customer circumstances.

### **UR response**

- 5.157 We recognise the risk of harm that disconnection brings, and the increased risk for the groups of customers mentioned in this measure. Therefore, the option to disconnect needs to be managed carefully.
- 5.158 We consider the option for Suppliers still needs to remain, as it is an important deterrent to prevent abuse of protections for bill avoidance. Bill

avoidance negatively affects all customers as the unpaid bill is spread across the rest of the customer base (therefore all customers pay).

- 5.159 We consider disconnection should be the last step in the debt recovery process and only if the customer is not engaging with their Supplier.
- 5.160 We are therefore proposing to update this measure to maintain the option to disconnect, but Suppliers must evidence that they have taken all reasonable steps to avoid the disconnection. We are also proposing that this measure is extended to cover the whole year.
- 5.161 We note the installation of PPMs (to those who they are suitable for) is important to maintain as part of a Supplier's debt recovery process and this is a further step to avoid disconnection.
- 5.162 We agree that customers on PPMs require protections, specifically in regard to self-disconnection (measure 7.3 provides specific protection). We will also be conducting work later in the year on how suppliers can monitor the number of PPM customers that could be self-disconnecting and what additional support can be provided. This work will align with the introduction of smart metering and the upgrade of gas meters.

## **UR proposed decision**

### *Measure amended*

Measure 5.1 - Take all reasonable steps to not disconnect a customer who has not paid their bill and is of pensionable age, disabled or chronically sick and lives alone and who are represented by the vulnerability definition or only with other persons who are of pensionable age, disabled, chronically sick or under the age of 18, or with a dependent aged under 5 years and who are represented by the UR's vulnerability definition.

**Applies to gas and electricity Suppliers**

## **Principle 5 Measure 2 (5.2)**

Take reasonable steps to avoid disconnecting the supply to premises where a bill has not been paid and includes an occupant who is of pensionable age or disabled or chronically sick or under the age of 18, or with a dependent aged under 5 years and who are represented by the UR's vulnerability definition during any winter period, that is to say, a period beginning with 1 Oct in any year and ending 31 March in the following year.

**Applies to gas and electricity Suppliers**

## Stakeholder feedback

5.163 This measure received similar responses to those set out in measure 5.1.

## UR response

5.164 We have decided to maintain this measure as we consider it provides an appropriate balance of (i) reducing the risk of disconnection for the groups of customers mentioned in this measure (who we consider to be in a higher risk category) (ii) whilst maintaining the option of disconnection as a deterrent to prevent abuse of protections for bill avoidance.

5.165 This measure, unlike measure 5.1, does not require all occupants of the premises to be represented under one or more of the groups of customers mentioned in the measure. Therefore premises that would be covered under this measure could contain occupants who we would class as lower risk. For this reason we consider it is suitable to maintain the applicability of this measure to the period that presents the greatest risk of harm if disconnection occurs, namely the winter period (1 October – 31 March).

## UR proposed decision

*Measure unamended*

Measure 5.2 - Take reasonable steps to avoid disconnecting the supply to premises where a bill has not been paid and includes an occupant who is of pensionable age or disabled or chronically sick or under the age of 18, or with a dependent aged under 5 years and who are represented by the UR's vulnerability definition during any winter period, that is to say, a period beginning with 1 Oct in any year and ending 31 March in the following year.

**Applies to gas and electricity Suppliers**

## Principle 5 Measure 3 (5.3)

Ensure a domestic premises which includes an occupant who is of pensionable age or disabled or chronically sick and who are represented by the UR's vulnerability definition can avail of a flexible payment plan for any reconnection charges. This repayment plan to include but not exclusive to the use of instalments.

**Applies to gas DNOs and Suppliers**

## Stakeholder feedback

- 5.166 A consumer group wanted this measure extended to waive reconnection charges for financially vulnerable households, as well as facilitating flexible payment plans.
- 5.167 DNOs wanted this measure to only apply to customer reconnections that are a result of disconnection due to debt.
- 5.168 DNOs did not believe this measure should apply where the property has been disconnected or isolated from the network to ensure safety. This would be in cases where isolation was a result of a risk to the safety of the network created by a gas user's/property owner's action and could also include cases of energy theft. The DNOs noted that a decision to reconnect a property to the network in these instances would be based on an individual property risk assessment.
- 5.169 A DNO further stated that they do not believe this measure should apply to DNOs as they do not invoice consumers for disconnections and reconnections, rather they invoice the Supplier, and it is the Supplier that enters into any repayment plan with the consumer.

## UR response

- 5.170 We do not consider it would be a fair consumer outcome to waive reconnection charges, as this cost would be spread across the rest of the customer base.
- 5.171 Disconnection is a matter of last resort and should only be carried out if the consumer is not engaging with their Supplier. We want to encourage customers to engage with their Supplier to avail of the help and protections available to them before they get to the stage of disconnection. We consider maintaining a charge for reconnection encourages customers to engage with their Supplier.
- 5.172 We are maintaining this protection for any type of reconnections (for clarity this does not only apply to those that are a result of disconnection due to debt). We consider that the upfront cost of reconnecting could be a permanent barrier to a customer ever reconnecting and it could have further unintended consequences such as a customer having to take out a high interest loan.
- 5.173 Individuals covered under this measure will still have to pay the reconnection charge, however they will have the opportunity to pay it over a longer timeframe. This will also be based on the customer's ability to pay (aligning with the requirements in the Code of Practice minimum standards on

Payment of Bills<sup>12</sup>). The measure has been updated to reflect this requirement.

- 5.174 We also note that this measure does not impede DNOs conducting an individual property risk assessment before reconnecting. DNOs should not reconnect a property where there is an associated safety risk.
- 5.175 We note that there is a safety risk in the theft of gas, so it is important to maintain deterrents to prevent the reoffence of gas theft. We are therefore providing DNOs the option to put in additional risk mitigation safeguards if reconnecting a property that has been disconnected due to theft in the form of an agreement with the customer to have regular meter checks (for at least the first year of reconnection).

### **UR proposed decision**

#### *Measure amended*

Measure 5.3 - Ensure a domestic premises which includes an occupant who is of pensionable age or disabled or chronically sick and who are represented by the UR's vulnerability definition can avail of a flexible payment plan for any reconnection charges. This repayment plan must be based on the customer's ability to pay and is to include but not exclusive to the use of instalments.

If the reconnection is following disconnection or isolation from the network to ensure safety, the DNO can request an agreement with the customer to regular meter checks for the first year of reconnection.

**Applies to gas DNOs and Suppliers**

### **Principle 5 Measure 4 (5.4)**

Arrange a free annual gas safety inspection of the gas appliances and other gas fittings on the customer's side of the meter for those customers who are of pensionable age, disabled or chronically ill and are represented by the UR's vulnerability definition. This only applies to households where all occupants are of pensionable age or disabled or chronically sick or minors. This does not apply where the landlord of the customer is responsible for the annual inspection in accordance with the Gas Safety (Installation and Use) Regulations (Northern Ireland) 2004. The safety inspection must be undertaken by a person possessing appropriate expertise.

**Applies to gas Suppliers**

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<sup>12</sup> [Code of Practice minimum standards on Payment of Bills](#)

## Stakeholder feedback

- 5.176 Two gas Suppliers provided comment on this measure.
- 5.177 One sought clarification as they noted that the wording is inconsistent around who it is applicable to.
- 5.178 The other Supplier stated that they believe only customers with a vulnerability who would benefit from the service should be in receipt of the annual gas safety check.

## UR response

- 5.179 We agree the wording is inconsistent on who the measure is applicable to and have updated the wording to clarify that it is only applicable for households where all the occupants fall under a category set out in the measure. This aligns with the requirements set out in the gas supply licence (2.11.3(f)).
- 5.180 We acknowledge this measure has a cost and therefore should only be available to those who would benefit due to their vulnerability. As we have now clarified that this measure will only be applicable to households where all members fall under one of the stated categories, we consider this will help target the measure to customers who would benefit from the annual gas safety check.

## UR proposed decision

### *Measure amended*

Measure 5.4 - Arrange a free annual gas safety inspection of the gas appliances and other gas fittings on the customer's side of the meter for households where all occupants are either of pensionable age, disabled, chronically ill, minors or are represented by the UR's vulnerability definition. This does not apply where the landlord of the customer is responsible for the annual inspection in accordance with the Gas Safety (Installation and Use) Regulations (Northern Ireland) 2004. The safety inspection must be undertaken by a person possessing appropriate expertise.  
**Applies to gas Suppliers**

## Principle 5 Measure 5 (5.5)

Provide special identification for employees authorised by the Licensee to visit households. This will include operation of a password scheme and/or another telephonic based identification scheme (Quick Check 101).  
**Applies to all regulated utility companies**

## Stakeholder feedback

- 5.181 There was broad support across industry and consumer groups for this measure.
- 5.182 Only one respondent (a consumer group) sought an amendment looking for the optionality of 'and/or' be removed from the measure.

## UR response

- 5.183 We welcome the support for this measure and commend the Suppliers and DNOs who already operate a password scheme and the Quick Check 101 scheme.
- 5.184 We note that as of August 2022, all DNOs and domestic Suppliers are signed up to and operate the Quick Check 101 scheme. We are therefore going to remove the optionality of its inclusion in the measure.

## UR proposed decision

*Measure amended*

Measure 5.5 - Provide special identification for employees authorised by the Licensee to visit households. This will include operation of a password scheme and another telephonic based identification scheme (such as the Quick Check 101 scheme).

**Applies to all regulated utility companies**

## Principle 6 Measure 1 (6.1)

All companies to provide (free of charge and accessible) advice and information to customers on the services available because of their age, disability or chronic illness and who are represented by the UR's vulnerability definition annually.

## Stakeholder feedback

- 5.185 Consumer groups sought this measure to be extended. One wanted the measure to require the advice and information to be 'prominent and easily available online, as well as via hard copies for people who may have difficulties accessing the internet.
- 5.186 One consumer group wanted the measure to require partnerships established with external bodies to include formalised referral procedures.

- 5.187 Another consumer group sought a requirement for energy companies to alert vulnerable customers to the availability of other cheaper payment methods and tariffs, the availability of a free meter move where required, and if PPM is no longer practical for them or has the potential to not be, that they are able to move to another payment method particularly in the case of the gas PPM method, which has no means to top-up through telephone or online services.
- 5.188 Industry supported this measure with respondents stating that, a number of measures to provide advice and information are already in place including information leaflets, website information, free annual newsletters, social media pages, campaigns and information provided on bills.
- 5.189 One DNO sought clarification on the information to be provided.
- 5.190 Another Supplier noted that they would welcome engagement with other utilities to best coordinate communications and maximise awareness of the services for customers who may need them.

### **UR response**

- 5.191 The purpose of this measure is to ensure customers know about the additional services and protections available to them because of their vulnerability so that they can avail of them if and when required. It is therefore essential that customers can easily find out what services they can avail of from their utility company. This information should be provided through a number of channels to ensure accessibility for all, such as those who are digitally excluded<sup>13</sup>. It should also be prominent and in Plain English.
- 5.192 We note the requirement for companies to establish partnerships with external bodies to include formalised referral procedures is covered in measure 7.1 so we will not add it to this measure.
- 5.193 We would be supportive of company's engaging with other utilities to best coordinate communications and maximise awareness of the services for customers who may need them.
- 5.194 We note the suggestion for an additional requirement for companies to alert vulnerable customers to the availability of other cheaper payment methods and tariffs. We do not propose to add this to the new CoP but may consult on this as part of the new CPP later in the year.

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<sup>13</sup> Digitally excluded people can lack digital skills, confidence, and motivation, along with having limited or no access to digital equipment and internet connectivity.



5.195 We note the suggestion for additional protections around PPMs. These are already provided through the CoP minimum standards on Service for PPM Customers<sup>14</sup> and further enhancements to this CoP may be consulted on as part of the new CPP later in the year.

## UR proposed decision

### *Measure amended*

Measure 6.1 - All companies to provide (free of charge and accessible) advice and information on the additional services available to customers because of their age, disability, or chronic illness and/or who are represented by the UR's vulnerability definition.

This should be provided through a number of channels to include, at minimum, the company's website and customer's bills. Advice and information provided must be accessible and displayed (if applicable) in a prominent position.

## Principle 7 Measure 1 (7.1)

All companies to provide consumers who are represented by the UR's definition of vulnerability and are experiencing affordability difficulties with their energy bills with a 'warm handover' to a consumer body which can assist them with a benefit entitlement check facility.

### **Applies to Suppliers**

## Stakeholder feedback

5.196 This measure was welcomed by consumer bodies. One respondent noted that their research found that only 17% of households were aware that Suppliers could refer customers struggling with debt to an organisation offering free independent advice. They considered this finding underlined the need for the service to be proactively offered to consumers rather than be provided on request. They also stated that partnerships to facilitate warm handovers and referrals should not be limited to affordability issues.

