



# Best Practice Framework programme

Proposed approach to delivery,  
content, monitoring and reporting



## 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) project was identified as the ‘flagship project’ within the Utility Regulator’s Consumer Protection Programme (CPP). However since its inception, the BPF project has evolved and widened in scope to include multiple outputs and routes for delivery and so will be delivered as a programme in conjunction with the CPP in order to ensure positive outcomes for all consumers. This document outlines the Utility Regulator’s proposed approach to the delivery, content, monitoring and reporting of the BPF programme. The approach proposes the development of a new mandatory Code of Practice for consumers in vulnerable circumstances which will apply to both utility suppliers and Distribution Network Operators in the three regulated sectors in Northern Ireland (NI). In order to ensure a high level of protection for consumers, we are proposing a hybrid approach for the new Code, consisting of a combination of a set of high level principles that are then supported with more specific ‘required measures’ (consumer protection measures to be implemented by the regulated companies). The aim of this document is to seek stakeholders’ views on the proposed approach. This feedback will be used to inform the development of the draft Code of Practice which will be included in a consultation paper in Spring 2022.

## 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 Best Practice Framework (BPF) programme will 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 BPF programme will in tandem refine and refresh the existing regulatory framework to ensure it is fit for purpose and reflective of best practice exemplars seen in Great Britain, and across other regulated sectors.



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## Glossary

<b>AIR</b>	Annual Information Return
<b>BPF</b>	Best Practice Framework
<b>CCNI</b>	Consumer Council for NI
<b>CoP</b>	Code of Practice
<b>CPP</b>	Consumer Protection Programme
<b>CVWG</b>	Consumer Vulnerability Working Group
<b>DNO</b>	Distribution Network Operator <sup>1</sup>
<b>DPA</b>	Data Protection Act 1998
<b>FOIA</b>	Freedom of Information Act
<b>GB</b>	Great Britain
<b>GDN</b>	Gas Distribution Network operators
<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>PSR</b>	Priority Services Register
<b>REMM</b>	Retail Energy Market Monitoring
<b>RIG</b>	Regulatory Instructions and Guidance
<b>UR</b>	Utility Regulator

<sup>1</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.

# Executive Summary

The Consumer Protection Programme (CPP)<sup>2</sup> is a three year programme that was launched in April 2019 and then reviewed in 2021<sup>3</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.

In order to implement several of the key priorities identified in the CPP and ensure consistency in how utility companies in Northern Ireland (NI) identify, support and protect consumers in vulnerable circumstances, the 'Best Practice Framework' (BPF) project was developed. The BPF project received universal endorsement from stakeholders during the consultation on the CPP and was identified as a priority 'flagship project'<sup>4</sup> for the UR. However, since its inception, the BPF project has evolved and widened in scope to include multiple outputs and routes for delivery and so will be delivered as a programme in conjunction with the CPP. A new set of projects on debt and affordability were also identified and prioritised for delivery within the recently updated CPP, alongside the original proposed projects. Delivery of both the BPF and CPP programmes will therefore ensure positive outcomes for all consumers in NI.

The overall aim of the 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 purpose of this Approach document is to give stakeholders the opportunity to provide their feedback on our proposed approach to the delivery, content, monitoring and reporting for the BPF programme. The approach proposes the development of a new mandatory Code of Practice (CoP) for consumers in vulnerable circumstances which will apply to both regulated utility suppliers and DNOs. We are proposing a hybrid approach which consists of a combination of ten high level principles that are supported with 'required measures' (consumer protection measures to be implemented).

Through development of a single CoP for consumers in vulnerable circumstances, we aim to address the gaps and inconsistencies in the regulatory frameworks between network companies and suppliers in NI with regards the support and protections for consumers in vulnerable circumstances. It is also clear that there are inconsistencies in the level of support available between supplier and network companies within NI, and a low level of awareness of the supports that are currently available. The new CoP will therefore ensure that the support and protections offered

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<sup>2</sup> [CPP Final Decisions April 2019 with links.pdf \(uregni.gov.uk\)](#)

<sup>3</sup> [consumer-protection-plan-review.pdf \(uregni.gov.uk\)](#)

<sup>4</sup> [CPP Final Decisions April 2019 with links.pdf \(uregni.gov.uk\)](#)

to NI consumers are consistent, adequately promoted, and reflective of best practice exemplars seen in Great Britain (GB) and across other regulated sectors.

In developing the set of ten principles and associated 'required measures' that we propose to include in the new CoP, we have listened carefully to all key stakeholders during a series of intensive engagement. We believe our proposed approach to the delivery, content, reporting and monitoring of the BPF programme, as set out within this document, delivers on the request from industry to provide more certainty on our expectations in relation to the outcomes we want to see, whilst providing flexibility on how to achieve the desired outcomes.

Our proposed approach also responds to the feedback from the consumer representative bodies and we have incorporated a number of their recommendations either when developing the higher level principles or as specific consumer protection measures. In addition, the learnings from the impacts that COVID-19 had on domestic consumers have also been incorporated into the proposed requirements of the BPF programme.

When the consultation period has closed, we will consider all responses in order to inform the development of a draft CoP for consumers in vulnerable circumstances. The draft CoP for consumers in vulnerable circumstances will then be included in a consultation paper which will be published in Spring 2022.

# 1. Introduction

## Purpose of this document

- 1.1 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.
- 1.2 The purpose of this document is to give stakeholders the opportunity to provide their feedback on our proposed approach to the delivery, content, monitoring and reporting for the BPF programme. The approach proposes the development of a new mandatory Code of Practice (CoP) for consumers in vulnerable circumstances that will apply to both regulated utility suppliers and DNOs in NI. We are proposing a hybrid approach which consists of a combination of ten high level principles that are supported by specific 'required measures' (consumer protection measures to be implemented).

## Next steps

- 1.3 We invite all stakeholders to respond to the questions contained within this document in relation to the proposed approach to delivery, content, monitoring and reporting for the BPF programme. We are welcoming feedback on the UR's proposed hybrid approach which will include a set of ten principles and associated consumer protection 'required measures' that will be incorporated into a new mandatory CoP (see section below on how to respond). If any stakeholders wish to discuss the proposals in advance of submitting a response, we are happy to arrange a one-to-one meeting.
- 1.4 When the consultation period has closed, we will consider all responses in order to inform the development of a draft CoP for consumers in vulnerable circumstances.
- 1.5 The draft CoP for consumers in vulnerable circumstances will then be included in a consultation paper which will be published in Spring 2022.
- 1.6 Responses to the consultation on the draft CoP will be used to inform the CoP final draft, and an accompanying final decision paper and licence modifications to embed the new Code in regulatory requirements.
- 1.7 Once the final decision paper is published, a statutory consultation notice on the proposed licence condition(s) will then take place.

## Structure of paper

1.8 This paper has the following sections:

- **Section 2** provides the background to the Best Practice Framework (BPF) programme, including the need for the programme within Northern Ireland (NI), and reflects on the support currently available to energy and water consumers within Great Britain (GB) and NI.
- **Section 3** provides an overview of the stakeholder engagement that has informed the programme to date and our proposed approach to delivery, content, monitoring and reporting for the BPF programme (as set out in this paper).
- **Section 4** summarises the proposed approach of developing a new mandatory Code of Practice for both utility suppliers and DNOs, which will consist of a combination of both principles and ‘required measures’.
- **Section 5** describes the ‘building phase’ for the BPF programme and sets out the proposed principles and ‘required measures’ under the building block ‘Culture, Training and Ethos’ and ‘Identification of vulnerability’.
- **Section 6** describes the ‘delivery phase’ for the BPF programme and sets out the proposed principles and ‘required measures’ under the building block ‘Practical measures’.
- **Section 7** describes the proposed approach to establishing a longer-term ‘data-sharing’ project to run in parallel with the delivery of the BPF programme and presents the principle and ‘required measure’ in relation to this.
- **Section 8** describes the ‘reporting phase’ for the BPF programme and sets out the proposed principles and ‘required measures’ under the building block ‘Monitoring, reporting and publication’.
- **Section 9** sets out our overall conclusions.
- **Section 10** outlines our next steps in more detail.
- **Appendix 1** contains a list of all the questions within this document that we are seeking a response to.
- **Appendix 2** lists the respondents to the 2019 Call for Evidence.
- **Appendix 3** contains a table summarising the ten principles and

consumer protection 'required measures'.

## How to respond

- 1.9 The UR welcomes engagement from all industry and other stakeholders. We appreciate your views and comments on all the proposals set out in this approach paper. When responding, we request that you answer the questions as set out in this approach paper (see Appendix 3 for a full list of questions).
- 1.10 Responses to this approach document should be forwarded to reach us by **noon 29<sup>th</sup> April 2022** to:
- Janet Diffin  
The Utility Regulator  
Queens House  
14 Queen Street  
Belfast  
BT1 6ED  
Email: [janet.diffin@uregni.gov.uk](mailto:janet.diffin@uregni.gov.uk)
- 1.11 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'
- 1.12 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
- 1.13 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)).
- 1.14 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.

This document is available in accessible formats. Please contact: Janet Diffin [janet.diffin@uregni.gov.uk](mailto:janet.diffin@uregni.gov.uk)

## Equality Considerations

- 1.15 As a public authority, the UR has a number of obligations arising from Section 75 of the Northern Ireland Act 1998. These obligations concern the promotion of equality of opportunity between:
- persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
  - men and women generally;
  - persons with disability and persons without; and
  - persons with dependants and persons without.
- 1.16 We must also have regard to the promotion of good relations between persons of different religious belief, political opinion or racial groups. In the development of our policies we also have a statutory duty to have due regard to the needs of consumers in vulnerable circumstances including for example individuals who are disabled or chronically sick, individuals of pensionable age, individuals with low incomes and, for electricity only, individuals residing in rural areas.
- 1.17 We request that respondents provide any information or evidence in relation to the needs, experiences, issues and priorities for different groups which they feel is relevant to the implementation of any of the proposals.
- 1.18 We welcome any comments which respondents might have in relation to the overall equality impact of the proposals. In particular we would like to know our stakeholders' views on any areas of the Approach which may have an impact on the groups listed above, and if those impacts are likely to be positive in relation to equality of opportunity for energy consumers. In addition we are interested in receiving information on why and how we may refine the proposals if stakeholders consider that they do not currently meet the equality provisions.

***Q1. Do you agree that where this Approach 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. Background

### The Consumer Protection Programme (CPP)

- 2.1 The Consumer Protection Programme (CPP)<sup>5</sup> is a three year programme that was launched in April 2019 and then reviewed in 2021<sup>6</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.
- 2.2 The CPP is of particular importance given the UR's Corporate Strategy (2019-2024)<sup>7</sup> overarching purpose is 'Protecting and empowering all consumers' and is the UR's key vehicle to deliver fair and equitable outcomes for domestic consumers of electricity, gas and water, particularly for those in vulnerable circumstances.
- 2.3 In order to ensure consistency in how gas, electricity and water companies in Northern Ireland (NI) identify, support and protect consumers in vulnerable circumstances, the 'Best Practice Framework' project was developed in order to implement several of the key priorities identified in the CPP.

