



Best Practice Framework

Decision: Code of Practice for Consumers in Vulnerable Circumstances

Utility Regulator Decision Paper
March 2024



About the Utility Regulator

The Utility Regulator is the economic regulator for electricity, gas and water in Northern Ireland. We are the only multi-sectoral economic regulator in the UK covering both energy and water.

We are an independent non-ministerial government department and our main duty is to promote and protect the short-and long-term interests of consumers.

Our role is to 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.

We are based at Queens House in Belfast. The Chief Executive and two Executive Directors lead teams in each of the main functional areas in the organisation: CEO Office; Price Controls, Networks and Energy Futures; and Markets and Consumer Protection.



Our mission

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



Our vision

To ensure value and sustainability in energy and water.



Our values

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



Abstract

The Best Practice Framework (BPF) programme is being delivered as part of UR's Consumer Protection Programme to ensure positive outcomes for all domestic consumers in Northern Ireland. The main delivery mechanism for this programme is a new mandatory Code of Practice (CoP) for Consumers in Vulnerable Circumstances which will apply to utility suppliers and Distribution Network Operators in the three regulated sectors in Northern Ireland. This paper follows a consultation on the proposed CoP for Consumers in Vulnerable Circumstances, in which respondents provided feedback on the proposed CoP, its implementation and monitoring, the formation of industry working groups and a proposal on new industry level customer care registers (with the longer term aim of moving to a single customer care register for all three utilities). This paper outlines the feedback from the previous consultation, our responses to the comments received and our subsequent decisions. The aim of this document is to set out our decisions to implement the new CoP for Consumers in Vulnerable Circumstances set out in Appendix 1.

Audience

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

Consumer impact

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



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Executive Summary

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

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

This paper follows on from a consultation on the BPF. Within the consultation we set out our proposals for a new definition of vulnerable, the new CoP ten high level principles underpinned with 'required measures', changes to the customer care register (CCR) structure, the formation of industry working groups and how the new requirements would be implemented and monitored.

This paper summarises the stakeholder feedback from the consultation paper, sets out our responses to the comments received and our subsequent decisions. The key decision areas include the following:

Definition of vulnerable

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

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

This new definition will be implemented through a licence modification for DNOs and suppliers which will require Licensees to apply this definition to all vulnerability and vulnerable requirements throughout the licence and Codes of Practice.



Mandatory Code of Practice

We set out our decision to make the CoP for consumers in vulnerable circumstances mandatory for DNOs and suppliers. The CoP consists of ten high level principles that will be applicable across all regulated sectors. Underpinning the principles are a number of required measures that, due to the risk of consumer harm in not delivering, we deem necessary to prescribe to ensure fair consumer outcomes are delivered across Northern Ireland Utilities. As there are sectoral differences in the operation and conduct of different utility licence holders, we have identified that some of the required measures in the CoP will not be applicable to certain licence holders. The CoP clearly states under each required measure, which licensees it is applicable to.

Industry working groups

Developing industry procedures to comply with the requirements in the CoP will no longer be a requirement for the industry working groups. The purpose of the groups will now be solely for the implementation of changes to the customer care register (CCR) structure, with the longer-term goal of having a single CCR for all utilities. We require industry to establish industry working groups for this purpose (one for electricity, gas and water) following publication of this paper, if they are not already established. Further detail on the timelines for the industry working groups to develop, implement and maintain the changes to the industry CCR structure will be provided in a separate Information Paper in June 2024.

CoP high level principles

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

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

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

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

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

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

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

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

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

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

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

CoP Required Measures

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

We believe that the ten high level principles and the required measures that make up the CoP for consumers in vulnerable circumstances will ensure that Northern Ireland utility companies provide appropriate protections to support any consumer in

vulnerable circumstances. The CoP for consumers in vulnerable circumstances can be found in Appendix 1.

Monitoring and Compliance

As a result of the CoP for consumers in vulnerable circumstances being a mandatory licence requirement on all suppliers and DNOs, any breach of the CoP will be considered a breach of the respective licence. Licensees are expected to continue with their current compliance processes and to operate within UR compliance frameworks. We will communicate with licensees in advance of their first compliance submission to agree timings and the details to be included in their returns.

Monitoring of the CoP will be through the Retail Energy Market Monitoring (REMM) framework. We have not added any new monitoring requirements for the CoP in this Decision Paper. Any metrics that are currently collected for the CoP on Provision of Services for Persons who are of Pensionable Age or Disabled or Chronically Sick will continue to be collected.

Changes to the customer care register structure

We have identified that decisions on the proposed changes to the CCR structure will take more time to develop and to deliver. These changes are as follows:

- i. The development of industry level CCRs with the longer-term aim of implementing a single CCR across electricity, gas and water; and
- ii. The development of a two-tier CCR structure with the top-tier being for medical care and the second being needs-based.

The decisions on changes to the CCR structure will be worked through and finalised in the industry working groups (which are to be established following publication of this paper). To avoid delaying the implementation and associated consumer protections provided from the CoP for consumers in vulnerable circumstances, we have separated the CoP and new CCR structure into two separate deliverables. This paper therefore focuses on the CoP setting out the decisions on its content, implementation, monitoring and compliance, so that we can implement the CoP at an earlier stage. We have provided a high level overview on responses to the new CCR structure in this paper, but more detail will be provided in a separate Information Paper focusing on the changes to the CCR structure which will be published in June 2024.

Proposed Licence Conditions

The new CoP for Consumers in Vulnerable Circumstances and the new definition of vulnerable will be implemented through a new licence condition in all distribution and supply licences across gas and electricity (including in Northern Ireland Water's licence). The proposed licence condition is set out in this paper. We will publish

statutory consultation notices for electricity, gas and water suppliers and DNOs to introduce the new licence condition for the CoP for consumers in vulnerable circumstances in May 2024 and follow the statutory 28 day consultation.

For electricity and gas domestic supply licences the new condition will replace the existing condition Code of Practice on Provision of Services for Persons who are of Pensionable Age or Disabled or Chronically Sick. Any of the requirements in this licence condition that were not included in the new CoP proposals have been incorporated into the final CoP, so as not to lose any of the existing protections.

Timelines for Implementation and Next Steps

Licensees will have a period of six months to implement the new requirements to be compliant with the new CoP, following publication of this decision paper. This aligns with the timelines to implement the new licence condition, as once the new licence condition is in the licence, licensees will be required to be compliant with the new CoP for Consumers in Vulnerable Circumstances. We expect to introduce the new licence condition into all licences in September 2024.

To ensure that the CoP delivers best practice for consumers in vulnerable circumstances, we will monitor the effectiveness of the CoP in delivering fair and appropriate protections to customers in vulnerable circumstances on an ongoing basis. If we identify any gaps or areas for improvement or consider it necessary to amend the CoP for Consumers in Vulnerable Circumstances, then a consultation will be carried out on any potential changes.

Glossary

BPF	Best Practice Framework
BSI	British Standards Institution
CAP	Christians Against Poverty
CCNI	Consumer Council for Northern Ireland
CCR	Customer Care Register
CDA	Central Design Authority Board
CM/SAT	Consumer Measures/ Customer Satisfaction Working Group
CoP	Code of Practice
CoLE	Change of Legal Entity
CoS	Change of Supplier
CPAG	Consumer Protection Advisory Group
CPP	Consumer Protection Programme
DNO	Distribution Network Operator ¹
DPA	Data Protection Act 1998
DPIA	Data Protection Impact Assessment
DSA	Data Sharing Agreement
EAI	Electricity Association Ireland
ERIG	Electricity Retail Industry Group
ESF	Electrical Safety First
FCA	Financial Conduct Authority
GB	Great Britain
GDN	Gas Distribution Network operators
GDPR	General Data Protection Regulation
HSC	Health and Social Care
ICO	Information Commissioner's Office
ISO	International Organisation for Standardisation
ISU	Industry Solution for Utilities
MM	Market Message
MPRN	Meter Point Reference Number
NEA	National Energy Action
NIW	Northern Ireland Water
NIEN	Northern Ireland Electricity Networks
Ofgem	The Office of Gas and Electricity Markets
Ofwat	The Water Services Regulation Authority
PPM	Prepayment Meters
PSR	Priority Services Register
REMM	Retail Energy Market Monitoring
RM	Required Measure

¹ Where reference is made to DNO within this 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.

SAP-ISU	SAP application for business utilities (passes the message to the Messaging HUB for routing to the required market participant)
SoLC	Statement of Licence Compliance
UR	Utility Regulator

1. Introduction

Purpose of this document

- 1.1 On 22 June 2023 we published a Best Practice Framework (BPF) consultation paper² on our proposals on a new Code of Practice (CoP) for Consumers in Vulnerable Circumstances (which will be referred to as the ‘Consultation paper’ for the rest of the paper). This Consultation paper covered our proposed decisions on the CoP requirements, proposals on changes to the customer care register (CCR) structure, proposals on industry working groups (for the purposes of both developing industry procedures to comply with the requirements in the new CoP and to develop new industry level CCRs) and our proposals on the implementation and monitoring of the CoP. This paper follows on from the Consultation setting out the responses received, our response to each, our final decisions and the next steps.
- 1.2 The purpose of this paper is to:
- Discuss the responses to the BPF proposals Consultation paper;
 - Set out our decisions on the new definition of vulnerable;
 - Set out our decisions on the principles and measures for the new CoP;
 - Set out our decisions for the industry working groups;
 - Detail the proposed licence modifications (the statutory consultation notice will be published after this paper);
 - Detail monitoring and compliance arrangements for the new CoP with timelines for implementation; and
 - Present the final CoP for Consumers in Vulnerable Circumstances.
- 1.3 Please note, we have identified that decisions on the proposed changes to the CCR structure will take longer to develop and to deliver than the implementation of the new CoP. In the Consultation paper, we proposed changes to the CCR structure to include delivery of the following:
- i. The development of industry level CCRs with the longer-term aim of implementing a single CCR across electricity, gas and water; and

² [UREGNI Best Practice Framework Proposals: Code of Practice for Consumers in Vulnerable Circumstances Consultation Paper](#)

- ii. The development of a two-tier CCR structure with the top-tier being for medical care and the second being needs-based.
- 1.4 Decisions on the updated CCR structure will be worked through and finalised in the industry working groups. The groups will also be used to develop, implement and maintain the agreed changes to the CCR. We expect that the industry working groups will be set up for this purpose following publication of this paper. We have therefore separated the CCR deliverables from the CoP and the two will be implemented as two distinct workstreams (working in parallel). This paper will focus on the responses and decisions linked to the CoP and its implementation. Reasons for the separation of the two workstreams are detailed in Section 8. A separate CCR Information Paper focusing on the changes to the CCR structure will be published by June 2024.
- 1.5 The aim of this document is to set out URs decisions on the new CoP for consumers in vulnerable circumstances.

Background

The Best Practice Framework programme

- 1.6 The BPF project received universal endorsement from stakeholders during consultation on UR Consumer Protection Programme for the period 2019 to 2024 (CPP)³ and was identified as a UR priority ‘flagship’ project⁴.
- 1.7 However, since its inception, the BPF project has evolved and widened in scope to include multiple outputs and routes for delivery. It is being delivered as a programme in conjunction with the CPP (including the CPP for 2024 to 2029) to ensure positive outcomes for all consumers in NI.
- 1.8 The overall aim of the BPF programme is to establish best practice principles and measures which both utility suppliers and DNOs in Northern Ireland should implement to better identify, support and protect consumers in vulnerable circumstances.
- 1.9 The BPF is a complex and challenging programme given the differences between utility suppliers and DNOs. In particular, the closeness and frequency of contact with domestic consumers, the differing ‘starting points’ in relation to operationalising ‘vulnerability’ within their business, and the

³ The Consumer Protection Programme (CPP)³ is a three year programme that was launched in April 2019 and then reviewed in 2021³ 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.

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

variation in the reach and quality of the consumer protection measures currently available. Also, the project outcomes will be applicable to all gas and electricity suppliers and DNOs and to Northern Ireland Water (NIW).

- 1.10 The COVID-19 pandemic and the recent cost of living crisis further highlighted the importance of identifying consumers in vulnerable circumstances or in need of additional support, and the need for a more standardised approach to engagement and support provision across all regulated utility companies in NI.

BPF – New Code of Practice for Consumers in Vulnerable Circumstances

- 1.11 The main delivery mechanism for the BPF programme will be through a new mandatory CoP for Consumers in Vulnerable Circumstances that will apply to utility suppliers and DNOs in the three regulated sectors in NI.
- 1.12 This will be delivered through licence amendments for utility suppliers and DNOs which will require the Licensees to comply with the CoP.
- 1.13 The CoP will be a hybrid approach consisting of a combination of ten high level principles supported by industry specific required measures. Our original proposals for the principles and required measures were outlined in the ‘Approach’ consultation paper⁵. Following review of stakeholder responses to the ‘Approach’ consultation paper, the principles and required measures were further developed and refined. These were presented as proposals in the Consultation paper.
- 1.14 Through development of a single mandatory CoP for both suppliers and DNOs across electricity, gas and water, we aim to address the gaps and inconsistencies in the regulatory frameworks in Northern Ireland with regard to the support and protections for consumers in vulnerable circumstances.
- 1.15 The new mandatory CoP will ensure that the support and protections offered to Northern Ireland consumers are consistent, adequately promoted and reflective of best practice exemplars seen in Great Britain (GB) and across other regulated sectors.
- 1.16 This paper addresses the responses we have received on our proposals for the CoP and outlines our decisions that will apply to the new CoP for consumers in vulnerable circumstances.

Consultation process to date

⁵ [bpf-approach-paper.pdf \(uregni.gov.uk\)](#)

1.17 Development of the BPF programme included a series of intensive engagements with key stakeholders. A summary of this engagement was presented in the 'Approach' consultation paper. The 'Approach' consultation paper sought stakeholders' views on our proposals on how the BPF programme would be delivered, monitored and reported on, the regulatory changes that would be required, and the input required from industry. Following review of stakeholder responses we published a subsequent Consultation paper. This Consultation paper presented the following:

- Our response to stakeholder feedback to the 'Approach' consultation;
- Our proposed decisions on the new definition of vulnerable;
- Detail on our proposals for industry working groups;
- The draft CoP for consumers in vulnerable circumstances, including our reasons for any changes made since the previous consultation;
- Our proposal on implementing a new structure for CCRs;
- Proposed licence modifications; and
- Proposed monitoring and compliance arrangements with timelines for implementation.

1.18 Stakeholders were also provided with an invitation for a one to one meeting to discuss any of the proposals in more detail ahead of submitting a consultation response.

1.19 Overall, we received 18 responses to the Consultation paper, with representations from industry (suppliers and DNOs of water, electricity and gas) and consumer bodies. Responses were received from the following:

- Advice NI
- Bryson Energy
- British Standards Institution (BSI)
- Christians Against Poverty (CAP)
- Consumer Council for Northern Ireland (CCNI)
- Electricity Association Ireland (EAI)
- Electric Ireland
- Electrical Safety First (ESF)

- Evolve
- Firmus Energy
- Information Commissioner’s Office (ICO)
- Marie Curie
- National Energy Action (NEA)
- Northern Ireland Water (NIW)
- Northern Ireland Electricity Networks (NIEN)
- Phoenix Energy
- Power NI
- SSE Airtricity

1.20 We have used the Consultation responses and the further feedback received to finalise our decisions on the new CoP for consumers in vulnerable circumstances.

1.21 As outlined in this paper, we are proposing that the new CoP will be mandatory for suppliers and DNOs and that new licence conditions will be introduced to require compliance with the CoP. This paper also contains our proposals for the new licence conditions and how compliance with these will be established.

Proposed key milestones

1.22 Following this Decision paper, we will publish statutory consultation notices for electricity, gas and water suppliers and DNOs to introduce the new licence condition for the CoP for consumers in vulnerable circumstances. The consultation notices will be published in May 2024 and follow the statutory 28 day consultation.

1.23 We intend to publish our final licence modification decisions in July 2024 to implement the new licence conditions by September 2024. Once the licence conditions are implemented, we expect licensees to be compliant with the new condition and all the requirements within it (this includes the new CoP for consumers in vulnerable circumstances and the new definition of vulnerable).

1.24 We require industry to develop industry working groups for the development and implementation of changes to the CCR structure (if they are not already established), following publication of this Decision Paper. Industry working

groups must start working towards developing the changes to the CCR structure proposals and setting out timelines for implementation. We would expect the initial meeting of these groups to take place by the end of April 2024. Please note, we have set out in this paper that developing industry procedures to comply with the requirements in the CoP will no longer be a requirement for the industry working groups. Reasons for this decision are set out in Section 3.

- 1.25 We will publish our CCR Information Paper on changes to the CCR structure in June 2024. The paper will focus on delivery of the implementation of a single CCR for electricity, gas and water in Northern Ireland and the creation of a two-tier register (a medical care tier and a needs-based tier). The paper will set out the detailed responses to the CCR proposals from the Consultation and provide more information on expectations for this workstream and timelines for delivery.
- 1.26 The proposed key milestones for the implementation of the new CoP for consumers in vulnerable circumstances and next steps in the implementation of changes to the CCR structure are set out in the table below.

Table 1: Key milestones for implementation

Milestone	Proposed Date
Publication of Decision Paper on the new mandatory Code of Practice for Consumers in Vulnerable Circumstances.	27 March 2024
Industry to establish Industry Working Groups	April 2024
Publication of the statutory consultation notice on the proposed licence condition and amendments	May 2024
Publication of Customer Care Register Information Paper	June 2024
Final decision on licence notification published	July 2024
Licence condition in force	September 2024

Structure of the paper

- 1.27 This paper will go through the key areas where we sought responses from stakeholders in the Consultation paper. The paper will outline the responses received, our comments on each and our final decision.
- 1.28 For transparency we have summarised the responses to the Consultation paper and our comments in the applicable sections of this paper. It is not

possible to detail every comment and respond to each one individually. As a result, we have included those comments that are most significant or opinions that have been shared by a number of respondents.

- 1.29 We thank all our stakeholders again for their engagement throughout the development of this CoP and delivery of the BPF. We received a large amount of written and verbal feedback during this process, and we are confident that we have developed a CoP that is representative of the feedback we received throughout the project.
- 1.30 This paper contains the following Sections:
- **Section 2:** provides a summary of the responses, our comments and decisions on our new definition of vulnerable and delivery and structure of the CoP for consumers in vulnerable circumstances.
 - **Section 3:** provides a summary of the responses, our comments and decisions on the development and role of the industry working groups.
 - **Section 4:** provides a summary of the responses, our comments and decisions on the CoP principles.
 - **Section 5:** provides a summary of the responses, our comments and decisions on the CoP required measures.
 - **Section 6:** provides a high level summary of the responses, our comments and next steps for our proposals around changes to the CCR structure.
 - **Section 7:** sets out the proposed licence modifications to implement the proposals into the respective licences.
 - **Section 8:** provides a summary of the responses, our comments and decisions for monitoring and compliance of the CoP.
 - **Section 9:** sets out our timelines for implementation of the decisions set out in the paper.
 - **Section 10:** sets out our next steps.
 - **Appendix 1:** contains the final version of the CoP for Consumers in Vulnerable Circumstances.
 - **Appendix 2:** existing licence provisions transposition into the CoP for Consumers in Vulnerable Circumstances.

Equality considerations

- 1.31 Section 75 of the Northern Ireland Act 1998 places a number of obligations on public authorities concerning the promotion of equality of opportunity and regard to the desirability of promoting good relations between different categories. We aim to promote equality of opportunity:
- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
 - between men and women generally;
 - between persons with a disability and persons without; and
 - between persons with dependants and persons without.
- 1.32 In the Consultation paper we requested that respondents commented on the overall equality impact of the proposals. Those who provided a response to this agreed that foreseeable impacts of the proposals would be positive for equality considerations.
- 1.33 We have undertaken a Section 75 screening of the original proposals as set out in the 'Approach' document and reviewed all Consultation responses as part of the development of this decision paper. We consider that our CoP helps all consumers and we do not anticipate any negative impacts on any groups.

2. Definition of vulnerable and delivery and structure of new CoP

Introduction

- 2.1 This Section sets our response and decisions to the comments we received on the definition of vulnerable and on the delivery and structure of the CoP for consumers in vulnerable circumstances.
- 2.2 We have included anonymised stakeholder comments, our response to these comments and our decisions where relevant. In a small number of cases, it was not possible to anonymise a respondent as they were identifiable from the nature of their response. Such responses were only referenced where it was important that these were addressed and where responses were not marked as confidential.

UR definition of vulnerable

- 2.3 In developing the BPF we proposed a new definition of vulnerable that regulated companies in Northern Ireland will be required to use to identify and support consumers in vulnerable circumstances. We proposed that the new definition is implemented through the respective licences of both the DNOs and suppliers (via licence modifications).
- 2.4 The definition of vulnerable set out below will underpin the various requirements in the new CoP and must be adopted by licensees for any requirements relating to vulnerable consumers.

‘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.’

- 2.5 Please note that we had used the term ‘vulnerable’ and ‘vulnerability’ interchangeably in the Consultation paper, depending on the context. When we refer to either we expect the same definition to be applied and will explicitly set this out in the licence modification to introduce the new definition. For the avoidance of doubt when we refer to either ‘vulnerable’ or ‘vulnerability’ they both have the same definition.

Stakeholder feedback

- 2.6 There was support from a number of consumer bodies for introducing a standardised utility sector definition for vulnerable. Consumer groups

welcomed that the definition recognised that an individual's personal characteristics and circumstances can play a part in vulnerability. However, some consumer groups sought for the definition to explicitly acknowledge that market factors and organisational behaviour can be causes of vulnerability.