5.197 Another consumer group considered benefit entitlement checks could be conducted by trained employees within the utility companies, as well as by external consumer bodies.

5.198 A Supplier responded to state that since 2020 they have had a contract in place with Advice NI where customers who are struggling with financial

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<sup>14</sup> [CoP minimum standards on Service for Prepayment Meter Customers](#)

vulnerability can be passed over to Advice NI in a safe warm handover and they have found it beneficial for all involved.

- 5.199 Another Supplier stated they would welcome engagement with the UR and other utilities to maximise this list of third parties to ensure there is a cohesive list that can be used across the industry.

### **UR response**

- 5.200 We encourage companies to establish partnerships with consumer bodies to facilitate warm handovers for various issues, not just affordability issues. However, we are going to maintain the requirement at this stage to be specific for those experiencing affordability issues.
- 5.201 We expect companies to proactively offer the warm handover service to any customer they determine is experiencing affordability difficulties with their energy bills.
- 5.202 We note the suggestion of having in-house benefit entitlement checks however, we consider this service requires a specific skill set and would be best provided through specialist consumer/advice bodies. In addition, if a consumer is struggling with their energy bill it could be part of a wider affordability/debt issue. Consumer and advice bodies would have the skill set to help the customer on all potential affordability/debt issues including the energy related issues.
- 5.203 We welcome any engagement to help maximise the list of third parties and will assist in this if required.
- 5.204 We have expanded this measure to also include DNOs, as whilst they may not have a billing relationship with customers, there are some contact points such as meter installations or queries, in which the DNO may identify that a customer would benefit from a warm handover to a consumer body.

### **UR proposed decision**

*Measure amended*

Measure 7.1 - All companies to provide consumers who are represented by the UR's definition of vulnerability and are experiencing affordability difficulties with their energy bills with the option of a 'warm handover' to a consumer body which can assist them with a benefit entitlement check facility.

**Applies to all regulated utility companies**

## Principle 7 Measure 2 (7.2)

All companies to provide/operate a 'breathing space' policy for consumers represented by the UR's definition of vulnerability (a breathing space is a period of time during which an individual in debt is provided with respite from creditor action in order to fully engage with debt advice and seek sustainable solutions to their debt).

### Stakeholder feedback

- 5.205 Clarity on the length of the breathing space period was sought from some respondents. A consumer group considered a minimum of 60 days in line with statutory schemes in England and Wales should be provided. A Supplier noted that the period should be feasible and practicable for both consumers and Suppliers.
- 5.206 A Supplier noted that the consultation references legislation in place in GB "The Debt Respite Scheme", referred to as 'Breathing Space'. They stated that as the legislation does not apply to NI, they would seek guidance from the UR on the proposed parameters for 'Breathing Space' if they are to align with existing GB legislation or if decisions will be made by individual companies.
- 5.207 Several Suppliers had concern on the benefit this measure could offer above what is already provided by Suppliers under existing regulatory requirements. They noted that they ensure all customers (not just those who could be considered vulnerable) are treated on a case-by-case basis and that Suppliers are mindful of their specific circumstances to provide adequate payment plans, deferrals and advice when required.
- 5.208 There was concern by Suppliers that this measure would potentially contradict the existing requirement of treating each customer on a case-by-case basis and be a case of over regulation
- 5.209 Another Supplier questions the relevance of the 'Breathing Space' policy (as referenced in this measure) as it is designed for customers of financial institutions who are in a position where they will be accruing significant interest. This would not be applicable to utility customers given that they do not apply interest in such an escalated manner.

### UR response

- 5.210 We acknowledge Suppliers treat any of their customers in debt on a case-by-case basis to develop payment plans based on their ability to pay. This is

to comply with requirements within the Code of Practice minimum standards on Payment of Bills<sup>15</sup>.

- 5.211 We consider this measure will function as an additional tool to support the existing requirements. There are some cases where a customer may be experiencing a sudden or short-term drop-in income (such as losing a job or due to bereavement) and in these cases it could be more beneficial to set up a payment plan at a later date once the customer has a better concept of their ability to pay. There could also be cases where a customer should consider prioritising the debt(s) that need to be repaid. For example, the customer could have debt(s) that is accruing high interest and it could be advantageous for the customer to first pay off the high interest debt before setting up a payment plan with their utility Supplier, this could improve both their long term finances and their ability to pay future bills.
- 5.212 As identified by respondents this measure may not always be the most appropriate tool to help customers in debt. Therefore, we have made it a requirement for Suppliers to provide the option of ‘breathing space’, so that it can be determined what tool would best suit the customer and their needs.
- 5.213 We are also cognisant that each individuals’ circumstances are different. Therefore, we are not specifying an exact time period for the breathing space, as this should be decided by Suppliers on a case-by-case basis, based on the individuals’ circumstances.
- 5.214 We note that the Debt Respite Scheme is only operational in GB, however, there are currently proposals to incorporate provisions for a ‘Breathing Space’ in NI through the establishment of a Debt Respite Scheme in NI.<sup>16</sup>
- 5.215 We have also amended this measure so that it is only applicable to Suppliers as they have the billing relationship with customers.

## **UR proposed decision**

### *Measure amended*

Measure 7.2 - Include the option of ‘breathing space’ when developing a payment plan for customers in debt who are represented by the UR’s definition of vulnerability. Breathing space is a period during which an individual in debt is provided with respite from creditor action in order to fully engage with debt advice agencies and seek sustainable solutions to their debt. The period of time should be decided on a case-by-case basis based on the individuals’ circumstances.

### **Applies to Suppliers**

<sup>15</sup> [Code of Practice minimum standards on Payment of Bills](#)

<sup>16</sup> [DfC Call for Evidence: Debt Respite Scheme.](#)

## Principle 7 Measure 3 (7.3)

All companies to make use of internal data to proactively identify consumers who are at risk of self-disconnecting and provide advice and support/financial assistance where appropriate.

### Stakeholder feedback

- 5.216 Suppliers' responses to this measure indicated that whilst they believe the measure is beneficial in principle, they consider it would be very difficult to implement and operationalise.
- 5.217 They stated that at present they have a limited amount of data available to them such as meter reads or one-off interactions meaning it would be difficult to draw conclusions without making assumptions. They believe that to more readily identify customers who have self-disconnected it would require visibility of the current credit status on the meter, which is currently not possible with all the meters in NI.
- 5.218 Suppliers further noted that unless consumers engage with them to inform that they are having difficulties with payments, then the actions they can take are limited.
- 5.219 A Supplier noted that PPM as a method of payment is particularly prevalent in rental accommodation and that many of these customers move in and out of properties and do not register their account. Therefore, the Supplier is left with out-of-date information and the only method of communication is post which many consumers may choose to ignore.
- 5.220 One Supplier noted that during the last two years they have been doing work in the area of self-disconnection with limited success, with many customers they contacted not engaging.
- 5.221 One Supplier suggested that instead of using internal data, the use of data already submitted to the UR (debt management and energy theft detection reporting) could be reused to enable identification of self-disconnection.
- 5.222 Other Suppliers asked for engagement from the UR to better understand how they envisage the practical application of supply companies proactively identifying self-disconnecting customers. Whilst another Supplier suggested engagement with the wider industry to continue improvements in their identification of these customers.

## UR response

- 5.223 We acknowledge that current meters in NI limits the ability for companies to proactively identify consumers who are at risk of self-disconnecting.
- 5.224 We note that there is currently a programme to install new gas meters and there is also a Smart metering programme for electricity meters. These new meters will provide companies greater levels of internal data which will enable companies to identify potential self-disconnecting more readily.
- 5.225 We have therefore amended the measure to state that companies should use best endeavours instead of internal data, so that the measure is applicable to the level of information companies have from their systems at a given time.
- 5.226 We will review this measure once the meter upgrade programme is complete in gas and also in relation to the Smart Metering programme for electricity. We will shortly be starting a research piece on consumers in debt and those who self-disconnect will be included in this research. We will use this research to work with industry and consumer bodies to aid in developing support for consumers who self-disconnect.

## UR proposed decision

*Measure amended*

Measure 7.3 – All companies will use best endeavours to proactively identify consumers who are at risk of self-disconnecting and provide advice and support/financial assistance where appropriate.

## Principle 7 Measure 4 (7.4)

All companies to target consumers with a PPM debt on or over a specified amount (e.g. £400) and provide an incentive to engage to discuss debt repayment to include a package of support measures (e.g. warm handover to organisation who can carry out a benefit entitlement check).

## Stakeholder feedback

- 5.227 Overall there was broad support for this measure, but concern from both industry and consumer groups that the monetary figure (of £400) was too high.

- 5.228 A consumer group stated that £400 represents over 50% of an average annual PPM electricity bill and a third of an average annual natural gas bill. The consumer group considered the debt amount to trigger targeted company engagement should be set at a lower amount and be sector specific.
- 5.229 Two Suppliers stated that in their experience, leaving engagement to when debt levels are £400 is too late, for two reasons. The first is that customers tend to be most responsive on debt matters in the earlier stages of accruing debt. The second is that debt is more manageable when it is addressed at lower levels of monetary value. The Suppliers stated that they contact their customers prior to the installation of a PPM to agree on a reasonable repayment rate and they consider it would be detrimental to leave engagement until the debt accumulated to £400.
- 5.230 A consumer group sought for the measure to also include all repayment plans to be set with a consideration of affordability and ability to pay.
- 5.231 A Supplier also stated concerns that this measure could encourage customers to allow their debt to accumulate to the £400, rather than repaying at an earlier stage. They suggested the introduction of a measure similar to the Energy Engage Code in RoI. This is a voluntary code whereby Suppliers agree that they will not disconnect a customer for debt if they are actively engaging with their Supplier. This is to encourage customers to engage at any point in debt management. The Supplier stated that they have found it encourages customers to work with Suppliers to bring down their debt.

### **UR response**

- 5.232 We welcome the examples of good practice that Suppliers have stated in their response to help consumers reduce and pay off their debt at an earlier stage, to avoid a build-up of debt.
- 5.233 We also agree that Suppliers should have processes in place to ensure they take steps to address a customer's debt before it builds up to £400.
- 5.234 We agree that a debt of £400 is too high therefore, we propose to lower the figure to £200. We may review this figure from time to time, due to the volatility of energy prices. Any changes would be discussed with Suppliers in advance. Suppliers will also have the opportunity to propose a change to this amount (via the processes for changes to industry procedures) if they consider it is no longer adequate/suitable (for example due to changes in energy prices).
- 5.235 We note the request for the measure to be extended to include all repayment plans to be set with a consideration of affordability and ability to pay

however, this obligation is already provided for in the CoP on Payment of Bills<sup>17</sup> and is not required in this CoP.

5.236 We consider the agreement of Suppliers not to disconnect a customer who is actively engaging would be beneficial so have included it as a proposed new measure.

5.237 We also note these measures are only applicable to Suppliers.

## **UR proposed decision**

### *Measure amended*

Measure 7.4 - Target consumers with a PPM debt on or over a specified amount (£200) and provide an incentive to engage to discuss debt repayment that will include a package of support measures (e.g. warm handover to organisation who can carry out a benefit entitlement check).

### **Applies to Suppliers**

Measure 7.5 - Do not disconnect a customer for debt if they are actively engaging with their Supplier.

### **Applies to Suppliers**

## **Principle 8 Measure 1 (8.1)**

All companies to establish effective data sharing methodologies to enable the effective use of consumer data to any relevant party licenced to convey/supply gas or distribute/supply electricity or supply water to the domestic consumer's premises under the Gas Order, Electricity Order, and or the Water and Sewerage Services Order in an appropriate form and at appropriate intervals.

### **Stakeholder feedback**

5.238 Eleven stakeholders provided responses on this measure. Overall, there was broad support for the principle of the measure, but there were a number of concerns on how it would be delivered and operationalised. The feedback has been divided into the key areas of comment.

### **Development of industry working groups**

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<sup>17</sup> [Code of Practice on Payment of Bills](#)



- 5.239 DNOs were supportive of the development of industry working groups to deliver this measure of data sharing across the regulated companies.
- 5.240 However, there was disagreement on the form these industry working groups should take, one stated they believe it should be sector specific industry working groups (i.e. gas, electricity and water). Whilst others considered it would not be practical for five DNOs to take the lead and that it would be better led by the UR or another independent project manager.
- 5.241 A consumer group sought clarity on how proposals from the industry working groups will be scrutinised, vetted and agreed.