### The Best Practice Framework programme

- 2.4 The Best Practice Framework (BPF) project received universal endorsement from stakeholders during the consultation on the CPP and was identified as a UR priority 'flagship' project<sup>8</sup>.
- 2.5 However since its inception, the BPF project has evolved and widened in scope to include multiple outputs and routes for delivery and so will be delivered as a programme in conjunction with the CPP to ensure positive outcomes for all consumers in NI.
- 2.6 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.
- 2.7 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

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

<sup>6</sup> [consumer-protection-plan-review.pdf \(uregni.gov.uk\)](#)

<sup>7</sup> [Corporate Strategy 2019-24 final for web.pdf \(uregni.gov.uk\)](#)

<sup>8</sup> [CPP Final Decisions April 2019 with links.pdf \(uregni.gov.uk\)](#)

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, including Northern Ireland Water (NIW).

- 2.8 The COVID-19 pandemic has 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. It is therefore important to firstly reflect on the scale and nature of vulnerability within NI in order to understand the specific needs of NI consumers, and to ensure a tailored approach to the support and protections provided by the BPF programme.

## **The scale of vulnerability in Northern Ireland**

- 2.9 Vulnerability is multifaceted, can arise in many ways, and be transient or more permanent. For example, physical illness, mental ill health, being disabled or being a family carer can lead to vulnerability, but so too can more temporary circumstances such as bereavement, a change in financial situation through, for example job loss or redundancy, or a short-term significant illness.
- 2.10 The market itself when combined with a customer’s circumstances can also exacerbate vulnerability, for example, the nature, design and delivery of services can put a customer at greater risk of detriment, exclude them entirely, or result in them paying more through lack of access to the best deals<sup>9</sup>.
- 2.11 Similarly to the rest of the UK<sup>10</sup>, NI has an increasingly aging population profile. In mid-2019, the number of people aged 85 and over in Northern Ireland was estimated to be 38,700, an increase of 1,000 people (2.7%) since mid-2018.<sup>11</sup>
- 2.12 In the year mid-2019 to mid-2020, the population aged 65 and over increased by 1.7% (from 314,700 to 319,900), with this age group now representing 16.9% of the population.<sup>12</sup> This data shows that a large and growing proportion of the NI population may need additional support in the future, for example we know that older people have less access to digital technologies to find utility support/assistance, and a greater risk to their

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<sup>9</sup> [Vulnerable consumers in regulated industries \(nao.org.uk\)](https://www.nao.org.uk/publications/2019/vulnerable-consumers-in-regulated-industries/)

<sup>10</sup> [Living longer and old-age dependency – what does the future hold? - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/peoplepopulationandcommunity/healthandlife/bulletins/2019-07-18/living-longer-and-old-age-dependency-what-does-the-future-hold/)

<sup>11</sup> [Statistical Bulletin - Estimates of the population aged 85 and over \(2019\) \(nisra.gov.uk\)](https://www.nisra.gov.uk/statistics/bulletin-2019-07-18-estimates-of-the-population-aged-85-and-over-2019/)

<sup>12</sup> [2020 Mid-year Population Estimates - statistical bulletin \(nisra.gov.uk\)](https://www.nisra.gov.uk/statistics/bulletin-2020-07-18-2020-mid-year-population-estimates/)

health if they are unable to heat their home adequately.

- 2.13 As highlighted previously, people find themselves in vulnerable circumstances for a variety of reasons, for example due to diagnosis of a long-term illness. Within NI, almost a third (30%) of respondents to the Health Survey for NI (2019-2020) reported they had a long-standing illness that reduced their ability to carry out day-to-day activities<sup>13</sup>.
- 2.14 12% of people in NI also provide unpaid care to someone with a health problem, disability, or problems due to old age, and one in three households have a dependent child<sup>14</sup>. People with a longer-term illness and people caring for someone within the home may be more likely to suffer negative outcomes in the utilities sector, for example, they may use more energy than average due to the need to keep warm<sup>15</sup>, being at home more throughout the day, or due to a reliance on medical equipment or other assistive technologies.
- 2.15 A large proportion of consumers are also likely to have additional needs when communicating with energy and water companies, or accessing utility services. For example, they may experience difficulty understanding their bills and other complex communications, have problems remembering passwords or account information, or may be unable to contact a company in a way that best suits their needs as services have not been designed in an accessible and inclusive manner.
- 2.16 We know that mental ill health is associated with a range of cognitive and behavioural symptoms that can impact on people's ability to manage essential services<sup>16</sup>. The rates of mental illness in NI are the highest of any region in the UK and at least 25% higher than England<sup>17</sup>.
- 2.17 People with dementia experience memory loss, problems with reasoning, perception and communication skills and therefore may also be vulnerable if managing essential services. 13,325 people in NI currently have a dementia diagnosis<sup>18</sup> and the number of people with dementia is projected to increase rapidly over the next several decades mainly due to increased life expectancy and population demographics<sup>19</sup>.
- 2.18 Based on data from GP Registers it is also estimated that just under 1% of the adult population in NI have a learning disability<sup>20</sup>. People with a learning disability may, for example, have difficulties communicating with essential

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<sup>13</sup> [Health Survey Northern Ireland: First results 2019/20 \(health-ni.gov.uk\)](https://www.health-ni.gov.uk/publications/health-survey-northern-ireland-2019-2020)

<sup>14</sup> [NI: IN PROFILE Key statistics on Northern Ireland \(nisra.gov.uk\)](https://www.nisra.gov.uk/publications/ni-in-profile)

<sup>15</sup> [fuel-poverty-and-terminal-illness.pdf \(mariecurie.org.uk\)](https://www.mariecurie.org.uk/publications/fuel-poverty-and-terminal-illness)

<sup>16</sup> [Mental Health Premium.pdf \(citizensadvice.org.uk\)](https://www.citizensadvice.org.uk/publications/mental-health-premium)

<sup>17</sup> [Making Life Better - A Whole System Framework for Public Health 2013-2023 \(health-ni.gov.uk\)](https://www.health-ni.gov.uk/publications/making-life-better)

<sup>18</sup> <https://www.health-ni.gov.uk/sites/default/files/publications/health/rdptd-tables-2021.xlsx>

<sup>19</sup> [Dementia UK Second edition - Overview \(lse.ac.uk\)](https://www.lse.ac.uk/Health-Systems-Research/publications/dementia-uk-second-edition)

<sup>20</sup> [Learning disability in Northern Ireland: Where are we now? - Research Matters \(assemblyresearchmatters.org\)](https://www.assemblyresearchmatters.org/publications/learning-disability-in-northern-ireland)

services.

- 2.19 Over 200,000 people in NI (about one in seven of the population) are deaf or hard of hearing<sup>21</sup> and the estimated number of people living with sight loss in Northern Ireland is 51,000<sup>22</sup>. These consumers will also have additional needs when communicating with utility companies, or accessing services from their utility providers.
- 2.20 17.4% of the adults in NI score at the lowest levels in literacy and 24.4% score low in numeracy<sup>23</sup>. These consumers may also experience difficulties in communicating with utility companies, and in particular may have difficulty understanding written information such as bills and statements if they have not been designed in a clear and accessible way.
- 2.21 People for whom English is not their first language may also have additional support needs e.g. communication issues, and currently 2.9% of the population within NI speak another language other than English as their main language<sup>24</sup>. (Please note, this figure was lifted from the 2011 Census and this number may have increased since).

## Impacts of the COVID-19 pandemic

- 2.22 Since the development of the BPF programme, there has been an unprecedented change in the context within which this programme will be delivered due to the COVID-19 pandemic, and more recently, a dramatic increase in energy prices and other living costs. As a result, more people may be experiencing financial difficulties and therefore may be at risk of falling into a vulnerable situation.
- 2.23 For example, a survey by the Northern Ireland Research and Statistics Agency (NISRA) (conducted November 2020 - January 2021) found that the proportion of people who reported that it was difficult to pay their usual household bills increased from 3% to 13% since the COVID-19 outbreak<sup>25</sup>.
- 2.24 Financial difficulties may place additional pressures on households in relation to paying for their energy and other essential items.
- 2.25 We know that consumers who are unable to heat their homes as a result of high prices are at a higher risk of mental and physical ill health, and are likely

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<sup>21</sup> [Hearing and ear care | nidirect](#)

<sup>22</sup> [4.1 million people will be affected by sight loss in the UK by 2050 - RNIB - See differently](#)

<sup>23</sup> [Education GPS - Northern Ireland \(UK\) - Adult skills \(Survey of Adult Skills, PIAAC, 2012\) \(oecd.org\)](#)

<sup>24</sup> [Northern Ireland: Census Profile - Migration Observatory - The Migration Observatory \(ox.ac.uk\)](#)

<sup>25</sup> [Nisra Coronavirus \(Covid-19\) Opinion Survey Key Findings – Phases 1 to 8](#)

to experience impairments to their social well-being.<sup>26</sup>

- 2.26 We are also currently experiencing a period of extremely high rises in the costs of energy which has the potential to increase the number of people falling into debt and fuel poverty.
- 2.27 Within NI, a household is said to be in fuel poverty if it needs to spend more than 10 per cent of its income on energy costs; the most recent metric for the rate of fuel poverty in Northern Ireland was 22%<sup>27</sup> for 2016, given the recent changes in energy prices, this is now likely to be considerably higher. Whilst, different definitions of fuel poverty are used within the UK, the estimated rate of fuel poverty in England is 10.3% (fuel poverty in England is measured using the Low Income High Cost (LIHC) indicator).<sup>28</sup>
- 2.28 Prepayment meter customers are more likely to be in fuel poverty, and they face the risk of going off supply if they do not top-up their meters due to affordability issues.
- 2.29 It is clear that the COVID-19 pandemic has further exacerbated consumer vulnerabilities, with many consumers potentially in vulnerable circumstances for the first time and in need of support. In addition to this, the energy sector is embarking on a period of substantial change in light of the energy transition, and following on from publication of a new Energy Strategy for Northern Ireland<sup>29</sup>.
- 2.30 Identification, support and protection of consumers in the most vulnerable circumstances will become more important, for example, as consumer technologies and interactions with the utility markets become ‘smarter’ and more digitised. It is vital that such consumers are not left behind.
- 2.31 The consideration of future vulnerability trends is therefore needed, to not only improve support for consumers in vulnerable circumstances now, but to ensure that industry is prepared to extend support to a potentially increased number of such consumers in the near future.
- 2.32 Industry therefore needs to have processes in place to identify and protect consumers in vulnerable circumstances, and ensure they receive an appropriate level of support tailored to their specific needs.
- 2.33 It is also essential that consumers in NI are afforded the same support and protections from gas, electricity and water companies as those in Great Britain (GB).