- 2.7 Some consumer groups had concerns on the implementation of the definition as they noted that there could be instances where a consumer views themselves as vulnerable while their utility company does not. They sought clarity on who the arbitrator would be in such an event. One respondent recommended that the decision should sit with a trusted third-party intermediary such as CCNI.
- 2.8 One consumer body stated in their response that they would like to see 'terminal illness' and 'life limiting conditions' clearly outlined in all consumer protection literature and promotional materials as a 'personal characteristic' under the definition of vulnerability. They noted that this could improve levels of self-identification to the CCRs by patients and carers, as well as increasing awareness of this extremely vulnerable customer group across frontline utility staff.
- 2.9 Two industry respondents stated that they had already adopted the updated definition of vulnerability with one of these respondents stating that this definition is now embedded in their organisation at all levels and underpins their daily interactions with all consumers. Other industry respondents stated that they are supportive of the new definition and will apply this definition. However, some respondents noted concerns that there are certain categories and forms of vulnerability that may prove challenging to identify and manage, as they considered that identification will rely heavily on a customer's willingness to share personal and sensitive information. Industry respondents considered this would be particularly applicable for transient vulnerability, as due to its nature this will change over time and many customers may fall under this vulnerability at some point in their lives. There was concern that it could be difficult to keep track of when transient vulnerability changes.
- 2.10 Another industry respondent stated that even with ongoing vulnerability training for customer service staff, in many circumstances identification or recording of customer vulnerability will still be reliant on the customer's willingness to share personal and sensitive information.
- 2.11 One industry respondent expressed concerns regarding how suppliers can infer a customer's vulnerability based on the limited details they have access to (name and address). They considered the extent of the suppliers remit with the proposed definition is to ensure that any definition of vulnerability is

signposted and included in their communications with customers and sought for UR to note its decision that customers will need to reach out to their supplier to make their supplier aware of their vulnerability.

- 2.12 Another concern from a supplier was that such a broad definition could result in a wide cohort of customers being added to a CCR with no tangible benefit or in the dilution of protections as they would apply to so many. The respondent sought that to effectively operationalise the new definition, that UR empower suppliers to deliver tangible outcomes based on the customer's needs. The respondent considered this would be achieved by training customer facing teams to identify signs of vulnerability and create a space for the customer to share information about their circumstances, allowing agents to adjust their processes accordingly, rather than storing data 'just in case'. The respondent considered that capturing data on the basis of a potential future vulnerability is customer profiling and should not be endorsed and that data should only be captured that is linked to a service or action on the customer's account.
- 2.13 One industry respondent considered that the definition should be amended to include examples of when a consumer may meet the definition, to increase the likelihood of a customer recognising that they are vulnerable and reaching out to their supplier.
- 2.14 An industry respondent requested that UR shares the advice from their engagement with the ICO as soon as possible. They also requested that suppliers and DNOs are included in future engagement to ensure there is a consistent understanding of the advice and identification of any issues or risks, and to avoid multiple parties attempting to engage with the ICO on this matter.

UR response

- 2.15 We welcome the broad support for creating a standardised utility sector definition of consumer vulnerability.
- 2.16 We agree that vulnerability can stem from factors within the market, however, we do not consider it is necessary to explicitly state this in the definition of vulnerability. This is because whilst factors from within the market may influence vulnerability, it is still dependent on the individual's personal characteristics or circumstances whether the factors in the market combine to make the consumer vulnerable. In our definition of vulnerability, we want to keep the focus on the consumer to recognise their individual needs which depend on personal characteristics and circumstances.
- 2.17 We will not appoint an arbitrator to be a judge of if a consumer is vulnerable or not. We do not anticipate there will be many instances where a consumer

sees themselves as vulnerable while their utility company does not to warrant an arbitration role. However, if such an occasion does occur, then the consumer should follow the standard complaints procedure of first contacting their utility company and if this does not resolve the issue they should contact CCNI.

- 2.18 We note that ‘terminal illness’ and ‘life limiting conditions’ are covered under the new vulnerable definition. For clarity, and to encourage this cohort of customers to avail of the protections applicable to them, we have included specific reference to ‘terminal illness’ in the required measures that state specific characteristics. We are not including any examples of when a consumer may meet the vulnerable definition in the definition itself. This is because to do so could take away from the purpose of the definition as being open and recognising that vulnerability is not just a list of predetermined conditions, but it is individual and linked to specific personal characteristics and circumstances.
- 2.19 We do not consider that the extent of a utility companies remit with the definition of vulnerable is to only sign post to the definition. We agree that customers should be encouraged to reach out to their utility providers if they are in a vulnerable circumstance. However, the whole onus cannot be on customers to proactively reach out to their supplier. As stated in responses, due to the vulnerable circumstances a customer may be in, they may be less likely to contact their utility provider. Utility providers therefore have an obligation to try and identify if a customer may be in vulnerable circumstances during their interactions with customers. This will require appropriate staff training to encourage open dialogue between staff and customers. Staff should be trained and appropriately equipped to facilitate open dialogue so that the consumer feels comfortable to disclose any vulnerabilities and be able to identify any circumstances where the consumer could benefit from additional services. For example, if a consumer says that a relative usually checks their bills as they cannot understand them, then the utility representative could inform the consumer on the option to have a nominated representative and if the consumer would like it, set up this service for the consumer.
- 2.20 We acknowledge that the new definition will likely encompass more customers and that these customers will have different needs depending on their individual circumstances. We also acknowledge that unless a customer can receive a tangible form of support from being added to a CCR, it will not be of benefit to them. Companies should be very clear about the benefits of being on their CCRs, specify examples of additional support services that they can provide to those on these registers and where appropriate, ensure that these services are made available to any consumer who meets the new

vulnerable definition. Customers should also be made aware of what their data will be used for, how it will be held and if it will be shared.

- 2.21 In the longer term, as proposed in the Consultation paper, changes to the CCR structure will include the introduction of a two-tiered structure. The top-tier would be specifically for 'medical care', to include consumers who rely on utilities for healthcare. These consumers are considered to have the highest risk if they do not receive the additional protections, therefore consumers in this category will automatically receive all the additional protections. The second tier to be needs-based, would include consumers who are covered under the vulnerable definition and require additional assistance in certain areas. In this tier consumers would select the additional services that are relevant to their specific needs, so that they only receive the additional services that they require. Under the needs-based CCR, we proposed that instead of recording the specific vulnerability that a consumer has, a company will record the additional services that the consumer requires as a result of the vulnerability. In essence they will therefore be recording the needs of the consumer, allowing the company to tailor their interactions with the customer's individual needs. This proposal is to be developed in the industry working groups through which changes to the CCR structure will be implemented. Further information on this will be provided in the forthcoming CCR Information Paper.
- 2.22 We further note that the aim of the broader definition of vulnerable is to enable more accurate identification of consumers who could be vulnerable due to circumstances. The wider definition recognises that any consumer could be considered vulnerable given a particular set of circumstances and that vulnerability is not necessarily a permanent characteristic, but a fluid state that can change over time. An ambition of the definition is that it will enable a move towards better identification of what harms a consumer could be vulnerable to in a particular situation, rather than simply labelling them as having a particular vulnerability, so that the protections and services provided can be better targeted.
- 2.23 We have consulted with the ICO and completed an Article 36(4) Enquiry Form⁶ and a Data Protection Impact Assessment (DPIA) on the requirements we are mandating licensees to follow through the new CoP. Recommendations from the ICO are included in this paper in the applicable sections. We will continue to engage with the ICO throughout this process. We have invited the ICO to attend the industry working groups (set up to facilitate the delivery of changes to the CCR structure) to advise on data protection issues. We can also take any relevant questions raised at the

⁶ [Guidance on the application of Article 36\(4\) of the General Data Protection Regulation \(GDPR\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/guidance-on-the-application-of-article-364-of-the-general-data-protection-regulation-gdpr)

industry working groups to the ICO for resolution. We strongly encourage licensees to complete their own DPIAs and to consult ICO guidance.

UR decision

- 2.24 We will implement the new definition of ‘vulnerable’/‘vulnerability’ (unamended).

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

- 2.25 This definition will be used by regulated companies in Northern Ireland to identify and support consumers in vulnerable circumstances across all their operations. Anywhere a Licensee has a requirement regarding vulnerability or vulnerable (either in their licence or any of the accompanying Codes), they will take it to mean this definition. For clarification, the new vulnerable definition will also apply to all requirements in the new CoP, including those specific to the CCRs.
- 2.26 The new definition will be implemented via licence modification for both DNOs and suppliers. The proposed licence modifications are set out in Section 7 of this paper. The statutory consultation notice on the proposed licence conditions and amendments will be published following this Decision Paper.

A mandatory Code of Practice with high level principles and required measures

- 2.27 We proposed to implement a new mandatory CoP for Consumers in Vulnerable Circumstances to apply to suppliers and DNOs. We proposed a hybrid approach for the new CoP that would consist of a combination of ten high level principles, alongside more detailed consumer protection required measures.
- 2.28 We proposed that principles within the new CoP will apply to both suppliers and DNOs but were mindful of the sectoral differences in relation to the delivery of the consumer protection required measures. Therefore, we proposed some of the required measures will only be applicable to certain licensees. Any required measure that was not applicable to all licensees would clearly state who it was applicable to.

- 2.29 The key aspiration for the new mandatory CoP is to ensure that all consumers in vulnerable circumstances are protected and able to avail of support regardless of who their Supplier or DNO is.

Stakeholder feedback

- 2.30 There was, in general, support for the proposed new CoP across industry and consumer body respondents.
- 2.31 An industry respondent sought for the measures to be minimum standards (rather than required) considering they should be less prescriptive and focused more on principles and outcomes for the customer, to enable competitive differentiation.
- 2.32 A consumer body also sought for the final CoP to be minimum standards that companies must deliver, and that companies are able and encouraged to provide additional measures in line with the principle based approach as determined to meet the needs of its customer, both in times of crisis and ongoing needs.

UR Response

- 2.33 We welcome the broad support for the proposed approach.
- 2.34 This will be a mandatory CoP with required measures rather than 'minimum standards'. This allows companies to deliver above and beyond the required measures, we encourage companies to do so and are fully supportive of any activity which exceeds the required measures.
- 2.35 The specifics of each required measure will be discussed later in the paper, where they are reviewed against responses and before outlining the decision.

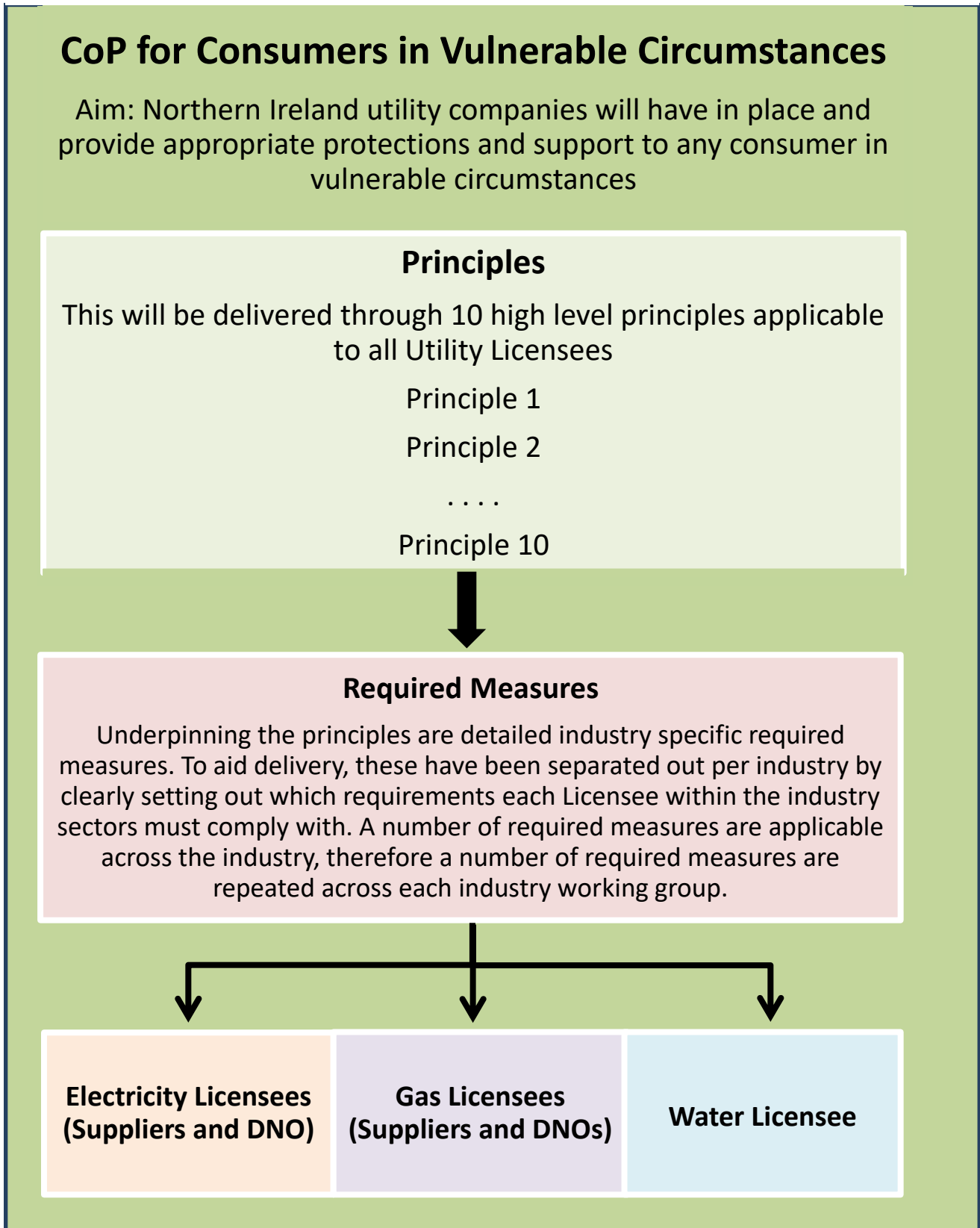
UR Decision

- 2.36 We have not made any amendments to our original proposal. We will implement a mandatory CoP with high level principles and required measures. The principles will apply to both suppliers and DNOs, due to sectoral differences, some of the required measures will only be applicable to certain licensees. Any required measure that is not applicable to all licensees will clearly state who it is applicable to.
- 2.37 No changes have been made to the high level principles that were proposed in the Consultation paper. Some changes have been made to the required measures based on the Consultation feedback. Any changes are detailed in Section 5 of this paper.

- 2.38 For suppliers, the new mandatory CoP will replace the existing minimum standards CoP on Provision of Services for Persons who are of Pensionable Age or Disabled or Chronically Sick⁷. Protections from the existing minimum standards CoP will be retained in the new CoP for suppliers, along with the new protections.
- 2.39 The structure of the CoP is set out in Figure 1 below.

⁷ [Codes of Practice | Utility Regulator \(uregni.gov.uk\)](https://www.uregni.gov.uk)

Figure 1: Structure of CoP for Consumers in Vulnerable Circumstances

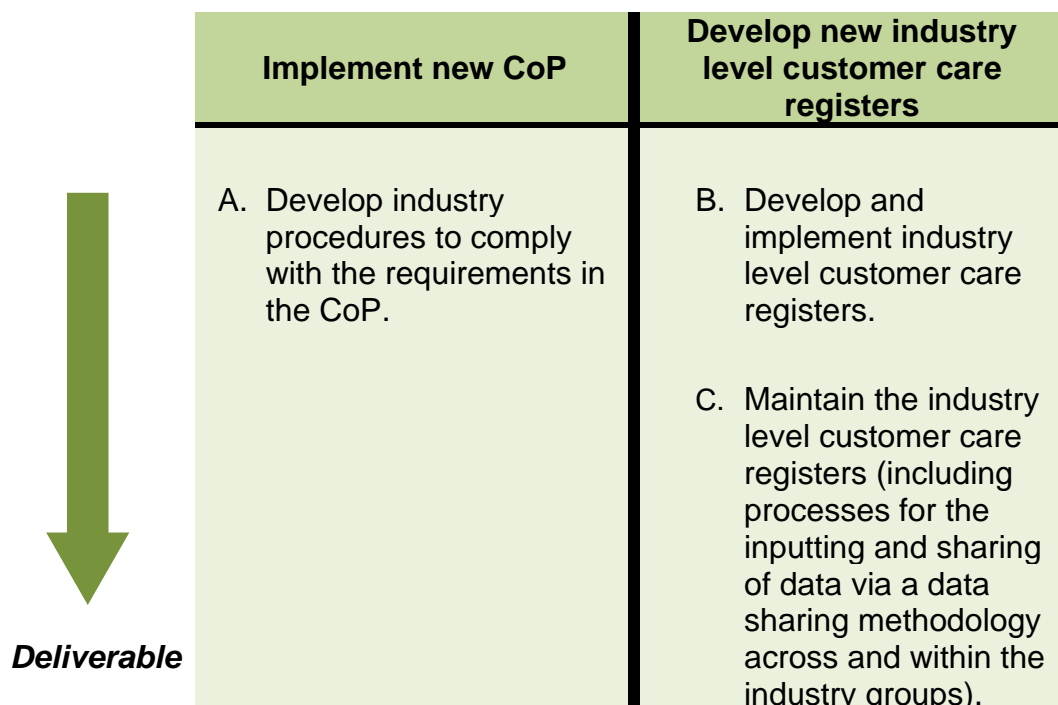


3. Industry working groups

Introduction

- 3.1 In the Consultation paper we had proposed the establishment of industry working groups by the DNOs and suppliers, with one for each industry (electricity, gas and water).
- 3.2 We proposed that the industry working groups would allow the DNOs and suppliers to work together collaboratively to meet the three deliverables set out in Figure 2.

Figure 2: Industry working group proposed deliverables



- 3.3 We set out in the Consultation that at a future date the CCRs will be amalgamated into one centrally held CCR for all NI utilities.
- 3.4 We proposed that the DNOs will be the holders of the CCRs for each industry and should therefore have a principal coordinator role in the industry working groups to facilitate this. We suggested that the industry working groups may seek independent views from other parties such as the ICO or the CCNI to assist in the development of their deliverables.
- 3.5 We also proposed that we would not have a role in approving how the industry develops, implements or maintains the CCRs, but if we consider that the industry procedures are not best practice arrangements and/or do not comply with the CoP for Consumers in Vulnerable Circumstances, then we

may direct the DNOs and suppliers to review and amend the procedures where necessary.

- 3.6 We proposed that we would approve the needs-based categories in the industry level CCRs and that if the industry working groups cannot reach agreement on certain issues, then the issues can be brought to UR for adjudication.

Stakeholder feedback

- 3.7 In general there was support for the formation of industry working groups. However, there were a number of concerns raised regarding the deliverables, operation and timelines that had been set out for the industry working groups. These are outlined below.

Requirement of industry procedures for the implementation of the new CoP

- 3.8 The majority of gas industry respondents were of the opinion that industry procedures to comply with the CoP (developed through industry working groups) would not be required. They considered that the CoP had enough detail and specificity itself, so further detail in the form of industry procedures would not be necessary as they would effectively mirror the required measures if developed. It was further noted from one gas industry respondent that they would expect compliance with the CoP to be unique to each Licensee, therefore implementation of universal industry level procedures would not be appropriate. It was also considered that industry level procedures for the CoP would not be required for those companies with ISO 22458:2022 accreditation, as those companies would have already demonstrated their compliance with the CoP.
- 3.9 The electricity DNO had concerns on the timelines for industry working groups to develop detailed industry procedures that will comply with the CoP. They noted that since the procedures could impact a significant number of teams for each company, the resourcing and co-ordination (both internally and externally) would be particularly challenging. They stated that until the procedures are well established within Industry this could pose a significant resource commitment early on.
- 3.10 A gas industry respondent stated that instead they would anticipate that the industry working groups would assist the delivery of the CoP by enabling continuous improvement through the sharing of best practice on the delivery of the CoP requirements, rather than developing industry procedures.
- 3.11 Electricity suppliers did not express any explicit support or feedback on the formation of industry working groups for the purpose of developing industry level procedures to comply with the requirements set out in the new CoP.

Bar one who agreed with the formation of industry working groups for the CoP deliverable.

Requirement of industry procedures for the development of new industry level customer care registers

- 3.12 The majority of gas industry respondents considered the role of the industry working groups should be to facilitate industry to deliver a CCR structure which is fit for purpose. This would be through developing plans and setting out the procedures and practices to be followed by each Licensee to establish and maintain the new industry level CCRs. One gas industry respondent considered the development of the CCRs through the industry working groups will enable operations to be streamlined for the future, as the industry working groups can create a more efficient and cost-effective data system that will serve the needs of vulnerable consumers across industry into the future.
- 3.13 Responses from electricity and water industry respondents stated no preference either for or against having industry procedures for the development of new industry level CCRs.

Formation of industry working groups

- 3.14 A supplier recommended that UR first set up a cross utility working group to develop the industry procedures which could then subsequently be split into industry specific working groups as needed. The respondent considered that a single working group, set up by UR will aid in consistency of industry procedures and keep all key stakeholders informed and on track. They considered that the industry working group should include representatives from each of the three utilities and be guided by UR.
- 3.15 Another supplier suggested using existing industry groups instead of developing new groups. The respondent noted that well established industry groups are already operational in the form of the Central Design Authority Board (CDA) and Electricity Retail Industry Group (ERIG) and as UR is a member of both groups, UR could take a leadership role to implement the proposals. The supplier further noted that given the significant changes required (for the proposals outlined in the Consultation), both the CDA and ERIG group will be required to assist in implementation, so they consider it would be better to begin in these groups in the first place. A DNO sought clarification on the industry groups formation and operation noting that if the industry groups require any retail market design changes, they will have to be progressed the CDA forum as per the Market Registration Code.

UR's Role

- 3.16 A supplier considered UR should have the main initial facilitation role in the

formation of the industry working groups, to then transition to an enduring arbitration role once the groups are operational. The respondent noted that this approach worked well for previous CoPs such as the Theft CoP. Another supplier was concerned that under the proposals UR would not have enough engagement within the industry working groups. They sought for UR to provide clear leadership and to be included within the industry working groups to shape the deliverables expected from industry. A consumer group was concerned that there could be company bias through allowing company led solution development.

- 3.17 A supplier sought for more elements to be mandated such as who should take the lead role with regards to holding customer information, they considered instead of inviting options (which could lead to delay in making decisions), they would prefer UR to be clearer in mandating these elements in order to make progress.
- 3.18 Consumer bodies welcomed a process where UR may intervene if agreement on issues or procedures cannot be reached (and that UR's decision will be final in that regard). Clarity on this process was sought from a consumer group and a DNO. A respondent also asked if UR will be involved in the industry working groups development of a Terms of Reference.