### **Delivery**

- 5.242 A DNO considered formal guidance (from UR) will be required to accompany any data sharing model, to ensure that the holding and maintaining of Supplier's customer care registers is not duplicated.
- 5.243 They stated they would be supportive of the arrangement in GB where customers can ask a DNO for their information to be added to the customer care register and the DNOs can pass this information to the relevant Supplier.
- 5.244 This approach was supported by a Supplier who suggested that existing data sharing agreements with Suppliers and NIEN via Market Messaging should be enhanced within existing technology and infrastructure to deliver this measure.
- 5.245 All respondents noted that due to the complexities of establishing data sharing protocols this measure will take time to develop and implement. Two DNOs noted that based on their experience with other projects of this level they would suggest the timeline for delivery should be extended to at least 36 months.
- 5.246 Some respondents considered that due to the time and complexity of establishing a data sharing methodology, that the industry working groups should be developed first and then this measure only come into effect once each industry working group has determined what data can and will be shared between Suppliers and DNOs.

### **Data Protection**

- 5.247 It was noted that for this measure to be implemented it will be critically important for any data sharing framework or methodology complies with the principles of the Data Protection Act, to hold data that is accurate, up-to-date and only hold the data for as long as is necessary.

- 5.248 It was suggested that work on this could be delivered through an industry working group comprised of all industry participants and potentially expert advisors from the ICO.

### **Reporting and engagement**

- 5.249 A consumer group welcomed the recommendation that industry engages with CCNI and the CPAG on the development of data sharing procedures. They also asked if the frequency of progress reports to be shared with the UR could be set and that these should also be shared with CCNI.
- 5.250 A final comment was made by a consumer group who suggested that the wording of the measure be changed to 'establish, enable and implement data sharing arrangements' to make the measure element clearer.

### **UR response**

- 5.251 We are recommending the development of industry working groups to establish a common data-sharing methodology within sectors and also to enable the sharing of data between industry working groups for consistency across sectors. It is important that the industry working groups collaborate in the development of their methodologies. This will support the long-term goal of having a single customer care register for all utilities at a later stage. See section 3 for more information on the industry working groups.
- 5.252 We see the effective establishment and delivery-oriented operation of these groups as being fundamental to the success of this CoP and the broader BPF work within. The UR will therefore help and support these groups to deliver this.
- 5.253 We acknowledge that the development and implementation of a data sharing methodology will be a complex task. We consider that the detail and extent of this task will be determined through the industry working groups, as outlined in section 3. We are now proposing that all the requirements within the CoP should be implemented within six months of the publication date of the final decision paper.
- 5.254 We note the comments on reporting of progress for the groups. The UR will not be members of the industry working groups, however there will be a reporting framework that is outlined in section 3.
- 5.255 In order for CCNI to get regular updates on progress, we consider there being a role for CCNI as a member of each industry working group (this was successful in the industry working groups that were established for the development of the industry procedures to comply with the Theft Code of Practice). As a result, CCNI would not only receive regular and timely

updates on the progress of the industry working groups but also have an opportunity to contribute to discussions.

- 5.256 We agree on the suggestion that the wording of the measure be changed to 'establish, enable, and implement data sharing arrangements' and have amended the measure accordingly.

### **UR proposed decision**

#### *Measure amended*

Measure 8.1 - All companies to establish, implement and maintain effective data sharing methodologies to enable the effective use of consumer data by any relevant party licenced to convey/supply gas or distribute/supply electricity or supply water to the domestic consumer's premises under the Gas Order, Electricity Order, and or the Water and Sewerage Services Order in an appropriate form and at appropriate intervals.

### **Principle 9 Measure 1 (9.1)**

All companies to submit returns to the Authority which demonstrate compliance with the Code of Practice for consumers in vulnerable circumstances. The returns will provide evidence of compliance with both the high level principles and the required measures.

**Applies to all regulated utility companies**

### **Stakeholder feedback**

- 5.257 Suppliers and DNOs sought clarity on the proposal for submitting returns to demonstrate compliance with the CoP (they sought to understand the form the return will take, both in terms of process, content and UR review).
- 5.258 Some respondents stated that they believe this measure is a duplication with the BSI/BS ISO standard, suggesting the UR undertake a detailed gap analysis to understand which areas might benefit from additional reporting requirements.
- 5.259 Consumer groups welcomed the greater transparency of companies having to report on their performance and asked for the reporting requirements set out under Principle 9 to be included in the new CoP.

### **UR response**

- 5.260 We have set out suggested potential options for compliance monitoring through the returns (result-based reporting, regular reports, compliance plans or retrospective compliance reports) in section 8 'Monitoring and Compliance' and seek stakeholder feedback on their preferred option(s).
- 5.261 We acknowledge that much of the reporting of compliance will be the same as that which is required to obtain and maintain the BSI/BS ISO standard. Therefore, as set out under measure 1.2 there will be reduced compliance reporting requirements for those companies who have the BSI/BS ISO accreditation. The details of this will be clarified in the decision paper following review of responses from this consultation.

### **UR proposed decision**

#### *Measure unamended*

Measure 9.1 - All companies to submit returns to the Authority which demonstrate compliance with the Code of Practice for consumers in vulnerable circumstances. The returns will provide evidence of compliance with the both the high level principles and the required measures.

**Applies to all regulated utility companies**

### **Principle 9 Measure 2 (9.2)**

As part of their return, all companies must report on actions taken to increase awareness of the customer care registers as tracked by the UR's annual domestic consumer insight tracker survey; and on the operation, outcomes and future review arrangements for their activities under the Code.

**Applies to all regulated utility companies**

### **Stakeholder feedback**

- 5.262 There was one request for more detail on the role of the UR's annual Domestic Consumer Insight Tracker survey in this measure.

### **UR response**

- 5.263 The intention of this measure is to increase awareness of customer care registers so that those who are eligible are aware that they can join the customer care register and that they also know what additional services they can avail of through being on the customer care register.

- 5.264 We intend to use data from our annual Domestic Consumer Insight Tracker to monitor consumer awareness and sign-up to customer care registers, both in general across all utility and broken down by sector and company.
- 5.265 In fulfilling this measure, companies will also self-review their operations in fulfilling this code together with the outcomes to identify and set out any future improvements they will make to improve their services to vulnerable customers.
- 5.266 We have amended the wording of this measure for clarity.

### **UR proposed decision**

#### *Measure amended*

Measure 9.2 - As part of their return, all companies must report on actions taken to increase awareness of the customer care registers (this will be tracked by the UR through the UR's annual domestic consumer insight tracker survey); and on the operation, outcomes and future review arrangements for their activities under the Code.

**Applies to all regulated utility companies**

### **Principle 9 Measure 3 (9.3)**

Development of an adequate Consumer Management system that can provide a detailed consumer profile report that can be assessed for compliance/interventions.  
**Applies to gas and electricity Suppliers only**

### **Stakeholder feedback**

- 5.267 Two Suppliers had concerns on this measure. One did not believe a Consumer Management System should be developed to be used as a tool for the assessment of compliance, rather it should be developed with a view to benefit the consumer and to enhance the provision of services.
- 5.268 Another had a concern around sharing a consumer profile for compliance purposes without the customer's consent and were unsure on the benefit or purpose in providing consumer profile reports.

### **UR response**

- 5.269 The purpose of this measure was to ensure companies had adequate systems that would save details on any specific needs (due to a vulnerability) that any of their customers have, so that the customer would

not have to repeat a description of their needs each time they contact their utility company.

5.270 We note that there is already a measure requiring companies to have adequate consumer management systems (measure 4.1). Therefore, we are proposing to remove this measure.

5.271 We also note that our compliance monitoring does not require companies to share consumer profiles with us.

### **UR proposed decision**

*Measure removed*

Measure removed.

## **Principle 9 Measure 4 (9.4)**

In the case of disconnection of a domestic property maintain for at least six months or where a complaint has been made, six months after the complaint has been resolved, a record and evidence of the steps taken to ascertain whether the occupants include persons who are of pensionable age or disabled or chronically sick or minors (aged 0-5 years old) or are represented by the UR's vulnerability definition. This evidence must be provided to the Authority on request.

**Applies to gas and electricity Suppliers only**

### **Stakeholder feedback**

5.272 One Supplier had a concern about the appropriateness of expanding this provision to include the new definition of vulnerability.

### **UR response**

5.273 We conducted an internal review of the number of disconnections completed on behalf of NI gas and electricity Suppliers in previous years. We found the number of disconnections have been relatively low, therefore we do not anticipate that the expansion of this measure to include the new definition of vulnerability would be onerous for Suppliers.

5.274 We propose to keep this measure unamended.

## UR proposed decision

### *Measure unamended*

Measure 9.3 - In the case of disconnection of a domestic property maintain, for at least six months or where a complaint has been made six months after the complaint has been resolved, a record and evidence of the steps taken to ascertain whether the occupants include persons who are of pensionable age or disabled or chronically sick or minors (aged 0-5 years old) or are represented by the UR's vulnerability definition. This evidence must be provided to the Authority on request.

**Applies to gas and electricity Suppliers only**

## Principle 10 Measure 1 (10.1)

All companies to conduct research and engagement with consumers in vulnerable circumstances, to include those on customer care registers (every two years at a minimum). A copy of the final research report must be submitted to the Authority and a public version made available.

### Stakeholder feedback

- 5.275 Suppliers supported the idea of this measure but considered it would be better if the research was conducted by independent consumer bodies or the UR rather than by industry, stating the following reasons: there would be less risk of bias; research could cover all customers in NI rather than just a company's own customers; and it would reduce the potential of duplication of research.
- 5.276 DNOs agreed with the measure but sought clarification on the research and engagement to be conducted.
- 5.277 A consumer group stated that the results of the research needs to be used proactively to be meaningful, such as to identify new groups of vulnerable consumers and highlight their needs.

### UR response

- 5.278 The purpose of this measure is for regulated companies to review how effective their own processes are for their vulnerable customers and identify any ways they could improve.
- 5.279 We are not specifying the exact type and format of engagement and research that we expect companies to conduct. Companies can choose to conduct research across all their customer base, or they may focus on a

particular cohort of customers, such as those customers who have a PPM meter. The research can be qualitative or quantitative or a mixture of both.

5.280 We propose to keep this measure unamended.

### **UR proposed decision**

#### *Measure unamended*

Measure 10.1 - All companies to conduct research and engagement with consumers in vulnerable circumstances, to include those on customer care registers (every two years at a minimum). A copy of the final research report must be submitted to the Authority and a public version made available.

### **Principle 10 Measure 2 (10.2)**

All companies to publish an accessible version of the returns submitted to the Authority on compliance with the Code of Practice for consumers in vulnerable circumstances on their own websites.

### **Stakeholder feedback**

- 5.281 Consumer groups proposed that the UR publish the reports on our website and publicly report on company progress and performance against the CoP measures, with commentary on the returns.
- 5.282 Consumer groups also proposed the production of a league table or rating system to allow public benchmarking of vulnerability protections.
- 5.283 A DNO and a Supplier also suggested that it could be beneficial if this was published on the UR website.
- 5.284 One Supplier did not believe this measure could be used as a comparison tool for companies, as they noted that identification and confirmation of vulnerability is highly subjective, and it would be misleading to compare counts of customers on a Suppliers customer care register to other utilities to confirm compliance with a Code.
- 5.285 A DNO, whilst supportive of the measure, noted that the proposed report seems to encompass a significant level of information, so they would seek to discuss this further with UR to understand the expectation.



## UR response

- 5.286 We agree that it would be beneficial to have all the returns in a centralised location and that our website would be a suitable location for this. We have therefore amended the measure to reflect this.
- 5.287 For clarity, we do not consider the introduction of a league table or rating system on vulnerability protection would be beneficial at this time and that the publication of the returns will be adequate. We note that companies have the option to obtain BSI/BS ISO accreditation and kitemark. To obtain this a company must undergo rigorous evaluation to prove they have the required protections in place. We consider this will be an effective tool to help consumers identify that a company has a high standard of protections in place for vulnerable customers.
- 5.288 We will engage with any company who requires more information on the detail required under this measure.

## UR proposed decision

*Measure amended*

Measure 10.2 - All companies to publish an accessible version of the returns submitted to the Authority on compliance with the Code of Practice for consumers in vulnerable circumstances on their own websites. These returns will also be published on the Authority's website.

***Q5 Do you have comments on any of the UR proposed decisions set out in section 5? Please clearly state in your response (using the measure number) which decision your comments relate to.***

## 6. Customer care registers

### Introduction

- 6.1 This section sets out our proposal on implementing a new structure for customer care registers.
- 6.2 This proposal has been introduced due to further developments in our thinking and across other regulated areas since the 'Approach' paper was published.
- 6.3 We consider this proposal fits under the BPF as we are confident that our proposal on customer care registers will not only help deliver best practice across the industries but also help facilitate the delivery of a number of the requirements in the new CoP. The development, implementation and maintenance of the customer care registers is integral to the BPF.
- 6.4 In developing the proposal on customer care registers, we have given due consideration to responses to the 'Approach' document, that related to customer care registers.