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<sup>26</sup> [Energy tariff options for consumers in vulnerable situations \(cse.org.uk\)](https://www.cse.org.uk)

<sup>27</sup> [Research Programme Key Findings \(nihe.gov.uk\)](https://www.nihe.gov.uk)

<sup>28</sup> [Annual Fuel Poverty Statistics Report 2020 \(2018 data\) \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

<sup>29</sup> [The Path to Net Zero Energy. Safe. Affordable. Clean. \(economy-ni.gov.uk\)](https://www.economy-ni.gov.uk)

## Support for consumers in vulnerable circumstances in the GB utility sector

- 2.34 At the outset of the Best Practice Framework (BPF) programme, we reviewed the support and protections for consumers in vulnerable circumstances that currently exist in GB in order to identify and benchmark those services that GB utility companies are already providing for their customers, and to identify any gaps in the services provided to NI consumers.
- 2.35 In GB, electricity suppliers, electricity distribution companies and gas suppliers must maintain a Priority Services Register (PSR) and provide eligible consumers with information, advice and a number of services free of charge<sup>30</sup>.
- 2.36 This licence obligation is strengthened by the revised Standards of Conduct (Standard Licence Condition or 'SLC' of both the gas and electricity supply licences) which require suppliers to identify each vulnerable customer in an appropriate way.
- 2.37 Customers are eligible for the PSR if they have reached state pension age, are disabled or have a long-term medical condition, are recovering from an injury, have a hearing or sight condition, have a mental health condition, are pregnant or have children under five, or have extra communication needs (such as if they don't speak or read English well). Customers can also register for other reasons, for example, if they need short-term support after a stay in hospital.
- 2.38 Suppliers are required to promote their PSR, and proactively identify customers who might benefit from additional support services, and offer to add these customers to the PSR.
- 2.39 To further help identify consumers who might need extra support, suppliers are required to share customer data with DNOs in accordance with data protection rules<sup>31</sup>.
- 2.40 Water companies also maintain their own PSRs and Ofwat have issued guidance illustrating that special assistance should be provided to any customer regardless of their age, health, disability or their lack of disability<sup>32</sup>.
- 2.41 Services offered by the DNO's include (but are not limited to) password schemes, prioritised communications when there is a power/service cut, nominated contact service, knock and wait schemes, quarterly meter reads,

<sup>30</sup> [SLC 26 of the Supply Licence](#) and [SLC 10 of the Distribution Licence](#)

<sup>31</sup> Ofgem (2016) [Decision to modify gas and electricity supply, electricity distribution and gas transporter licences for PSR arrangements](#)

<sup>32</sup> [gud\\_pro\\_specialassistsept08.pdf \(ofwat.gov.uk\)](#)

and a dedicated phone number to ring trained staff if the customer is in need of further support.

- 2.42 Services offered through registration on the PSR also ensures that people with hearing or sight impediments can access information and bills in suitable formats, and ensures those who rely on electricity, e.g. those on dialysis or with a stair lift, are warned about planned power outages.
- 2.43 Whilst gas distribution network companies (GDNs) are not required to maintain a PSR, under the Guaranteed Standards of Performance (GSoP) they must provide additional support to PSR customers. This includes the provision of alternative heating and cooking facilities in the event of a gas supply interruption which is not restored within a prescribed amount of time.
- 2.44 The GDNs also offer to share a customer's data with the electricity distribution company that maintains the PSR within their area.
- 2.45 To assist with consistent data sharing between suppliers and DNO's, the GB industry has aligned its PSR 'needs Codes' (descriptions of vulnerabilities) for both gas and electricity<sup>33</sup>.
- 2.46 With regards public reporting, Ofgem have developed an annual report which allows the public to compare the progress of consumer protection intervention delivery across utilities<sup>34</sup>.
- 2.47 Energy UK have also developed a voluntary 'Vulnerability Commitment'<sup>35</sup> which is open to all energy suppliers in GB and aims to improve the support available to vulnerable households. The first annual report was released in 2021 which details the progress that energy suppliers have made to support consumers in vulnerable circumstances<sup>36</sup>.
- 2.48 A number of financial assistance type schemes have also been developed to support consumers in vulnerable circumstance in GB, for example:
- The Fuel Poor Network Extension Scheme (FPNES) is a scheme delivered by the GDNs in partnership with other organisations to help tackle fuel poverty by supporting off-grid, fuel poor households to connect to the gas network<sup>37</sup>.
  - The WaterSure scheme is available for certain customers with a water meter and allows them to have their bills capped. This helps ensure that these customers don't cut back on how much water they

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<sup>33</sup> The official list of industry PSR needs Codes is available here:

<https://dtc.mrasco.com/DataItem.aspx?ItemCounter=1699&searchMockItems=False>

<sup>34</sup> [Vulnerable consumers in the energy market: 2019 | Ofgem](#)

<sup>35</sup> [publication.html \(energy-uk.org.uk\)](#)

<sup>36</sup> [publication.html \(energy-uk.org.uk\)](#)

<sup>37</sup> [Fuel Poor Network Extension Scheme \(FPNES\) Governance Document | Ofgem](#)

use because they are worried about how they will pay their bill<sup>38</sup>.

## **Support for consumers in vulnerable circumstances in the NI utility sector**

- 2.49 Similarly to GB, historic obligations have been placed on utility suppliers and DNOs which state that certain groups of domestic consumers in vulnerable circumstances must be offered a special range of services.
- 2.50 Conditions within the electricity and gas supplier licences require the development and compliance with a number of specified Codes of Practice (CoP)<sup>39</sup>, to include a Code on the 'Provision of Services for Persons who are of Pensionable Age or Disabled or Chronically Sick'.<sup>40</sup>
- 2.51 This CoP covers customers who are of pensionable age or disabled, including in particular domestic customers who are disabled by virtue of being blind, partially sighted, deaf or hearing impaired or chronically sick; and provides a list of minimum standards that suppliers must comply with.
- 2.52 However, this CoP does not apply to gas distribution network operators (GDNs), NI's electricity DNO (Northern Ireland Electricity Networks; NIEN) or to Northern Ireland Water (NIW) and in fact, the licence requirements for GDN's and NIEN in relation to consumers in vulnerable circumstances in NI are minimal.
- 2.53 Currently the GDNs are required to have special arrangements in place for domestic consumers (to include pensioners, the chronically sick and disabled) to ensure that they are not deprived of adequate heating and cooking facilities where the conveyance of gas to those premises has been disconnected for the purpose of averting danger to life or property.
- 2.54 NIEN's licence requires preparation of a Code of Practice describing the special services available to persons who are of State pensionable age, disabled, blind or deaf. These service include providing special controls and adaptors for meters (including prepayment meters) and repositioning meters, providing special means of identifying NIEN staff, ensuring those who are blind or partially sighted can make enquiries or complaints by telephone or other appropriate means, and ensuring those who are deaf or hard of hearing have details of facilities to assist them when making enquiries or complaints.

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<sup>38</sup> [WaterSure - Ofwat](#)

<sup>39</sup> [Energy Supplier Codes of Practice Decision Paper.pdf \(uregni.gov.uk\)](#)

<sup>40</sup> [Annex 2a and 2b Code of Practice minimum standards on Provision of Services for persons who are of Pensionable Age or Disabled or Chronically Sick.pdf \(uregni.gov.uk\)](#)

- 2.55 The Guaranteed Standards of Service (GSS) also set out prescribed service levels which individual consumers can expect from electricity companies, including compensatory payment requirements when the company has failed to adhere to the standards (subject to certain exemptions). Overall Standards of Performance (OSP) set out general required standards that are not customer specific and do not carry a compensatory payment if breached. The GSS/OSP regime currently applies only the electricity distribution company in Northern Ireland (NIEN). A project is currently underway within the CPP to introduce a GSS/OSP regime for electricity supply companies in NI<sup>41</sup>.
- 2.56 Whilst NIW have no obligations placed on them within their licence with regards protections for consumers in vulnerable circumstances, the Social and Environmental Guidance for Water and Sewerage Services<sup>42</sup> states that NIW should “encourage equal access to its services by promoting and reviewing its Customer Care Register to support consumers in vulnerable and changing circumstances”.
- 2.57 There are also variations in the care register provision within NI and in the eligibility for inclusion on the various registers. Electricity and gas suppliers, GDNs and NIW all maintain a customer care register, whereas Northern Ireland Electricity Networks (NIEN) maintain a medical care register.
- 2.58 NIEN’s medical customer care register provides extra support during a power cut to those people who rely on electricity for their healthcare needs to include advanced notice of power outages. NIEN also operate a password scheme, meter reading support, and participate in the Quick Check 101 scheme whereby someone can call the Police Service of Northern Ireland (PSNI) to confirm that an NIEN engineer who has called to a home is legitimate.
- 2.59 The NIW customer care register enables customers to make use of a password scheme, a carers contact scheme (nominated contact), and offers a doorstep service whereby the person can indicate if they are have a hearing or mobility impairment.
- 2.60 The GDN’s offer a free gas safety inspection to customers who are of pensionable age and living alone, registered disabled and living alone, or chronically ill and living alone. They also offer a password scheme, a bill nominee scheme, meter reads, meter exchanges/meter movements, and will provide certain adapters to make appliances easier to use.

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<sup>41</sup> [consumer-protection-plan-review.pdf \(uregni.gov.uk\)](#)

<sup>42</sup> [Social and Environmental Guidance for Water and Sewerage Services \(2021-2027\) \(infrastructure-ni.gov.uk\)](#)

## The need for the Best Practice Framework Programme

- 2.61 As outlined in the examples above, there are gaps and inconsistencies in the regulatory frameworks between utility suppliers and DNOs in NI with regards the support and protections for utility consumers in vulnerable circumstances.
- 2.62 The current Code of Practice for 'Provision of Services for Persons who are of Pensionable Age or Disabled or Chronically Sick' only applies to utility suppliers and there are variations in the licence requirements in relation to the protections for consumers in vulnerable circumstances between utility suppliers and DNOs.
- 2.63 It is clear that there are also inconsistencies in the level of support and services available to consumers in vulnerable circumstances between utility suppliers and DNOs within NI due to the variation in the eligibility criteria for the customer care register and medical care register.
- 2.64 There is also a low level of awareness of the supports that are currently available within NI. Our own research in 2018<sup>43</sup> identified that 53% of domestic consumers are unaware that energy companies have special services available to support those who are vulnerable, and for the 44% who were aware, only 45% knew about the type of services available.
- 2.65 In addition, 87% of consumers had never used any of the support services provided by energy companies and only 26% of 'high priority vulnerable consumers' had used the support services available to them. Given the scale of vulnerability within NI, it is clear many people in NI are currently missing out on support from utility companies.
- 2.66 Furthermore, for those who were on the medical care register, just over half (55%) were satisfied with the quality of service provided. 21% reported they were unhappy with the 'Customer Care Register'. This evidence suggests that more work is also needed to ensure customers are receiving the support they need.
- 2.67 In terms of uptake of the services, there are large variations in the number of customers currently on the customer care and medical registers. Indeed, variations in the numbers of customers on NIEN's and NIW's registers was identified by the UR in 2016<sup>44</sup>. This highlights issues with both the promotion of the registers, and consistency in identification and recording.
- 2.68 In addition, the overall state of NI support provision falls below that existing in GB for similar utility suppliers and DNOs, with the eligibility criteria for

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<sup>43</sup> [Domestic Consumer Insight Tracker 2018 Summary Final.pdf \(uregni.gov.uk\)](#)

<sup>44</sup> [Care Register Review Final Decisions .pdf \(uregni.gov.uk\)](#)

services in GB much wider than what is currently in place within NI. GB suppliers and DNOs also have a Standards of Conduct licence condition which requires suppliers in GB to identify each vulnerable customer in an appropriate way.