External input

- 3.19 It was welcomed by a consumer body that industry working groups "may" seek independent views from the likes of CCNI or the ICO. However, the respondent wanted stronger provision to necessitate this, proposing to change "may" to "must". The respondent suggested this could be via a two level consultation process – where industry working groups "must" or "should" seek views from bodies like CCNI and ICO, while they "should" or "may" also seek wider views from other named bodies. A further consumer group sought for stakeholders to be kept informed of the development and activity of the industry working groups, suggesting existing groups such as the Consumer Protection Advisory Group (CPAG) could be a good place for this.
- 3.20 The importance of the ICO in the industry working groups was further emphasised by a supplier. The respondent suggested that UR should be the conduit between industry and the ICO. The respondent also encouraged UR to engage with the ICO to carry out an impact assessment to ensure what is being asked is viable within the regulatory constraints of data protection. They noted that in Ireland the Commission for Regulation of Utilities (CRU) had taken the lead with the ICO on behalf of the market to develop a suitable data sharing agreement which took several years to develop and finalise.

Timeframe

- 3.21 Consumer bodies supported the formation of industry working groups. One stated they consider the industry working groups will facilitate quicker and more effective implementation of the deliverables, so they would encourage formation of the industry working groups before publication of the final decision paper.
- 3.22 A supplier sought that the industry working groups be developed before the final decision paper on the CoP. Their reason was to allow the industry working groups to have the opportunity to form a collaborative response to the Consultation paper, after the initial solution design has been scoped.
- 3.23 In terms of developing and implementing changes to the CCR structure, several industry respondents noted that significant collaboration will be required both within the specific industry group and across the industry groups to ensure that categories are compatible across systems. They stated that it is therefore not feasible that all procedures, market design changes and system development for cross industry data sharing will be complete within a six month timeframe (in the Consultation paper we proposed that all the requirements within the CoP should be implemented within six months of the publication date of the final decision paper). They noted consideration was needed if development is required of specific industry Accession agreements (similar to Market Registration Accession Agreements) for existing and any new future suppliers entering the market or if it is assumed that this system will be classified as a retail market system and will fall into the remit of the Market Registration Code when implemented. The agreements will ensure that all suppliers agree to adhere to the industry procedures.
- 3.24 A DNO further sought clarification on the industry groups formation and operation, noting if the industry group is associated with CDA (retail market design forum), it will have to align with the retail market design change process for any system changes, so a six month timeline for implementation would therefore not be feasible. They noted that if the industry group is to be considered as a different group entirely, it will take some time to design the ToR and industry procedures.

UR Response

Requirement of industry procedures for the implementation of the new CoP

- 3.25 We agree with respondents that industry procedures to comply with the CoP (developed through industry working groups) are not required. The CoP for Consumers in Vulnerable Circumstances with high level principles and

required measures, is detailed therefore we do not consider further clarification in the form of industry procedures is necessary.

- 3.26 We agree that companies who have ISO 22458:2022 accreditation will have demonstrated their commitment to protection of consumers in vulnerable circumstances. However, ISO 22458:2022 accreditation cannot be used to demonstrate compliance on its own. Licensees are expected to continue with their current compliance processes and to operate within UR compliance frameworks. Further information is included in Section 6.
- 3.27 We support industry working groups assisting in the delivery of the CoP through the sharing of best practice on the delivery of the CoP requirements (if industry working group members consider this would be beneficial). This is up to the industry working groups to decide, as we are not mandating this as a requirement for the groups.

Requirement of industry procedures for the development of new industry level customer care registers

- 3.28 We agree that the role of the industry working groups will be to facilitate industry to deliver the changes to the CCR structure.

Formation of industry working groups

- 3.29 The development and implementation of changes to the CCR structure will require a number of decisions and associated discussions. We consider a specific industry working group on CCRs (one for each industry) would be best to facilitate this. A specific group would enable adequate time and attention to be placed on the development of changes to the CCR structure. We consider existing groups already cover a very large remit, so they may not be able to assign enough time to the development of industry level CCRs. We therefore require industry to establish three new separate industry working groups (for electricity, gas and water). These industry working groups will be specifically developed for the delivery of the changes to the CCR structure. We note that whilst the groups will be separate for each industry, groups can meet on separate occasions as and when required to ensure consistency and to keep all key stakeholders informed and on track. It can also be arranged for consultative forums with all industry groups in attendance at certain times, if it is identified that this could be of benefit.
- 3.30 We recognise that if the industry groups require any retail market design changes, they will have to be progressed through the relevant industry forums. Any retail market design changes required from the industry working groups in delivering the industry CCRs, should be brought to the relevant forum by the industry working groups to follow the usual processes for

changes.

UR's Role

- 3.31 We can help facilitate the formation of industry working groups if required, but expect industry to establish and lead the groups themselves. We will attend the industry working groups as observers and can offer guidance if required by taking questions and issues back to consider internally and provide response on at a later time. This role is similar to the role UR had in the groups formed for the Theft CoP, which worked well. We expect industry (as the experts in their processes and systems for CCRs) to drive and lead the industry working groups. We are therefore not mandating any further elements, as these are to be decided by industry through the groups.
- 3.32 Whilst we will not have a lead role in the industry working groups, as we do not consider this to be necessary, we will attend the industry working groups. If we consider industry is delaying the deliverables or not adequately delivering in these groups, then we may have to reconsider this and take on a different role to drive the timely development and implementation.
- 3.33 If there is a difference of opinion or specific issues arise in the industry working groups, we require the industry participants to work together to come to a solution and resolve these within the industry group(s). However, if situations arise where the industry participants cannot reach agreement on certain issues, then the industry can bring issues to UR for adjudication. It is important to note that UR will only consider issues that have been brought by either the gas or electricity industry collectively as a group, rather than by distribution or supply companies on an individual basis⁸. To expedite delivery of changes to the CCR structure, we consider that where an issue is referred to UR, UR will make a decision which will be final and the industry must abide by that decision.
- 3.34 In forming the industry working groups, the groups may want to develop a ToR (if they consider it would be of benefit). However, this is optional for the groups, as we do not require the groups to have a ToR and we would not be involved in developing the ToR.

External input

- 3.35 We recognise and encourage the industry working groups to seek independent views from the likes of CCNI, the ICO or other relevant bodies that will help in the development of the industry CCRs. Therefore, we require

⁸ We note Northern Ireland Water, as the only water licensee NI, will be the only licensee in the Water industry working group. So they will be considered the collective if they bring an issue to the UR in regards to the industry groups not being able to reach agreement on any issues that require agreement across all three industries.

the industry working groups to invite CCNI to attend. We also strongly encourage engagement with the ICO from the industry working groups. In our engagement with the ICO, we have invited the ICO to attend the industry working groups to advise on data protection issues. We can also take any relevant questions raised at the industry working groups to the ICO for resolution. We have completed a DPIA on the requirements we are mandating licenses to follow through the new CoP. We will complete a separate DPIA on the requirement we are imposing on licensees to hold and process data for the industry CCRs. We strongly encourage licensees to complete their own DPIA's and to consult ICO guidance. Specific guidance on completing a DPIA can be accessed through the following link [Data protection impact assessments | ICO](#).

- 3.36 In our observer role we can bring updates on the industry working group progress to the CPAG to keep consumer bodies informed on the progress of the CCR. We can also bring any issues the industry working groups may want raised with the consumer bodies to the CPAG.

Timeframe

- 3.37 We acknowledge that developing and implementing changes to the CCR structure will, due to its complexity, take longer than was set out in the Consultation. We also acknowledge that some of the decisions around the industry CCRs cannot be finalised yet and will be developed through collaboration within and across the specific industry working groups. We are therefore allowing a longer timeframe for the development and implementation of the industry CCRs. However, we do require industry working groups to be established following publication of this paper (if they are not already established). We will publish a CCR Information Paper on the changes to the CCR structure by June 2024, which will set out more information on our expected timelines.

UR Decision

- 3.38 We require industry to establish industry working groups (one for electricity, gas and water) following publication of this paper (if they are not already established). These industry working groups are to facilitate the development, implementation and maintenance of changes to the CCR structure (including processes for the inputting and sharing of data via a data sharing methodology across and within the industry groups).
- 3.39 The industry working groups will be led by industry and it will be decided by the groups who shall lead (this can be exclusively or on a rotational basis). UR will attend the industry working groups in an observer capacity. The groups are required to invite CCNI to the industry working group. The ICO have agreed to engage with the industry working groups. This can involve

ICO attendance, or UR taking any relevant questions raised at the industry working groups to the ICO and bringing the ICO responses back to the group. The groups can also invite other relevant bodies that they consider will help in the development of the changes to the CCR structure.

- 3.40 For clarity, we are no longer requiring that the industry working groups will have the purpose of developing industry procedures to comply with the requirements in the CoP. Industry procedures to comply with the CoP requirements are no longer required.
- 3.41 Whilst the industry working groups will be separate for each industry, groups can meet on separate occasions as and when required. Consultative forums with all industry groups in attendance can also be organised.
- 3.42 If there is a difference of opinion or specific issues arise in the industry working groups, we require the industry participants to work together to come to a solution and resolve these within the industry group(s). However, if situations arise where the industry participants cannot reach agreement on certain issues, then the industry can bring issues to UR for adjudication.
- 3.43 Further detail on the timelines for the industry working groups to develop, implement and maintain the industry CCRs will be provided in the CCR Information Paper in June 2024.

4. CoP principles

Introduction

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

Stakeholder feedback

- 4.4 There was broad support in responses across industry and consumer bodies for the ten principles.
- 4.5 One consumer body sought for an additional principle to be added relating to good customer outcomes, which would cover the promotion of complaints, measurement of consumer outcomes and customer satisfaction. They noted this would be similar to requirements in the FCA's Consumer Duty.

UR Response

- 4.6 We welcome the support received from respondents for the proposed principles.
- 4.7 We recognise the importance of good customer outcomes in effectively delivering the CoP. However, we do not consider a specific principle relating to this is required. To meet the ten principles, licensees will be providing good customer outcomes. We therefore consider the requirement to deliver good consumer outcomes is already embedded in the principles, so a specific principle on this is not required.

UR Decision

- 4.8 We have decided to include the ten principles (unamended) in the new CoP for consumers in vulnerable circumstances. These principles will be applicable to all Licensees. There will be certain industry specific requirements (required measures) that will only be applicable to suppliers or

DNOs and these are detailed in Section 5.

- 4.9 The ten principles of the CoP that will underpin the more detailed consumer protection required measures are set out below.

Table 2 - Ten principles for the CoP for consumers in vulnerable circumstances

Culture, ethos and training
<p>Principle 1: Utility suppliers and DNOs will proactively establish and promote a corporate culture that focuses and fosters their efforts to identify and support consumers in vulnerable circumstances.</p> <p>Principle 2: Consumers in vulnerable circumstances will experience tailored support and positive outcomes when interacting with utility suppliers and DNOs.</p>
Identification of vulnerability
<p>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.</p> <p>Principle 4: Consumers in vulnerable circumstances will have their needs recorded in the most appropriate way, enabling access to the most relevant support.</p>
Practical support measures
<p>Principle 5: Consumers in vulnerable circumstances will receive support in relation to security of their utility supply, accessibility and personal safety requirements.</p> <p>Principle 6: Consumers in vulnerable circumstances will receive relevant, timely and accessible information on the support available.</p> <p>Principle 7: Consumers in vulnerable circumstances as a result of affordability difficulties, will be provided with targeted support by their utility Supplier.</p>
Data sharing
<p>Principle 8: Consumers in vulnerable circumstances will experience consistency and improved ease of access to the support provided by utility suppliers and DNOs through the cross-industry sharing of relevant data.</p>
Monitoring, reporting and publication
<p>Principle 9: Utility suppliers and DNOs will monitor and report on how they are meeting their obligations in relation to the protection of consumers in vulnerable circumstances.</p> <p>Principle 10: Consumers will have easy access to relevant information on how well utility suppliers and DNOs are supporting consumers in vulnerable circumstances.</p>

5. CoP required measures

- 5.1 In the Consultation paper we outlined a number of proposed required measures under each of the ten principles. These would be explicit requirements in the new CoP.
- 5.2 This section sets out each proposed required measure, an overview of the responses we received on it, our response and decision on each required measure.
- 5.3 We have included stakeholder comments, our response to these comments and our decisions where relevant.
- 5.4 It is noted that several measures proposed for the new CoP relate specifically to CCRs or CCR holders. The required measures that are linked to CCRs or CCR holders will apply to the existing CCRs and CCR holders. This includes all suppliers, the electricity DNO and the water DNO. When the changes to the CCR structure are implemented, the measures will apply to the CCR(s) and CCR holder(s) at that time. For clarification, the new vulnerable definition will apply to all requirements in the new CoP, including those specific to the CCRs.
- 5.5 Where required measures are only applicable to some categories of licence holder(s), this is stated against the measure. Otherwise, the requirements are applicable to all licensees.

Principle 1 Measure 1 (1.1)

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

Stakeholder feedback

- 5.6 This measure is in regard to introducing the new definition of vulnerability where referred to in the licences and accompanying codes or Codes of Practice. We have covered the comments and responses to the new definition of vulnerability in Section 2 of this paper.

UR response

- 5.7 As detailed in Section 2 we propose to introduce the new vulnerability / vulnerable definition and that the definition in this measure will therefore remain the same. We have updated the measure to clarify that the definition will apply to ‘vulnerability’ and ‘vulnerable’.

UR decision

Measure amended

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

Principle 1 Measure 2 (1.2)

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

Stakeholder feedback

- 5.8 There was support from some industry respondents on this measure being a recommendation rather than a requirement. A consumer body noted that ISO 22458:2022 is not a requirement in GB, so they are content with it being a recommendation.
- 5.9 One consumer group stated their preference was for attainment of ISO 22458:2022 to be mandatory. They noted that other regulatory licence conditions are subject to compliance with mandatory external standards, for example the Northern Ireland Fuel Security Code, so they considered protections for consumer vulnerability should be held to a similar standard of external verification. The consumer body added that if ISO 22458:2022 remains a recommendation rather than mandatory, then UR should review the ISO 22458:2022 criteria to ensure there are minimal gaps in provision between it and the CoP, noting an example that the ISO includes criteria for the design and delivery of accessible online services. The respondent also suggested that UR considers making ISO 22458:2022 attainment mandatory for companies above either a certain annual revenue value or number of customers.

- 5.10 Some industry respondents stated that they either already have or that they plan to obtain ISO 22458:2022. One respondent considered that given the cost of living crisis, the ISO has never been more important so would urge UR to align the CoP with these standards where possible.
- 5.11 BSI issued a response supporting the recommendation for obtaining the ISO 22458:2022 standard. They stated that have they conducted a full comparison of the ISO 22458:2022 standard with the proposed Code of Practice requirements. They found that the ISO 22458:2022 aligned in all areas and in some the ISO 22458:2022 standard requirements go further than what is expected in some of the measures. They stated that obtaining ISO 22458:2022 will therefore demonstrate meeting the requirements of the Code of Practice and additional consumer vulnerability service provision.

UR response

- 5.12 We recognise that attainment of the ISO 22458:2022 is a good tool for verifying licensees compliance with their CoP requirements. However, all licensees will be bound to the requirements in the CoP which will be subject to our own compliance framework. Therefore we are confident that all licensees will be held to a similar standard in their consumer protections.
- 5.13 We consider the ISO is a useful tool for companies to evidence their commitment to providing a high level of service to all customers, specifically those who are in vulnerable circumstances. Many requirements in the ISO align to the requirements in the CoP for Consumers in Vulnerable Circumstances, therefore, those companies who have the ISO can use it towards the report (required under RM 9.1) to evidence compliance against the required measures that are covered in the ISO requirements. We will engage with companies on this in advance of the first report submission.
- 5.14 We have decided to keep the attainment of the ISO 22458:2022 as a recommendation at this stage. We may reconsider this in the future when we review the CoP (see Section 9).
- 5.15 We note that BSI provide Kitemark™ certification against the recognised international standard for inclusive service and consumer vulnerability, ISO 22458:2022. Further information on the BSI Kitemark can be accessed through the following link [Build Confidence and Trust with the BSI Kitemark | BSI \(bsigroup.com\)](https://www.bsigroup.com/Build-Confidence-and-Trust-with-the-BSI-Kitemark/).

UR decision

Measure unamended

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

Principle 1 Measure 3 (1.3)

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

Stakeholder feedback

- 5.16 Several consumer bodies sought for the requirement of a Board member to be identified as a vulnerability champion reinstated. They stated that as this is an area of such importance it should have Board level responsibility, set from the top down to embed vulnerability throughout the organisation. One consumer body further noted that they agreed that staff at the operational level in a customer facing role would be best placed to effectively deliver for vulnerable consumers; however, they consider embedding this into an organisation would not need to be mutually exclusive from having a Board member with a dedicated interest in protecting and supporting vulnerable consumers. It was noted by one consumer body that FCA requires both a consumer champion at Board level and proof that the Consumer Duty is on the agenda for Board meetings.
- 5.17 Consumer bodies welcomed the requirement for a person at senior level in the vulnerability team. There was also support for having at least one member of the specialist team being from a customer facing area of the business. A supplier noted that they have begun to adopt such an approach due to its internal drive to enhance its customer support programme.
- 5.18 A DNO sought clarity on whether the vulnerability team or person could form part of a role of an existing member of staff / team. They noted that their proposal would be to have vulnerability champions throughout the organisation including at Director level.
- 5.19 A consumer body anticipated that the proposal (which it was stated in the Consultation would not be a formal requirement) for the CPAG to receive briefings from companies on their work with consumers in vulnerable

circumstances would be welcome and provide a good opportunity for the group to provide feedback and challenge. Another consumer body supported engagement of companies with consumer groups, however, noted that there is no requirement for this, so risks this initiative being ignored by companies who may not prioritise this activity. A consumer group considered the briefing could be scheduled as part of the returns process required under measure 9.1.

UR response

- 5.20 We recognise the importance of embedding vulnerability throughout organisations from the top down. However, we consider this will be best achieved through other avenues, namely the development and sign-off of a vulnerability strategy. This is currently being considered for the next CPP that was consulted on at the end of 2023. Therefore, we are not reinstating the requirement of a Board member to be identified as a vulnerability champion.
- 5.21 We confirm that the vulnerability team or person can form part of a role of an existing member of staff / team within a company, this measure can be delivered in a means that would fit with the company's current structure.
- 5.22 We recognise the value of companies providing briefings to relevant consumer groups on their work with customers in vulnerable circumstances, but we do not consider this needs to be a formal requirement. Generally, we would encourage all companies to actively engage with consumer groups when developing customer processes and operations to ensure they bring positive consumer benefits. We are happy to facilitate this, for example through CPAG, if this is not the case.

UR decision

Measure unamended

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

Principle 2 Measure 1 (2.1)

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

Stakeholder feedback

- 5.23 There was general support from respondents on this measure. One consumer body specifically noted that they have already provided bespoke training to utility companies in this area (covering areas such as specialist vulnerability champions, financial wellbeing, assisting vulnerable energy customers). They stated that if more information or engagement is required, they would be open to contact from UR and/or companies within the sector.
- 5.24 The ICO have also strongly recommended that all relevant staff receive appropriate training in data protection.

UR response

- 5.25 We welcome the support for this measure.
- 5.26 We note and recognise the merit in the external training schemes provided by respondents. However, it should be noted by licensees that we are not prescribing specific training schemes for companies to participate in, as it is up to individual companies to decide what training is best suited to meet their vulnerability requirements as set out in the CoP.
- 5.27 We suggest that companies should prioritise specific staff when implementing this measure across all staff members, for example frontline or customer facing staff should take priority in this training.

UR decision

Measure unamended

Measure 2.1 – Ensure that all relevant staff (e.g. consumer facing staff, field staff, call centre handlers, and sub-contractors) and to include staff at a senior level, are adequately and frequently trained in the identification of consumers in vulnerable circumstances or /and who may be eligible for the customer care register, and in treating customers in an empathetic manner to encourage customers to self-identify.

To include, but not exclusive to, disability training (in relation to hidden disabilities, learning difficulties or communication barriers), mental health awareness training and empathy training.

Principle 2 Measure 2 (2.2)

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

Stakeholder feedback

- 5.28 There was support for this measure from some respondents from both consumer bodies and industry.
- 5.29 One consumer body noted that this measure could be challenging for some companies to implement. To effectively deliver this measure they consider companies will need to ensure their contact centre staff are properly trained to recognise vulnerability, to support a proactive rather than reactive approach. The group further noted that appropriate management and monitoring of staff would be crucial for this.
- 5.30 Two suppliers noted that all organisations who operate a contact centre will measure call duration, as it is critical to understanding demand and adequately resourcing the business operation, especially as a means of reducing call centre waiting times. One noted however, they would not terminate a call because the call is lasting too long. The two suppliers considered this measure should be removed or amended to add some flexibility.
- 5.31 BSI noted that this requirement is in line with their standards for attaining ISO 22458:2022. They stated that it is an important requirement as it allows call handlers to have the time to understand a consumer's needs and properly explore solutions and provide support.

UR response

- 5.32 For clarity, we note that this measure does not prevent companies from performing any type of monitoring on their calls or call duration. Rather the objective of this measure is that call handlers should not be limited to a set time when they are on a call with a customer who is vulnerable or experiencing affordability concerns.
- 5.33 The intended outcome of this measure is to ensure call handlers can spend longer on a call if they identify the customer (due to a vulnerability or

affordability issue) requires that extra time. This can be because extra time is needed for the customer to explain their vulnerability to the call handler or as a direct result of a vulnerability (such as needing the call handler to explain things at a slower pace or repeat aspects of the call).

- 5.34 We further note that the proposed measure only relates to vulnerability and affordability calls. Suppliers can still aim to bring down overall call handling times, but there should not be duration/time targets for calls that have affordability issues or where the call handler is dealing with a consumer in vulnerable circumstances. Furthermore, in any event, call handlers should not be encouraged to prioritise call handling targets over the customer experience. Companies cannot penalise their call handlers for spending longer time on calls where the customer is identified as having vulnerability or affordability issues.

UR decision

Measure unamended

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

Principle 2 Measure 3 (2.3)

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

Stakeholder feedback

- 5.35 Responses to this measure were of support.

UR response

- 5.36 We welcome the support from respondents on this measure.

UR decision

Measure unamended

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

Principle 2 Measure 4 (2.4)

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

Stakeholder feedback

- 5.37 There was general support for this measure.
- 5.38 Two respondents sought clarity on who the consumer representative bodies are and one of these respondents sought clarity on what would count as evidence.
- 5.39 One consumer body sought clarity on if there is potential for simplified referral processes to be set up with Health and Social Care (HSC) bodies such as the Palliative Care Social Work Teams, who could act as a referral agent to the CCR.
- 5.40 An industry respondent noted that they have already established relationships with consumer representative bodies.