### Background

- 6.5 It was identified through responses and internal UR review that the current arrangements for registering vulnerable customers would not facilitate the industry in the delivery of the proposed CoP for consumers in vulnerable circumstances. In addition the benefits to vulnerable consumers would not be realised.
- 6.6 In conducting a further review into the structure of customer care registers, we also identified that the current arrangements are not best practice for developing effective consumer focused outcomes. Industry practice across GB in regulated industries is moving towards more cohesive and joined up customer care registers to provide greater consumer benefit.
- 6.7 Taking into account respondents' comments and our own analysis we have developed the proposed arrangements for registering vulnerable customers that we consider will be necessary for industry in delivering the proposed CoP and to provide vulnerable consumers with improved outcomes.

### Current NI utility structure for registering consumers in vulnerable circumstances

- 6.8 There is no common requirement across the NI utility sectors for registering consumers in vulnerable circumstances, as highlighted in Table 3.

**Table 3: Current NI utility structure for registering consumers in vulnerable circumstances**

	Electricity DNO	Gas DNO	Water DNO	Electricity Supplier	Gas Supplier
<b>Hold a register</b>	Yes	No	Yes	Yes	Yes
<b>Licence obligation</b>	Yes: Condition 37 (1)	No Licence obligation	Within 'Water Supply Services' CoP	Yes: Condition 31(5)	Yes: Condition 2.11.5
<b>Name of register</b>	Medical Care Register	N/A	Customer Care Register	Customer Care Register	Customer Care Register
<b>Criteria for inclusion</b>	Rely on electricity for healthcare needs (have medical equipment in their home).	N/A	Have a disability, are an older consumer, have a serious medical condition or need extra help for any other reason.	Any domestic customer of pensionable age, disabled or chronically sick and have asked to be included in the register.	Any domestic consumers who are of pensionable age, disabled or chronically sick and have asked to be included in the register

6.9 NIEN and domestic Suppliers have licence obligations which require them to offer certain groups of vulnerable domestic customers a special package of services. In some of the licences this requires the Licensees to hold and maintain a customer care register of these individuals. NI Water, under their Water Supply Services CoP, also have provisions for their customer care register. The three gas DNOs, have no legal requirement to hold and maintain a customer care register of customers they have who are vulnerable.

6.10 For those Licensees who have an obligation to maintain a customer care register, the requirements around who is eligible to be added to the customer care register varies, as does the services that have to be offered through being on the customer care register.

- 6.11 As a result of the above it is possible that a customer may have to register for four separate customer care registers to obtain the customer care register protection across all the utilities. In addition, if the customer was to switch Supplier they would have to register for their new Suppliers customer care register as this information would not be carried across.
- 6.12 This is not only onerous for consumers but can also lead to confusion for consumers, as they might have to register with multiple companies, may only be eligible for certain customer care registers, can receive different services from different companies and have the registers referred to by different names. This could result in service gaps with customers only registering with one utility company rather than all their utility companies.
- 6.13 This is supported through the UR's most recent Domestic Consumer Insight Tracker<sup>18</sup> which had the following findings regarding customer care registers.
- Three in five (58%) domestic consumers were not aware of the special services offered by energy companies to consumers who are vulnerable or who require extra support.
  - Only 2% were signed up to or had utilised some of the support service offered by energy companies.
  - The majority (95%) of those in the high or medium vulnerability group had not signed up to utilise any of the support services offered by energy companies.
  - Only one fifth (18%) were aware of the services for vulnerable consumers that NI Water provides.
  - Two in five (41%) respondents indicated that they were aware that energy companies have support services for vulnerable customers, with 29% knowing something about what type of services are offered. However, 58% were not aware that support is available.
  - The vast majority (98%) of domestic consumers had not used any of the support services. 1% were signed up to NIE Networks' Critical Care Register, and 1% were signed up to their Supplier's customer care register.
  - 29 of the 38 respondents who identified as being dependent on electricity for medical equipment said that they were not signed up to the Critical Care Register, with 97% of those considered to be of high or medium vulnerability not signed up. Similarly, almost all (98%) of those

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<sup>18</sup> [Domestic Consumer Insight Tracker for 2022.](#)

in high or medium vulnerability groups had not signed up for their Supplier's customer care register.

- 6.14 We also note that the current process for registering vulnerable consumers mainly involves companies recording what 'vulnerability' the consumer has, rather than the additional help or services the consumer needs as a result of their vulnerability. This could result in consumers either missing out on services they require or receiving additional services that they do not require.
- 6.15 We are therefore of the opinion that the current structure for registering consumers in vulnerable circumstances is not best practice and should be revised. This was further exemplified in reviewing how the proposed measures outlined in the 'Approach' paper would be delivered.

### **Customer care register and the impact on the new CoP**

- 6.16 In the 'Approach' paper we made the following proposals:
- All licence holders would hold a customer care register - Suppliers and DNOs hold their own customer care register;
  - Eligibility for who could be added to the customer care register would be expanded – include all who are covered by new definition of vulnerability and those with children under 5 in the household;
  - All licence holders would require a Consumer Management System to hold details of those on customer care register – detailed consumer profile with regards to customers specific needs and one that holds sufficient information on age, disability or chronic illness and/or medical health status of customer; and
  - Licence holders would have to contact all on their register every two years to ensure they are receiving the necessary support.

#### **Stakeholder feedback**

- 6.17 There was concern from respondents on the proposals regarding customer care registers and these concerns are set out below.

#### **Proportionality of all groups of licence holders holding their own customer care register**

- 6.18 Respondents noted that one consumer could be on five separate customer care registers for the same reasons. They noted that maintaining a customer care register (especially with the new proposed requirements) would be

resource intensive. Holding the same piece of information on five separate customer care registers could mean more cost for no extra benefit.

- 6.19 Respondents also considered that it could cause consumer detriment as consumers may have to state their vulnerability on five separate occasions. In addition due to the proposed requirement to contact those on a customer care register every 2 years, they could receive up to five separate contacts seeking the same information.

#### **Gas DNOs having to hold a customer care register**

- 6.20 Gas DNOs stated that have never had to collate or hold a customer care register, nor is it a responsibility for gas DNOs in GB. They considered the responsibility is better placed on Suppliers as they have an enduring relationship with the consumer.

#### **GDPR concerns**

- 6.21 Respondents noted that under GDPR regulations they can only hold personal data if they have a valid reason for doing so. Some considered the extended definition of vulnerability could result in certain licence holders holding information on a consumer in which they have no reason for doing so as it does not coincide with an additional service to assist them in their vulnerability.

#### **Scope of eligibility for inclusion**

- 6.22 Some respondents were concerned that expanding the criteria for inclusion on the customer care register could dilute the value of being registered and lead to a scenario where the majority of customers are treated differently. This could risk those with more extreme vulnerabilities (such as life support requirements) being missed in an emergency. They proposed splitting customer care registers into those with a tangible and those with an intangible vulnerability.

### **UR response**

#### **Proportionality of all groups of licence holders holding their own customer care register**

- 6.23 We agree that a consumer potentially having to be on five separate customer care registers is not optimal for the holder in terms of costs and resources, and not optimal for the customers in terms of consumer experience.

#### **Gas DNOs having to hold a customer care register**

6.24 We acknowledge that gas DNOs have never been required to collate or hold a customer care register. Whilst we agree that Suppliers have the enduring relationship with the consumer, we also consider it is important that DNOs have a customer care register for their consumers, as some DNO activities do have a direct consumer impact and as a result there would be benefits to the customer in the DNO knowing if they are in vulnerable circumstances. These activities include, for example, meter readings and meter disconnections.

### **GDPR concerns**

6.25 We acknowledge the GDPR concerns. To address these concerns we are proposing to introduce a two-tier customer care register of medical care and needs-based, so that the information held on the register will correspond with an additional service.

### **Scope of eligibility for inclusion**

6.26 We are cognisant of the fact that the expanded criteria for inclusion on the customer care register will result in more consumers on the care registers. However, these are all customers who, due to their particular circumstances, have a vulnerability that may mean that they require additional support, therefore we consider they should be added to the customer care register. In addition, we do not want to risk those customers with more extreme vulnerabilities being missed in an emergency and this will be achieved via the introduction of two-tiers, one for medical care and one needs-based.

### **UR proposed decision**

6.27 We propose that this revised customer care register is developed and delivered through industry working groups. Detail on the formation of these groups is in section 3.

6.28 The development of our proposal is detailed below in the following sections.

### **Proposal on new structure for registering consumers in vulnerable circumstances**

6.29 We are proposing a new customer care register structure will be implemented alongside the new CoP which we consider will address industry concerns, provide a better consumer outcome and facilitate compliance with the new CoP. Our proposal is to:

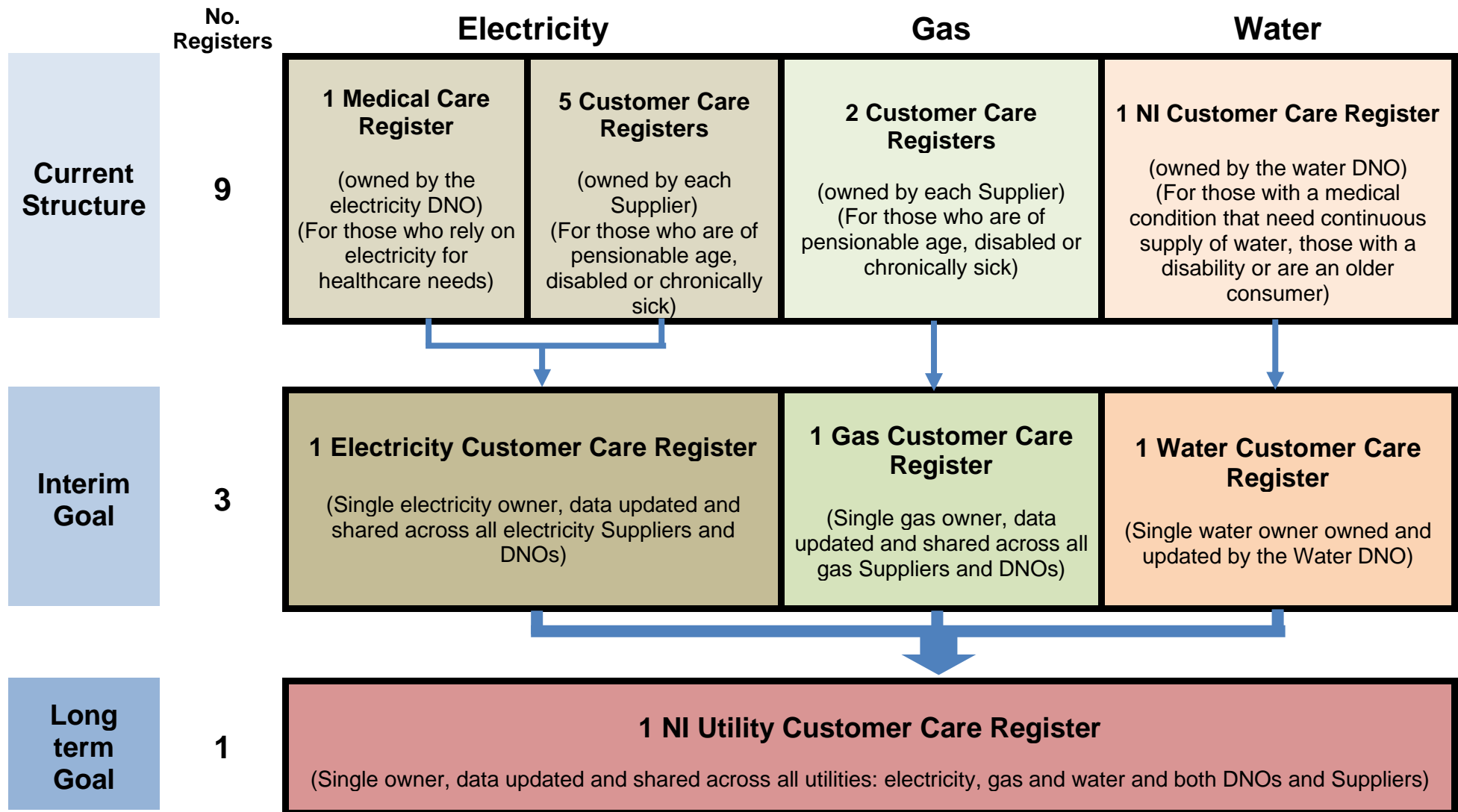
1. Reduce the number of customer care registers to three separate industry level customer care registers (one for electricity, gas and water), which in

the future will be amalgamated to one single customer care register for all utility consumers in NI; and

2. Make the customer care registers two-tiered: the top-tier being for medical care and the second being needs-based.
- 6.30 We are proposing that the new customer care register will be developed, implemented and maintained via industry working groups.
- 6.31 We consider this new proposal will address the issues outlined, improve consumer outcomes and facilitate the utility companies to comply with the requirements in the new CoP.