- 2.69 The BPF programme aims to address these issues and ensure that the support and protections offered to NI consumers are consistent, and reflective of best practice exemplars seen in GB and across other regulated sectors.
- 2.70 To ensure that the BPF programme includes the most meaningful measures for consumers in terms of positive outcomes, this programme included a series of intensive engagement with key stakeholders. The first step was a call for evidence in 2019.

### **3. Best Practice Framework programme: stakeholder engagement**

#### **Call for evidence 2019**

- 3.1 The call for evidence phase for the Best Practice Framework (BPF) programme was published in September 2019. The aim of this call for evidence was to: (i) identify the protection measures currently in place for domestic consumers in NI who were in vulnerable circumstances; and (ii) identify the gaps in protections for such consumers.
- 3.2 The 5 main areas in relation to consumer protection measures for domestic consumers in vulnerable circumstances that we proposed to focus on within the BPF programme at this stage were:
- Identification;
  - Assistance (practical financial help);
  - Assistance (practical non-financial help);
  - Staff training/company culture and ethos; and
  - Relationship with consumer representatives and use of consumer data.
- 3.3 Responses were received from consumer representative bodies, (all of whom are members of the UR's Consumer Vulnerability Working Group (CVWG) members), the major electricity and gas suppliers, and 4 out of the 5 network companies. (See Appendix 2 for the list of the 13 respondents).

#### **Summary of the call for evidence submissions**

- 3.4 There was general stakeholder acceptance that the five areas of focus for the BPF programme were appropriate. To provide sufficient context for the call for evidence submission suggestions, a summary of the responses have been grouped under the category of stakeholder.

#### **Consumer representative bodies**

- 3.5 Consumer representative bodies called for the inclusion of 'monitoring/publication of implementation processes' within the BPF

programme.

- 3.6 Consumer representatives also wanted increased transparency on how industry is translating the concept of consumer vulnerability into their everyday business activity, with reference being made to Ofgem’s annual publication of consumer vulnerability information.
- 3.7 Other key themes from the consumer representative responses included: **(1)** the need for transparent monitoring and publication of companies performance; **(2)** importance of staff training; **(3)** production of “league tables” for regulated companies; **(4)** use of home visits as an assessment tool for consumers in vulnerable circumstances; **(5)** benchmarking performance; **(6)** ensuring improvements are carried out on company consumer recording/tracking systems; **(7)** establishment of vulnerability “champions” within regulated businesses; **(8)** enhanced role for Codes and the desire for the creation of a new Code; **(9)** BSI accreditation and implementation of ‘Just a Minute (JAM)’ for all regulated companies; and **(10)** the work of FCA in this area was used as an exemplar.

### **Domestic electricity and gas suppliers**

- 3.8 Submissions from the electricity and gas suppliers showed that many had already embarked on a journey to better support customers in vulnerable circumstances, however, issues of proportionality around the cost implications were raised, mainly due to the size and scale of the NI market.
- 3.9 The key themes from the supplier responses were: **(1)** evidence of a variety of staff training; **(2)** many are already developing vulnerability strategies; **(3)** evidence of existing referral partnerships; **(4)** a strong emphasis that suppliers should not be used to mend wider societal issues; **(5)** citing of consumer care registers and existing Code compliance; **(6)** positive reference to UR’s stakeholder seminar which Western Power Distribution and SSE GB presented at; **(7)** call for realisation that suppliers can only act on the information consumers are willing to provide; and **(8)** UR should be mindful of appropriate and proportionate adoption of GB consumer interventions in NI.

### **Distribution Network Companies**

- 3.10 Many of the DNOs referenced a UR workshop which Western Power Distribution and SSE GB presented at. Responses commented on the usefulness of this workshop in helping to provide practical business activity

approaches to recognising consumer vulnerability concerns.

- 3.11 The key themes of the DNO responses were: **(1)** a confusion between “business in the community”/CSR activity and the up-to-date direct intervention/service provision required of regulated sectors in the GB dialogue/frameworks in relation to consumers in vulnerable circumstances; **(2)** citing of licence conditions as a tool to aid identification of consumers in vulnerable circumstances rather than the UR’s new vulnerability definition; **(3)** some evidence of attempts to integrate the concept of vulnerability into business activity; and **(4)** highlighting of the practical difficulties for companies who do not have a billing relationship with consumers and the barriers it presents around identification.
- 3.12 Following the analysis of the call for evidence submissions, a series of one-to-one meetings with respondents, and an internal review of current best practice activity in GB, it was clear that a more detailed approach to the development of a regulatory framework to deliver positive material outcomes for consumers was expected by stakeholders.
- 3.13 Whilst it was confirmed that the five main areas identified by the UR were the correct areas to focus on, ‘monitoring and reporting’ was also recommended for inclusion. The identification of the six key areas of focus for the BPF programme was important in helping to drive this work forward, however in mid-2020, the COVID-19 pandemic resulted in the pausing of the development of the BPF programme.

### **COVID-19 pandemic: pausing of Best Practice Framework programme**

- 3.14 Whilst the COVID-19 pandemic resulted in the pausing of the BPF programme, the UR continued to track the issues and difficulties experienced by consumers in vulnerable circumstances and review if the current regulatory protections were fit for purpose.
- 3.15 Whilst the existing provisions provided some effective consumer protections for utility consumers, the COVID-19 pandemic also importantly highlighted that there were clear gaps in some areas of protection for consumers in vulnerable circumstances.
- 3.16 For example, the UR identified incomplete consumer records for care registers, a lack of ability to track a consumer across and within companies, a low number of consumers included on the various utility care registers, and wide variation across industry on the numbers of consumers included on the registers.

- 3.17 There was also limited evidence of suppliers having established a ‘warm referral’ process with advice agencies or having developed any substantial relationships with consumer representatives that could assist with the development of such a referral process.
- 3.18 Some consumers experienced difficulty in topping-up their prepayment meters (PPMs) whilst self-isolating. Concern was expressed by consumer representatives on this issue, however we were pleased with the response from industry to this.
- 3.19 Moving forward, the learning from the impacts that COVID-19 had on domestic consumers was therefore incorporated into the proposed requirements of the BPF programme. The experiences above also reaffirmed the previous conclusions that the frameworks for consumer protection in NI were patchy and inadequate, and did not benchmark well with comparable GB provision.

### **Re-launch of the Best Practice Framework programme**

- 3.20 In order to re-launch the BPF programme, a pre-consultation phase was launched in March 2021 which included a series of 1:1 meetings with the utility suppliers and DNOs and key consumer representative stakeholders, followed by sector specific meetings with both suppliers and DNOs present (electricity, gas, water).
- 3.21 The intention of this phase was to allow the UR to take ‘*soundings*’ from key stakeholders as a public consultation paper was developed with regards the proposed UR’s approach to enhanced consumer protection measures, and a new Code of Practice for consumers in vulnerable circumstances, along with future required amendments to the licence conditions of the regulated utility companies.
- 3.22 The proposed consumer protection measures were mapped across the six core areas from the call for evidence, and were approved by the UR board. As discussed previously, the measures reflect the best practice activity seen in GB, the submissions to the UR’s call for evidence from both industry and consumer representatives, and the learnings from the COVID-19 pandemic.
- 3.23 The full list of proposed consumer protection measures were circulated to industry following on from the sector specific meetings. As the ‘starting position’ of many of regulated companies with regards operationalising of the concept of ‘vulnerability’ varied, a phased approach to the implementation was proposed with measures labelled as ‘short, medium or longer-term’.

- 3.24 It was also proposed that the UR’s vulnerability definition (developed within the CPP) would be incorporated into a licence condition for both suppliers and DNOs, along with a new Code of Practice which would apply to both suppliers and DNOs across electricity, gas, and water.
- 3.25 The UR definition was developed in response to a strong recommendation from respondents to the Consumer Protection Programme consultation and in recognition of the shift across a wide range of sectors from restrictive definitions based on specific groups, to a recognition that vulnerability can arise from personal characteristics or circumstances, but also from the market itself.<sup>45 46 47 48 49 50 51</sup>
- 3.26 The UR definition of vulnerability for use in policy development and targeting is as follows:

*‘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’.*

### **Moving forward: The ‘building blocks’ of the Best Practice Framework programme**

- 3.27 To facilitate discussions at the sector specific workshops on the BPF programme, the core ‘building blocks’ needed for implementation of the Best Practice Programme were identified and presented to the suppliers and DNOs. The ‘building blocks’ matched closely with the six core areas identified in the call for evidence and examples of the consumer protection measures under each building block were presented.
- 3.28 Whilst industry were in agreement with the intended outcomes of the BPF programme, a summary of the main concerns expressed at the sector specific meetings in relation to the measures associated with each ‘building block’ are presented below:

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<sup>45</sup> [Report \(ofwat.gov.uk\)](https://www.ofwat.gov.uk)

<sup>46</sup> [FG21/1: Guidance for firms on the fair treatment of vulnerable customers \(fca.org.uk\)](https://www.fca.org.uk/guidance/fg21-1)

<sup>47</sup> [consumer\\_vulnerability\\_strategy\\_2025\(1\).pdf](https://www.nao.org.uk/publications/consumer-vulnerability-strategy-2025-1)

<sup>48</sup> [Vulnerable consumers in regulated industries \(nao.org.uk\)](https://www.nao.org.uk/publications/vulnerable-consumers-in-regulated-industries)

<sup>49</sup> [pfrc1708\\_vulnerability-energy-sector.pdf \(bristol.ac.uk\)](https://www.bristol.ac.uk/pfrc1708-vulnerability-energy-sector.pdf)

<sup>50</sup> [Treating vulnerable customers fairly: A guide for phone, broadband and pay-TV providers \(ofcom.org.uk\)](https://www.ofcom.gov.uk/guidance/treating-vulnerable-customers-fairly)

<sup>51</sup> <https://www.gov.uk/government/publications/consumer-vulnerability-challenges-and-potential-solutions/consumer-vulnerability-challenges-and-potential-solutions>

### **Building block 1: Culture, ethos and training**

- 3.29 Some concern was raised on training for staff on identification of consumers who may be eligible for customer care registers or who are in vulnerable circumstances. Clarification on how measures would apply to smaller teams was also sought e.g. in relation establishing a centralised specialist vulnerability team or person, and obtaining the BSI 18477 Inclusive Services Verification. More information on the BSI 18477 was also requested.

### **Building block 2: Identification of consumers in vulnerable circumstances**

- 3.30 It was highlighted that it could be difficult to identify consumers in vulnerable circumstances using the definition proposed by the UR and so there would be a need to help staff with this process. It was also stressed that there is a need to justify asking a customer about and recording data on any vulnerabilities to ensure compliance with GDPR. The use of the term “vulnerable” was also considered to very emotive with reports that many customers would not consider themselves as falling into this category.