UR response

- 5.41 We can confirm that we are not requiring partnership with specific consumer representative bodies or organisations. Licensees can establish partnerships to deliver the measure with any, and as many consumer representative bodies as they choose.
- 5.42 Establishment of partnerships can be evidenced through communication chains between the licensee and their consumer representative body partnership(s)⁹.
- 5.43 We are not requiring referral processes to be set up with HSC bodies. We recognise the benefit in these teams being aware of the CCRs, how an individual can sign up and the additional services that can be provided to individuals in vulnerable circumstances. They can then pass the information onto the individuals they are working with to ensure the individuals get the appropriate protections. To help facilitate this, we consider the measure requiring licensees to establish partnerships with consumer representative bodies will help to spread the information. We also encourage licensees and

⁹ Please as with all licensee requirements we may conduct an audit on certain areas, this can be as part of the annual audit or if we require more information on any areas. Therefore, in those cases we may require additional evidence. This would be articulated with suppliers in advance.

consumer representative bodies to share information on the CCRs with any groups, organisations or teams who are interacting with individuals who would benefit from being aware of the registers.

- 5.44 We note that this measure encompasses all of the requirements in measure 3.4. We have therefore combined both measures into 3.4, so are removing this measure.

UR decision

Measure removed

Principle 2 Measure 5 (2.5)

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

Stakeholder feedback

- 5.45 A consumer body stated support for this measure.
- 5.46 A supplier stated that this measure will be reliant on consumer bodies committing to warm handovers.
- 5.47 A DNO sought clarity on if the measure applies if there is no billing relationship with domestic household customers.
- 5.48 A consumer group believed this measure would be more robust if it encouraged the establishment of formal referral partnerships. They stated that this would ensure companies had a clear reason for referring customers, by establishing the basis for referral in advance and providing a mechanism for monitoring and improvement.
- 5.49 The ICO strongly recommended that where warm handovers are conducted, companies should have appropriate governance measures in place including Data Sharing Agreements (DSAs) and to adhere to data protection legislation as applicable to any data sharing that will take place for the warm handover. ICO guidance on DSAs can be accessed through the following link [Data sharing agreements | ICO](#).

UR response

- 5.50 We accept that this measure is reliant on consumer bodies committing to warm handovers, therefore if a licensee cannot establish a partnership with any consumer bodies for warm handovers, but can evidence that they have reached out to an adequate number of consumer bodies to establish this,

then we will consider the licensee as compliant with this measure. We would expect that occurrences of this would be unlikely.

- 5.51 We confirm that measures will be applicable to all DNOs and suppliers. Whilst DNOs may not have a direct billing relationship with consumers, they still have interactions with consumers through other services such as meter readings and consumers calling or emailing their contact centres. In addition, they hold CCRs and therefore there is consumer benefit in DNOs meeting both requirements.
- 5.52 We support the development of formal referral partnerships, however we do not require such for this measure. Supplier/network companies and consumer representative bodies can establish partnerships in the manner that best suits both parties in delivering this measure. However, companies should have appropriate governance measures in place and adhere to data protection legislation for sharing data in warm handovers. We recommend that companies have DSAs in place for this.

UR decision

Measure unamended

Measure 2.4 – Ensure processes are in place to enable a warm handover of consumers in vulnerable circumstances who are in need of additional support.

Principle 2 Measure 6 (2.6)

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

Stakeholder feedback

- 5.53 Some respondents stated support for this measure.
- 5.54 A consumer body considered that vulnerable consumers (once identified) should have free access to a named customer agent to help support them on their journey. They further noted that consumer in vulnerable circumstances are less likely to have access to other avenues due to digital capacity or experience poverty or hardship.
- 5.55 Two industry respondents did not support the requirement of a call back option. They considered keeping call wait times low (so a call back function is not required) would be more beneficial.

UR response

- 5.56 We are conducting a separate piece of work on supplier customer service levels which will result in a new mandatory CoP on Customer Service. This CoP will place requirements on supplier's call centres and their service levels for all consumers (not just those who are vulnerable). We consider requirements on methods provided to consumers to contact their supplier are better suited to be in the CoP for customer service levels. Therefore, to avoid duplication of requirements we are removing this RM from the CoP for Consumers in Vulnerable Circumstances.
- 5.57 A consultation on proposals for a new CoP on Customer Service was published on 25 March 2024¹⁰.

UR decision

Measure Removed

Principle 3 Measure 1 (3.1)

All Regulated Companies:
Provide the applicable customer care register holder with the relevant and lawful details (required for the customer care register), of any domestic customers who are of pensionable age, disabled or chronically sick [medical care register], or are represented by UR's vulnerability definition, and who wish to be included on the list.

Stakeholder feedback

- 5.58 A supplier welcomed UR engaging with the ICO on proposals to ensure there are no data protection or GDPR issues identified. The supplier noted that a customer may meet UR's vulnerability definition, but they would not be able to add the customer to a care register without the customer's prior consent. The supplier also stated that as the vulnerability definition is so broad and needs to allow for temporary vulnerability, they will need to implement new internal processes to ensure GDPR requirements are met, and system configuration requirements based on the final decision paper.
- 5.59 An industry respondent noted that this measure may impact on market messages.
- 5.60 A supplier had concerns with this measure (in the context of the creation of a single CCR), as they considered that the purpose of DNOs having visibility of broader sensitive data is unclear, and this measure therefore poses potential contradictions against the following UK GDPR principles: Lawfulness &

¹⁰ [Consultation on Energy Supplier Customer Service Levels | Utility Regulator \(uregni.gov.uk\)](https://www.ureg.gov.uk/consultation-on-energy-supplier-customer-service-levels)

Transparency, Purpose Limitation, Data Minimisation, Accuracy and Storage Limitation, Accountability. They stated that it is difficult to agree to this measure without visibility of the end solution.

- 5.61 A consumer body sought further clarification on the definition of 'chronically sick' and would recommend terminal illness is specifically listed in any guidance information for utility companies (if it is not already). It was further noted that there are a number of registers / databases of people who require palliative care or have a diagnosed terminal illness i.e. palliative care register (HSC) or qualify for fast-track access to social security or disability benefits under special rules for the terminally ill. They considered it would be useful to explore whether these people could be automatically referred to CCRs.

UR response

- 5.62 The intended outcome of this measure is to facilitate the CCR(s) to hold the details of any consumer who requires one or more of the services provided under the CCR. The details held should be those details required to ensure the consumer is identified as requiring the specific service and protections they need and can avail of them. If a licensee identifies a customer to be eligible for a CCR and they do not hold a CCR themselves and there is a process in place for sharing with the care register holder, then the licensee should share the relevant and lawful details of the customer to the relevant CCR holder.
- 5.63 The CCR holder specified in this measure, refers to the holder of any relevant CCR. At present this relates to suppliers, Northern Ireland Water's CCR and NIEN's medical care register. If licensees hold a CCR and also have processes to refer customers onto other medical or CCRs, they should continue to follow those processes.
- 5.64 Who the CCR holders are will change with the development of changes to the CCR structure, through the industry working groups. The issues outlined in responses will be worked through in these groups. We will continue to engage with the ICO throughout this process and have invited the ICO to attend the industry working groups to advise on data protection issues. We also encourage licensees to complete their own DPIA's and to consult ICO guidance.
- 5.65 When we use the term 'chronically sick' we refer to the NHS definition:

'A Long Term Physical Health Condition (also known as a Chronic Condition) is a health problem that requires ongoing management over a period of years or decades and is one that cannot currently be cured but can be controlled with the use of medication and/or other therapies.'

- 5.66 We would expect individuals with terminal illness to be covered in this measure, however, for clarity we have amended the measure to explicitly state ‘terminal illness’ as a characteristic for inclusion on the CCR. We have also updated other applicable measures to reflect this inclusion.
- 5.67 We recognise the benefit that automatic referral for those on palliative care or diagnosed terminal illness. We will look into the feasibility of this through the industry working groups that will be formed to develop the industry level CCR(s).
- 5.68 We note that the measure explicitly states that only those who ‘wish to be included on the list’ should have their details passed onto the CCR holder and that these should be ‘relevant and lawful details’. This should enable Data Protection and UK GDPR requirements to be met.
- 5.69 If any market messages need to be amended to deliver this measure, then the market messages should be amended through the standard processes.
- 5.70 Companies should ensure that all staff involved in sharing customer details to the CCR holder are appropriately trained in data protection.

UR decision

Measure amended

Measure 3.1

Provide the applicable customer care register holder with the relevant and lawful details (required for the customer care register), of any domestic customers who are of pensionable age, disabled, have a terminal illness or chronically sick [medical care register], or are represented by UR’s vulnerability definition, and who wish to be included on the list.

Principle 3 Measure 2 (3.2)

Register Holder:

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

Stakeholder feedback

- 5.71 An industry respondent stated they expect clear guidance and governance for UR to establish a legal basis for the CCR holder (in relation to the proposed changes to the CCR structure to move towards industry level or a single register). Another industry respondent sought for visibility of the end solution before they could agree to the measure.
- 5.72 The electricity DNO set out two potential options they envisaged for achieving this measure: either (1) enhance current market systems (TIBCO and SAP-ISU¹¹); or (2) procure a new system. NIEN noted that their RP7 plans include a new customer engagement platform which would hold all this information but it is not planned until later in RP7 period. They added that either option would not be feasible to deliver full compliance within 6-month timeframe and that under both options, the market design changes would have to be processed through CDA and as with any market system would require significant supplier testing.
- 5.73 An industry respondent and consumer body welcomed the involvement of the ICO to ensure that GDPR protections are fully considered in developing the new CCRs.

UR response

- 5.74 Whom this measure is applicable to is likely to change with the development of the industry level/cross utility CCR(s). The intended outcome of this measure is to ensure secure data sharing processes from DNOs and suppliers to the CCR holder(s) whether at industry level or a single cross utility register. However, this is still to be developed through the industry working groups. The issues outlined in responses will be worked through in these groups to develop robust processes, systems and communications to support industry level CCR. We will continue to engage with the ICO throughout this process and have invited the ICO to attend the industry working groups to advise on data protection issues. We also encourage licensees to complete their own DPIAs and to consult ICO guidance.
- 5.75 We note that this measure is applicable for current customer or medical care register holders (which at present is the suppliers, Northern Ireland Water's CCR and NIEN's medical care register) and will apply in situations where a utility company is sharing customer details from their own medical or CCR to another of the register holders to be added to the other company's list. Companies should continue any current processes they have of referring customers onto other medical or CCRs.
- 5.76 As set out in measure 3.1 we have updated this measure to reflect that those

¹¹ The application used for passing market messages to the Messaging HUB for routing to the required market participant.

who have a terminal illness are included in the measure.

- 5.77 Any staff involved in handling customer details for the CCR should have appropriate data protection training.

UR decision

Measure amended

Measure 3.2 – Establish and maintain a customer care register of domestic customers who are of pensionable age, disabled, have a terminal illness or chronically sick [medical care register], or are represented by UR’s vulnerability definition and who wish to be included on the list. Provide a secure transfer channel for relevant suppliers and DNOs to share details of their consumers who require or need updating on the customer care register. Update the customer care register in a timely manner following receipt of data from suppliers and/or DNOs.

Principle 3 Measure 3 (3.3)

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

Stakeholder feedback

- 5.78 Support for this measure was received from two consumer bodies and an industry respondent. One of the consumer bodies noted that while target setting is outside the remit of a CoP, they sought UR to use appropriate regulatory mechanisms to set targets for raising awareness of the support available for consumers and the new CoP (for example this is done for Northern Ireland Water through the PC21 process).
- 5.79 A gas DNO noted that they have no direct communication with customers after the point of connection, so consider the requirement to be more appropriate for gas suppliers to fulfil.
- 5.80 Northern Ireland Water echoed this, noting that they do not have a direct relationship or hold a complete database of household customers and to comply with this measure would cost Northern Ireland Water c£500k per annum and so they would query the value for money this would provide to their customers. Northern Ireland Water noted that they will continue their ongoing promotional activities and will work with UR through the Consumer Measures/ Customer Satisfaction Working Group (CM/Sat group) to consider other potential low cost CCR promotional initiatives.

5.81 A supplier suggested a coordinated effort for this communication to maximise reach and minimise cost for customers.

UR response

5.82 We agree that DNOs have no direct communication with customers after the point of connection, so it could be a significant additional cost for DNOs to contact all customers. We have therefore decided that this measure will not apply to electricity and gas DNOs, as they would be informing customers about the same CCR as suppliers (the electricity or gas CCR). We note that suppliers can complete this measure through one of their existing contacts with customers for example on a bill. We also note that DNOs will still have to promote the CCR annually through measure 3.4. However, as there are no water suppliers, we will require Northern Ireland Water to comply with this measure to ensure that all domestic customers know of the existence of the water CCR. We acknowledge there is a cost to this, therefore if Northern Ireland Water can deliver this in a more cost effective way we would support this. This could be, for example, through working in partnership with other bodies.

5.83 As noted, target setting is outside the remit of a CoP. We will therefore consider the suggestion of target setting in other UR workstreams.

UR decision

Measure amended

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

Applies to Northern Ireland Water and electricity and gas suppliers

Principle 3 Measure 4 (3.4)

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

Stakeholder feedback

- 5.84 A supplier agreed with the proposal but noted they are unable to provide comment on consumer representative bodies willingness to commit and ability to deliver any promotion.
- 5.85 A consumer body stated support for this measure as it reflects the wide range of access points for consumers and encourages an inclusive approach. However, they considered this measure echo's the requirements of measure 2.4, so proposed that they could be combined.
- 5.86 A DNO stated that there is a risk of creating confusion for customers if DNOs are actively promoting the supplier's CCRs as communication would need to clearly state that customers should engage with their supplier.

UR response

- 5.87 We accept that if a licensee can evidence that they have reached out to an adequate number of consumer representative bodies to help their development and/or delivery of the promotion, then we will consider the licensee as compliant with this aspect of the measure. We further note that we do not expect consumer representative bodies to deliver the promotion for licensees, licensees should look to deliver their own promotion, but may want to conduct joint promotions with consumer representative bodies so that the promotion get delivered to a wider range of consumers.
- 5.88 We agree that the promotion should clearly state who the consumer needs to engage with to be added to the CCR.
- 5.89 We agree that this measure echo's the requirements of measure 2.4. We have therefore removed measure 2.4 and updated this measure to require engagement with consumer representative bodies via partnership, so that all the requirements are contained within one measure.

UR decision

Measure amended

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

Principle 3 Measure 5 (3.5)

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

Stakeholder feedback

- 5.90 There was support for this measure from consumer bodies, however, one consumer body wanted more detail on what is considered as 'best endeavours'. They stated that this may require setting minimum steps for agreement via the industry working groups.
- 5.91 Two suppliers stated that they have limited information to help in the identification of a potentially vulnerable period in a customer's life, so it is difficult to proactively identify if someone is experiencing a vulnerable circumstance without the customer getting in contact. They both stated that they would be unsupportive of the need to make contact with customers to establish if they are in need of support without a customer instigating initial contact.

UR response

- 5.92 'Best endeavours' is not an absolute obligation, but in order to fulfil this measure the Licensee must include steps which a prudent, determined and reasonable Licensee, acting in its own interests and desiring to achieve that result, would take.
- 5.93 The purpose of this measure is for companies to ensure their staff are appropriately trained to identify through any customer interactions (and information they may hold) if a consumer is potentially vulnerable.
- 5.94 This interaction could be through direct communication such as the consumer calling the company with a query or indirect communication such as field visits e.g. to install a meter.
- 5.95 If a company's staff member identifies a potential vulnerability, they should be able to signpost the customer to protections available to them and how to avail of them. Alternatively, if the staff member, at the time of interaction, is unable to provide the customer with the full support they may require and is available to them, then that staff member could update a designated staff member(s) who will contact the customer to see if the company can provided additional support to help the customer.
- 5.96 We encourage licensees to establish and implement the additional

protections a customer may need in the initial customer interaction. However, if they cannot do this, for whatever reason, then they should make a secondary contact with the customer. We have amended this required measure to reflect this.

- 5.97 Companies should ensure that any staff member who is handling customer data has appropriate data protection training.

UR decision

Measure amended

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

Principle 3 Measure 6 (3.6)

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

Stakeholder feedback

- 5.98 A supplier considered this measure is not needed as the outcomes based approach to the CoP ensures agents will engage and offer a range of supports, one of which will be registration.
- 5.99 An industry respondent queried if the register is to capture 'any' vulnerable occupant of the property.
- 5.100 Two suppliers noted that not all customers who fall within the definitions make themselves known, so while they can make the customer aware of the services on offer, they cannot make assumptions without customers coming forward and making them aware.
- 5.101 A consumer body requested more detail on what is expected from 'take all reasonable steps'. They stated that this may require setting minimum steps for agreement via the industry working groups.
- 5.102 An industry respondent welcomed that UR is actively engaging with the ICO in relation to the measure. They asked for this engagement to be extended to the industry working groups once they are established.

UR response

- 5.103 We agree that in following other measures in the CoP licensees staff should engage with consumers to identify if they are in vulnerable circumstances and offer a range of supports, one of which will be registration. However, due to the importance of customer care registration in delivering the measures in the CoP, we have decided to keep this as an explicit requirement in the CoP.
- 5.104 We confirm that the CCR should capture any occupant in the property who falls within the scope of eligibility to be added to the CCR. This is because if an individual is in vulnerable circumstances, they may require and be entitled to additional protections even if they are not the bill payer. An example of this would be if there is an occupant in a household who is reliant on energy for healthcare reasons.
- 5.105 We acknowledge that licensees cannot make assumptions about customers, and that licensees are reliant on customers disclosing if they fall within the scope of eligibility to be added to the CCR. However, licensees should take all reasonable steps to enable customers to disclose if they fall within the scope of eligibility to be added to the CCR. This would be through, for example but not limited to, (i) regular contact, informing customers on the existence, eligibility and function of the CCR and (ii) appropriate staff training to encourage open dialogue between staff and customers. We consider that what constitutes “all reasonable steps” will differ depending on the individual circumstances, for example if a utility company’s call centre representative learns that a customer has mobility difficulties during a phone conversation originally about a billing query, we might expect the utility company’s representative to identify the customer as being likely to fall and added to the CCR if further enquiries confirms the eligibility of the consumer to register.
- 5.106 Following engagement with the ICO, we have decided to amend this measure so that it no longer expressly refers to the need for Licensees to acquire informed consent from consumers for the processing of their personal data. This is in recognition that companies will not necessarily be using ‘consent’ as their lawful basis for processing data. They may choose to use another lawful basis, for example ‘legitimate interests’. Companies will be responsible for deciding on their lawful basis for processing data in their DPIAs/DSAs. To reflect this, we have amended the measure to require the broader requirement for Licensees to comply with data protection and privacy laws.

UR decision

Measure amended

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

Principle 4 Measure 1 (4.1)

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

Stakeholder feedback

- 5.107 A number of industry respondents noted that the implementation of a data system that is interoperable with industry systems may present difficulties in practical application and will take significant work to align consumer data across the industry. One industry respondent stated that the main challenge relates to what unique identifier can be used for each property given there are different individual reference points used across the industry for example data relating to a consumer's address may differ slightly across industry so may be difficult to reconcile. The respondent suggested a solution could be using data held by the electricity network operator, NIEN, to ensure consistency across industry which would help the long-term goal of a centralised CCR.
- 5.108 A DNO noted that the current list of vulnerabilities captured is limited, so to account for the expanded vulnerable definition new fields would need to be added.
- 5.109 A supplier noted that they already hold a CCR in which they record the general vulnerability type and if the customer requires communications in an alternative format or have an appointed carer. To move to registering 'needs-based' vulnerability, they stated that they will require internal changes and a number of additional steps to ensure GDPR compliance.
- 5.110 Two suppliers noted that what is required from this requirement will vary greatly depending on the register holder and pre-existing system interaction. They therefore suggested delaying this measure until after centralised registers are in place.
- 5.111 A consumer body noted that the collation of data for the benefit of consumers would be generally beneficial, so utility companies should be

working harder to make use of the data they collect for this reason. They encouraged companies to work with the ICO, noting consent can be implied and they do not want this to be used as a barrier to engage with third parties (e.g. consumer representative bodies).

- 5.112 The ICO noted that companies should hold the minimum amount of data on customers that is necessary to be able to provide the additional services. They also stated that companies should have appropriate access controls and provisions in place to safeguard the personal data.

UR response

- 5.113 The intended outcome of this measure is for licensees to be able to share the relevant data they have from their customers (who they have identified as being in vulnerable circumstances) with the relevant CCR holder. Licensees can therefore have their own customer portal that may be different to other licensees. However they need to be able to share the data in the correct format for the CCR holder. We have amended the required measure to make this clearer.
- 5.114 Any reference to the CCR holder, relates to the CCR holders at that time. At present the current care register holders are suppliers who hold their own care registers, Northern Ireland Water's CCR and NIEN's Medical Care register (which suppliers should continue their current processes of referring relevant customers onto the Medical Care Register). When the new industry level/single CCRs are implemented, there will be new CCR holders as such it is expected that the process for licensees to meet this requirement will change. The changes required to meet this will become clearer as the industry level CCRs are developed in the industry working groups.
- 5.115 Decisions on the recording of vulnerabilities as needs-based will apply to the new CCR structure. Decisions on how this information is recorded will be made through the industry working groups.
- 5.116 Following the ICOs recommendations, the Data System should hold the minimum amount of data required to provide for the customer's specific needs. Access controls to the data systems should be in place. Companies should also have appropriate organisational and technical measures in place to protect against security risks for example, cyber attacks and personal data breaches.

UR decision

Measure amended

Measure 4.1 – All companies will have an adequate Data System that will support the inputting, holding and maintaining of an adequately detailed consumer profile with regards the customer’s specific support needs. Companies will have appropriate systems in place to share the required data from their Data System to the relevant customer care register holder.