**Figure 3: Number and structure of customer care registers**



## Number of customer care registers

- 6.32 There are currently nine customer care registers in the NI Utility sector across all licence types (except for Gas DNOs). In the short and medium term we intend to reduce this to three industry level customer care registers. The long term goal is to amalgamate the three customer care registers so that there is a single NI Utility customer care register. For the purpose of this consultation and resultant decision paper, we are focusing on the short-term aim of three customer care registers with cognisance of the longer term goal.
- 6.33 We propose each customer care register will be held and maintained by one company (the customer care register holder). Relevant information will be shared to and from the customer care register holder and the rest of the industry which will be agreed at the industry working groups (see section 3).
- 6.34 We suggest that the customer care registers are held at DNO level, with Suppliers having the responsibility for updating their industry associated DNO with the required details of (i) any new consumers to be added (ii) amendments to consumer information or needs requirements; and (iii) exiting consumers from the customer care register.
- 6.35 Whilst we are suggesting that the customer care registers will be held at DNO level, we are open to alternative suggestions or companies who wish to volunteer to hold the customer care register for their particular industry. Our key requirement is that there is only one customer care register per industry (electricity, gas and water).
- 6.36 We consider that the reduction in the number of customer care registers will deliver the following benefits to both consumers and industry participants:
- Easier and less confusing for consumers to sign onto customer care registers, as they will only have to sign up to a maximum of three customer care registers rather than potentially five (as at present);
  - Reduce the amount of double counting in resources as only one customer care register will be held per industry (currently there are nine customer care registers across all industries);
  - Those with more frequent customer contact (Suppliers) can update the customer care register, which will also be used by companies who have less frequent customer contact (DNOs) (increasing efficiency);
  - Companies will be in a position to promote customer care registers more efficiently as they will be signposting consumers to a maximum of three customer care registers (rather than at present where

consumers can be signposted to up to nine different customer care registers);

- Consumers will continue to be protected as they will receive the appropriate services (as required by their needs) if they change Supplier and will not have to register on their new Supplier's customer care register as is currently the case.

### **Two-tiers of customer care register**

- 6.37 Current customer care registers record the vulnerability that a consumer has (such as sight or hearing impairment or mobility issues, etc.). It is then the recorded vulnerability that determines which additional services the consumer receives.
- 6.38 We are proposing introducing two-tiers in the new customer care registers. The top-tier would be specifically for 'medical care', this would include consumers who rely on utilities for healthcare needs (such as a dialysis machine, specialised mattresses, feeding systems or lifting equipment etc.). These consumers are considered to have the highest risk if they do not receive the additional protections, therefore consumers in this category will automatically receive all the additional protections.
- 6.39 The second tier of the customer care register will be needs-based and be applicable to consumers who are covered under the vulnerability definition and require additional assistance in certain areas. In this tier consumers do not receive all the additional protections, rather they select the additional services that are relevant to their specific needs, so that they only receive the additional services that they require.
- 6.40 Under the needs-based customer care register, instead of recording the specific vulnerability that a consumer has, a company will record the additional services that the consumer requires as a result of the vulnerability. In essence they will therefore be recording the needs of the consumer.
- 6.41 We consider having a two-tiered customer care register, as outlined, will deliver the following benefits:
- It will ensure consumers are receiving the correct support specific to their need(s).
  - Utility companies would only have to provide the additional protections and services that are relevant and required by each consumer, rather than a blanket provision for all.

- It will remove the subjectivity of contact staff having to potentially deduce or make assumptions about what a consumer would require as a result of their stated vulnerability.
- Consumers may be more open to disclosure and provide permission to record their needs rather than a vulnerability status.
- It accounts for the individual, recognising that everyone will have their own specific needs dependent on their individual circumstances. Companies can provide targeted assistance.
- The services a consumer would receive from being on the customer care register would be specifically relevant to their requirements. Consumers on the customer care register would therefore be able to see the direct benefit of being on the customer care register, they will receive a service that meets their needs.
- It ensures companies resources are used where they will provide the most benefit as the additional services will only be provided to those who need them. It will allow companies to tailor their services and streamline their resources.
- The two tiered approach including the medical needs, will ensure the specific needs of consumers with more extreme vulnerabilities (such as on life support machinery) will not get missed in an emergency.
- It could align better with Data Protection, as under a needs-based customer care register, the utility companies would only have to hold information on the additional services a consumer requires rather than personal sensitive information.

***Q6 Do you have comments on the URs proposal on the new structure for registering consumers in vulnerable circumstances as set out in section 6? Please clearly state in your response which aspect of the proposal that your comments relate to.***

## 7. Proposed licence conditions

- 7.1 We propose to implement the proposals set out in this paper through new licence provisions. These will be enacted through the statutory licence modification process.
- 7.2 We are proposing that a new licence condition would be added to, and an existing condition amended, in all distribution and supply licences across gas and electricity including in NI Water's licence. This new licence condition 'Code of Practice for Consumers in Vulnerable Circumstances' will require Licensees to comply with the obligations applicable to it (note that these vary across industry participant) under the new CoP.
- 7.3 In addition and to implement the new definition of vulnerability we propose a modification to Condition 1 of the applicable licences to insert the new definition of vulnerability to apply to all the conditions, schedules and Codes in the licence.
- 7.4 The proposed condition and amendment for electricity, gas and water DNO and Supplier licences are provided below.
- 7.5 We seek comments on the proposed licence conditions and amendments.

### ***Proposed Licence Condition x: Code of Practice for Consumers in Vulnerable Circumstances***

1. The Licensee shall (and shall procure that its agents or sub-contractors shall) comply with the obligations applicable to it under, the Code of Practice for Consumers in Vulnerable Circumstances.
2. The Authority, following consultation with the Licensee, the General Consumer Council and any other person who in the opinion of the Authority is likely to be interested or affected, may from time to time make such modifications to this condition, as the Authority considers are necessary or expedient.
3. In order to comply with the obligations of the Code of Practice for Consumers in Vulnerable Circumstances, the Licensee shall establish and comply with procedures to protect consumers in vulnerable circumstances.
4. In this Condition:

**Code of Practice for Consumers in Vulnerable Circumstances** means the relevant document of that name, prepared and published from time to time by the Authority, relating to the activities for protecting consumers in vulnerable circumstances.

**Vulnerable** means 'A consumer is deemed vulnerable when their personal characteristics or circumstances reduce their ability to engage effectively and achieve fair outcomes. A vulnerable consumer is significantly less able to protect or represent their interests and significantly more likely to suffer detrimental impacts on their health, wellbeing or finances'.

**Procedures** means the detailed industry procedures established, maintained, and from time to time amended, which set out the procedures and practices to be followed by the Licensee to ensure its compliance with the Code of Practice for Consumers in Vulnerable Circumstances.

**Agents or Subcontractors** means any person directly or indirectly authorised to represent the Licensee in its dealings with consumers or other Licensees.

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***Proposed Licence Amendment  
Condition 1(3)***

***“vulnerability”*** A consumer is deemed vulnerable when their personal characteristics or circumstances reduce their ability to engage effectively and achieve fair outcomes. A vulnerable consumer is significantly less able to protect or represent their interests and significantly more likely to suffer detrimental impacts on their health, wellbeing or finances.

***Q7 Do you have comments on the URs proposed licence conditions as set out in section 7? Please clearly state in your response which aspect of the proposal that your comments relate to.***

## 8. Monitoring and compliance

### Introduction

- 8.1 We propose that compliance with the CoP for consumers in vulnerable circumstances will be a mandatory licence requirement on all Suppliers and DNOs in electricity, gas and water. To monitor compliance of the CoP we have proposed a number of options, which we seek stakeholder feedback on.

### Compliance

- 8.2 As we are proposing that compliance with the CoP for consumers in vulnerable circumstances will be through a mandatory licence requirement on all Suppliers and DNOs in electricity, gas and water, any breach of the CoP requirements will be considered a breach of licence.
- 8.3 The proposed licence condition for the CoP for consumers in vulnerable circumstances will state that DNOs and Suppliers will need to establish and comply with industry procedures in order to comply with the obligations of the CoP (a further explanation of these procedures is included in section 3). Section 7 sets out the proposed licence modifications for gas, electricity and water licence holders.
- 8.4 Any failure by a Licensee to establish and implement the industry procedures, as required, or to comply with such procedures on an ongoing basis would be considered a breach of the CoP and therefore a breach of licence. These would be dealt with according to the UR Enforcement Procedure.<sup>19</sup>
- 8.5 Each Licensee will be required to keep a record of its compliance with its obligations under the CoP for consumers in vulnerable circumstances and will be required to provide information to the UR to enable us to monitor each Licensee's compliance.
- 8.6 The CoP for consumers in vulnerable circumstances specifies under measure 9.1 that Licensees must submit returns to us which demonstrate compliance with the CoP for consumers in vulnerable circumstances.
- 8.7 In order to comply with required measure 10.2 we will publish (on our website) a version or excerpt of the submissions we receive from each licensee. We seek stakeholder views on the most appropriate form this would take, for example, it could be a summary report compiled for this

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<sup>19</sup> [UR Enforcement Policy Approach and Procedure](#)

purpose, or, it could be the direct submissions we receive from each licensee (either in full, or an excerpt).

- 8.8 The new licence modifications and consequent CoP will not have a retrospective effect so will not apply to past actions by Licensees. Actions taken before the CoP comes into force (when the licence modifications are enacted) will continue to be subject to the rules that apply at the time.

### **Monitoring options**

- 8.9 We will review compliance with the CoP for consumers in vulnerable circumstances based on the submissions we receive from Licensees on their compliance with the CoP.

- 8.10 To conduct the compliance monitoring we are proposing a number of potential options which are set out below. These options are not stand alone and could be implemented alongside each other. These could be voluntary, implemented through a licence requirement or within the current REMM framework.

- A. **Results based reporting** - one way to determine that the CoP for consumers in vulnerable circumstances is taking effect is to monitor the metrics related to the requirements in the CoP. Under this approach Suppliers and DNOs would provide the UR with statistics related to the requirements in the CoP so that we could gauge the effectiveness of their arrangements. For example, this could include statistics on the number of customers on the customer care register, number of customers on debt repayment plans, customer satisfaction surveys, the number of 'warm handovers', the average value of debt for those on PPMs, the number of customers identified at risk of disconnecting, the number of customer care register promotions conducted, etc.
- B. **Regular reports** - Suppliers and DNOs could provide us with reporting submissions at regular intervals – monthly, quarterly or annual as deemed appropriate. This could also be incorporated into the company's Retail Energy Market Monitoring (REMM) submissions for suppliers and monitored through licence compliance for DNOs.
- C. **Compliance plan** - Suppliers and DNOs could be required to submit a compliance plan to us setting out the practices, procedures, systems and rules of conduct that the Licensee has adopted or intends to adopt, together with the timescales for adoption to ensure its compliance with the CoP for consumers in vulnerable circumstances. The compliance plan could set out what the Licensee intends to do.



D. **Retrospective compliance report** – This would outline what the Licensee has carried out to ensure compliance with its CoP for consumers in vulnerable circumstances and compliance with the industry procedures. The compliance report could be provided at regular intervals and include some of the metrics that are noted under results-based reporting. This could also form part of the REMM submission for Suppliers and monitored through licence compliance for DNOs.

8.11 Our preference for monitoring compliance is through retrospective compliance reports through the REMM framework. However, we are open to suggestions from stakeholders on any other options that could include those set out, a combination of options implemented alongside each other or other options that we may not have proposed in this paper.

***Q8 Do you have comments on the URs proposal compliance and monitoring as set out in section 8? Specifically, we seek comments on stakeholders preferred monitoring option(s). Please clearly state in your response which aspect of the proposal that your comments relate to.***

## 9. Timelines for implementation

### Introduction

- 9.1 We propose to implement the proposals set out in this paper through new licence provisions (outlined in section 7). These will be enacted through the statutory licence modification process.
- 9.2 Licensees will have a period of six months to implement the new requirements to be compliant with the new CoP, following publication of the decision paper.
- 9.3 We also want to ensure that the CoP, once implemented, continues to deliver best practice for consumers in vulnerable circumstances. We will therefore continue to monitor and review its effectiveness once it is implemented, following the industry procedures review process, set out in section 3.

### Implementation

- 9.4 We want the new licence provisions (to include the new CoP) to be in effect as soon as practicable, so that consumers can start to benefit from the enhanced protections. However, we are aware that delivery of these provisions will require time and resources from Licensees. We want to ensure that we give Licensees enough time to implement the requirements fully and effectively.
- 9.5 We are also aware of the differing 'starting points' in relation to operationalising 'vulnerability,' and the variation in the reach and quality of the consumer protection measures currently available across DNOs and Suppliers.
- 9.6 We are therefore proposing to provide all Licensees with a period of six months from the date of our final decision paper to fully implement the CoP and all the requirements that fall within it.
- 9.7 In relation to the timeframes for implementing the licence modifications (which will include a new condition for the CoP for consumers in vulnerable circumstances) it is our intention to publish a final decision paper which will include the final versions of the CoP for consumers in vulnerable circumstances.
- 9.8 After publication of the decision paper, we will publish the statutory consultation notice on the proposed licence modifications for the statutory 28 day consultation.