### **Building block 3: Practical support measures**

- 3.31 The UR proposed amending the care register provision in order to help deliver the best practice measures, through application of a severity index and two tiers of Care Register provision.
- 3.32 The first tier would be for those consumers with the most acute needs, (to include consumers using life support medical equipment and living with chronic illnesses) and the 2<sup>nd</sup> tier would be designed for consumers with more general needs (e.g. pensionable age, physical impairment, mental ill-health and recently bereaved etc) and who meet the UR’s vulnerability definition. All network companies and suppliers would be required to hold and service both 1<sup>st</sup> and 2<sup>nd</sup> tier Care Registers
- 3.33 It was questioned whether the proposed measures would be delivered using a “tiered” approach, “menu” of options approach, or “mandatory list” of provisions. The resource implications of providing measures to a significantly increased number of care register consumers was also discussed.

### **Building block 4: Data collection, use and sharing**

- 3.34 Industry wanted more discussion around consent-based data sharing and concerns were again raised in relation to ensuring compliance with GDPR. The need to recognise the differences in existing data flows within industries was also raised, in addition to need for the maintenance and cleansing of the data on vulnerable consumers’ needs, in particular if the vulnerability was more short-term in nature. It was questioned whether a universal (all-NI Utility) approach was needed to care registers and the collection and storage

of data on consumers in vulnerable circumstances.

### **Building block 5: Reporting, monitoring and publication**

3.35 Industry sought clarity on the public reporting format and whether the reporting to UR would be through existing templates/structures or via new channels. There was also a query in relation to the proposed measure around annual engagement with consumers in vulnerable circumstances in relation to the services offered to them by their DNO and supplier; it was questioned if industry was best placed to do this or whether it should be carried out by the UR or consumer representatives.

### **Industry wide workshop May 2021**

3.36 To conclude this round of engagement, a workshop was held with both consumer representatives and industry to discuss the issues outlined above in more depth and address some of the concerns raised. The changes to the care register provision were discussed further at this workshop to include reflection on the pros and cons of each option. The options discussed included:

- A universal care register for all utilities (electricity, gas, and water)
- Individual care registers: electricity DNO and suppliers hold a care register, gas DNOs and suppliers hold a care register, and NIW holds a care register.
- Multiple care registers: individual DNOs and individual supply companies hold care registers.

3.37 Questions asked by stakeholders in relation to changes in the care register provisions included:

- If all utilities hold their own register, will the consumer will be receiving a large number of contacts each year?
- What is the best mechanism for tracking whether awareness of the care registers has increased?
- How can consumer data be used to ensure a positive outcome whilst ensuring GDPR compliance?

3.38 The main outcome at this phase of engagement was the recognition that a further phase of discussion was required between the UR and industry due to the complexity of the proposals and the need for more detailed guidance and clarity around implementation of the proposed measures.

- 3.39 A decision was therefore made to extend the discussion phase and hold further workshops on the core issues around which concerns still remained.
- 3.40 Three additional workshops were therefore held September – November 2021:
- **Culture, ethos and training:** British Standards Institute presented on the BSI 18477 Inclusive Services Verification. Wales and West Utilities presented on their experiences of gaining the accreditation.
  - **Identification of Vulnerability:** Chris Fitch, Senior Research Fellow University of Bristol and Vulnerability Lead at the Money Advice Trust presented on the identification of vulnerability.
  - **Data Sharing:** Information Commissioner's Office presented on the new data sharing Code and on the basis for recording and sharing data on consumer vulnerabilities.
- 3.41 A key output of this extended discussion phase was the development of this 'Approach document' which outlines in more detail, and asks questions about, how the Best Practice Framework programme will be delivered, monitored and reported on, the regulatory changes that will be required, and the input required from industry.
- 3.42 Moving forward, we envisage that industry will work through three main phases in relation to the BPF programme:
- **Building phase:** this phase will include the measures that industry will implement early on. These will be the measures included under the 'Culture, ethos and training' and 'Identification of vulnerability' building blocks.
  - **Delivery phase:** this phase will involve delivery of the measures to consumers in vulnerable circumstances ('Practical support measures' building block).
  - **Reporting phase:** this phase includes the measures in relation to the 'monitoring, reporting and publication' building block. This phase will ensure that regulated companies are held to account, but will also serve as an opportunity to highlight and share good performance.
- 3.43 In addition to the three phases and in parallel, we also propose that industry develop a working group to drive forward a separate work stream on data sharing and customer care registers. Further information on this proposal is presented in Section 7.

## **4. Proposed approach for delivery, content, monitoring and reporting of the Best Practice Framework Programme**

### **A new mandatory Code of Practice for consumers in vulnerable circumstances**

- 4.1 As outlined previously, the Best Practice Framework (BPF) programme aims to address the gaps in service provision for consumers in vulnerable circumstances to ensure they are identified, protected, and receive an appropriate level of support.
- 4.2 The BPF programme will therefore refine and refresh the existing regulatory framework to ensure it is fit for purpose and reflective of best practice exemplars seen in GB, and across other regulated sectors.
- 4.3 We are proposing a hybrid approach that will consist of a combination of ten higher level principles of good practice, alongside more detailed consumer protection 'required measures' that we believe represent the minimum standard approaches that all companies should be held to. These will be delivered via a new mandatory Code of Practice (CoP) which will apply to both suppliers and DNOs.
- 4.4 The aim is to produce a CoP that is proportionate and not unduly prescriptive, but rather allows industry to be innovative in how they identify and address the support needs of consumers in vulnerable circumstances. We believe that the use of principles is therefore appropriate to drive forward work on vulnerability as it will enable industry to determine how to best handle individual circumstances and find effective ways to support consumers in vulnerable circumstances.
- 4.5 In developing the broad principles, we aim to provide more certainty on our expectations in relation to the outcomes we want to see for consumers in vulnerable circumstances, whilst providing flexibility on how to achieve the desired outcomes.
- 4.6 We propose that all suppliers and DNOs will adhere to these principles (where applicable) when developing and delivering their practice and processes in relation to consumers in vulnerable circumstances. The proposed ten principles are presented on the following page (Table 1).

**Table 1: Proposed principles for the Best Practice Framework programme**

<b>Culture, ethos and training</b>
<p><b>Principle 1:</b> Utility suppliers and Distribution Network Operators (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 Distribution Network Operators (DNO).</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 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>
<b>Data sharing</b>
<p><b>Principle 8:</b> Consumers in vulnerable circumstances will experience consistency and improved ease of access to the support provided by utility suppliers and Distribution Network Operators (DNOs) through the cross-industry sharing of relevant data.</p>
<b>Monitoring, reporting and publication</b>
<p><b>Principle 9:</b> Utility suppliers and Distribution Network Operators (DNOs) will monitor and report on how they are meeting their obligations in relation to the protection of consumers in vulnerable circumstances.</p> <p><b>Principle 10:</b> Consumers will have easy access to relevant information on how well utility suppliers and Distribution Network Operators (DNOs) are supporting consumers in vulnerable circumstances.</p>

- 4.7 For suppliers, the new CoP will replace the existing requirements within the CoP on 'Provision of services for people who are of pensionable age, disabled, and chronically sick', and all associated licence conditions will be amended. For DNOs (gas, electricity and water), this will be an entirely new CoP that will be introduced through amendments to the licences.
- 4.8 All existing supplier CoPs and DNO and supplier licence conditions will remain in place and must be complied with. To ensure consistency and appropriate cross-referencing etc., the UR will be completing a review and update of other existing CoPs following on from the development of the planned new CoP for consumers in vulnerable circumstances.
- 4.9 Central to implementation of the new CoP is the embedding of the UR's vulnerability definition (adopted within the CPP) via a licence condition for both DNOs and suppliers. This definition should be used by regulated companies in NI to identify and support consumers in vulnerable circumstances.
- 4.10 As indicated above, the new CoP will update the protections and supports for consumers in vulnerable circumstances across electricity, gas, and water. Whilst the principles within this single CoP will apply to suppliers and DNOs, we will remain mindful of the sectoral differences in relation to delivery of the consumer protection measures.
- 4.11 The consumer protection measures will be incorporated into the 'required measures' that will specify the detailed obligations that industry must meet. We will set out clearly in the new CoP which licensees each 'required measure' applies to.
- 4.12 Many of the consumer protection 'required measures' are an expansion of the minimum standards within existing CoP, but many new consumer protection measures have also been developed. We recognise that industry have already developed good practice across a number of key areas and we commend those companies that have delivered beyond what is currently required through the minimum standards. However, the key aspiration we have is for all consumers in vulnerable circumstances to be able to avail of this necessary support and good practice, regardless of who their utility supplier or DNO is.
- 4.13 For clarity, the principles and requirements have been mapped across the 5 core building blocks of the Best Practice Framework programme (See Appendix 3): (1) Culture, ethos and training; (2) Identification of vulnerability; (3) Practical support measures; (4) Data sharing; (5) Monitoring, reporting and publication.
- 4.14 The BPF programme will be reviewed by the UR to ensure the principles and

‘required measures’ are adequate and are delivering on the intended outcomes for consumers.

- 4.15 The UR will therefore retain the option of specifying additional consumer protection measures via future revisions to the CoP if gaps emerge during the monitoring of progress and BPF reporting.

### **Proposed timeline for implementation**

- 4.16 The addition of new licence conditions or licence modifications will require a 28 day statutory consultation. We propose to publish the statutory consultation notice on the proposed licence condition(s) when publishing our final decision paper on the new CoP.
- 4.17 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 a phased approach to implementing the consumer protection measures with each labelled as Short (6 months – 1 year), Medium (1 year – 18 months) or Long term (18 months – 2 years).
- 4.18 The implementation period will therefore commence 56 days after the decision notice on the new licence condition has been published.
- 4.19 The proposed approach for monitoring and publication of progress around compliance with new CoP requirements and delivering positive outcomes for consumers in vulnerable circumstances is discussed in more detail in Section 7.

### **Q2. Do you support the UR’s definition of 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’.*

### **Q3. Do you support the development of a mandatory Code of Practice for consumers in vulnerable circumstances that is based on a combination of both high level principles and ‘required measures’? If not, what approach do you suggest the UR takes in order to develop a Code of Practice for consumers in vulnerable circumstances?**

## 5. Building phase

- 5.1 As outlined previously, the building phase of the Best Practice Framework (BPF) programme includes two main ‘building blocks’: (a) ‘Culture, Ethos and Training’ and, (b) ‘Identification of vulnerability’.

### Culture, ethos and training: Principle 1

**Principle 1: Utility suppliers and Distribution Network Operators (DNOs) will proactively establish and promote a corporate culture that focuses and fosters their efforts to identify and support consumers in vulnerable circumstances.**

- 5.2 This building block involves industry implementing a series of measures that will embed the support and protection of consumers in vulnerable circumstances firmly within their business as usual and business planning processes.
- 5.3 The first step will be for industry to adopt the UR’s definition of ‘vulnerability’ and ensure that staff across all levels of the company have a thorough understanding of this.
- 5.4 It is important to stress that we do not advocate labelling consumers as ‘vulnerable’ and suggest avoiding the use of this term in any interactions with consumers. The intention is that industry should consider that consumers in vulnerable circumstances may have specific needs and should be offered an appropriate level of support.
- 5.5 Industry must therefore ensure that they develop their practice, processes and services with consumers in vulnerable circumstances in mind, and continue to review this over time to evaluate the progress in this area.
- 5.6 The British Standard Institute (BSI) Standard 18477 for Inclusive Services<sup>52</sup> is a useful tool to help companies consider the systems they currently have in place, and to demonstrate that a process of review and continuous improvement is in place. We propose to require that all companies to obtain this accreditation.
- 5.7 With regards the measure on seeking and securing the BSI 18477 accreditation (which will transition to an ISO accreditation in 2022), we acknowledge a longer-term time-frame will be required to achieve this but we expect the initial work to obtain this accreditation to begin early on.