Principle 4 Measure 2 (4.2)

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

Stakeholder feedback

- 5.117 There was concern from some industry respondents on the term ‘sufficient’. Guidance was sought on what information is deemed ‘sufficient’ for a company to hold within the CCR. They stated that the data has the potential to be sensitive and so customers may be reluctant to share the information with utility companies. It was also stated that collecting and storing sensitive customer data in a centralised CCR poses significant privacy risks, so they believe minimal customer data should be collected for the CCR.
- 5.118 An industry respondent questioned the specific mention of mental health status in this measure, noting that mental health is already covered under the definition of vulnerability.
- 5.119 A supplier had concerns on collecting information on health, stating under the UK Data Protection Act 2018 information gathered must be for a defined purpose, which should be related to the services that company provide to its customers. They considered that unless it would lead to receiving a specific service, they should not be gathering information on a person’s health. The supplier further noted that for recording temporary needs they would only need to hold what is relevant to service an account so would need to complete a review internally to establish what is achievable within the remit of GDPR legislation. Another supplier stated that they will only hold minimal data as needed subject to the ICO guidance and the register's working group. They therefore suggested to delay implementing this measure until the centralised care registered are implemented.
- 5.120 A consumer body wanted active monitoring on this measure to ensure GDPR does not become an excuse for inaction.

UR response

- 5.121 By 'sufficient' we require licensees to hold the information they require of a customer to enable the licensees to appropriately identify the additional needs of that customer and the additional protections that customer is entitled to. Therefore, we only require the CCR to hold information on a customer that is linked to a service provision or protection. This should be the minimum amount of data required to provide for the customer's specific needs.
- 5.122 We note that as a result of the development of the changes to the CCR structure in the industry working groups (which will involve the creation of both a medical tier and a needs-based tier), there may be specific categories of information that will need to be recorded by licensees once the industry level/single CCRs are implemented. This will be developed in the industry working groups which are establishing following publication of this paper.
- 5.123 We acknowledge that mental health is already covered under the vulnerable definition, we have therefore removed the specific mention of mental health from the measure.
- 5.124 We have been engaging with the ICO on this CoP and completed an Article 36(4) Enquiry Form and a DPIA. We have invited the ICO to attend the industry working groups to advise on data protection issues. We also encourage licensees to complete their own DPIA's and to consult ICO guidance.
- 5.125 As set out in measure 3.1 we have updated this measure to reflect that those who have a terminal illness are included in the measure.

UR decision

Measure amended

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

Principle 4 Measure 3 (4.3)

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

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

Stakeholder feedback

- 5.126 Some consumer bodies had concerns that contacting every two years was too long of a gap, noting that some clients in vulnerable positions will need more regular contact. One consumer group suggested yearly contact could be more appropriate. However, the respondent did note that two years was the minimum requirement so welcomed that companies can go beyond the requirements.
- 5.127 A consumer body sought that licensees should, in meeting this measure, establish a clear procedure for chasing registered customers. They noted that the CCR holder should make every effort to make contact with the person, and whilst this should be initially via the preferred contact method if this contact fails then they should try another method.
- 5.128 A supplier considered this requirement would only provide limited return to customers, and in some cases could risk offending a customer, in contacting them on regular basis to check on their vulnerability status. The respondent noted that with the increased number of customers that would meet the criteria for registration, this requirement could overwhelm any supplier/ DNO that must complete it. The respondent therefore proposed removing this measure.
- 5.129 A DNO requested clarification on which company should be contacting customers or if it would be a collaborative approach with other companies.

UR response

- 5.130 We acknowledge some groups of customers may benefit from contact on a more frequent basis than every two years. If a licensee considers that the consumers' needs may require more frequent review it should be noted in the CCR for the CCR holder to be able to respond to. This measure just sets the minimum requirement on contacting registered customers, companies are welcome to go above and beyond these requirements.
- 5.131 We acknowledge the benefit of a clear procedure for contacting registered customers, we have therefore amended the measure to set out the contact process CCR holders must follow to meet this measure (this aligns with the contact process requirements set out in measure 4.4). We have also amended the measure to put the consumers preferred method of contact as the initial contact, so that licensees can conduct additional contact via other means if this contact fails.

- 5.132 We appreciate that the expanded definition of vulnerability will result in more consumers on the CCRs, thus increasing the number of contacts required. However, we consider that this measure is important to ensure the CCR is providing benefit to those who are on it.
- 5.133 We confirm that this measure is applicable to all CCR holders. We note that measure 4.4. requires register holders contact consumers on the CCR every 2 years to carry out a data cleanse. This requirement (4.3) could therefore be completed during the data cleanse contact, so we do not consider it will add additional burden to the CCR holder.
- 5.134 Any staff members that collect or have access to customers personal data should have appropriate data protection training.

UR decision

Measure amended

Measure 4.3 – Customer care register holders should contact all registered customer care consumers (or a nominated representative) at least every two years to ensure they are receiving the necessary support. This should be a meaningful contact, to re-assess the level of support they require. We expect customer care register holders to make at least three attempts to contact the consumer initially via the consumers' preferred method of contact.

Principle 4 Measure 4 (4.4)

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

Stakeholder feedback

- 5.135 Consumer bodies supported the provision of three attempts to contact the customer by their preferred means of communication, though it was suggested by one consumer body that the measure should be updated to move to a different communication channel if the first two attempts have not proved successful.
- 5.136 Consumer bodies wanted clear guidelines on how the data cleanse will be conducted to include assurance that individuals will not be removed from the CCR following failed attempt at contact, as one respondent stated there may be times when individuals are temporarily unable to engage with utility

companies.

- 5.137 A DNO stated that customers are only removed from their CCR once they receive their request/consent to do so.
- 5.138 An industry respondent sought for different provision to be provided for customers experiencing transient vulnerability, they considered a prescribed timeline for automatic removal from the CCR would be more appropriate. They noted that customers with transient vulnerabilities often experience rapid changes in circumstances and waiting two years to contact them may result in missed opportunities to provide timely assistance or support (this was also supported by a consumer body). The industry respondent further added that they considered having a prescribed period for automatic removal from the CCR, which would be explicitly stated when the customer consented to be added to the CCR, would prevent unnecessary intervention, and allow resources to be allocated more effectively and enable focus on consumers in greater need. One supplier had concerns that the inclusion of transient vulnerability may create a challenge in terms of the UK GDPR Accuracy and Accountability principles due to the transient nature of personal circumstances.
- 5.139 One supplier considered this measure should be removed, they were of the opinion that if robust opt-in measures for the register are included, then a data cleanse every two years would not be necessary.
- 5.140 The ICO supported the provision of a requirement to conduct a data cleanse of CCRs, as they noted this will help ensure that the data stored on the CCR is accurate. However, they questioned the timing of every two years as they considered some types of vulnerability could change at a faster rate than every two years which could result in inaccurate data being held on the CCR and some people being on the CCR when they no longer need to be. The ICO strongly recommended introducing processes for flagging individuals on CCRs who would require more frequent review and that this was important as a means of maintaining the accuracy of records. It was suggested that this could be explored through the industry working groups. The ICO further recommended that this measure should be subject to review.

UR response

- 5.141 We confirm that individuals will only be removed from the CCR if the consumer explicitly states that they would like to be removed from the CCR. We have updated the measure to clearly reflect this.
- 5.142 We have amended the measure to set out the contact process CCR holders should follow to meet this measure (this aligns with the contact process requirements set out in measure 4.3). We have also amended the measure

to put the consumers preferred method of contact as the initial contact, so that licensees can conduct additional contact via other means if this contact fails.

- 5.143 We note that contact every two years is a minimum, therefore for customers whose vulnerability is transient companies can contact them on a more frequent basis. This can be a prescribed timeline, but it must be to contact the consumer first before removing them from the CCR to ascertain if their situation has changed and they no longer require the additional support before they are removed.
- 5.144 Following on from our engagement with the ICO, we encourage licensees to develop a review methodology that enables more frequent reviews for customers they identify as having a transient vulnerability that is likely to change before the two year period. This will help ensure the accuracy of the CCRs and avoid instances of customers being on a CCR who do not need to be. We encourage licensees to share best practice on such processes through the industry working groups. We will keep this requirement under review.

UR decision

Measure amended

Measure 4.4 – Customer care register holders must carry out a data cleanse of customer care registers every two years. Removal of consumers should only take place if the consumer explicitly states that they would like to be removed from the customer care register. We expect customer care register holders to make at least three attempts to contact the consumer initially via the consumers' preferred method of contact.

Principle 5 Measure 1 (5.1)

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

Applies to gas and electricity Suppliers

Stakeholder feedback

- 5.145 There was support for this measure from consumer bodies, who particularly

welcomed the inclusion of those with dependents under 5 and those covered under the new vulnerable definition.

- 5.146 One consumer body sought for a definition of 'reasonable steps'. The respondent noted that a proactive approach from suppliers would be effective, where disconnection is only considered as an option once the supplier has discussed the reason for the missed payment with the customer and offered referral/handover to an independent debt advice service. Additionally, they sought clarification on if both those aged under 18 in general and dependents aged under 5 (in particular) should be included in the measure.
- 5.147 NIEN notes the wording "take all reasonable steps to not disconnect a customer" potentially conflicts with NIE Networks De-Energisation Code of Practice whereby under clause 4.3 NIE Networks will not de-energise a domestic property that is observed to be occupied. It would be beneficial to obtain clarity on what constitutes "all reasonable steps" and what happens when there are potential conflicts between existing CoPs and the new CoP. The assumption would be that the new CoP takes precedence as it will be driven by a licence condition but would be useful to get clarity. This could be a requirement to review Retail Market procedures to ensure alignment with this measure.
- 5.148 Two suppliers stated they were content with the measure, one supplier stated that they have a non-disconnection policy regardless of customer circumstances so the measure would not affect them.
- 5.149 A supplier was concerned that this measure and measure 5.2 could potentially lead to disengagement of certain customers removing any incentive to engage with their supplier and leading to a larger proportion of bad debt. They note that they treat disconnection for debt as a last resort and so have robust debt recovery processes in place to ensure they do not disconnect any household which could be considered vulnerable and that they apply the protection for customers (such as those on the current CCR), as well as others who could be considered vulnerable including households with small children or with some other form of transient vulnerability.

UR response

- 5.150 We have decided to amend this measure to explicitly state that suppliers should not disconnect households eligible under this measure (rather than 'take reasonable steps'). This is because we consider households eligible under this measure are most at risk of the harms associated with disconnection and require this level of protection. This aligns closer with current requirements in both electricity and gas supply licences which requires, "not cut off, in any month from October to March, the supply of

electricity/gas to the Domestic Premises in respect of which the Domestic Customer has not paid Charges for the Supply of Electricity/Gas if the Domestic Customer at the Domestic Premises: (i) is of pensionable age, disabled or chronically sick; and (ii) lives alone or only with other persons who are of pensionable age, disabled, chronically sick or under the age of 18”.

- 5.151 This measure explicitly states ‘persons who are under the age of 18’ as a specific group who are covered under this measure. We have therefore removed specific reference to dependants under the age of 5, as they will already be covered with the specification of persons who are under the age of 18.
- 5.152 NIEN should continue to comply with their Networks De-Energisation Code of Practice. However, we are also making this requirement applicable to NIEN to match the current requirements in NIENs licence¹² that this CoP will replace (see paragraph 5.148 for more information on this).
- 5.153 As set out in measure 3.1 we have updated this measure to reflect that those who have a terminal illness are included in the measure.

UR decision

Measure amended

Measure 5.1 – Do not disconnect a customer who has not paid their bill and (i) is of pensionable age, disabled, terminally ill, chronically sick or are represented by the vulnerability definition and (ii) lives alone or only with other persons who are covered under this measure or persons under the age of 18.

Applies to gas and electricity suppliers and the electricity DNO

Principle 5 Measure 2 (5.2)

Take reasonable steps to avoid disconnecting the supply to premises where a bill has not been paid and includes an occupant who is of pensionable age or disabled or chronically sick or under the age of 18, or with a dependent aged under 5 years and who are represented by UR’s vulnerability definition during any winter period,

¹² 37 (3) . . . in the case of a person occupying domestic premises who:
(a) is of State pensionable age and lives alone or with other persons all of whom are also of State pensionable age or minors; and
(b) is in default of his obligation to pay for electricity through misfortune or inability to cope with credit terms for the supply of electricity for domestic use,
provided that the Licensee shall not, whether at the request of an Electricity Supplier or otherwise, in those circumstances cut off the supply of electricity to those premises during any winter period, that is to say, a period beginning with 1 October in any year and ending with 31 March in the next following year.

that is to say, a period beginning with 1 Oct in any year and ending 31 March in the following year.

Applies to gas and electricity Suppliers

Stakeholder feedback

- 5.154 Consumer bodies had concerns on the time period and sought for it to be extended either to if there is unseasonable cold weather in spring or extended to cover the full year. Noting the full year would align with protections in GB via Energy UK's Safety Net (a commitment from Energy UK members to never knowingly disconnect a vulnerable consumer at any time of year). Another consumer group considered the term "take reasonable steps" is not strong enough and should be replaced with "not disconnect".
- 5.155 A consumer group further sought for a permanent moratorium on disconnection and/or prepayment meter installation for households where any occupant uses identified life dependant or critical care medical equipment.
- 5.156 A supplier sought for the reference to under 5 years old to be removed, as they considered the age definitions and applicability should not be for UR to determine, rather it should be up to the supplier on a case by case basis. They were concerned that it could led to the potential for exploitation and disengagement from customers in long term debt.

UR response

- 5.157 We have decided to maintain this measure as we consider it provides an appropriate balance of (i) reducing the risk of disconnection for the groups of customers mentioned in this measure (who we consider to be in a higher risk category) (ii) whilst maintaining the option of disconnection as a deterrent to prevent abuse of protections for bill avoidance.
- 5.158 This measure, unlike measure 5.1, does not require all occupants of the premises to be represented under one or more of the groups of customers mentioned in the measure. Therefore, premises that would be covered under this measure could contain occupants who we would class as lower risk. For this reason we consider it is suitable to maintain the applicability of this measure to the period that presents the greatest risk of harm if disconnection occurs, namely the winter period (1 October – 31 March).
- 5.159 By all 'reasonable steps' we mean that at a minimum the supplier will have made adequate attempts (at least three contacts, at different times, initially by preferred method of contact and at least one contact to be written) to have meaningful contact with the customer. This contact should include, at a

minimum, discussing the customer's reason for not paying their bill, setting up a payment plan with the customer based on the customer's ability to pay and offering a referral or warm handover to an independent debt advice service.

- 5.160 This measure explicitly states 'persons who are under the age of 18' as a specific group who are covered under this measure. We have therefore removed specific reference to dependants under the age of 5, as they will already be covered as they are under the age of 18.
- 5.161 As set out in measure 3.1 we have updated this measure to reflect that those who have a terminal illness are included in the measure.
- 5.162 NIEN should continue to comply with their Networks De-Energisation Code of Practice. However, we also are making this requirement applicable to NIEN to match the current requirements in NIENs licence¹³ that this CoP will replace (see paragraph 5.148 for more information on this).

UR decision

Measure amended

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

Applies to gas and electricity suppliers and the electricity DNO

Principle 5 Measure 3 (5.3)

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

¹³ 37 (3) . . . in the case of a person occupying domestic premises who:
(a) is of State pensionable age and lives alone or with other persons all of whom are also of State pensionable age or minors; and
(b) is in default of his obligation to pay for electricity through misfortune or inability to cope with credit terms for the supply of electricity for domestic use,
provided that the Licensee shall not, whether at the request of an Electricity Supplier or otherwise, in those circumstances cut off the supply of electricity to those premises during any winter period, that is to say, a period beginning with 1 October in any year and ending with 31 March in the next following year

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

Applies to gas DNOs and Suppliers

Stakeholder feedback

- 5.163 A gas industry respondent agreed with the measure, but considered different arrangements may apply if there has been proven multiple instances of tampering from the same individual(s).
- 5.164 A consumer group stated that it is important that the repayment plans are tailored to personal circumstances, and that assessment of hardship is based on an agreed model. The consumer group also proposed that for no fault disconnections, in exceptional circumstances companies could waive the fee. This would not be a blanket policy, just where it was deemed fair and appropriate.

UR response

- 5.165 We note that there is a safety risk in the theft of gas, so it is important to maintain deterrents to prevent the reoffence of any tampering or gas theft. DNOs therefore have the option in the measure to put in additional risk mitigation safeguards if reconnecting a property that has been disconnected due to theft in the form of an agreement with the customer to have regular meter checks (for at least the first year of reconnection).
- 5.166 We also note that this measure does not impede DNOs conducting an individual property risk assessment before reconnecting. DNOs should not reconnect a property where there is an associated safety risk.
- 5.167 We agree that repayment plans must be based on the customers' ability to pay. At this stage we are not introducing an agreed model for the assessment of hardship. This is something we may amend at a later stage when we review the CoP (as set out in Section 9).
- 5.168 We would encourage industry to waive the reconnection fee for exceptional circumstances that are fault disconnections, and note industry has the option to do this. As we consider this would only be for exceptional circumstances, we are not introducing any requirements around this.
- 5.169 As set out in measure 3.1 we have updated this measure to reflect that those who have a terminal illness are included in the measure.

UR decision

Measure amended

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

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

Applies to gas DNOs and electricity and gas suppliers

Principle 5 Measure 4 (5.4)

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

Applies to gas Suppliers

Stakeholder feedback

- 5.170 Electrical Safety First responded seeking for the measure to include electricity, stating that electrical safety is of particular importance for vulnerable people, who face higher risks in the event of fires in their homes, and electricity is a leading cause of domestic fires in Northern Ireland (accounting for around 58% of accidental home fires in Northern Ireland). They considered a free electrical safety check on a five-yearly basis would be adequate. They considered those aged 60 and over should be targeted for this, as they are more likely to die in an electrical fire than any other demographic, especially when living alone, with the risk is heightened further by a health condition such as dementia or Parkinson's. A consumer group echoed this view and considered a free electrical safety check should be arranged for households using life dependant or critical care equipment.
- 5.171 A consumer body was concerned that unpaid carers could be disadvantaged by the requirement that 'all occupants are either of pensionable age, disabled, chronically ill, minors or are represented by UR's vulnerability definition'. They stated there will be cases where the carer within the household will not meet the requirements listed, however, the household will

be at much greater risk of fuel poverty. It was stated that in such cases the household should be eligible for a free annual gas safety inspection of the gas appliances and other gas fittings on the customer's side of the meter.

- 5.172 An industry respondent sought for the new definition to be removed from this measure, as they were concerned that suppliers could be unable to manage the inspection list with the new definition, as expanding the list would add a large cost.

UR response

- 5.173 For electricity we note that NIE Networks have to comply with relevant safety standards/legislation under the Electricity Safety, Quality and Continuity Regulations¹⁴ (ESQCR). We also note that Northern Ireland Fire & Rescue Service currently offer home fire safety checks under the [NI Fire Brigade Home safety checks](#). We therefore have decided not to expand this requirement to include electricity.
- 5.174 We agree that households with unpaid carers could be at increased risk of fuel poverty and therefore may benefit from the measure. However, we consider that in instances that there is an unpaid carer(s) in households that are of risk of fuel poverty, that the unpaid carer(s) would most likely be covered by the new definition of vulnerable as their personal circumstances would reduce their ability to engage effectively and achieve fair outcomes. Therefore, we are not explicitly stating unpaid carers as a category for inclusion in this measure.
- 5.175 We acknowledge this measure has a cost. However, we consider the categories included in this measure are of greater risk and are therefore not removing any categories from this measure.
- 5.176 As set out in measure 3.1 we have updated this measure to reflect that those who have a terminal illness are specifically referred to in the measure.

UR decision

Measure amended

Measure 5.4 - Arrange a free annual gas safety inspection of the gas appliances and other gas fittings on the customer's side of the meter for households where all occupants are either of pensionable age, disabled, have a terminal illness, chronically ill, minors or are represented by UR's vulnerability definition. This does not apply where the landlord of the customer is responsible for the annual inspection in accordance with the Gas Safety (Installation and Use) Regulations (Northern

¹⁴ [THE ELECTRICITY SAFETY, QUALITY AND CONTINUITY REGULATIONS \(NORTHERN IRELAND\) 2012 \(legislation.gov.uk\)](#)

Ireland) 2004. The safety inspection must be undertaken by a person possessing appropriate expertise.

Applies to gas suppliers

Principle 5 Measure 5 (5.5)

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

Applies to all regulated utility companies

Stakeholder feedback

5.177 No issues were raised by any respondents to this measure.

UR decision

Measure unamended

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

Principle 6 Measure 1 (6.1)

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

Stakeholder feedback

5.178 Those who responded to this measure, were supportive, with one consumer body welcoming the fact that advice and information should be prominent and easily available online, as well as via hard copies for people who may have difficulties accessing the internet. This was echoed by another consumer group noting it accounts for consumers who are digitally excluded.

5.179 One consumer group sought for the inclusion of a requirement for

accessibility design for websites and touchpoints.

UR response

5.180 We welcome the support from respondent on this measure.

5.181 We note the importance of accessibility design for websites and touchpoints. However, this would be a separate piece of work from this CoP. We may look into accessibility design at a later stage as part of the wider CPP.

UR decision

Measure unamended

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

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

Principle 7 Measure 1 (7.1)

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

Applies to all regulated utility companies

Stakeholder feedback

5.182 This measure was welcomed by consumer bodies. One group noted that companies should integrate this into formal referral procedures to ensure that standardised procedures are in place and that staff within the utility companies understand the appropriate context and procedures for handover/referral.

5.183 A supplier noted that their ability to achieve this measure will be dependent on the agencies willingness to commit and ability to deliver a 'warm handover' option. Another supplier noted that it is ultimately up to the customer to make the supplier aware that they are in financial difficulty, noting they currently offer warm referrals for those customers.

5.184 Northern Ireland Water noted that this measure is in relation to customers

experiencing “affordability difficulties with their energy bills”, as Northern Ireland Water does not bill domestic customers they requested that this measure not apply to Northern Ireland Water.

- 5.185 The ICO recommended that where warm handovers are conducted, companies should have appropriate governance measures in place such as Data Sharing Agreements (DSAs) and to adhere to data protection legislation as applicable to any data sharing that will take place for the warm handover.