- 9.9 The decision notice on the licence modifications (which will be published after the 28 day statutory consultation notice) will specify the effective date for each modification (which will be six months from the date of publication of our decision paper or 56 days after the publication of the decision notice (whichever is the longest of the two)).
- 9.10 As required in the proposed licence condition Licensees will need to develop the industry procedures (see section 3) to comply with the obligations of the CoP for consumers in vulnerable circumstances. These will be developed in the industry working groups and we advise that the formation of the industry working groups can begin before the publication of the final decision paper so that this process can be expedited and terms of reference can be agreed with participants (to be ready to begin discussions once the final decisions have been published).
- 9.11 When the licence condition is implemented, the licence holders will be expected to be compliant immediately. We will clarify our decision on the timing of this in the decision Paper.
- 9.12 We advise Licensees to begin planning the implementation of the CoP from publication of this consultation so that they will be in the position to meet all of the CoP requirements by the implementation date.
- 9.13 We will engage with any company if they require clarification around what is expected of them to meet any of the proposed requirements that are set out in this paper.

### **Future reviews of the CoP for consumers in vulnerable circumstances**

- 9.14 We will monitor the effectiveness of the CoP in delivering fair and appropriate protections to customers in vulnerable circumstances on an ongoing basis.
- 9.15 We will monitor this through:
- Licensees - (this will include, but not exclusive, returns on the research and engagement that Licensees have conducted with their customers who are on the customer care register, any feedback Licensees have received from customers on the services being offered to them to determine if their needs are being met);
  - UR domestic consumer insight trackers;
  - UR monitoring activities of compliance;

- Customer complaints (to the UR or CCNI); and
  - Feedback from consumer groups.
- 9.16 If we identify any gaps or areas for improvement or consider it necessary to amend the CoP for consumers in vulnerable circumstances, then we propose that a consultation should be carried out on any potential changes.
- 9.17 Any such consultation may be restricted to industry and may include key stakeholders (i.e. consumer groups) or may be a public consultation, depending on the nature of the changes.

***Q9 Do you have comments on the URs proposed timelines for implementation as set out in section 9? Please clearly state in your response which aspect of the proposal that your comments relate to.***

## 10. Next steps

- 10.1 As set out in section 1 we welcome comments on the proposals in this paper by 31 August 2023 at 17:00 through responding to any or all of the questions set out in the paper and summarised in Appendix 1. If you would prefer to provide us feedback in another format (for example via a meeting) please get in touch and we will try to facilitate this.
- 10.2 Following receipt of comments on this paper we will determine our final decisions on the CoP for consumers in vulnerable circumstances, taking the responses into consideration when doing so.
- 10.3 We plan to publish the final decision paper in Autumn 2023. In the final decision paper, we will include the final versions of the CoP for consumers in vulnerable circumstances.
- 10.4 We advise that the formation of the industry working groups can begin before the publication of the final decision paper so that this process can be expedited and terms of reference can be agreed with participants. This way the industry groups will be ready to begin discussions once the final decisions have been published and can map out their processes for delivering best practice industry procedures through delivering the CoP (including the requirement to develop, implement and maintain the industry level customer care registers).
- 10.5 Licence modifications will require a 28 day statutory consultation. We propose to publish the statutory consultation notice on the proposed licence condition(s) after publishing our final decision paper.
- 10.6 We expect Licensees to be compliant with the decisions set out in the final decision paper, six months after its publication.
- 10.7 The decision notice on the licence modifications (which will be published after the 28 day statutory consultation notice) will specify the effect date for each modification (which will be six months from the date of publication of our decision paper or 56 days after the publication of the decision notice (whichever is the longest of the two)).
- 10.8 The proposed key milestones for the implementation of the new CoP for consumers in vulnerable circumstances are set out in the table below.

**Table 4: Key milestones for implementation**

<b>Milestone</b>	<b>Proposed Date</b>
<b>Publication of second consultation (including proposed licence modifications)</b>	22 June 2023
<b>Closure of second consultation</b>	31 August 2023
<b>Establish industry working groups</b>	During Autumn 2023
<b>Publication of final decisions on CoP for customers in vulnerable circumstances and licence modifications</b>	Autumn 2023
<b>Publication of the statutory consultation notice on the proposed licence condition and amendments</b>	End of 2023
<b>Development of industry procedures</b>	Q4 2023 – Q1 2024
<b>Final decision on licence notification published</b>	March 2024
<b>Licence condition in force and industry procedures in place</b>	May 2024

## APPENDIX 1 – Consultation questions

No.	Question
1	Do you agree that where this document has an impact on the groups listed, those impacts are likely to be positive in relation to equality of opportunity for utility consumers?
2	Do you have comments on any of the UR proposed decisions set out in section 2? Please clearly state in your response which decision your comments relate to.
3	Do you have comments on the URs proposal on industry working groups as set out in section 3? Please clearly state in your response which aspect of the proposal that your comments relate to
4	Do you have comments on the UR proposed decision set out in section 4?
5	Do you have comments on any of the UR proposed decisions set out in section 5? Please clearly state in your response (using the measure number) which decision your comments relate to.
6	Do you have comments on the URs proposal on the new structure for registering consumers in vulnerable circumstances as set out in section 6? Please clearly state in your response which aspect of the proposal that your comments relate to.
7	Do you have comments on the URs proposed licence conditions as set out in section 7? Please clearly state in your response which aspect of the proposal that your comments relate to.
8	Do you have comments on the URs proposal compliance and monitoring as set out in section 8? Specifically, we seek comments on stakeholders preferred monitoring option(s). Please clearly state in your response which aspect of the proposal that your comments relate to.
9	Do you have comments on the URs proposed timelines for implementation as set out in section 9? Please clearly state in your response which aspect of the proposal that your comments relate to.

## APPENDIX 2 – CoP: Proposed principles and required measures

### CoP for Consumers in Vulnerable Circumstances

NI utility companies will have in place and provide appropriate protections and support to any consumer in vulnerable circumstances and ensure they achieve fair outcomes.

#### Principles

All NI Utility companies will have to abide with the following high level principles in all aspects of their operation and conduct to ensure all consumers can engage effectively and achieve fair outcomes.

The ten principles provide the overall standard all licence holders must meet in dealing with customers. These principles are wide reaching across all licence holders' operation and conduct, and it is the licence holders' responsibility to determine how they can best deliver the principles in their everyday operations and conduct, this will be specific to each licence holder.

**Principle 1:** Utility Suppliers and DNOs will proactively establish and promote a corporate culture that focuses and fosters their efforts to identify and support consumers in vulnerable circumstances.

**Principle 2:** Consumers in vulnerable circumstances will experience tailored support and positive outcomes when interacting with utility Suppliers and DNOs.

**Principle 3:** Consumers in vulnerable circumstances will feel able to disclose information in relation to their support needs and understand that this disclosure will enable them to have their needs addressed appropriately.

**Principle 4:** Consumers in vulnerable circumstances will have their needs recorded in the most appropriate way, enabling access to the most relevant support.



**Principle 5:** Consumers in vulnerable circumstances will receive support in relation to security of their utility supply, accessibility, and personal safety requirements.

**Principle 6:** Consumers in vulnerable circumstances will receive relevant, timely and accessible information on the support available.

**Principle 7:** Consumers in vulnerable circumstances as a result of affordability difficulties, will be provided with targeted support by their utility Supplier.

**Principle 8:** Consumers in vulnerable circumstances will experience consistency and improved ease of access to the support provided by utility Suppliers and DNOs through the cross-industry sharing of relevant data.

**Principle 9:** Utility Suppliers and DNOs will monitor and report on how they are meeting their obligations in relation to the protection of consumers in vulnerable circumstances.

**Principle 10:** Consumers will have easy access to relevant information on how well utility Suppliers and DNOs are supporting consumers in vulnerable circumstances.

## **Required Measures**

There are some minimum requirements licence holders must meet to ensure all customers can engage effectively and achieve fair outcomes from their utility company. These are required measures which are specific minimum standards that licence holders must abide by to be compliant with the associated principle its sits under (and ultimately the CoP).

Due to the different operating nature of licenses, some required measures, will only be applicable to certain licence holders. We have separated the required measures by industry to aid delivery of the requirements, clearly setting out which requirements each Licensee by industry has to comply with. A number of required measures are applicable across industry, there is therefore repetition of a number of required measures across each industry working group.

Each required measure is specific to one of the ten principles, acting to underpin its delivery. The required measures are set out under each principle they relate to.

Electricity Licensees (Suppliers and DNO)	Gas Licensees (Suppliers and DNOs)	Water Licensee
<b>Principle 1</b>		
<p><b>Measure 1.1</b> - All companies to adopt the UR's vulnerability definition: 'A consumer is deemed vulnerable when their personal characteristics or circumstances reduce their ability to engage effectively and achieve fair outcomes. A vulnerable consumer is significantly less able to protect or represent their interests and significantly more likely to suffer detrimental impacts on their health, wellbeing or finances'.</p>	<p><b>Measure 1.1</b> - All companies to adopt the UR's vulnerability definition: 'A consumer is deemed vulnerable when their personal characteristics or circumstances reduce their ability to engage effectively and achieve fair outcomes. A vulnerable consumer is significantly less able to protect or represent their interests and significantly more likely to suffer detrimental impacts on their health, wellbeing or finances'.</p>	<p><b>Measure 1.1</b> - All companies to adopt the UR's vulnerability definition: 'A consumer is deemed vulnerable when their personal characteristics or circumstances reduce their ability to engage effectively and achieve fair outcomes. A vulnerable consumer is significantly less able to protect or represent their interests and significantly more likely to suffer detrimental impacts on their health, wellbeing or finances'.</p>
<p><b>Measure 1.2</b> - Obtaining the BS ISO 22458: 2022 Consumer Vulnerability standard is recommended to all companies (but not required). The BS ISO standard will be aligned to the CoP requirements, so will evidence (for those companies who obtain it) compliance with a number of the CoP requirements.</p>	<p><b>Measure 1.2</b> - Obtaining the BS ISO 22458: 2022 Consumer Vulnerability standard is recommended to all companies (but not required). The BS ISO standard will be aligned to the CoP requirements, so will evidence (for those companies who obtain it) compliance with a number of the CoP requirements.</p>	<p><b>Measure 1.2</b> - Obtaining the BS ISO 22458: 2022 Consumer Vulnerability standard is recommended to all companies (but not required). The BS ISO standard will be aligned to the CoP requirements, so will evidence (for those companies who obtain it) compliance with a number of the CoP requirements.</p>
<p><b>Measure 1.3</b> – All companies should have a specialist vulnerability team or person (dependent on the size of the business) within the appropriate part of the business to champion innovative strategies for the treatment of consumers displaying signs of vulnerability (including the use of inclusive design principles).</p>	<p><b>Measure 1.3</b> – All companies should have a specialist vulnerability team or person (dependent on the size of the business) within the appropriate part of the business to champion innovative strategies for the treatment of consumers displaying signs of vulnerability (including the use of inclusive design principles).</p>	<p><b>Measure 1.3</b> – All companies should have a specialist vulnerability team or person (dependent on the size of the business) within the appropriate part of the business to champion innovative strategies for the treatment of consumers displaying signs of vulnerability (including the use of inclusive design principles).</p>

Electricity Licensees (Suppliers and DNO)	Gas Licensees (Suppliers and DNOs)	Water Licensee
<p>This vulnerability team should include a staff member at a senior level and will represent, mentor and oversee the company's work on vulnerability.</p>	<p>This vulnerability team should include a staff member at a senior level and will represent, mentor and oversee the company's work on vulnerability.</p>	<p>This vulnerability team should include a staff member at a senior level and will represent, mentor and oversee the company's work on vulnerability.</p>
Principle 2		
<p><b>Measure 2.1</b> - Ensure that all relevant staff (e.g. consumer facing staff, field staff, call centre handlers, and sub-contractors) and to include staff at a senior level, are adequately and frequently trained in the identification of consumers in vulnerable circumstances or /and who may be eligible for the customer care register, and in treating customers in an empathetic manner to encourage customers to self-identify. To include, but not exclusive to, disability training (in relation to hidden disabilities, learning difficulties or communication barriers), mental health awareness training and empathy training.</p>	<p><b>Measure 2.1</b> - Ensure that all relevant staff (e.g. consumer facing staff, field staff, call centre handlers, and sub-contractors) and to include staff at a senior level, are adequately and frequently trained in the identification of consumers in vulnerable circumstances or /and who may be eligible for the customer care register, and in treating customers in an empathetic manner to encourage customers to self-identify. To include, but not exclusive to, disability training (in relation to hidden disabilities, learning difficulties or communication barriers), mental health awareness training and empathy training.</p>	<p><b>Measure 2.1</b> - Ensure that all relevant staff (e.g. consumer facing staff, field staff, call centre handlers, and sub-contractors) and to include staff at a senior level, are adequately and frequently trained in the identification of consumers in vulnerable circumstances or /and who may be eligible for the customer care register, and in treating customers in an empathetic manner to encourage customers to self-identify. To include, but not exclusive to, disability training (in relation to hidden disabilities, learning difficulties or communication barriers), mental health awareness training and empathy training.</p>
<p><b>Measure 2.2</b> - All companies to remove call duration targets for vulnerability and affordability themed calls.</p>	<p><b>Measure 2.2</b> - 'All companies to remove call duration targets for vulnerability and affordability themed calls.</p>	<p><b>Measure 2.2</b> - All companies to remove call duration targets for vulnerability and affordability themed calls.</p>