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<sup>52</sup> [Inclusive service verification | BS 18477 | BSI \(bsigroup.com\)](#)

- 5.8 We are also requiring that companies establish a centralised specialist vulnerability team or person to champion innovative strategies for the treatment of consumers displaying signs of vulnerability including the use of inclusive design principles.
- 5.9 We acknowledge that it may take time to establish this team, however, we expect work on this to begin early on as it will be essential to have champion(s) for consumers in vulnerable circumstances in order to embed the concept of vulnerability within the company’s culture and ethos.
- 5.10 We propose that this vulnerability team must 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, and ensure ‘top-down’ support within the organisation for the embedding and operationalisation of the concept of ‘vulnerability’.
- 5.11 We commend those companies who have already developed or are in the process of developing a vulnerability strategy and we strongly recommend this approach to others.
- 5.12 The consumer protections which we aim to include in the new Code of Practice as ‘required measures’ under Principle 1 are listed in the table below and apply to **both suppliers and DNOs (gas, electricity and water)**.

Measure	Status of the measure	Time-frame for measure to be in place
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’	New measure	Short-term (6 months – 1 year)
2. All companies to seek, secure and maintain the current BSI 18477 accreditation or the upcoming ISO accreditation (to be released 2022)	New measure	Medium term (1 year – 18 months)
3. All companies to establish a centralised specialist vulnerability team or person (dependent on	New measure	Short-term (6 months – 1 year)

Measure	Status of the measure	Time-frame for measure to be in place
<p>the size of the business) within the appropriate part of the business to champion innovative strategies for the treatment of consumer 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</p>		

## Culture, ethos and training: Principle 2

**Principle 2: Consumers in vulnerable circumstances will experience tailored support and positive outcomes when interacting with utility suppliers and Distribution Network Operators (DNOs).**

- 5.13 Industry will implement a series of ‘required measures’ that will help ensure consumers in vulnerable circumstances experience a positive outcome when they interact with utility suppliers and DNOs.
- 5.14 Firstly, a range of channels of communication that are appropriate and suitable for customers’ needs should be made available. A customer service phonenumber that consumers in vulnerable circumstances can call without incurring a premium rate charge should be made available, in addition to a free phone number for customers who are in financial hardship where appropriate.
- 5.15 During any interaction with staff, customers should feel that they have been treated as an individual, been actively listened to, and felt understood with regards the issues they have presented with.
- 5.16 We therefore expect industry to ensure that all staff have the relevant skills and training required in order to spot the signs of vulnerability and provide the most appropriate support. At a minimum this must include (but not exclusive to) JAM (Just a Minute) training, mental health awareness training, and empathy training. This training should not be a one-off endeavour. Staff should undergo a process of continual learning and refresher training where appropriate.

- 5.17 To help consumers in vulnerable in circumstances have the time and space to disclose any issues they are experiencing when they make contact with a call centre, but also to ensure that staff can have the time to provide the most appropriate support, all call durations targets for calls from such customers must be removed.
- 5.18 We are also proposing that companies develop a specialist team that a customer who has been identified as being in vulnerable circumstances can deal with directly. It is important that this team have the authority to make decisions on the support that can be provided to the customer.
- 5.19 Lastly, industry must develop a partnership with consumer representative bodies to not only help raise awareness of care registers, but also to ensure processes are in place to enable a warm handover of consumers in vulnerable circumstances who are in need of additional support e.g. benefit entitlement checks, debt advice. This will ensure that when a customer presents with difficulties that is beyond the scope of support the call handler can assist with, that the customer has access to a source of additional help.
- 5.20 The consumer protections which we aim to include in the new Code of Practice as 'required measures' under Principle 2 are listed in the table below and apply to **both suppliers and DNOs (gas, electricity and water)**.

Measure	Status of the measure	Time-frame for measure to be in place
1. Ensure that all relevant (e.g. consumer facing staff, field staff, and call centre handlers), 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.	This measure builds minimum standards within the Code of Practice on payment of bills, the Marketing Code of Practice and Code on Provisions of Services for Persons who are of Pensionable Age, Disabled, or Chronically Sick – expanded to emphasise the training should be frequent and include staff at a senior level	Short-term (6 months – 1 year)
2. All companies to remove call duration targets for vulnerability and affordability themed calls	New measure	Short-term (6 months – 1 year)
3. Establish a specialist team/ specialist contact who have authority to make flexible decisions in relation to the support provided to consumers	New measure	Short-term (6 months – 1 year)

Measure	Status of the measure	Time-frame for measure to be in place
represented by the UR's vulnerability definition		
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	This measure builds on an existing minimum standard within the Code on Provisions of Services for Persons who are of Pensionable Age, Disabled, or Chronically Sick – shift from 'encouraging' to 'establishing a partnership' with consumer representative bodies	Short-term (6 months – 1 year)

### Identification of vulnerability: Principle 3

- 5.21 This building block involves industry implementing a number of 'required measures' in relation to the identification of consumers in vulnerable circumstances.
- 5.22 The implementation of the measures under the 'culture, ethos and training' building block and a selection of the 'required measures' below (e.g. annual promotion of registers) will also help inform these processes.

**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 their needs to be addressed appropriately.**

- 5.23 The final CoP for suppliers and DNOs will require the holding and maintenance of care registers for consumers represented by the UR's definition of vulnerability or who wish to be included on the list. The ability to include an expanded cohort of consumers on the registers must be in place with 6-12 months, however we will also require companies to develop robust and documented procedures to maintain the registers in the longer-term in order to ensure their refinement, monitoring and updating over time.
- 5.24 In addition, industry must have systems in place to enable them to

adequately ensure the identification of consumers in vulnerable circumstances as per the UR's definition of vulnerability.

- 5.25 There are multiple ways in which a consumer in vulnerable circumstances might disclose their support needs to the regulated companies, beyond self-identification, or identification by staff. These all should be reflected in a company's identification processes. It is important that customers feel able to disclose this information and understand that doing so will enable them to access support.
- 5.26 I) **Customer self-identifies:** The maintenance and annual promotion of care registers will help customers to understand the supports that are available. Industry must therefore contribute to the increased awareness of the registers, and the supports available. All customer communications and processes should be designed in a way that supports customers to feel comfortable in disclosing vulnerabilities. A multi-channel and accessible approach to making contact with a company should also be made available to make it as easy as possible for a customer to reach out.
- 5.27 II) **Staff identification:** We know that many consumers in vulnerable circumstances may not seek support from either utility companies, or a third party. Rather than only rely on self-identification, industry must adopt the UR's definition of vulnerability into business as usual activity and staff will take all reasonable steps to ascertain if a consumer falls within this definition. This links to staff training on vulnerability and treating customers in an empathetic manner, and customers having a single point of contact or specialist team who they can reach out to moving forward.

Companies should also use best endeavours to make active 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 e.g. indication of a bereavement or loss of income, vending patterns for those customer using pre-payment meters which indicate actual/potential self-disconnection. In addition, companies should take all reasonable steps to ascertain whether an occupant of a domestic property and/or the bill payer has a dependant under the age of 5 as this information will be vitally important in relation to the avoidance of disconnections.

- 5.28 III) **Third sector referrals/signposting:** Companies must establish partnerships with consumer representative bodies. The intended outcomes are that consumer representative bodies will help with the annual promotion of care registers. This annual promotion should be a cross-utility endeavour. In addition, companies should explore other ways of signposting consumers in vulnerable circumstances, for example, the sharing of information on supports available with local councils, local voluntary/community groups, GP

practices, pharmacists, safeguarding organisations or mental health services. Signposting at locations or services typically accessed by consumers who may be in vulnerable circumstances is more likely to reach those most in need.

5.29 The consumer protections which we aim to include in the new CoP as ‘required measures’ under Principle 3 are listed in the table below and apply to **both suppliers and DNOs (gas, electricity and water)**.

Measure	Status of the measure	Time-frame for measure to be in place
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	Licence condition 31 5a: expanded to include new definition	Short-term (6 months – 1 year)
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	Builds on minimum standard within the Code on Provisions of Services for Persons who are of Pensionable Age, Disabled, or Chronically Sick – now specified this should be annual and involve consumer representatives	Short-term (6 months – 1 year)
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 in need of support	New measure	Short-term (6 months – 1 year)
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	Expanded to include new definition and a property with a dependant under the age of 5	Short-term (6 months – 1 year)

## Identification of vulnerability: Principle 4

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

- 5.30 Linked to the identification of vulnerability is the recording of data on the specific needs of the customer in order to ensure that the most appropriate level of support is provided to address those needs.
- 5.31 The use of care registers alone is not sufficient to build up a holistic picture of a customer's needs and industry should therefore hold more internal data on consumers within their own Customer Management Systems (in line with data protection requirements).
- 5.32 Companies should also consider how they can ensure that when a customer discloses information about their support needs, that the information is recorded in a way which will avoid the customer having to repeat this information each time they make contact with the company.
- 5.33 To ensure that the support provided to customers on the customer care/medical registers remains appropriate and addresses the customer's needs, industry will also be required to carry out a meaningful contact with them (or their pre-nominated representative) every two years. At a minimum, this should include a phone call to the customer.
- 5.34 All companies must carry out a data cleanse of care registers in recognition of the transient nature of vulnerability and to ensure that services are targeted to those consumers in need. Under the GDPR Principle of storage limitation (Article 5(1) E) personal data should be retained for no longer than is necessary. This is particularly relevant in relation to more temporary vulnerability when deciding on whether to continue to hold that information.
- 5.35 The consumer protection measures which we aim to include in the new CoP as 'requirements' under Principle 4 are listed in the table below and apply to **both suppliers and DNOs (gas, electricity and water)**.

Measure	Status of the measure	Time-frame for measure to be in place
1. Development of an adequate Consumer Management System that can provide a detailed consumer profile with regards the customer's specific support needs	New measure	Medium term (1 year – 18 months)

Measure	Status of the measure	Time-frame for measure to be in place
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	Builds on an existing minimum standard within the Code on Provisions of Services for Persons who are of Pensionable Age, Disabled, or Chronically Sick – expanded to include mental health	Medium term (1 year – 18 months)
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	New measure	Medium term (1 year – 18 months)
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	New measure	Medium term (1 year – 18 months)

**Q4: What are your views on Principles 1-4?**

**Q5: What are your views on the proposed measures under each principle?**

**Q6. What are your views on the proposed timeline within which the measures should be in place?**

**Q7. Should any additional measures be included under Principles 1-4?**

## 6. Delivery Phase

- 6.1 The delivery phase of the Best Practice Framework (BPF) programme will involve company implementation of the proposed new CoP and the practical 'required measures'. The 'required measures' will be made available to consumers in vulnerable circumstances as defined using the UR's definition. This includes both consumers who are, or who are not on customer care/medical care registers.
- 6.2 We are proposing a 'needs based' approach to ensure that consumers in vulnerable circumstances receive the measures that are most appropriate in relation to their level of need.
- 6.3 We also expect suppliers and DNOs to demonstrate innovative measures to support consumers in vulnerable circumstances, and as outlined previously, our principle based approach will enable this innovation.