UR response

- 5.186 We support the development of formal referral partnerships, however, we do not require this for this measure. Supplier/network companies and consumer representative bodies can establish partnerships in the manner that best suits both parties in delivering this measure.
- 5.187 We accept that this measure is reliant on consumers bodies committing to warm handovers, therefore if a licensee cannot establish a partnership with any consumer bodies for warm handovers, but can evidence that they have reached out to an adequate number of consumer bodies to establish this, then we will consider the licensee as compliant with this measure. We would expect that occurrences of this would be unlikely.
- 5.188 We acknowledge Northern Ireland Water does not bill domestic customers, therefore we have amended the measure to only apply to electricity and gas DNOs and suppliers.
- 5.189 Companies should have appropriate governance measures in place and adhere to data protection laws for sharing data in warm handovers. We recommend that companies have DSAs in place for this.

UR decision

Measure amended

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

Applies to electricity and gas DNOs and electricity and gas suppliers

Principle 7 Measure 2 (7.2)

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

Applies to Suppliers

Stakeholder feedback

- 5.190 A consumer body asked for 60 days breathing space in line with the England and Wales statutory scheme¹⁵. However, they did note that they consider a case by case basis could work, so long as companies offer reasonable time and this is monitored to ensure it is being properly implemented to benefit relevant customers.
- 5.191 Two consumer bodies supported this measure but considered it should be tied more directly to measure 5.1. and 5.2.
- 5.192 A consumer group sought for this measure to be extended to include the setting of PPM debt recovery at a maximum of 20%.
- 5.193 A supplier noted that they already offer breathing space for those who engage and note that it works well.
- 5.194 A DNO stated that as they do not bill domestic customers, they do not consider that this measure should apply to them.

UR response

- 5.195 We are cognisant that each individuals' circumstances are different. For this reason, we are not specifying an exact time period for the breathing space, as this should be decided by suppliers on a case-by-case basis, based on the individuals' circumstances.
- 5.196 We can confirm if a customer is in their 'breathing space' period they cannot be disconnected. Therefore measures 5.1 and 5.2 around disconnection will not be applicable until after the 'breathing space' period has ended.

¹⁵ [The Debt Respite Scheme \(Breathing Space\) for England and Wales](#)

- 5.197 We do not consider that this CoP is the relevant CoP to cover PPM debt recovery as this is included in the CoP for Services for Prepayment Meter Customers. We will be conducting reviews of this CoP as part of the CPP for 2024 to 2029 and will consider review of PPM debt recovery levels during that process.
- 5.198 We note this measure is only applicable to suppliers as they have the billing relationship with customers.

UR decision

Measure unamended

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

Principle 7 Measure 3 (7.3)

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

Stakeholder feedback

- 5.199 Clarity was sought from consumer bodies on the term ‘best endeavours’ as they noted it is subject to interpretation, however, they noted as supported that this measure will be reviewed once the meter upgrade programme is complete.
- 5.200 A consumer group and an industry respondent proposed that this measure should be referred to the proposed industry working groups to investigate and develop an agreed approach.
- 5.201 Industry respondents had concerns with this measure seeking for it to be removed until smart metering is implemented. One supplier noted that it is difficult for suppliers to use internal data to identify consumers who are at danger of self-disconnection without more information or acknowledgement from the customer that they are having difficulty with payments.

- 5.202 A Gas DNO considered this measure should not be applicable to gas DNOs as they have limited interaction with customers after the point of connection.
- 5.203 Northern Ireland Water stated that as water cannot be self-disconnected they do not consider this measure should apply to Northern Ireland Water.

UR response

- 5.204 'Best endeavours' is not an absolute obligation, but in order to fulfil this measure, the Licensee must include steps which a prudent, determined and reasonable Licensee, acting in its own interests and desiring to achieve that result, would take. Therefore, licensees should make use of the level of information they have from their systems at a given time to identify consumers who are at risk of self-disconnecting.
- 5.205 We acknowledge that current meters in Northern Ireland limit the ability for companies to proactively identify consumers who are at risk of self-disconnecting.
- 5.206 We note that there is currently a programme to install new gas meters and there is also a smart metering programme for electricity meters. These new meters will provide companies with greater levels of internal data which will enable companies to identify potential self-disconnecting more readily.
- 5.207 We will review this measure once the meter upgrade programme is complete in gas and also in relation to the smart metering programme for electricity. At this stage we will look into the potential of industry developing an agreed approach.
- 5.208 We acknowledge that water cannot be self-disconnected therefore we have amended the measure to only apply to electricity and gas DNOs and suppliers.

UR decision

Measure amended

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

Applies to electricity and gas DNOs and electricity and gas suppliers

Principle 7 Measure 4 (7.4)

Target consumers with a PPM debt on or over a specified amount (£200) and provide an incentive to engage to discuss debt repayment that will include a package

of support measures (e.g. warm handover to organisation who can carry out a benefit entitlement check).

Applies to Suppliers

Stakeholder feedback

- 5.209 Consumer bodies welcome the reduction in debt level in this measure to £200.
- 5.210 One consumer group advocated in their response for energy companies to offer a reduced rate or voucher scheme for vulnerable customers, particularly those who are known to be in arrears and where other measures such as billing schedules were not sufficient to address problem.
- 5.211 A supplier considered this measure is unnecessary as it would be detrimental to leave engagement until debt had accumulated to a specific amount as speaking with the customer prior to the installation of the PPM to agree on a reasonable repayment rate offers more benefit. They considered assistance is specific to each customer and their individual circumstances and these discussions are best had when the meter is installed/prior to installation and are already covered under existing COP requirements.
- 5.212 Northern Ireland Water stated that as there are no water PPM meters they do not consider this measure should apply to Northern Ireland Water.

UR response

- 5.213 We note the benefit that reduced rate or voucher schemes could offer. However, we are not introducing this as a requirement in the CoP. This is something we may look into as part of the wider CPP work.
- 5.214 We agree assistance is specific to each customer and their individual circumstances and these discussions are best had when the meter is installed/prior to installation, and therefore we would expect suppliers to be having engagement at these stages. However, as there may be situations where a customer has an PPM debt over £200, we are therefore maintaining this measure as an additional protection in the event of such situations.
- 5.215 We note this measure is only applicable to suppliers.
- 5.216 Companies should have appropriate governance measures in place and adhere to data protection laws for sharing data in warm handovers. We recommend that companies have DSAs in place for this.

UR decision

Measure unamended

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

Applies to electricity and gas suppliers

Principle 7 Measure 5 (7.5)

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

Applies to Suppliers

Stakeholder feedback

- 5.217 Consumer groups welcomed the introduction of this measure.
- 5.218 A supplier noted that there are situations where a customer can be engaging but not making any payments (despite agreeing to a payment plan), the respondent considered there should be thresholds or timelines in place to provide the option to progress with the disconnection process for customers who are not making the agreed repayments and therefore not “actively” engaging. The respondent would welcome a definition for a customer ‘actively engaging’.
- 5.219 A DNO stated that as they do not bill domestic customers and they do not consider this measure should apply to them.

UR response

- 5.220 By ‘actively engaging’ we mean any customer who is actively communicating with their supplier either directly or through a third-party representative, to manage their energy bills.
- 5.221 We note that if a customer is not making any payments despite agreeing to a payment plan, there is the option for a PPM to be installed in order to collect outstanding debt¹⁶.
- 5.222 We are not introducing the option of thresholds or timelines to progress with the disconnection process.

¹⁶ Subject to the requirements in the [Code of Practice minimum standards on Services for Prepayment Meter Customers](#).

5.223 We note this measure is only applicable to suppliers.

UR decision

Measure unamended

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

Applies to electricity and gas suppliers

Principle 8 Measure 1 (8.1)

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

Stakeholder feedback

- 5.224 Industry respondents expressed concerns on the timeline of delivery for this measure, noting that detail of the methodologies need to be developed through the industry working groups and delivery timelines will also be dependent on the solution design delivered through the industry working group. They are concerned that the timelines are challenging given that that the industry working groups are yet to be established. One supplier stated that in their experience of other projects, they consider the timeframe for delivery could be up to two years depending on requirements.
- 5.225 An industry respondent considered a main issue in delivering this measure is a unique identifier that is necessary to allow data to be shared across industry and fulfil the long-term goal of a single CCR. They noted that without a unique identifier, customer data will be split across different systems making it difficult to provide efficient and personalised customer care.
- 5.226 Another industry respondent considered it would make the most sense to use existing infrastructure and agreements, for example market messaging, although this would likely necessitate a schema change by all suppliers. They stated it is important to note that data is currently linked at MPRN level, not person, so it would need to be explored further if using market messaging and how personal information is shared. It was noted that, given the wide definition of vulnerability, it will be important to align interpretation and understanding. They further stated that UR need to be mindful that when

a customer provides this information with their supplier, it is not intended that this information will be shared with other organisations when they switch suppliers. Some of the information in customer profiles may be quite sensitive, and the customer may not want to share it with the new supplier. The information in their "customer profile" could also be no longer relevant for the management of their electricity supply.

- 5.227 There was concern from industry about how the data will be shared and the risks that come with sharing sensitive data across industry. It was requested that UR provide information on their engagement with the ICO.

UR response

- 5.228 For clarification, this measure will apply to the sharing of data when the changes to the CCR structure are developed.
- 5.229 The specific requirements for this measure will be developed in the industry working groups for the industry level CCRs. We thank respondents on their feedback to this measure and note that these issues will be worked through in the industry working groups.
- 5.230 For the period during which the changes to the CCR structure are being implemented, licensees who are engaging in the industry working groups to develop the new CCR structure will be considered compliant with this measure.
- 5.231 We will continue to engage with the ICO throughout this process and have invited the ICO to attend the industry working groups to advise on data protection issues. We also encourage licensees to complete their own DPIAs and to consult ICO guidance.

UR decision

Measure unamended

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

Principle 9 Measure 1 (9.1)

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

Applies to all regulated utility companies

Stakeholder feedback

- 5.232 This measure was welcomed by consumer bodies.
- 5.233 Some respondents (across both industry and consumer bodies) sought clarity on the form, detail and frequency of the returns. It was suggested by two respondents that annual reporting would be suitable, with a delay in the first report to allow for an implementation period, and attainment of the ISO (for those who desire).
- 5.234 A supplier had concerns on the requirement of further reporting, noting that the current reporting regime is already complex with multiple monthly reporting requirements in place via quarterly and annual REMM reports and ad hoc additions requested throughout the year. The supplier asked UR to consider the regulatory burden additional reporting puts on suppliers, seeking UR to streamline reporting to ensure information requested is useful and of relevance to both UR and suppliers.
- 5.235 Two respondents supported reduced reporting requirements for a company attainment of ISO 22458:2022, one noting it will reduce regulatory burden. One consumer group sought for the measure to include the requirement for a company to explain its decision to not pursue ISO accreditation in its return.
- 5.236 BSI responded to state that they conducted a full comparison of the ISO 22458:2022 standard with the Code of Practice and found that it aligns in all areas and in some the standard requirements go much further than what is expected in the CoP.

UR response

- 5.237 We welcome the support for this measure from consumer bodies.
- 5.238 We note the concern on the amount of reporting requirements. However, we consider this requirement is important to maintain to ensure compliance with the CoP across all licensees and through publication of the returns (as required under RM 10.2). In addition it should provide consumers with confidence that their utility companies are adequately supporting consumers

in vulnerable circumstances.

5.239 The returns will be submitted annually to UR (we have amended the measure to clarify this). The returns will be submitted in line with current reporting requirements. We will communicate with licensees in advance of their first compliance submission to agree timings of submissions and the details that will have to be included in the returns. Licensees with ISO 22458:2022 will have reduced reporting requirements for their returns. Timings of submission will be dependent on when the CoP is implemented, however, once the CoP is implemented we expect Licensees to be compliant with the CoP, regardless of when they have to submit their licence return. We will be designing and implementing a new licence compliance framework as part of our Forward Work Plan for 2024/2025.

5.240 Again licensees with ISO 22458:2022 will have reduced reporting requirements for their annual returns.

UR decision

Measure amended

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

Principle 9 Measure 2 (9.2)

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

Applies to all regulated utility companies

Stakeholder feedback

5.241 Consumer groups supported this measure.

5.242 One consumer body considered targets should be set for awareness.

UR response

5.243 We welcome the support from respondents for this measure. We note there could be benefit in setting targets for awareness, but we are not introducing

this as a requirement at this stage. We may reconsider this in the future when we review the CoP (as set out in Section 9).

UR decision

Measure unamended

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

Principle 9 Measure 3 (9.3)

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

Applies to gas and electricity Suppliers only

Stakeholder feedback

5.244 No issues were raised by any respondents to this measure.

UR response

5.245 We have amended this measure to reflect the requirements in RMs 5.1 and 5.2 on the specific groups who have additional protections from disconnection.

UR decision

Measure amended

Measure 9.3 - In the case of disconnection of a domestic property maintain, for at least six months or where a complaint has been made six months after the complaint has been resolved, a record and evidence of the steps taken to ascertain whether the occupants include persons who are of pensionable age, disabled, terminally ill, chronically sick, under the age of 18 or are represented by UR’s vulnerability definition. This evidence must be provided to the Authority on request.

Applies to gas and electricity suppliers

Principle 10 Measure 1 (10.1)

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

Stakeholder feedback

- 5.246 Consumer bodies welcomed this measure, to allow the sector to gain an improved understanding of vulnerability and provide the basis for future policy development.
- 5.247 A consumer body suggested that this measure could be implemented by companies adopting co-design approaches to developing and implementing measures and including post-incident satisfaction and lessons learnt surveys as part of their engagement processes. They noted that PC21 requires Northern Ireland Water to conduct a post-incident and lessons learned survey and this could be replicated across other DNOs and supply companies.
- 5.248 Industry respondents considered that this measure would be best delivered centrally through a body such as CCNI or UR, rather than each licensee conducting the research individually. They considered this would ensure standardisation of approach and more efficient allocation of resources and funding, by avoiding duplication of efforts.
- 5.249 A supplier had concerns that given the requirement to contact customers at least once within a two-year period, this could be an unnecessary ask.
- 5.250 A DNO supported the measure, but considered it should only be applicable to suppliers, as they do not consider DNOs are suitably positioned to adopt the measure.
- 5.251 Some industry respondents sought clarification on the exact requirement of this measure, questioning if the research would be co-ordinated through industry working groups.

UR response

- 5.252 The purpose of this measure is for regulated companies to review how effective their own processes are for their vulnerable customers and identify any ways they could improve.

- 5.253 We are not specifying the exact type, scale and format of engagement and research that we expect companies to conduct. Companies can choose to conduct research across all their customer base, or they may focus on a particular cohort of customers, such as those customers who have a PPM meter. The research can be qualitative or quantitative or a mixture of both. Companies can conduct the research, if they choose, in conjunction with RM 4.3 when they are contact their CCR customers.
- 5.254 As DNOs still have customers and will be bound to deliver specific protections for consumers in vulnerable circumstances through this CoP, we consider there is benefit in DNOs conducting research to review how effective their own processes are for their vulnerable customers and identify any ways they could improve. As DNOs have different relationships with their customers compared to suppliers, the type and format of the engagement and research may be different.
- 5.255 As the engagement and research will be for regulated companies to review how effective their own processes are for their vulnerable customers and identify any ways they could improve, licensees will be conducting their own engagement and research, rather than centralising it from the industry working groups. However, licensees are welcome to discuss and share best practice for this research and engagement in the industry working groups, which could feed into the engagement and research that individual licenses choose to conduct.
- 5.256 We are not specifying the content, length or specific format of the report to be submitted to UR or the public version. If we consider the report does not meet the requirements of the measure, we will provide this feedback.

UR decision

Measure unamended

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

Principle 10 Measure 2 (10.2)

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

Stakeholder feedback

- 5.257 A consumer body noted that it is important that the publication format is accessible and consistent to assist in the comparison of data from company to company.
- 5.258 A supplier noted that they should be able to have a sensitivity review before the returns are published.
- 5.259 A consumer body supported the requirement to publicly report on compliance. They also sought for UR to report publicly on company progress and performance against the CoP measures. They would also welcome further discussions with UR on their proposal to allow public benchmarking of vulnerability protections alongside the public reporting of company returns.

UR response

- 5.260 We agree that the returns to be published must be in an accessible format.
- 5.261 We note that we will only publish the accessible versions of returns from licensees that the licensees have provided specifically for publication purposes. We do not expect licensees to submit any sensitive information in these returns.
- 5.262 We are not considering reporting publicly on company's progress and performance against the CoP measures at this time. We welcome engagement at any time on the proposal to allow public benchmarking of vulnerability protections alongside the public reporting of company returns, to consider as a separate piece of work.

UR decision

Measure unamended

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

6. Monitoring and compliance

Introduction

- 6.1 In the Consultation paper we proposed that compliance with the CoP for Consumers in Vulnerable Circumstances will be a mandatory licence requirement on all suppliers and DNOs in electricity, gas and water, any breach of the CoP requirements will be considered a breach of licence.
- 6.2 To monitor compliance of the CoP we proposed a number of options which could be voluntary, implemented through a licence requirement or within the current REMM framework:
- i. Results based reporting;
 - ii. Regular reports;
 - iii. Compliance plan; or
 - iv. Retrospective compliance report.

Stakeholder Feedback

- 6.3 There was support from the majority of industry respondents to incorporate reporting requirements into the existing REMM.
- 6.4 Two consumer bodies supported the monitoring option of retrospective compliance reporting combined with accompanying compliance plans. One of the respondents stated that they would expect the reporting to include statistical measures of delivery alongside company commentary on the benefits it has delivered for consumers in vulnerable circumstances. The other respondent stated they considered the compliance plan would be similar to the FCA who require an implementation plan and gap analysis to support compliance with the Consumer Duty.
- 6.5 An industry respondent stated that they consider the best approach to compliance and monitoring is a solution which is not overly onerous on the companies but ensures that UR has adequate oversight of the measures in place and the performance of the companies against each.
- 6.6 Two industry respondents noted that if it was decided to introduce monitoring via REMM, they sought for UR to review the current REMM requirements and consider streamlining where possible.
- 6.7 Northern Ireland Water stated their preferred monitoring option is results based reporting. They stated that results reporting could potentially be included as part of Northern Ireland Water's Annual Information Return.

6.8 An industry respondent noted that the Consultation paper stated, ‘there will be reduced compliance reporting requirements for those companies who have the ISO 22458:2022 accreditation and that the details will be clarified in the decision paper’. The respondent was of the opinion that the ISO 22458:2022 accreditation is a recognised and independent benchmark that will:

- provide UR with independent evidence that a company is meeting the requirements of the Code of Practice and delivering for consumers in vulnerable circumstances;
- assure consumers that a company is meeting its obligations in relation to the protection of consumers in vulnerable circumstances; and
- demonstrate a company’s commitment to a process of review and continuous improvement.

The respondent therefore considered ISO 22458:2022 accreditation would demonstrate full compliance with the CoP, so those companies who have the ISO 22458:2022 accreditation, should not have any additional compliance monitoring or reporting.

6.9 A consumer body proposed that a one-off stand-alone compliance and monitoring submission should be required from each Licensee six months after the publication of the Decision Paper to allow UR to check progress and compliance.

6.10 A supplier requested that as this is the first time an outcomes-based CoP has been implemented by UR, it was felt that any future audits must take the spirit of the Code into consideration and requested certainty that companies will not be penalised by UR based on how they achieved these outcomes.

UR response

6.11 We note that compliance and monitoring are separate activities. Compliance with the CoP will be through the applicable UR compliance frameworks, including the Statement of Licence Compliance (SoLC) process for suppliers and processes that apply to DNOs. Monitoring of the CoP will be conducted through REMM.

6.12 For monitoring we acknowledge that that implementation of the new CoP could be onerous for licensees, so we want to ensure licenses can commit enough resources into effectively implementing and embedding the new CoP first before we introduce any new REMM metrics. We will consider any additional REMM metrics at a later stage and engage with stakeholders at the time. In the meantime, we will continue to collect REMM metrics that are

currently submitted by licensees bound to the CoP on Provision of Services for Persons who are of Pensionable Age or Disabled or Chronically Sick. Please note the Utility Regulator are currently reviewing the REMM framework.

- 6.13 We agree that ISO 22458:2022 accreditation is an effective tool for companies to prove their commitment to protection of consumers in vulnerable circumstances. However, we would still require licensees who have the accreditation to sign-off their compliance with the licence condition which implements the new CoP as part of their SoLC process. Those companies who obtain the ISO 22458:2022 will also still have to submit any associated REMM metrics. We do note that ISO 22458:2022 accreditation will have reduced requirements under measure 9.1 of the new CoP.
- 6.14 At this stage there are no plans to audit the CoP requirements. If this changes, we will collaborate with the relevant licensees on any planned audit work.

UR decision

- 6.15 Licensees are expected to continue with their current compliance processes and to operate within UR compliance frameworks. For suppliers, compliance with the CoP will be assured from the SoLC process and the requirement under measure 9.1. Supply Licensees will be required to provide high level sign-off that they are compliant with the new licence condition which implements the CoP. This will be applicable from the next SoLC process. Licensees will also submit returns (as required under measure 9.1). For suppliers this will be in their SoLC submission as an additional requirement. We will communicate with suppliers in advance of the first SoLC to agree timings of submissions and the details that will have to be included in the returns. DNOs should continue with their current compliance reporting requirements and submit returns (as required under measure 9.1) through their current reporting channels. Licensees with ISO 22458:2022 will have reduced reporting requirements for their returns. Timings of submission will be dependent on when the CoP is implemented, however, once the CoP is implemented we expect Licensees to be compliant with the CoP, regardless of when they have to submit licence compliance. DNOs are expected to continue with their existing compliance processes and reporting requirements. We will be designing and implementing a new licence compliance framework as part of our Forward Work Plan for 2024/2025.
- 6.16 Monitoring of the CoP will be through REMM, we are not adding any new REMM monitoring requirements for the CoP in this Decision Paper. We note that any metrics that are currently collected for the CoP on Provision of Services for Persons who are of Pensionable Age or Disabled or Chronically

Sick will continue to be collected until these are updated for the new CoP. Please note the Utility Regulator are currently reviewing the REMM framework.

7. Licence conditions

Introduction

- 7.1 We had proposed to implement the proposals set out in the Consultation Paper through new licence provisions, which would be enacted through the statutory licence modification process.
- 7.2 We had set out a proposed condition and amendment for electricity, gas and water DNO and Supplier licences.