Electricity Licensees (Suppliers and DNO)	Gas Licensees (Suppliers and DNOs)	Water Licensee
<p><b>Measure 2.3</b> Ensure there is always a person(s) on duty during call centre operating hours who has the authority to make flexible decisions in relation to the support provided to consumers represented by the UR's vulnerability definition.</p>	<p><b>Measure 2.3</b> - Ensure there is always a person(s) on duty during call centre operating hours who has the authority to make flexible decisions in relation to the support provided to consumers represented by the UR's vulnerability definition.</p>	<p><b>Measure 2.3</b> - Ensure there is always a person(s) on duty during call centre operating hours who has the authority to make flexible decisions in relation to the support provided to consumers represented by the UR's vulnerability definition.</p>
<p><b>Measure 2.4</b> – Establish a partnership between consumer representative bodies and Suppliers/network companies (which can be readily evidenced and which is intentionally cultivated and maintained) to raise awareness of the existence of customer care registers amongst members and clients.</p>	<p><b>Measure 2.4</b> – Establish a partnership between consumer representative bodies and Suppliers/network companies (which can be readily evidenced and which is intentionally cultivated and maintained) to raise awareness of the existence of customer care registers amongst members and clients.</p>	<p><b>Measure 2.4</b> – Establish a partnership between consumer representative bodies and Suppliers/network companies (which can be readily evidenced and which is intentionally cultivated and maintained) to raise awareness of the existence of customer care registers amongst members and clients.</p>
<p><b>Measure 2.5</b> – Ensure processes are in place to enable a warm handover of consumers in vulnerable circumstances who are in need of additional support.</p>	<p><b>Measure 2.5</b> – Ensure processes are in place to enable a warm handover of consumers in vulnerable circumstances who are in need of additional support.</p>	<p><b>Measure 2.5</b> – Ensure processes are in place to enable a warm handover of consumers in vulnerable circumstances who are in need of additional support.</p>
<p><b>Measure 2.6</b> - All companies to provide a phone number for consumers that will not incur a premium rate charge, alongside providing other avenues for customer</p>	<p><b>Measure 2.6</b> - All companies to provide a phone number for consumers that will not incur a premium rate charge, alongside providing other avenues for customer</p>	<p><b>Measure 2.6</b> - All companies to provide a phone number for consumers that will not incur a premium rate charge, alongside providing other avenues for customer</p>

Electricity Licensees (Suppliers and DNO)	Gas Licensees (Suppliers and DNOs)	Water Licensee
contact that are free of charge (to include as a minimum a call back option).	contact that are free of charge (to include as a minimum a call back option).	contact that are free of charge (to include as a minimum a call back option).

**Principle 3**

<p><b>Measure 3.1</b> - All Regulated Companies: Provide the applicable customer care register holder with the relevant and lawful details (required for the customer care register), of any domestic customers who are of pensionable age, disabled or chronically sick [medical care register], or are represented by the UR’s vulnerability definition, and who wish to be included on the list.</p>	<p><b>Measure 3.1</b> - All Regulated Companies: Provide the applicable customer care register holder with the relevant and lawful details (required for the customer care register), of any domestic customers who are of pensionable age, disabled or chronically sick [medical care register], or are represented by the UR’s vulnerability definition, and who wish to be included on the list.</p>	<p><b>Measure 3.1</b> - All Regulated Companies: Provide the applicable customer care register holder with the relevant and lawful details (required for the customer care register), of any domestic customers who are of pensionable age, disabled or chronically sick [medical care register], or are represented by the UR’s vulnerability definition, and who wish to be included on the list.</p>
<p><b>Measure 3.2</b> - Customer care register Holder: Establish and maintain a customer care register of domestic customers who are of pensionable age, disabled or chronically sick [medical care register], or are represented by the UR’s vulnerability definition and who wish to be included on the list. Provide a secure transfer channel for relevant Suppliers and DNOs to share details of their consumers who require or</p>	<p><b>Measure 3.2</b> - Customer care register Holder: Establish and maintain a customer care register of domestic customers who are of pensionable age, disabled or chronically sick [medical care register], or are represented by the UR’s vulnerability definition and who wish to be included on the list. Provide a secure transfer channel for relevant Suppliers and DNOs to share details of their consumers who require or</p>	<p><b>Measure 3.2</b> - Customer care register Holder: Establish and maintain a customer care register of domestic customers who are of pensionable age, disabled or chronically sick [medical care register], or are represented by the UR’s vulnerability definition and who wish to be included on the list. Provide a secure transfer channel for relevant Suppliers and DNOs to share details of their consumers who require or</p>

<b>Electricity Licensees (Suppliers and DNO)</b>	<b>Gas Licensees (Suppliers and DNOs)</b>	<b>Water Licensee</b>
<p>need updating on the customer care register. Update the customer care register in a timely manner following receipt of data from Suppliers and/or DNOs.</p> <p><b>Only applies to Customer care register Holder</b></p>	<p>need updating on the customer care register. Update the customer care register in a timely manner following receipt of data from Suppliers and/or DNOs.</p> <p><b>Only applies to Customer care register Holder</b></p>	<p>need updating on the customer care register. Update the customer care register in a timely manner following receipt of data from Suppliers and/or DNOs.</p> <p><b>Only applies to Customer care register Holder</b></p>
<p><b>Measure 3.3</b> - Inform all your domestic customers, at least annually, on the existence of customer care registers and how to be added to the customer care register, if eligible.</p>	<p><b>Measure 3.3</b> - Inform all your domestic customers, at least annually, on the existence of customer care registers and how to be added to the customer care register, if eligible.</p>	<p><b>Measure 3.3</b> - Inform all your domestic customers, at least annually, on the existence of customer care registers and how to be added to the customer care register, if eligible.</p>
<p><b>Measure 3.4</b> - Actively promote customer care registers (to encourage greater identification and sign up of eligible customers) to the wider public through a number of different communication channels such as, but not limited to, social media, websites, outreach events and advertisements. Engagement should occur with at least one consumer representative body in developing and/or delivering the promotion. Companies must be able to evidence promotional</p>	<p><b>Measure 3.4</b> - Actively promote customer care registers (to encourage greater identification and sign up of eligible customers) to the wider public through a number of different communication channels such as, but not limited to, social media, websites, outreach events and advertisements. Engagement should occur with at least one consumer representative body in developing and/or delivering the promotion. Companies must be able to evidence promotional</p>	<p><b>Measure 3.4</b> - Actively promote customer care registers (to encourage greater identification and sign up of eligible customers) to the wider public through a number of different communication channels such as, but not limited to, social media, websites, outreach events and advertisements. Engagement should occur with at least one consumer representative body in developing and/or delivering the promotion. Companies must be able to evidence promotional</p>

<b>Electricity Licensees (Suppliers and DNO)</b>	<b>Gas Licensees (Suppliers and DNOs)</b>	<b>Water Licensee</b>
activity through at least 3 different communication channels each year. This activity can be delivered in collaboration with other utility companies and/or consumer representative bodies.	activity through at least 3 different communication channels each year. This activity can be delivered in collaboration with other utility companies and/or consumer representative bodies.	activity through at least 3 different communication channels each year. This activity can be delivered in collaboration with other utility companies and/or consumer representative bodies.
<b>Measure 3.5</b> - All companies to use best endeavours during any customer interaction to proactively identify when someone is experiencing a potentially vulnerable period and make contact with them to establish if they are need of support.	<b>Measure 3.5</b> - All companies to use best endeavours during any customer interaction to proactively identify when someone is experiencing a potentially vulnerable period and make contact with them to establish if they are need of support.	<b>Measure 3.5</b> - All companies to use best endeavours during any customer interaction to proactively identify when someone is experiencing a potentially vulnerable period and make contact with them to establish if they are need of support.
<b>Measure 3.6</b> - Take all reasonable steps to ascertain whether an occupant of a domestic property and/or the bill payer falls within the scope of eligibility to be added to the customer care register, and if eligible add the consumer to the customer care register (subject to their consent).	<b>Measure 3.6</b> - Take all reasonable steps to ascertain whether an occupant of a domestic property and/or the bill payer falls within the scope of eligibility to be added to the customer care register, and if eligible add the consumer to the customer care register (subject to their consent).	<b>Measure 3.6</b> - Take all reasonable steps to ascertain whether an occupant of a domestic property and/or the bill payer falls within the scope of eligibility to be added to the customer care register, and if eligible add the consumer to the customer care register (subject to their consent).
<b>Principle 4</b>		
<b>Measure 4.1</b> - All companies will have an adequate Data System that is	<b>Measure 4.1</b> - All companies will have an adequate Data System that is	<b>Measure 4.1</b> - All companies will have an adequate Data System that is

Electricity Licensees (Suppliers and DNO)	Gas Licensees (Suppliers and DNOs)	Water Licensee
interoperable with industry systems used for customer care registers and will support the inputting, holding and maintaining of an adequately detailed consumer profile with regards the customer's specific support needs.	interoperable with industry systems used for customer care registers and will support the inputting, holding and maintaining of an adequately detailed consumer profile with regards the customer's specific support needs.	interoperable with industry systems used for customer care registers and will support the inputting, holding and maintaining of an adequately detailed consumer profile with regards the customer's specific support needs.
<p><b>Measure 4.2</b> - Ensure that the customer care register holds sufficient information (in line with existing Data Protection legislation) on the needs or requirements of the domestic customers who are considered vulnerable due to age, disability or chronic illness [medical customer care register] and/or mental health status or other reason covered under the definition of vulnerability.</p>	<p><b>Measure 4.2</b> - Ensure that the customer care register holds sufficient information (in line with existing Data Protection legislation) on the needs or requirements of the domestic customers who are considered vulnerable due to age, disability or chronic illness [medical customer care register] and/or mental health status or other reason covered under the definition of vulnerability.</p>	<p><b>Measure 4.2</b> - Ensure that the customer care register holds sufficient information (in line with existing Data Protection legislation) on the needs or requirements of the domestic customers who are considered vulnerable due to age, disability or chronic illness [medical customer care register] and/or mental health status or other reason covered under the definition of vulnerability.</p>
<p><b>Measure 4.3</b> - Customer care register holders should contact all registered customer care consumers (or a nominated representative) at least every two years to ensure they are receiving the necessary support. This should be a meaningful contact, by the consumers</p>	<p><b>Measure 4.3</b> - Customer care register holders should contact all registered customer care consumers (or a nominated representative) at least every two years to ensure they are receiving the necessary support. This should be a meaningful contact, by the consumers</p>	<p><b>Measure 4.3</b> - Customer care register holders should contact all registered customer care consumers (or a nominated representative) at least every two years to ensure they are receiving the necessary support. This should be a meaningful contact, by the consumers</p>



<b>Electricity Licensees (Suppliers and DNO)</b>	<b>Gas Licensees (Suppliers and DNOs)</b>	<b>Water Licensee</b>
preferred method of contact, to re-assess the level of support they require.	preferred method of contact, to re-assess the level of support they require.	preferred method of contact, to re-assess the level of support they require.
<p><b>Measure 4.4</b> - Customer care register holders must carry out a data cleanse of customer care registers every two years. Removal of consumers should only take place after a minimum of three attempts to contact the consumer via the consumers' preferred method of contact.</p>	<p><b>Measure 4.4</b> - Customer care register holders must carry out a data cleanse of customer care registers every two years. Removal of consumers should only take place after a minimum of three attempts to contact the consumer via the consumers' preferred method of contact.</p>	<p><b>Measure 4.4</b> - Customer care register holders must carry out a data cleanse of customer care registers every two years. Removal of consumers should only take place after a minimum of three attempts to contact the consumer via the consumers' preferred method of contact.</p>
<b>Principle 5</b>		
<p><b>Measure 5.1</b> - Take all reasonable steps to not disconnect a customer who has not paid their bill and is of pensionable age, disabled or chronically sick and lives alone and who are represented by the vulnerability definition or only with other persons who are of pensionable age, disabled, chronically sick or under the age of 18, or with a dependent aged under 5 years and who are represented by the UR's vulnerability definition.</p> <p><b>Only applies to Suppliers</b></p>	<p><b>Measure 5.1</b> - Take all reasonable steps to not disconnect a customer who has not paid their bill and is of pensionable age, disabled or chronically sick and lives alone and who are represented by the vulnerability definition or only with other persons who are of pensionable age, disabled, chronically sick or under the age of 18, or with a dependent aged under 5 years and who are represented by the UR's vulnerability definition.</p> <p><b>Only applies to Suppliers</b></p>	