### Practical support measures: Principle 5

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

- 6.4 Consumers in vulnerable circumstances need to have a secure supply of energy, particularly in the colder months due to the profound implications for their physical health and mental well-being.
- 6.5 We therefore propose that the current requirements on gas and electricity suppliers in relation to prevention of disconnections are expanded to include consumers who fall within the UR's definition of vulnerability.
- 6.6 In addition, the current requirements on gas suppliers and network companies in relation to availing of a flexible payment plan for any reconnection charges must be expanded to include consumers who fall within the UR's definition of vulnerability.
- 6.7 The current requirements in relation to gas safety checks must also be expanded to include the provision of this service to those consumers who are represented by the UR's definition of vulnerability.
- 6.8 In relation to the safety requirements of consumers in vulnerable circumstances, the requirement of the operation of a password scheme and/or another telephonic based identification scheme (e.g. Quick Check 101) will now apply to all electricity and gas suppliers and network

companies.

6.9 The consumer protections which we aim to include in the new CoP as 'required measures' under Principle 5 are listed in the table below.

- Measures 1 and 2 apply to **gas and electricity suppliers**.
- Measure 3 applies to **GDNs and gas suppliers**.
- Measure 4 applies to **gas suppliers only**.
- Measure 5 is the only measure which applies to **both suppliers and DNOs across gas, electricity and water**.

Measure	Status of the measure	Time-frame for measure to be in place
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	Conditions 31, 4 (b-d) and 31.6 (a-b) for Electricity, Conditions 2.11.4 (b-d) and 2.11.6 (a-b) for Gas  In current Code on Provisions of Services for Persons who are of Pensionable Age, Disabled, or Chronically Sick – expanded to include new definition	Short-term (6 months – 1 year)
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	Conditions 31, 4 (b-d) and 31.6 (a-b) for Electricity, Conditions 2.11.4 (b-d) and 2.11.6 (a-b) for Gas  In current Code on Provisions of Services for Persons who are of Pensionable Age, Disabled, or Chronically Sick – expanded to include new definition	Short-term (6 months – 1 year)
3. Ensure a domestic premises which includes an occupant who is of	In Code of Practice on	Short-term (6 months – 1

Measure	Status of the measure	Time-frame for measure to be in place
<p>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.</p>	<p>Payment of Bills – expanded to include new definition</p>	<p>year)</p>
<p>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.</p>	<p>This measure builds on an existing minimum standard within the Code of Practice on Provision of Services for Persons who are of Pensionable Age, Disabled, or Chronically Sick– expanded to include new definition</p>	<p>Short-term (6 months – 1 year)</p>
<p>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).</p>	<p>Electricity Licence Condition 31: 3b</p>	<p>Short-term (6 months – 1 year)</p>

## Practical support measures: Principle 6

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

- 6.10 An important part of supporting consumers in vulnerable circumstances is the provision of information, advice and support which is accessible and easily understandable.

- 6.11 Information on the services that are available to them either as a result of being registered on the customer care register or having a specific need recorded should be provided free of charge on an annual basis. This information should be provided in a manner which matches the communication preferences of that consumer.
- 6.12 The consumer protection measure which we aim to include in the new CoP as a 'requirement' under Principle 6 is listed in the table below.
- 6.13 This measure apply to both suppliers and DNOs across gas, electricity and water.

Measure	Status of the measure	Time-frame for measure to be in place
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	In Licence condition 31 5c - expanded to include new definition	Short-term (6 months – 1 year)

## Practical support measures: Principle 7

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

- 6.14 Consumers in vulnerable circumstances may be more susceptible to experiencing affordability difficulties or become vulnerable as a result of such difficulties.
- 6.15 We are proposing a number of measures which can alleviate affordability issues both in the short- and longer-term.
- 6.16 We know that consumers who are experiencing difficulties with their utility bills are more likely to be experiencing difficulties in other areas. Suppliers must therefore develop a 'warm handover' process with a consumer body who can assist the customer with a benefit entitlement check (we are not suggesting that the company's own call handlers should carry out the benefit entitlement check).
- 6.17 We are also proposing that suppliers operate a 'breathing space'<sup>53</sup> type

<sup>53</sup> [Debt Respite Scheme \(Breathing Space\) guidance for money advisers - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/debt-respite-scheme-breathing-space-guidance-for-money-advisers)

policy in 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.

- 6.18 We also want to see better identification of consumers who are at risk of self-disconnecting and the provision of proactive support to include advice and support/financial assistance where appropriate. Suppliers should therefore make contact with consumers with a ppm debt on or over a specified amount (e.g. £400), and provide an incentive to encourage engagement to discuss debt repayment. This discussion should be focused on the customer’s ability to pay and a suitable repayment rate should be implemented.
- 6.19 During our stakeholder engagement, we had suggested including a measure which would require suppliers to offer an emergency crisis/hardship fund. However, given the current and ongoing situation around energy costs and other economic factors which may be having a detrimental effect on consumers, we believe this has become a much larger and urgent area of focus and so will be addressed outside of the BPF programme. The issue of crisis/emergency funds will now be addressed within another CPP project which is focused specifically on debt and affordability where we will work with multiple stakeholders. This will ensure this area is given the attention needed at this time.
- 6.20 The consumer protections which we aim to include in the new Code of Practice as ‘required measures’ under Principle 7 are listed in the table below. Measures 1-4 apply to **gas and electricity suppliers only**. There are currently no proposed financial measures for DNOs.

Measure	Status of the measure	Time-frame for measure to be in place
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	In Code of Practice on payment of bills	Short-term (6 months – 1 year)
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)	New measure	Short-term (6 months – 1 year)

Measure	Status of the measure	Time-frame for measure to be in place
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		Medium term (1 year – 18 months)
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)	New measure	Medium term (1 year – 18 months)

**Q8. What are your views on Principles 5-7?**

**Q9. What are your views on the proposed measures under each principle?**

**Q10. What are your views on the proposed timeline within which the measures should be in place?**

**Q11. Should any additional measures be included under Principles 5-7?**

## 7. Data Sharing

### Data sharing: Principle 8

**Principle 8: Consumers in vulnerable circumstances will experience consistency and improved ease of access to the support provided by utility suppliers and Distribution Network Operators (DNOs) through the cross-industry sharing of data.**

- 7.1 Whilst we understand the complexities in relation to data sharing, we believe that in the longer-term, consumers' needs can be better addressed through the cross-industry sharing of data. We are therefore proposing that 'data-sharing' will become a longer-term project which will run in parallel to delivery of the 'required measures' under the building blocks of the Best Practice Framework (BPF) programme.
- 7.2 The aim of this longer-term project is for industry to develop working groups to take forward a work-stream on data sharing with regards the data on the needs of consumers in vulnerable circumstances.
- 7.3 Following on from the final decision paper on the new CoP for consumers in vulnerable circumstances, representatives from the electricity, gas and water industries will, in the first instance, be required to develop sector specific working groups to work together in relation to data sharing and care registers.
- 7.4 The aim is for the sector specific groups to work with one another to ensure consistency and standardisation across the proposed approach on how to move forward with data sharing. The development of the industry working groups should follow the approach used for the Energy Theft Code of Practice<sup>54</sup>, with the suggestion that the groups are chaired by the DNOs.
- 7.5 This could start with discussion around supplier-to-supplier sharing of data on care registers at the point of switching to ensure customers continue to receive appropriate support.
- 7.6 Another outcome of the workstream could be the development of a common template of consumer needs which could be shared. This will require a shift to a 'needs based' approach whereby the specific needs of the customer are recorded as opposed to, for example, only recording a medical condition. This has already been established in GB and industry worked together to develop a list of 'needs Codes'.
- 7.7 Once it is established what data will be shared in relation the support needs

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<sup>54</sup> [Energy Theft Codes of Practice: final decision paper published | Utility Regulator \(uregni.gov.uk\)](#)

of consumers, the next step will be to begin mapping out what processes and procedures need to be in place to achieve this. This should include issues in relation to the security of consumer's data.

- 7.8 Industry may wish to invite the UR to attend working group meetings to discuss the development of the industry procedures.
- 7.9 We recommend that industry engages with the Consumer Council for Northern Ireland (CCNI) and other stakeholders to include relevant consumer bodies and advice sectors, during the development of the industry procedures.
- 7.10 We also propose that the industry groups engage with the Consumer Vulnerability Working Group (CVWG; chaired by CCNI) to report back on the progress made in this area.
- 7.11 The groups will be required to report back to the UR at regular intervals in order to monitor progress and to identify any issues.
- 7.12 The consumer protection which we aim to include in the new CoP as a 'required measure' is listed in the table below and apply to **both suppliers and DNOs (gas, electricity and water)**.

Measure	Status of the measure	Time-frame for measure to be in place
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	Builds on minimum standard within the Code of Practice on Provision of Services for Persons who are of Pensionable Age, Disabled, or Chronically Sick	Long-term (18 months – 2 year)

- Q12. What are your views on Principle 8?**
- Q13. What are your views on the proposed measure under this principle?**
- Q14. What are your views on the proposed timeline within which the measure should be in place?**
- Q15. Should any additional measures be included under Principles 8?**

## 8. Reporting phase

- 8.1 The theme of monitoring and reporting was included within the Best Practice Framework (BPF) programme in response to the submissions received in the call for evidence.

### Monitoring, reporting and publication: Principle 9

**Principle 9: Utility suppliers and Distribution Network Operators (DNOs) will monitor and report on how they are meeting their obligations in relation to the protection of consumers in vulnerable circumstances.**

- 8.2 Our proposals to review company practices in identifying and addressing the needs of consumers in vulnerable circumstances will help to identify best practice, identify any potential gaps, and get a better insight into their policies and procedures for working with consumers in vulnerable circumstances.
- 8.3 As outlined in Section 4, we propose that the new CoP for consumers in vulnerable circumstances (when finalised) will be mandatory and all suppliers and DNOs must therefore comply with the CoP.
- 8.4 All companies will be required to submit returns to the Authority which demonstrate compliance with the CoP for consumers in vulnerable circumstances. The returns will provide evidence of compliance with both the high level principles and the specific required measures set out in the CoP for consumers in vulnerable circumstances.
- 8.5 For suppliers, compliance with the new Code requirements will be monitored through the addition of indicators by the UR to the Retail Energy Market Monitoring (REMM) framework.
- 8.6 As part of the annual licence compliance submission, suppliers must submit a statement of licence compliance confirming compliance with all licence conditions (or providing explanations for non-compliance). This statement is accompanied by a letter of assurance, signed by the CEO or Managing Director of the supplier, confirming the suppliers' compliance as recorded in the statement. We expect suppliers to inform us of any areas of non-compliance or potential non-compliance as soon as they become aware of them, and of the plan that is in place to become compliant. In addition, the annual REMM submission for each supplier must include a description of any areas of non-compliance that have been recorded during the previous year. As with any licence conditions, if we become aware of a supplier's non-compliance with the proposed new CoP we will investigate the potential

licence breach in line with our enforcement procedure.