Stakeholder Feedback

- 7.3 There was broad support across industry and consumer bodies for implementing the CoP through a mandatory licence requirement.
- 7.4 A consumer body sought for an addition in the licence condition to include a set periodic formal review of the CoP. The respondent considered this would help ensure that the CoP keeps pace with best practice, advances in company provision and changes in consumer need.
- 7.5 An industry respondent noted that the licence modification proposals allow UR to modify the licence condition as it considers necessary or expedient, they stated they would have expected the licence condition to allow UR to modify the Code of Practice for Consumers in Vulnerable Circumstances.
- 7.6 Another industry respondent considered that there will be a requirement to include an additional licence condition specific to the industry level CCR holder(s) and subsequently an update to the relevant DNO and Supplier licences relating to the CCR holder(s) and the obligations for DNOs and suppliers to provide information.

UR response

- 7.7 We do not require an explicit set periodic formal review to be set out in the licence to be able to monitor the CoP. We will monitor the effectiveness of the CoP in delivering fair and appropriate protections to customers in vulnerable circumstances on an ongoing basis by various methods (as set out in Section 9). If we identify any gaps or areas for improvement or consider it necessary to amend the CoP for consumers in vulnerable circumstances, the licence condition allows us to amend the CoP following consultation with the Licensee, the General Consumer Council and any other person who we are of the opinion is likely to be interested or affected.
- 7.8 We agree that the licence condition provision should state that we can modify the Code of Practice for Consumers in Vulnerable Circumstances

rather than the licence condition. We have therefore amended the licence condition accordingly.

- 7.9 We agree that there could be a requirement to include an additional licence condition specific to the CCR holder and subsequently an update to the relevant DNO and supplier licences relating to the CCR holder and the obligations for DNOs and suppliers to provide information. We will not know if this will be required or what the requirements will be until the changes to the CCR structure are further developed through the industry working groups. At that stage we will modify the licences accordingly following the statutory licence modification process.

UR decision

- 7.10 We will implement the new CoP for Consumers in Vulnerable Circumstances through a new licence condition across all electricity and gas DNO and domestic supply licences and Northern Ireland Water's licence. These will be enacted through the statutory licence modification process.
- 7.11 For electricity and gas domestic supply licences the new condition will replace the existing condition Code of Practice on Provision of Services for Persons who are of Pensionable Age or Disabled or Chronically Sick. Any of the requirements in this licence condition that were not included in the new CoP proposals have been incorporated into the final CoP, so as not to lose any of the existing protections (see Appendix 2). Any reference to the 'Code of Practice on Provision of Services for Persons who are of Pensionable Age or Disabled or Chronically Sick' in other sections of the licence will either be removed or amended (as applicable) to reference the new CoP for consumers vulnerable circumstances.
- 7.12 For the electricity distribution licence the new condition will replace the existing condition 37- Provision of services for persons who are of pensionable age or disabled. Any of the requirements in this licence condition that were not included in the new CoP proposals have been incorporated into the final CoP, so as not to lose any of the existing protections (see Appendix 2). Any reference to the 'Provision of services for persons who are of pensionable age or disabled' in other sections of the licence will either be removed or amended (as applicable) to reference the new CoP for Consumers in Vulnerable Circumstances.
- 7.13 For the gas distribution licences and Northern Ireland Water's licence this will be a new condition, as the CoP is not replacing any existing licence provisions.

- 7.14 The new licence condition will also include the new vulnerable definition into licences, so that the new definition of vulnerability will apply to all the conditions, schedules and Codes in the licence.
- 7.15 Following this Decision paper, we will publish statutory consultation notices for electricity, gas and water suppliers and DNOs to introduce the new licence condition for the CoP for consumers in vulnerable circumstances. The consultation notices will be published in May 2024 and follow the statutory 28 day consultation.
- 7.16 The proposed condition for electricity, gas and water DNO and Supplier licences are provided below.

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

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

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

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

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

8. Customer care registers

What we proposed

- 8.1 In the Consultation we proposed a new CCR structure will be implemented alongside the new CoP. Our proposal was to:
1. Reduce the number of CCRs to three separate industry level CCRs (one for electricity, gas and water), which in the future will be amalgamated to one single CCR for all utility consumers in NI; and
 2. Make the CCRs two-tiered: the top-tier being for medical care (who will receive all the additional protections) and the second being needs-based (applicable to consumers who are covered under the vulnerability definition and require additional assistance in certain areas. In this tier the additional services that are relevant to their specific needs are selected for provision).
- 8.2 We proposed that the new CCR structure will be developed, implemented and maintained via industry working groups, and that each CCR will be held and maintained by one company (the CCR holder, which we suggested to be a DNO). Relevant information will be shared to and from the CCR holder and the rest of the industry which will be agreed at the industry working groups.
- 8.3 Under the needs-based CCR tier, instead of recording the specific vulnerability that a consumer has, we proposed a company will record the additional services that the consumer requires as a result of the vulnerability. In essence they will therefore be recording the needs of the consumer.
- 8.4 Please note that we have identified that decisions on the changes to the CCR structure will take more time to develop and implement. These will be worked through and finalised in the industry working groups (which are to be established following publication of this paper). We have therefore separated the CCR deliverable from the implementation and delivery of the CoP. This paper focuses on the responses and decisions linked to the CoP and its implementation. A high level overview of responses linked to the changes to the CCR (which we refer to in this section as the 'CCR proposals') is provided in this section, with the UR decision on what licensees are required to do in relation to the CCRs following publication of this paper. More detail will be provided in a separate CCR Information Paper to be published in June 2024.

Stakeholder feedback

- 8.5 At a high level there was general support from respondents (both industry

and consumer groups) on the overall concept of the CCR proposals, namely streamlining and standardising CCRs and the proposed two-tiered approach of medical care and needs-based (CCNI). However, respondents issued some concerns regarding the specific details of the functioning and implementation of the CCR proposals. There was also general consensus amongst the majority of respondents that the timeline for the CCR proposals were not feasible and would require extension.

- 8.6 A high level overview of the main areas of feedback raised by respondents is provided below:

Needs-based register

- 8.7 There was variance in response as to how the second tier of the CCR (the needs-based register) would operate.
- 8.8 One industry respondent considered there will still be a requirement to record the individual vulnerability and discuss with the consumer the relevant services they can offer to accommodate the consumer's needs. They were of the opinion that this would be particularly relevant for consumers experiencing transient vulnerability, as they believe the services that can be offered to customers with transient vulnerability should be limited and in line with their situation.
- 8.9 Another industry respondent supported the introduction of a needs-based CCR but did not agree with UR's proposal to match each needs-based category with an appropriate service. The respondent considered that requiring licensees to define the services available to consumers would undermine their ability to consider each consumer's specific needs individually and to be able to adjust services accordingly. The respondent proposed that the second tier of the CCR should be needs-based but should not require customers to select the additional services they need as the respondent considered that would limit the services they could offer the customer.
- 8.10 Some suppliers had concerns on how those with transient vulnerabilities would be recorded on the CCRs, seeking clarity on what occurs when customers are no longer in their vulnerable position and if it would be expected that customers have to reach out to remove themselves from the CCR. The respondents were concerned that this could distort the accuracy of the CCR details.
- 8.11 One industry respondent sought clarity on the adding of customers to the CCR and whether suppliers and DNOs should request any proof of the relevant vulnerability prior to recording on the CCR or if UR deems it appropriate to accept a customer's disclosure of a vulnerability at face value.

- 8.12 A consumer body noted that the needs-based CCR will need to be carefully monitored and they encouraged the industry working groups to seek out the views of relevant stakeholders.

Timelines

- 8.13 It was noted by DNOs that there will be a number of challenges in developing and implementing the new CCR structure proposals as this will involve setting up a new system from scratch, developing and implementing data sharing methodologies, introducing market procedures and making sure the necessary legal agreements are developed and implemented to support the new arrangements. The respondents therefore considered a six month timeframe would not be feasible and a more appropriate timeline for delivery would need to be developed.
- 8.14 Some respondents noted the processes, system design and governance of the new CCRs need to be worked through and decided on in the industry working groups. One supplier was of the opinion that without solution details being defined, setting implementation timeframes could risk poor processes, system design and governance being pushed through for the CCRs.
- 8.15 A consumer body noted that they are aware of the complexities of establishing data sharing protocols and that the CCR proposals will require careful and detailed consideration. The consumer group was therefore of the opinion that the CCR proposals should be done in a separate workstream, so as not to delay the implementation of the CoP protections. The respondent considered timelines should be set for the implementation of the industry CCRs and then the single utility CCR, to ensure they are both accomplished.

Data Protection

- 8.16 There was some concern from industry on the legal basis for licensees to hold information for the CCRs. Respondents sought that we share details of our engagement with the ICO to ensure there is no duplication of efforts by the companies and help determine if there are additional areas which companies might need to engage directly with the ICO on to ensure compliance with the regulations.

Move directly to one utility CCR

- 8.17 Some gas DNOs considered the CCRs should go straight to one centralised utility CCR. They noted that to reduce the current CCRs from one to three industry CCRs will involve a detailed review of existing systems, the implementation of a new system, additional resources, and additional costs. They were of the view that diverting time and resources towards an interim solution may be counterproductive and that it could be better to prioritise

industry working groups to develop a centralised data system which will address both short term and long-term needs which will save time and resource in the long run.

- 8.18 Please note that more detail on stakeholder responses to the proposals on changes to the CCR structure and UR responses to each will be provided in the CCR Information Paper due to be published June 2024.

UR Response

- 8.19 We welcome the support for the overall concept of the CCR proposals, namely streamlining and standardising CCRs and the proposed two-tiered approach of medical care and needs-based.

Needs-based register

- 8.20 We note there are still a number of decisions to be made on the proposals on changes to the CCR structure. We are open to industry developing alternatives to the proposal we had set out in the Consultation paper, such as those provided for the needs-based register, as long as the alternatives will provide the same intended outcome. We expect industry to bring and work through options on how they can best deliver the intended CCR outcomes in the industry working groups. We consider industry is best placed to develop these, as they are the experts in their systems and would have a better understanding on how they could operationalise different options.
- 8.21 We expect the industry working groups to work through and develop how individuals will be added to the CCRs, the categories that will be registered (to be consistent across all industries) and how the CCRs will be maintained to ensure they are accurate.
- 8.22 We encourage industry working groups to seek the views and input from relevant stakeholders when they are developing the CCRs.

Timelines

- 8.23 We note that delivering the CCRs proposals will be complex, impact many areas and that there are still a number of decisions to be made, so it will take longer than a six month timeframe. We want to ensure the CCRs that are developed and implemented are robust and thoroughly considered to ensure they deliver customer benefit. We have therefore decided (in separating the CCRs from the CoP as outlined in Section 1) to provide a longer timeframe for the CCR proposal.
- 8.24 We expect industry working groups to be formed following publication of this paper (if they have not already done so) to work towards developing the

CCR proposals and setting out timelines for implementation. We note that there are still a number of decisions that need to be made on the CCRs, these will be developed and worked through in the industry working groups.

- 8.25 We will provide more information on the expectations and timelines in the CCR Information paper in June 2024.

Data Protection

- 8.26 We note that we have been engaging with the ICO and will continue to engage with the ICO throughout this process. We have completed an Article 36(4) Enquiry Form and a DPIA on the requirements we are mandating licenses to follow through the new CoP and will complete a separate DPIA on the CCRs. We have invited the ICO to attend the industry working groups to advise on data protection issues. We can also take any relevant questions raised at the industry working groups to the ICO for resolution. We also encourage licensees to complete their own DPIA's and to consult ICO guidance.

Move directly to one utility customer care register

- 8.27 We are not opposed to industry moving directly to a single utility CCR. We have said that the end result that we require is that industry move to a single utility CCR. To ease the transition, we recommended an interim solution of industry level CCRs (for electricity, gas and water). This was because we considered industry CCRs could potentially be implemented quicker than a single utility CCR, to enable benefits to be delivered at an earlier stage. However, if industry is in favour of working to move directly to a single utility CCR at this time, and considers it will not delay the delivery, then we would be very supportive of this.

UR Decision

- 8.28 Industry working groups must be formed following publication of this paper. Industry working groups must start working towards developing the CCR proposals for implementation of the centralised CCR. In the industry working groups, industry will work through the issues they provided in their responses to the CCR proposal. More detail on the industry working groups is provided in Section 3.
- 8.29 A UR CCR Information Paper will follow in June 2024. We will set out the detailed responses to our CCR proposal in this paper along with our expectations and timelines.

9. Implementation

Introduction

- 9.1 We will implement the new CoP for Consumers in Vulnerable Circumstances through a new licence condition (outlined in Section 7). The new licence conditions will be enacted through the statutory licence modification process. The timelines for this are set out in this Section.
- 9.2 We recognise that delivery of the changes to the CCR will take longer than implementation of the new CoP. We are therefore requiring industry working groups to be formed following publication of this paper (if they have not already established). Industry working groups must start working towards developing the CCR proposals and setting out timelines for implementation of the centralised CCRs. We will provide more detail on this in our CCR Information Paper which will be published in June 2024.

CoP Implementation

- 9.3 We want the new licence condition to implement the CoP to be in effect as soon as practicable, so that consumers can start to benefit from the enhanced protections. We are also aware that delivery of these provisions will require time and resources from Licensees. We want to ensure that we give Licensees enough time to implement the requirements fully and effectively.
- 9.4 We have therefore decided that Licensees will have a period of six months to implement the new requirements of the CoP, following publication of the decision paper. This aligns with the timelines to implement the new licence condition, as once the new licence condition is in the licence, licensees will be required to be compliant with it (which entails being compliant with the CoP for Consumers in Vulnerable Circumstances). We expect the licences to be modifying with the new licence by September 2024.¹⁷
- 9.5 We will publish the statutory consultation notice on the proposed licence modifications for the statutory 28 day consultation in May 2024.
- 9.6 The decision notice on the licence modifications will specify the effective date for each modification (which will be six months from the date of publication of our decision paper or 56 days after the publication of the decision notice (whichever is the longest of the two)).

¹⁷ Subject to responses to the statutory licence modification process.

- 9.7 When the licence condition is implemented, the licence holders will be expected to be compliant immediately. We anticipate this will be in September 2024.
- 9.8 We will engage with any company if they require clarification around what is expected of them to meet any of the requirements that are set out in the CoP for Consumers in Vulnerable Circumstances.
- 9.9 For electricity and gas domestic supply licences the CoP for Consumers in Vulnerable Circumstances will replace the existing CoP on Provision of Services for Persons who are of Pensionable Age or Disabled or Chronically Sick. For the electricity distribution licence, the new condition will be replacing the existing condition 37 – Provision of services for persons who are of pensionable age or disabled. As this replacement is being implemented via licence modification, once the new licence condition is implemented it will have replaced the electricity and gas supply licence CoP on Provision of Services for Persons who are of Pensionable Age or Disabled or Chronically Sick. At that time electricity and gas supply licensees will no longer have to comply with the CoP on Provision of Services for Persons who are of Pensionable Age or Disabled or Chronically Sick.

Existing licence provisions

- 9.10 The CoP for Consumers in Vulnerable Circumstances will replace the existing licence requirements for suppliers on the Code of Practice on Provision of Services for Persons who are of Pensionable Age or Disabled or Chronically Sick and the electricity distribution licence condition 37 – Provision of services for persons who are of pensionable age or disabled. To ensure none of the existing provisions are lost once the new licence condition for the CoP for Consumers in Vulnerable Circumstances is implemented, we conducted a review of the existing provisions. Existing licence provisions that were not covered in the CoP for Consumers in Vulnerable Circumstances proposals have been identified and transposed into the final CoP for Consumers in Vulnerable Circumstances. The provisions have been added to the CoP as additional RMs under the most applicable Principle and will apply to the licensee of the licence they were transposed from. The transposed provisions are outlined on Appendix 2.

Resourcing

- 9.11 Some price regulated companies stated that delivery of the new requirements (to include the new CoP and establishing the industry working groups to deliver the new CCR structure) will require additional resources. They noted that to deliver the new requirements they will therefore require additional allowance.

- 9.12 One industry respondent expressed concerns that a cost benefit analysis had not been carried out for the CoP. Another industry respondent stated that additional measures must be considered in terms of the customer benefit and proportionality of costs associated.
- 9.13 We recognise that the requirements from our decisions on the BPF may result in the requirement of additional resources. The DNOs across water, electricity and gas (namely Northern Ireland Water, NIEN, Phoenix, Evolve and Firmus Energy) are subject to price controls which we set. The new BPF requirements set out in this paper were not finalised during the time of the price control decisions, so may not have been accounted for through appropriate funding allocation to enable their delivery. We have set out assurances for each DNO below on how they can deliver the BPF decisions set out in this paper under each of their associated price control.
- 9.14 The benefits that the new CoP will provide are essential to ensure that vulnerable consumers in Northern Ireland are adequately identified, supported and protected. In developing the new CoP, 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. The new CoP will ensure that the support and protections offered to Northern Ireland consumers are consistent, adequately promoted, and reflective of best practice exemplars seen in Great Britain (GB) and across other jurisdictions and regulated sectors.

Gas DNOs

- 9.15 The GD23¹⁸ Gas Distribution price control (for the period 2023-2028) includes provision for the Best Practice Framework.
- 9.16 GD23 states that UR will continue our work and positive engagement with the GDNs on the development and implementation of the BPF and the delivery of other future consumer engagement and protection projects. GD23 provides provision of cost recovery for work undertaken by GDNs to deliver future consumer protection measures, which could result in changes to processes and systems and therefore generate a cost. The recovery of costs as a result of such work and projects which are accepted in advance as appropriate by UR and in line with the delivery of future consumer protection development, which are necessarily and efficiently undertaken (such as but not limited to the BPF) will be permitted, subject to normal regulatory scrutiny and approval. The mechanism for this recovery is through the 'uncertainty mechanism' for which there will be no de-minimis level (as is currently the

¹⁸ [Gas Distribution Price Control \(GD23\) Final Determination | Utility Regulator \(ureg.gov.uk\)](https://www.ureg.gov.uk/gd23)

case for this mechanism).

Northern Ireland Water

- 9.17 Northern Ireland Water's current price control PC21¹⁹ (for the period April 2021- March 2027) includes for delivery of the company's obligations under the CPP Best Practice Framework. This is one of the key development outputs that has to be delivered by Northern Ireland Water during the price control period. Improvement in vulnerable consumer identification, assistance, staff training, CCR delivery (including volume, reach, awareness and promotion), and monitoring and reporting were set out as a specific customer service deliverables for Northern Ireland Water during PC21. As a consequence of this, and the fact that similar obligations are discharged by the comparator companies used to benchmark Northern Ireland Water's Opex allowance, we therefore consider that adequate revenue was allocated in the PC21 final determination for the delivery of the BPF decisions set out in this paper.

Electricity DNO (NIEN)

- 9.18 UR is currently engaging with NIEN on the RP7 regulatory price control. The final determination for RP7, which will be published in October 2024, will set out our final funding decisions on a range of areas. These include how much the company can charge consumers to run its' business, how the company is going to operate, maintain and invest in its' assets, and the level of return on capital invested. We will continue to engage with NIE Networks to discuss the implementation of the BPF and how the costs of implementation will be included in the RP7 final determination.

Future reviews of the CoP for consumers in vulnerable circumstances

- 9.19 We will monitor the effectiveness of the CoP in delivering fair and appropriate protections to customers in vulnerable circumstances on an ongoing basis.
- 9.20 We will monitor this through:
- Licensees – (this will include, but not exclusive to, returns on the research and engagement that Licensees have conducted with their customers who are on the CCR, any feedback Licensees have received from customers on the services being offered to them to determine if their needs are being met);

¹⁹ [PC21 Final Determination | Utility Regulator \(uregni.gov.uk\)](https://www.uregni.gov.uk/PC21-Final-Determination)

- UR domestic consumer insight trackers;
- UR monitoring activities of compliance;
- REMM;
- Customer complaints (to UR or CCNI); and
- Feedback from consumer groups.

9.21 If we identify any gaps or areas for improvement or consider it necessary to amend the CoP for consumers in vulnerable circumstances, then we will consult on any potential changes (pursuant to the relevant licence condition).

9.22 Any such consultation may be restricted to industry and may include key stakeholders (i.e. consumer groups) or may be a public consultation, depending on the nature of the changes.

10. Next Steps

- 10.1 Following this Decision paper, we will publish statutory consultation notices for electricity, gas and water suppliers and DNOs to introduce the new licence condition for the CoP for Consumers in Vulnerable Circumstances. The consultation notices will be published in May 2024 and follow the statutory 28 day consultation.
- 10.2 We intend to publish our final licence modification decisions in July 2024 to implement the new licence conditions by September 2024. Once the licence conditions are implemented we expect licensees to be compliant with the new licence condition and all the requirements within it (this includes the new CoP for consumers in vulnerable circumstances and the new definition of vulnerable).
- 10.3 We require industry to develop industry working groups for the implementation of changes to the CCR structure (if they are not already established), following publication of this Decision Paper. Industry working groups must start working towards developing the CCR proposals and setting out timelines for implementation.
- 10.4 We will publish our CCR Information Paper in June 2024. This will set out the detailed responses to the CCRs proposal, and provide more detail on the CCR proposal and timelines for delivery.
- 10.5 We will engage with licensees in advance of their SoLC submission on the requirements of the SoLC and RM 9.1, to agree timings of submissions and the details that will have to be included in the returns.
- 10.6 The proposed key milestones for the implementation of the new CoP for consumers in vulnerable circumstances are set out in the table below.