**Electricity Licensees (Suppliers and DNO)**

**Measure 5.2** - Take reasonable steps to avoid disconnecting the supply to premises where a bill has not been paid and includes an occupant who is of pensionable age or disabled or chronically sick or under the age of 18, or with a dependent aged under 5 years and who are represented by the UR's vulnerability definition during any winter period, that is to say, a period beginning with 1 Oct in any year and ending 31 March in the following year.  
**Only applies to Suppliers**

**Gas Licensees (Suppliers and DNOs)**

**Measure 5.2** - Take reasonable steps to avoid disconnecting the supply to premises where a bill has not been paid and includes an occupant who is of pensionable age or disabled or chronically sick or under the age of 18, or with a dependent aged under 5 years and who are represented by the UR's vulnerability definition during any winter period, that is to say, a period beginning with 1 Oct in any year and ending 31 March in the following year.  
**Only applies to Suppliers**

**Measure 5.3** - Ensure a domestic premises which includes an occupant who is of pensionable age or disabled or chronically sick and who are represented by the UR's vulnerability definition can avail of a flexible payment plan for any reconnection charges. This repayment plan must be based on the customers' ability to pay and is to include but not exclusive to the use of instalments. If the reconnection is following disconnection or isolation from the

**Water Licensee**

Electricity Licensees (Suppliers and DNO)	Gas Licensees (Suppliers and DNOs)	Water Licensee
	<p>network to ensure safety, the DNO can request an agreement with the customer to regular meter checks for the first year of reconnection.</p>	
	<p><b>Measure 5.4</b> - Arrange a free annual gas safety inspection of the gas appliances and other gas fittings on the customer's side of the meter for households where all occupants are either of pensionable age, disabled, chronically ill, minors or are represented by the UR's vulnerability definition. This does not apply where the landlord of the customer is responsible for the annual inspection in accordance with the Gas Safety (Installation and Use) Regulations (Northern Ireland) 2004. The safety inspection must be undertaken by a person possessing appropriate expertise.</p> <p><b>Only applies to gas Suppliers</b></p>	
<p><b>Measure 5.5</b> - Provide special identification for employees authorised by the Licensee to visit households. This will include operation of a password scheme</p>	<p><b>Measure 5.5</b> - Provide special identification for employees authorised by the Licensee to visit households. This will include operation of a password scheme</p>	<p><b>Measure 5.5</b> - Provide special identification for employees authorised by the Licensee to visit households. This will include operation of a password scheme</p>

Electricity Licensees (Suppliers and DNO)	Gas Licensees (Suppliers and DNOs)	Water Licensee
and another telephonic based identification scheme (such as the Quick Check 101 scheme).	and another telephonic based identification scheme (such as the Quick Check 101 scheme).	and another telephonic based identification scheme (such as the Quick Check 101 scheme).

**Principle 6**

<p><b>Measure 6.1</b> - All companies to provide (free of charge and accessible) advice and information on the additional services available to customers because of their age, disability, or chronic illness and/or who are represented by the UR’s vulnerability definition.</p> <p>This should be provided through a number of channels to include, at minimum, the company’s website and customer’s bills. Advice and information provided must be accessible and displayed (if applicable) in a prominent position.</p>	<p><b>Measure 6.1</b> - All companies to provide (free of charge and accessible) advice and information on the additional services available to customers because of their age, disability, or chronic illness and/or who are represented by the UR’s vulnerability definition.</p> <p>This should be provided through a number of channels to include, at minimum, the company’s website and customer’s bills. Advice and information provided must be accessible and displayed (if applicable) in a prominent position.</p>	<p><b>Measure 6.1</b> - All companies to provide (free of charge and accessible) advice and information on the additional services available to customers because of their age, disability, or chronic illness and/or who are represented by the UR’s vulnerability definition.</p> <p>This should be provided through a number of channels to include, at minimum, the company’s website and customer’s bills. Advice and information provided must be accessible and displayed (if applicable) in a prominent position.</p>
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**Principle 7**

<p><b>Measure 7.1</b> - All companies to provide consumers who are represented by the UR’s definition of vulnerability and are experiencing affordability difficulties with their energy bills with the option of a</p>	<p><b>Measure 7.1</b> - All companies to provide consumers who are represented by the UR’s definition of vulnerability and are experiencing affordability difficulties with their energy bills with the option of a</p>	<p><b>Measure 7.1</b> - All companies to provide consumers who are represented by the UR’s definition of vulnerability and are experiencing affordability difficulties with their energy bills with the option of a</p>
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Electricity Licensees (Suppliers and DNO)	Gas Licensees (Suppliers and DNOs)	Water Licensee
‘warm handover’ to a consumer body which can assist them with a benefit entitlement check facility.	‘warm handover’ to a consumer body which can assist them with a benefit entitlement check facility.	‘warm handover’ to a consumer body which can assist them with a benefit entitlement check facility.
<p><b>Measure 7.2</b> - Include the option of ‘breathing space’ when developing a payment plan for customers in debt who are represented by the UR’s definition of vulnerability. Breathing space is a period during which an individual in debt is provided with respite from creditor action in order to fully engage with debt advice agencies and seek sustainable solutions to their debt. The period of time should be decided on a case-by-case basis based on the individuals’ circumstances.</p> <p><b>Only applies to Suppliers</b></p>	<p><b>Measure 7.2</b> - ‘Include the option of ‘breathing space’ when developing a payment plan for customers in debt who are represented by the UR’s definition of vulnerability. Breathing space is a period during which an individual in debt is provided with respite from creditor action in order to fully engage with debt advice and seek sustainable solutions to their debt. The period of time should be decided on a case-by-case basis based on the individuals’ circumstances.’</p> <p><b>Only applies to Suppliers</b></p>	
<p><b>Measure 7.3</b> – All companies will use best endeavours to proactively identify consumers who are at risk of self-disconnecting and provide advice and support/financial assistance where appropriate.</p>	<p><b>Measure 7.3</b> – All companies will use best endeavours to proactively identify consumers who are at risk of self-disconnecting and provide advice and support/financial assistance where appropriate.</p>	<p><b>Measure 7.3</b> – All companies will use best endeavours to proactively identify consumers who are at risk of self-disconnecting and provide advice and support/financial assistance where appropriate.</p>

Electricity Licensees (Suppliers and DNO)	Gas Licensees (Suppliers and DNOs)	Water Licensee
<p><b>Measure 7.4</b> - Target consumers with a PPM debt on or over a specified amount (£200) and provide an incentive to engage to discuss debt repayment that will include a package of support measures (e.g. warm handover to organisation who can carry out a benefit entitlement check).</p> <p><b>Only applies to Suppliers</b></p>	<p><b>Measure 7.4</b> - Target consumers with a PPM debt on or over a specified amount (£200) and provide an incentive to engage to discuss debt repayment that will include a package of support measures (e.g. warm handover to organisation who can carry out a benefit entitlement check).</p> <p><b>Only applies to Suppliers</b></p>	
<p><b>Measure 7.5</b> - Do not disconnect a customer for debt if they are actively engaging with their Supplier.</p> <p><b>Only applies to Suppliers</b></p>	<p><b>Measure 7.5</b> - Do not disconnect a customer for debt if they are actively engaging with their Supplier.</p> <p><b>Only applies to Suppliers</b></p>	
<b>Principle 8</b>		
<p><b>Measure 8.1</b> - All companies to establish, implement and maintain effective data sharing methodologies to enable the effective use of consumer data by any relevant party licenced to convey/supply gas or distribute/supply electricity or supply water to the domestic consumer's premises under the Gas Order, Electricity Order, and or the Water and Sewerage</p>	<p><b>Measure 8.1</b> - All companies to establish, implement and maintain effective data sharing methodologies to enable the effective use of consumer data by any relevant party licenced to convey/supply gas or distribute/supply electricity or supply water to the domestic consumer's premises under the Gas Order, Electricity Order, and or the Water and Sewerage</p>	<p><b>Measure 8.1</b> - All companies to establish, implement and maintain effective data sharing methodologies to enable the effective use of consumer data by any relevant party licenced to convey/supply gas or distribute/supply electricity or supply water to the domestic consumer's premises under the Gas Order, Electricity Order, and or the Water and Sewerage</p>

Electricity Licensees (Suppliers and DNO)	Gas Licensees (Suppliers and DNOs)	Water Licensee
Services Order in an appropriate form and at appropriate intervals.	Services Order in an appropriate form and at appropriate intervals.	Services Order in an appropriate form and at appropriate intervals.
Principle 9		
<p><b>Measure 9.1</b> - All companies to submit returns to the Authority which demonstrate compliance with the Code of Practice for consumers in vulnerable circumstances. The returns will provide evidence of compliance with the both the high level principles and the required measures.</p>	<p><b>Measure 9.1</b> - All companies to submit returns to the Authority which demonstrate compliance with the Code of Practice for consumers in vulnerable circumstances. The returns will provide evidence of compliance with the both the high level principles and the required measures.</p>	<p><b>Measure 9.1</b> - All companies to submit returns to the Authority which demonstrate compliance with the Code of Practice for consumers in vulnerable circumstances. The returns will provide evidence of compliance with the both the high level principles and the required measures.</p>
<p><b>Measure 9.2</b> - As part of their return, all companies must report on actions taken to increase awareness of the customer care registers (this will be tracked by the UR through the UR's annual domestic consumer insight tracker survey); and on the operation, outcomes and future review arrangements for their activities under the Code.</p>	<p><b>Measure 9.2</b> - As part of their return, all companies must report on actions taken to increase awareness of the customer care registers (this will be tracked by the UR through the UR's annual domestic consumer insight tracker survey); and on the operation, outcomes and future review arrangements for their activities under the Code.</p>	<p><b>Measure 9.2</b> - As part of their return, all companies must report on actions taken to increase awareness of the customer care registers (this will be tracked by the UR through the UR's annual domestic consumer insight tracker survey); and on the operation, outcomes and future review arrangements for their activities under the Code.</p>
<p><b>Measure 9.3</b> - In the case of disconnection of a domestic property maintain, for at least six months or where</p>	<p><b>Measure 9.3</b> - In the case of disconnection of a domestic property maintain, for at least six months or where</p>	

<b>Electricity Licensees (Suppliers and DNO)</b>	<b>Gas Licensees (Suppliers and DNOs)</b>	<b>Water Licensee</b>
<p>a complaint has been made six months after the complaint has been resolved, a record and evidence of the steps taken to ascertain whether the occupants include persons who are of pensionable age or disabled or chronically sick or minors (aged 0-5 years old) or are represented by the UR's vulnerability definition. This evidence must be provided to the Authority on request.</p> <p><b>Only applies to Suppliers</b></p>	<p>a complaint has been made six months after the complaint has been resolved, a record and evidence of the steps taken to ascertain whether the occupants include persons who are of pensionable age or disabled or chronically sick or minors (aged 0-5 years old) or are represented by the UR's vulnerability definition. This evidence must be provided to the Authority on request.</p> <p><b>Only applies to Suppliers</b></p>	
<b>Principle 10</b>		
<p><b>Measure 10.1</b> - All companies to conduct research and engagement with consumers in vulnerable circumstances, to include those on customer care registers (every two years at a minimum). A copy of the final research report must be submitted to the Authority and a public version made available.</p>	<p><b>Measure 10.1</b> - All companies to conduct research and engagement with consumers in vulnerable circumstances, to include those on customer care registers (every two years at a minimum). A copy of the final research report must be submitted to the Authority and a public version made available.</p>	<p><b>Measure 10.1</b> - All companies to conduct research and engagement with consumers in vulnerable circumstances, to include those on customer care registers (every two years at a minimum). A copy of the final research report must be submitted to the Authority and a public version made available.</p>
<p><b>Measure 10.2</b> - All companies to publish an accessible version of the returns submitted to the Authority on compliance with the Code of Practice for consumers</p>	<p><b>Measure 10.2</b> - All companies to publish an accessible version of the returns submitted to the Authority on compliance with the Code of Practice for consumers</p>	<p><b>Measure 10.2</b> - All companies to publish an accessible version of the returns submitted to the Authority on compliance with the Code of Practice for consumers</p>



**Electricity Licensees (Suppliers and DNO)**

in vulnerable circumstances on their own websites. These returns will also be published on the Authority's website.

**Gas Licensees (Suppliers and DNOs)**

in vulnerable circumstances on their own websites. These returns will also be published on the Authority's website.

**Water Licensee**

in vulnerable circumstances on their own websites. These returns will also be published on the Authority's website.