- 8.7 For gas and electricity network companies, compliance will be monitored through the Regulatory Instructions and Guidance (RIGS).
- 8.8 Regulatory Instructions and Guidance (RIGs) sets out how network operators submit their price control business plans. It sets out guidance on the process for reporting under the regulatory instructions and guidance and audit requirements. Our annual reporting for the Gas Distribution Network companies (GDNs) and NIE Networks outlines our independent assessment of how the network companies have performed against the allowances, efficiency targets and key performance indicators (KPIs) set out in the Price Control.
- 8.9 Northern Ireland Water will report via the Annual Information Return (AIR).
- 8.10 The UR may also decide that other reporting metrics are required to assist with the monitoring of CoP. Further details on the monitoring of compliance, to include the timelines for implementation, will be included in the final decision paper following on from the consultation on the draft CoP in Spring 2022.
- 8.11 As a minimum, we will be seeking evidence that there has been an improvement in:
- The consistency in numbers of consumers on the customer care registers/medical care register across suppliers and DNOs.
  - The awareness of customer care/medical care registers as measured through the UR's domestic insight tracker.
  - The gathering of evidence on satisfaction with the services provided through customer care/medical registers.
  - The use of internal company data to record the support needs of consumers in vulnerable circumstances who are not on the customer care/medical care register information (in line with existing Data Protection legislation).
  - The recording of actions taken to support consumers in vulnerable circumstances and assessment of whether the right customer outcome has been achieved rather than an assessment of the policy and process adherence only.
- 8.12 The consumer protections which we aim to include in the new CoP as 'required measures' are listed in the table below.

- Measures 1 and 2 applies to **both suppliers and DNOs across gas, electricity and water.**
- Measures 3 and 4 applies to **gas and electricity suppliers only.**

Measure	Status of the measure	Time-frame for measure to be in place
<p>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.</p>	<p>Additional measure Licence Condition 36. The Licensee shall keep a record of the operation of the arrangements set out in any Code of Practice prepared in accordance with Conditions 30-34 and, if the Authority so directs in writing, of the operation of any Code of Practice in particular cases specified, or of a description specified, by it.</p>	<p>Medium term (1 year – 18 months)</p>
<p>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.</p>	<p>New measure</p>	<p>Short-term (6 months – 1 year)</p>
<p>3. Development of an adequate Consumer Management system that can provide a detailed consumer profile report that can be assessed for compliance/interventions</p>	<p>New measure</p>	<p>Medium term (1 year – 18 months)</p>
<p>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</p>	<p>Licence condition 31 6 a-b  In current Code of Practice on provision of services – expanded to include new definition</p>	<p>Short-term (6 months – 1 year)</p>

Measure	Status of the measure	Time-frame for measure to be in place
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		

## Monitoring, reporting and publication: Principle 10

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

- 8.13 There will also be a public reporting mechanism for the BPF programme to ensure that consumers can easily access information on how well utility suppliers and DNOs are supporting consumers in vulnerable circumstances within NI. We aim to follow an approach similar to Ofgem's annual publication of a report on vulnerable consumers in the energy market to track progress made over time.
- 8.14 Companies will also be required to publish an accessible version of the returns submitted to the Authority on their own websites. This should clearly and fully explain as a minimum the processes in place within the company to meet the CoP requirements; the key activities undertaken in the reporting year; the number of customers on the company register and the services provided; the outcomes achieved for consumers in vulnerable circumstances; and areas where the company will seek to develop further best practice in the future.
- 8.15 It is also clear that there is a need for increased awareness of medical and care registers, and for a more standardised and consistent approach as to the services and quality of support provided to consumers. Research and engagement with consumers who are on the care registers is vital to further this understanding and to identify how satisfied customers are with the support provided to them. At a minimum, this research and engagement should be carried out every two years and the final report submitted to the UR for review. A public version of the report should also be made available.

8.16 The consumer protections which we aim to include in the new CoP as ‘required measures’ are listed in the table below and apply **to suppliers and DNOs (gas, electricity and water)**.

Measure	Status of the measure	Time-frame for measure to be in place
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	New measure	Medium term (1 year – 18 months)
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	New measure	Medium term (1 year – 18 months)

***Q16. What are your views on Principles 9-10?***

***Q17. What are your views on the proposed measures under each principle?***

***Q18. What are your views on the proposed timeline within which the measures should be in place?***

***Q19. Should any additional measures be included under Principles 9-10?***

***Q20. Do you have any additional comments?***

## 9. Conclusions

- 9.1 Through this Approach document, we have set out our proposals to develop a new mandatory Code of Practice for consumers in vulnerable circumstances and are proposing a hybrid approach consisting of a combination of ten high level principles that are supported with ‘required measures’. In developing the set of ten principles and associated consumer protection ‘required measures’, we have listened carefully to all key stakeholders.
- 9.2 We believe this approach delivers on the request from industry to provide more certainty on our expectations in relation to the outcomes we want to see, whilst providing flexibility on how to achieve the desired outcomes.
- 9.3 We also believe this approach responds to the feedback from the consumer representative bodies throughout the process of engagement and we have incorporated a number of recommendations to include the addition of mechanisms for monitoring and reporting, measures to help ensure that improvements are carried out on company consumer recording/tracking systems, establishment of vulnerability “champions”, BSI accreditation and staff training requirements in relation to vulnerability.
- 9.4 In addition, the learnings from the impacts that COVID-19 had on domestic consumers have also been incorporated into the proposed requirements of the BPF programme.

## 10. Next steps

- 10.1 As set out on pages 9-10, the Utility Regulator welcomes comments on the proposals in this paper by **noon 29<sup>th</sup> April 2022**.
- 10.2 Following the receipt of comments on this paper, we will draft the new Code of Practice for consumers in vulnerable circumstances for both suppliers and DNOs with the intention of publishing a consultation paper in Spring 2022. This consultation paper will include the draft CoP, the proposed implementation schedule, and compliance arrangements. Any feedback received in response to this consultation paper will be considered when producing the final decisions paper and the final CoP for consumers in vulnerable circumstances.
- 10.3 The addition of new licence conditions or licence modifications will also require further engagement with the suppliers and DNOs, including consultation on the proposed licence amendments.

10.4 We propose to publish our final decision paper including the final Codes of Practice and licence modifications in Q3 2022.

# Appendix 1

## Consultation questions

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

Q2. Do you support the UR's definition of vulnerability?

Q3. Do you support the development of a mandatory Code of Practice for consumers in vulnerable circumstances that is based on high level principles and 'required measures'? If not, what approach do you suggest the UR takes in order to develop a Code of Practice for consumers in vulnerable circumstances?

Q4: What are your views on Principles 1-4?

Q5: What are your views on the proposed measures under each principle?

Q6. What are your views on the proposed timeline within which the measures should be in place?

Q7. Should any additional measures be included under Principles 1-4?

Q8. What are your views on Principles 5-7?

Q9. What are your views on the proposed measures under each principle?

Q10. What are your views on the proposed timeline within which the measures should be in place?

Q11. Should any additional measures be included under Principles 5-7?

Q12. What are your views on Principle 8?

Q13. What are your views on the proposed measure under this principle?

Q14. What are your views on the proposed timeline within which the measure should be in place?

Q15. Should any additional measures be included under Principles 8?

Q16. What are your views on Principles 9-10?

Q17. What are your views on the proposed measures under each principle?

Q18. What are your views on the proposed timeline within which the measures should be in place?

Q19. Should any additional measures be included under Principles 9-10?

Q.20 Do you have any other comments?

# Appendix 2

## List of respondents to the 2019 Call for Evidence

1. Advice NI
2. Consumer Council Northern Ireland (CCNI)
3. National Energy Action (NEA)
4. Commissioner for Older People (COPNI)
5. Christians Against poverty (CAP)
6. Budget Energy
7. Power NI
8. Electric Ireland
9. firmus
10. Phoenix Natural Gas Limited (PNGL)
11. Northern Ireland Water
12. SGN
13. SSE Airtricity

# Appendix 3

## Proposed Best Practice Principles and Rules

### Culture, ethos and training

**Principle 1: Utility suppliers and Distribution Network Operators (DNOs) will establish and promote a corporate culture that focuses their efforts to identify and support consumers in vulnerable circumstances.**

**Required measures: both suppliers and DNOs (gas, electricity and water)**

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

**Principle 2: Consumers in vulnerable circumstances will experience tailored support and positive outcomes when interacting with utility suppliers and Distribution Network Operators (DNOs).**

**Required measures: both suppliers and DNOs (gas, electricity and water)**

1. Ensure that all relevant (e.g. consumer facing staff and call centre handlers) staff, 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.
2. All companies to remove call duration targets for vulnerability and affordability themed calls
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
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

## Identification of vulnerability

**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.**

**Required measures: both suppliers and DNOs (gas, electricity and water)**

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
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
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 in need of support
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

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

**Required measures: both suppliers and DNOs (gas, electricity and water)**

1. Development of an adequate Consumer Management system that can provide a detailed consumer profile with regards the customer's specific support needs
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
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
4. All companies to carry out a data cleanse of care registers in line with existing Data Protection legislation. Removal of consumers to only take place after attempts to contact the consumers have been made by telephone and letter

## Practical support measures

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

#### **Required measures:**

- **Measures 1 and 2 apply to gas and electricity suppliers.**
  - **Measure 3 applies to GDNs and gas suppliers.**
  - **Measure 4 applies to gas suppliers only.**
  - **Measure 5 is the only measure which applies to both suppliers and DNOs across gas, electricity and water.**
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 UR's 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 CPP 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
  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 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
  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.
  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
  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).

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

#### **Required measures: both suppliers and DNOs (gas, electricity and water)**

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

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

**Required measures: Measures 1-4 apply to gas and electricity suppliers only. There are currently no proposed financial measures for DNOs.**

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
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)
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
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)

## Data sharing

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

**Required measures: both suppliers and DNOs (gas, electricity and water)**

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

## Monitoring, reporting and publication

**Principle 9: Utility suppliers and Distribution Network Operators (DNOs) will monitor and report on how they are meeting their obligations in relation to the protection of consumers in vulnerable circumstances.**

**Required measures:**

- **Measure 1 and 2 applies to both suppliers and DNOs across gas, electricity and water.**
- **Measure 3 applies to gas and electricity suppliers only.**

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.
2. 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.
3. Development of an adequate Consumer Management system that can provide a detailed consumer profile report that can be assessed for compliance/interventions
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

**Principle 10: Consumers will have easy access to relevant information on how well utility suppliers and Distribution Network Operators (DNOs) are supporting consumers in vulnerable circumstances.**

**Required measures: both suppliers and DNOs (gas, electricity and water)**

1. All companies to conduct research or 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 circulated to the Authority and a public version made available
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