Table 3: Key milestones for implementation

Milestone	Proposed Date
Publication of Decision Paper on the new mandatory Code of Practice for Consumers in Vulnerable Circumstances.	27 March 2024
Industry Establish Industry Working Groups	April 2024
Publication of the statutory consultation notice on the proposed licence condition and amendments	May 2024
Publication of Customer Care Register Information Paper	June 2024

Final decision on licence notification published	July 2024
Licence condition in force	September 2024

10.7 The CoP for Consumers in Vulnerable Circumstances is set out in Appendix 1.

Appendix 1 – CoP for Consumers in Vulnerable Circumstances

Code of Practice for Consumers in Vulnerable Circumstances

1. Objective of the Code of Practice

- 1.1 The objective of this Code of Practice (CoP) is to ensure positive outcomes for all domestic consumers in Northern Ireland by putting in place best-practice protections and supports for any domestic consumer in vulnerable circumstances to ensure they achieve fair outcomes.
- 1.2 This CoP covers domestic premises for electricity, gas and water. It includes ten high level principles applicable to all utility Licensees, which are underpinned by detailed required measures (some of which are industry specific).
- 1.3 Compliance with this CoP is a mandatory licence requirement on all electricity and gas suppliers, distribution network operators (DNOs) and Northern Ireland Water. Any breach of the CoP will be considered a breach of licence.
- 1.4 The obligations in this CoP will apply to each Licensee and any representatives of the Licensee. For clarity, where a licensed company contracts with a third party for the provision of any services, the licensed company must ensure that the third party complies with all components of this CoP. Any breaches of this CoP or the industry procedures by a third party will be deemed to be a breach by the licensed company.
- 1.5 Nothing in this CoP is intended to, or should be deemed to, constitute an exemption from existing regulatory requirements and/or obligations under other industry agreements.
- 1.6 Nothing in this CoP is intended to, or should be deemed to, constitute an exemption from each Licensee's legal obligation to comply with any and all relevant legislation, statute, statutory instrument, regulation or order (or any provision thereof) or any subordinate legislation. Licensees are responsible for ensuring that the industry procedures they develop are compliant with all relevant legislation.
- 1.7 Where we refer to customer care registers or customer care register holders, this will apply to the existing customer care registers and customer care

register holders (at time of publication this includes all suppliers, the electricity DNO and the water DNO). When the changes to the customer care register structure are implemented, the measures will apply to the customer care register(s) and customer care register holder(s) at that time.

- 1.8 Where UR considers it necessary to amend this CoP it will consult on any proposed changes. The consultation may be restricted to industry (i.e. any company holding an electricity, gas or water distribution or supply licence) and may include key stakeholders (e.g. consumer groups) or may be a public consultation, depending on the nature of the changes.

2. Principles underpinning the Code of Practice

- 2.1 Each licensed company must comply with the following ten high level principles in all aspects of their operation and conduct to ensure all consumers can engage effectively and achieve fair outcomes. The ten principles provide the overall standard all licence holders must meet in dealing with customers. These principles are wide reaching across all licence holders' operations and conduct, and it is the licence holders' responsibility to determine how they can best deliver the principles in their operations and conduct, and this will be specific to each licence holder.
- 2.2 Underpinning each principle is a number of required measures. These are specific requirements that each licensed company must comply with. Due to the different operating nature of licences, some required measures will only be applicable to certain licence holders. Each required measure clearly states which licence holders it is applicable to. For avoidance of doubt, all licensed companies must comply with all the ten high level principles, even if the required measures underpinning the principle are not applicable to them.

Principle 1:

Utility suppliers and DNOs will proactively establish and promote a corporate culture that focuses and fosters their efforts to identify and support consumers in vulnerable circumstances.

- 2.3 **Measure 1.1** - All companies to adopt UR's vulnerability/vulnerable 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’.

Applies to all Licensees

- i. This definition will be used by regulated companies in Northern Ireland to identify and support consumers in vulnerable circumstances across all of their operations. Anywhere a Licensee has a requirement regarding vulnerability or vulnerable (either in their licence or accompanying Codes), they will take it to mean this definition.

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

Applies to all Licensees

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

Applies to all Licensees

- i. The size of the specialist vulnerability team should be commensurate with the size of the company (we expect this should be proportionate with the total number of staff the company has). Only small companies, with a small number of staff, should have a specialist vulnerability person instead of a team. We will provide guidance if we do not consider the vulnerability team to be of adequate size.
- ii. The vulnerability team or person can form part of a role of an existing member of staff / team within a company, to fit with the company’s structure.
- iii. Where there is a vulnerability team, it is recommended that at least one member of the team should be from a customer facing area of the business.

Principle 2:

Consumers in vulnerable circumstances will experience tailored support and positive outcomes when interacting with utility suppliers and DNOs.

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

Applies to all Licensees

- i. Companies should prioritise frontline or customer facing staff when implementing this measure across all staff members.
- ii. The training provided to staff should be proportionate to their area of work, responsibilities, and level of interaction they may have with consumers.

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

Applies to all Licensees

- i. For clarity, this measure does not prevent companies from performing monitoring on their calls or call duration. Rather, call handlers should not be limited to a set time when they are on a call with a customer who is vulnerable or experiencing affordability concerns.

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

Applies to all Licensees

- i. Companies can deliver this measure through existing teams and personnel or by developing a new team. The team or personnel should be afforded the authority (and associated appropriate training) to make flexible decisions in relation to the support provided to consumers represented by UR's vulnerability definition. This should enable relevant

decisions to be made about a query at time of contact rather than the company responding at a later date.

- ii. Companies may choose to give all their contact staff the authority to make flexible decisions in relation to the support provided to consumers represented by UR's vulnerability definition.

2.9 **Measure 2.4** – Ensure processes are in place to enable a warm handover of consumers in vulnerable circumstances who are in need of additional support.

Applies to all Licensees

- i. Relevant consumer representative bodies include, but are not limited to, those who specialise in fuel poverty, debt or energy efficiency. The relevant consumer representative body will vary depending on the support and individual circumstance the consumer is in.
- ii. Licensees and consumer representative bodies can establish partnerships in the manner that suits both parties in delivering this measure. This may include the development of formal referral partnerships.

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.

2.10 **Measure 3.1** – Provide the applicable customer care register holder with the relevant and lawful details (required for the customer care register), of any domestic customers who are of pensionable age, disabled, have a terminal illness or chronically sick [medical care register], or are represented by UR's vulnerability definition, and who wish to be included on the list.

Applies to all Licensees

2.11 **Measure 3.2** – Establish and maintain a customer care register of domestic customers who are of pensionable age, disabled, have a terminal illness or chronically sick [medical care register], or are represented by UR's vulnerability definition and who wish to be included on the list. Provide a secure transfer channel for relevant suppliers and DNOs to share details of their consumers who require or need updating on the customer care register. Update the customer care register in a timely manner following receipt of data from suppliers and/or DNOs.

Applies to customer care register holder(s)

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

Applies to Northern Ireland Water and electricity and gas suppliers

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

Applies to all Licensees

- i. The promotional activity should clearly include how a customer can be added to the customer care register.
- 2.14 **Measure 3.5** – All companies to use best endeavours during any customer interaction to proactively identify when someone is experiencing a potentially vulnerable period and establish if they are in need of support.

Applies to all Licensees

- i. To deliver this measures company's staff should be appropriately trained to identify if a consumer is potentially vulnerable, during any customer interactions.
 - ii. Interactions include direct communication (such as the consumer calling the company) or indirect communication (such as field visits for meter installation).
 - iii. If a company's staff member identifies a potential vulnerability, they should be able to establish and implement the additional protections a customer may need in the initial customer interaction. For some indirect communications, this may not be able to be achieved in the initial customer interaction. On these occasions the company should arrange to make secondary contact with the consumer within a timeframe and means that suits the consumer.
- 2.15 **Measure 3.6** – Take all reasonable steps to ascertain whether an occupant

of a domestic property and/or the bill payer falls within the scope of eligibility to be added to the customer care register, and if eligible add the consumer to the customer care register (subject to data protection and privacy laws).

Applies to all Licensees

- i. Licensees should take all reasonable steps to enable customers to disclose if they fall within the scope of eligibility to be added to the customer care register. This would be through, but not limited to, regular contact, informing customers on the existence, eligibility and function of the customer care register and appropriate staff training to encourage open dialogue between staff and customers.
- ii. The customer care register should capture any occupant in the property who falls within the scope of eligibility to be added to the customer care register.

Principle 4:

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

- 2.16 **Measure 4.1** – All companies will have an adequate Data System that will support the inputting, holding and maintaining of an adequately detailed consumer profile with regards the customer’s specific support needs. Companies will have appropriate systems in place to share the required data from their Data System to the relevant customer care register holder.

Applies to all Licensees

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

Applies to all Licensees

- i. By ‘sufficient’ we require licensees to hold the information they require of a customer to enable the licensees to appropriately identify the additional needs of that customer and the additional protections that customer is entitled to.
- 2.18 **Measure 4.3** – Customer care register holders should contact all registered

customer care consumers (or a nominated representative) at least every two years to ensure they are receiving the necessary support. This should be a meaningful contact, to re-assess the level of support they require. We expect customer care register holders to make at least three attempts to contact the consumer initially via the consumers' preferred method of contact.

Applies to customer care register holder(s)

- i. Every two years is the minimum requirement on contacting registered customer care consumers. Some consumers may benefit from contact on a more frequent basis than every two years, companies may contact registered customer care consumers on a more frequent basis if desired.

2.19 **Measure 4.4** – Customer care register holders must carry out a data cleanse of customer care registers every two years. Removal of consumers should only take place if the consumer explicitly states that they would like to be removed from the customer care register. We expect customer care register holders to make at least three attempts to contact the consumer initially via the consumers' preferred method of contact.

Applies to customer care register holder(s)

- i. Every two years is the minimum requirement on conducting a data cleanse. Companies can conduct a data cleanse on a more frequent basis if desired.

Principle 5:

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

2.20 **Measure 5.1** – Do not disconnect a customer who has not paid their bill and (i) is of pensionable age, disabled, terminally ill, chronically sick or are represented by the vulnerability definition and (ii) lives alone or only with other persons who are covered under this measure or persons under the age of 18.

Applies to electricity and gas suppliers and the electricity DNO

- i. Whilst this measure applies to gas and electricity suppliers and the electricity DNO, NIEN should continue to comply with their De-Energisation Code of Practice.

2.21 **Measure 5.2** – Take reasonable steps to avoid disconnecting the supply to

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

Applies to electricity and gas suppliers and the electricity DNO

- i. 'Reasonable steps' means that at a minimum the supplier will have made adequate attempts (at least three contacts, at different times, initially by preferred method of contact and at least one contact to be written) to have meaningful contact with the customer. This contact should include, at a minimum, discussing the customer's reason for not paying their bill, setting up a payment plan with the customer based on the customer's ability to pay and offering a referral or warm handover to an independent debt advice service.

- 2.22 **Measure 5.3** – Ensure a domestic premises which includes an occupant who is of pensionable age, disabled, terminally ill, chronically sick or who are represented by UR's vulnerability definition can avail of a flexible payment plan for any reconnection charges. This repayment plan must be based on the customer's ability to pay and is to include but not exclusive to the use of instalments. If the reconnection is following disconnection or isolation from the network to ensure safety, the DNO can request an agreement with the customer to regular meter checks for the first year of reconnection.

Applies to gas DNOs and electricity and gas suppliers

- i. This measure applies to reconnection for any type of disconnection.
- ii. This measure does not impede DNOs conducting an individual property risk assessment before reconnecting. DNOs should not reconnect a property where there is an associated safety risk.

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

Applies to gas suppliers

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

Applies to all Licensees

- 2.25 **Measure 5.6** – For households with occupants who are either of pensionable age, disabled, terminally ill or chronically ill. At the request of such a customer send bills relating to the customer’s premises to any other person as nominated by the customer where that person agrees to receive them (irrespective of whether or not the bill is also sent to the customer). This service should be provided where reasonably practicable and appropriate, and be free of charge.

Applies to electricity and gas suppliers

- 2.26 **Measure 5.7** – Provide alternative formats of communications for those domestic customers who require it, to be free of charge, including provision for customers who are blind or partially sighted or deaf or hearing impaired. This will include as a minimum, terms and conditions, billing information, Codes of Practice, complaints procedures and will include having facilities available to assist blind or partially sighted, or deaf or partially deaf customers to enquire or complain about any bill, statement or service provided to them.

Applies to electricity and gas suppliers and the electricity DNO

- 2.27 **Measure 5.8** – For households with occupants who are either of pensionable age, disabled, terminally ill or chronically ill. At the request of such a customer provide special controls and adaptors for electrical or gas appliances and meters and reposition meters (including in both cases prepayment meters). This service should be provided at the request of any such domestic customer, where reasonably practicable and appropriate, and be free of charge.

Applies to electricity and gas suppliers and the electricity DNO

- 2.28 **Measure 5.9** – For households with occupants who are either of pensionable age, disabled, terminally ill or chronically ill. Where neither the customer nor any other person occupying the premises is able to read the electricity or gas meter at the premises, arrange to read that meter at least once each quarter and inform the customer of that reading. This service should be provided at the request of any such domestic customer, where reasonably practicable and appropriate, and be free of charge.

Applies to electricity and gas suppliers

- 2.29 **Measure 5.10** – Provide advice on the use of electricity and/or gas appliances and other gas fittings (where appropriate) for households with occupants who are either of pensionable age, disabled, terminally ill or chronically ill. This advice should be provided at the request of any such domestic customer, where reasonably practicable and appropriate, and be free of charge.

Applies to electricity and gas suppliers

Principle 6:

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

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

Applies to all Licensees

- i. This advice and information should be clear and easily understandable.

Principle 7:

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

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

Applies to electricity and gas DNOs and electricity and gas suppliers

- i. Companies should proactively offer the warm handover service to any customer they determine are experiencing affordability difficulties with their energy bills.

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

Applies to electricity and gas suppliers

- i. If a customer is in their ‘breathing space’ period they cannot be disconnected. Therefore measures 5.1 and 5.2 around disconnection will not be applicable until after the ‘breathing space’ period has ended.

- 2.33 **Measure 7.3** – Use best endeavours to proactively identify consumers who are at risk of self-disconnecting and provide advice and support/financial assistance where appropriate.

Applies to electricity and gas DNOs and electricity and gas suppliers

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

Applies to electricity and gas suppliers

- 2.35 **Measure 7.5** – Do not disconnect a customer for debt if they are actively engaging with their supplier.

Applies to electricity and gas suppliers

- i. By ‘actively engaging’ we mean any customer who is actively communicating with their supplier either directly or through a third-party representative to manage their energy bills.

Principle 8:

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

- 2.36 **Measure 8.1** – All companies to establish, implement and maintain effective data sharing methodologies to enable the effective use of consumer data by any relevant party licenced to convey/supply gas or distribute/supply electricity or supply water to the domestic consumer’s premises under the

Gas Order, Electricity Order, and or the Water and Sewerage Services Order in an appropriate form and at appropriate intervals.

Applies to all Licensees

Principle 9:

Utility suppliers and DNOs will monitor and report on how they are meeting their obligations in relation to the protection of consumers in vulnerable circumstances.

- 2.37 **Measure 9.1** – All companies to submit annual returns to the Authority which demonstrate compliance with the Code of Practice for Consumers in Vulnerable Circumstances. The returns will provide evidence of compliance with both the high level principles and the required measures.

Applies to all Licensees

- i. The returns will be submitted in line with UR's compliance framework requirements.

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

Applies to all Licensees

- i. This is a self-review by companies on their operations in fulfilling this code and the outcomes achieved. It should include any identified improvements the company will make to improve their services to vulnerable customers.

- 2.39 **Measure 9.3** – In the case of disconnection of a domestic property maintain, for at least six months or where a complaint has been made six months after the complaint has been resolved, a record and evidence of the steps taken to ascertain whether the occupants include persons who are of pensionable age, disabled, terminally ill, chronically sick, under the age of 18 or are represented by UR's vulnerability definition. This evidence must be provided to the Authority on request.

Applies to electricity and gas suppliers

Principle 10:

Consumers will have easy access to relevant information on how well utility suppliers and DNOs are supporting consumers in vulnerable circumstances.

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

Applies to all Licensees

- i. The purpose of this measure is for regulated companies to review how effective their processes are for their vulnerable customers and identify any ways they could improve.
- ii. The type, scale and format of engagement and research is to be decided by each company. Companies can choose to conduct research across their whole customer base, or they may focus on a particular cohort of customers. The research can be qualitative or quantitative or a mixture of both.

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

Applies to all Licensees

3. Resolving Disputes

- 3.1 Where a customer has a complaint related to a utility company's delivery of this CoP then they should initially follow the Licensee's complaints handling procedure.
- 3.2 Customers must also be informed of their right to seek help from the Consumer Council in the event that the complainant does not feel that their complaint has been resolved.

4. Compliance Reporting

- 4.1 Each Licensee must keep (and ensure that any Representative keeps) a

record of its compliance with its obligations under this CoP.

- 4.2 Where a Licensee has evidence of another Licensee being non-compliant with this CoP, then UR should be informed. UR shall assess the complaint and consider the most appropriate course of action to be taken, including any breach of relevant licence conditions.
- 4.3 Each Licensee must provide to UR, in such manner and at such times as UR may reasonably require, such information as UR may deem necessary or appropriate to enable it to monitor the Licensees compliance with this CoP.

5. Definitions

Vulnerable or 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.

Customer care register(s) or customer care register holder(s): The customer care register(s) or customer care register holder(s) is the existing customer care registers and customer care register holders (at time of publication this includes all suppliers, the electricity DNO and the water DNO). When the changes to the customer care register structure are implemented, the measures will apply to the customer care register(s) and customer care register holder(s) at that time.

Appendix 2 – Existing licence provisions transposition into CoP for Consumers in Vulnerable Circumstances

Current Provisions (Licence conditions and CoP)	Transposition into CoP for Consumers in Vulnerable Circumstances
<p>Electricity Supply Licence 31 (3)(a) ‘provide special controls and adaptors for electrical appliances and meters and reposition meters (including in both cases prepayment meters)’</p> <p>Gas Supply Licence 2.11.3 (a) ‘provide special controls and adaptors for gas appliances and meters and reposition meters (including in both cases prepayment meters)’</p> <p>NIE Electricity Distribution Licence 37 (2)The Code of Practice shall set out the Licensee’s arrangements for persons occupying domestic premises who are of State pensionable age or disabled, by which special services in the following respects can be made available where appropriate: (a) providing where practicable special controls and adaptors for meters (including prepayment meters) and repositioning meters (in each case where any such meters are installed, whether at the request of an Electricity Supplier or otherwise, by the Licensee).</p>	<p>Measure 5.8 – For households with occupants who are either of pensionable age, disabled, terminally ill or chronically ill. At the request of such a customer provide special controls and adaptors for electrical or gas appliances and meters and reposition meters (including in both cases prepayment meters). This service should be provided at the request of any such domestic customer, where reasonably practicable and appropriate, and be free of charge.</p> <p>Applies to electricity and gas suppliers and the electricity DNO.</p>
<p>Electricity Supply Licence 31 (3)(a) ‘give advice on the use of electricity’</p> <p>Gas Supply Licence 2.11.3 (a) ‘give advice on the use of gas and gas appliances and other gas fittings’</p>	<p>Measure 5.10 – Provide advice on the use of electricity and/or gas appliances and other gas fittings (where appropriate) for households with occupants who are either of pensionable age, disabled, terminally ill or chronically ill. This advice should be</p>

	<p>provided at the request of any such domestic customer, where reasonably practicable and appropriate, and be free of charge.</p> <p>Applies to electricity and gas suppliers.</p>
<p>Electricity Supply Licence 31 (3)(d) ‘send bills in respect of the supply of electricity to the Customer’s premises to any other person as nominated by the Customer where that person agrees to receive them (irrespective of whether or not the bill is also sent to the Customer)’</p> <p>Gas Supply Licence 2.11.3 (d) ‘send bills in respect of the supply of gas to the consumer’s premises to any other person as nominated by the consumer where that person agrees to receive them (irrespective of whether or not the bill is also sent to the consumer)’</p>	<p>Measure 5.6 – For households with occupants who are either of pensionable age, disabled, terminally ill or chronically ill. At the request of such a customer send bills relating to the customer’s premises to any other person as nominated by the customer where that person agrees to receive them (irrespective of whether or not the bill is also sent to the customer). This service should be provided where reasonably practicable and appropriate, and be free of charge.</p> <p>Applies to electricity and gas suppliers.</p>
<p>Electricity Supply Licence 31 (3)(e) ‘where neither the Customer nor any other person occupying his premises is able to read the electricity meter at the premises, arrange to read that meter at least once each quarter and inform the Customer of that reading’</p> <p>Gas Supply Licence 2.11.3 (e) ‘where neither the consumer nor any other person occupying his premises is able to read the gas meter at the premises, arrange to read that meter at least once each quarter and inform the consumer of that reading’</p>	<p>Measure 5.9 – For households with occupants who are either of pensionable age, disabled, terminally ill or chronically ill. Where neither the customer nor any other person occupying the premises is able to read the electricity or gas meter at the premises, arrange to read that meter at least once each quarter and inform the customer of that reading. This service should be provided at the request of any such domestic customer, where reasonably practicable and appropriate, and be free of charge.</p> <p>Applies to electricity and gas suppliers.</p>

Electricity Supply Licence 31 (4)(a)(i)

‘on request and free of charge provide services which will enable a Domestic Customer who is blind or partially sighted to receive, by means that are readily accessible to such Customers, information about (or set out in) any bill or statement relating to the supply of electricity or any other services provided to the Customer by the Licensee;

(ii) make available facilities which will assist any Domestic Customer who is blind or partially sighted or deaf or hearing impaired and in possession of appropriate equipment, to enquire or complain about any bill or statement relating to the supply of electricity to him or any service provided by the Licensee’

Gas Supply Licence 2.11.4 (a)(i)

‘on request and free of charge provide services which will enable a domestic consumer who is blind or partially sighted to receive, by means that are readily accessible to such consumers, information about (or set out in) any bill or statement relating to the supply of gas or any other services provided to the consumer by the Licensee;

(ii) make available facilities which will assist any Domestic Customer who is blind or partially sighted or deaf or hearing impaired and in possession of appropriate equipment, to enquire or complain about any bill or statement relating to the supply of electricity to him or any service provided by the Licensee’

NIE Electricity Distribution Licence

37 (4) The Code of Practice shall set out the Licensee’s arrangements for the provision, on request and free of charge, in relation to persons occupying domestic premises who, to the

Measure 5.7 – Provide alternative formats of communications for those domestic customers who require it, to be free of charge, including provision for customers who are blind or partially sighted or deaf or hearing impaired. This will include as a minimum, terms and conditions, billing information, Codes of Practice, complaints procedures and will include having facilities available to assist blind or partially sighted, or deaf or partially deaf customers to enquire or complain about any bill, statement or service provided to them.

Applies to electricity and gas suppliers and the electricity DNO.

knowledge or reasonable belief of the Licensee: **(a)** are blind or partially sighted, of details of the arrangements for making enquiries or complaints about the services provided by the Licensee and relating to them, by telephone or other appropriate means; or **(b)** are deaf or partially hearing, of details of facilities to assist them (if they have the equipment enabling them to take advantage thereof) when making enquiries or complaints about the services provided by the Licensee and relating to them.