Compliance & Enforcement - Consultation Response
The Utility Regulator
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Consultation on the Publication of the Utility Regulator Compliance and Enforcement Annual Report

I am writing regarding the Consultation on the proposed publication of the Utility Regulator (UR) Compliance and Enforcement Annual Report.

The Consumer Council is a non-departmental public body (NDPB) established through the General Consumer Council (Northern Ireland) Order 1984. Our principal statutory duty is to promote and safeguard the interests of consumers in Northern Ireland. We have extensive legal powers in consumer affairs, energy, transport, water and sewerage and postal services, with a comprehensive brief on EU Exit and financial inclusion matters.

The Consumer Council's new Corporate Plan, which covers the period of 2026-2032, is centred around five strategic priorities to meet the lived experience for consumers through affordable, inclusive, empowered, sustainable and represented lives. These have been tested with consumers and reflect their everyday experiences and the challenges that they face, now and into the future.

Consumer trust, confidence and adoption will be central to the growth of the future energy market in Northern Ireland. It is vital that consumer insights are prioritised when considering policy and regulatory decisions.

Our Views

We agree with the UR's position that clear reporting on compliance and enforcement builds consumer trust in the market. We support the proposed data set covering both routine monitoring and annual Statement of Licence Compliance (SoLC) findings.

As well as considering the content, the UR must also consider how this information reaches consumers, since a technical annual report will not in itself build consumer understanding. The value of this report rests on the benefit it delivers to consumers through the information provided.

The UR should consider how it communicates technical information in a clear and understandable way using plain English and plain numbers, to enable consumers to make more informed decisions.

Our response to the Consultation Questions

Q1- Do you agree with our proposed compliance data providing detail of both our routine and annual compliance monitoring?

We support reporting routine monitoring and annual SoLC findings together. Other regulators already report both in one document, including The Commission for Regulation of Utilities (CRU) and Ofgem who combine routine and enforcement findings.

Q2 To what extent would it be necessary or desirable to have the published data anonymised / pseudonymised?

The Consumer Council position depends on the stage a case has reached, not on whether it is open or closed.

Early engagement that does not lead to a formal case should stay anonymised. We would like consumers to be provided with maximum transparency while not causing undue harm to a company's reputation. Consideration must also be given to General Data Protection Regulation (GDPR) requirements.

Where an issue is resolved informally, found trivial, or dismissed for lack of evidence before any case is opened, naming the company risks reputational harm out of proportion to the issue. The UR already treats this category as confidential. A case that reaches formal status should be named, whether it is resolved through an agreed alternative resolution or investigated at Stage 1 and beyond.

Ofgem publishes the opening of every enforcement case on its website, and treats outcomes reached through Alternative Action the same way, publishing them as a matter of course. Ofwat follows a similar approach, naming companies publicly from the point it opens a formal enforcement case.

This should apply for open cases as well as closed ones. Ofgem names a company on the day it opens a case and only withholds or anonymises details afterwards in a narrow set of circumstances, where publication would seriously harm the business under investigation. For example, if a case is later dropped with no breach found, we would ask the UR to reserve anonymisation for this narrow case and not apply it as a default to every open investigation.

We recognise the reputational stakes are real for a company under live investigation. Naming a company before any breach is confirmed carries a genuine cost if the case later closes with no finding against it. This is why we support UR keeping the same narrow discretion Ofgem and Ofwat both keep, rather than anonymising open cases as a rule.

Q3- To what extent do you agree with our proposal to include relevant detail by licence type to ensure the data remains of value to the reader.

A licence-type breakdown provides the benchmarking we recommended in our UR 2024/25 Forward Work Programme response. Aggregated figures alone would not let consumers compare one company against another. However, by presenting the data by licence type adds granularity. This improves transparency and comparability and meets benchmarking.

This also aids the identification of systemic problems without consumers having to raise repeated complaints. The proposed outworkings of the licence compliance framework allow for recurring complaint themes to inform monitoring, compliance and regulatory decisions.

Q4- Should information about cases closed at the Initial Enquiry Stage through and alternative resolution also be published in our Compliance and Enforcement Annual Report?

This is not a new form of publication. UR's Enforcement Procedure already requires these cases to be published, naming the licensee, the contravention, and the resolution agreed. Gathering this material into the annual report brings it together for consumers rather than leaving it scattered across separate items.

Q5- Do you have any additional comments on the proposed annual report in relation to how the publication of the proposed information is in the interests of consumers?

The Annual Report will provide consumers with clearer visibility into how utilities deliver consumer protection. However, publishing the data is not enough on its own.

Northern Ireland ranks as the second worst-performing UK nation for numeracy skills[1]. Combined with the affordability pressures many households face, this makes plain language central to the report's success, not a finishing touch.

UR proposes using Plain Numbers principles for the report's infographics. We ask that this approach extend to the whole report, not only the graphics. The Consumer Council would welcome the chance to work with UR on this, building on the collaboration we highlighted in our UR 2024/25 FWP response, so this information can inform and empower consumers.

Q6- Do you agree that where this document has an impact on the groups listed, those impacts are likely to be positive in relation to equality of opportunity for consumers?

We agree the equality impacts of this proposal are likely positive. Greater transparency and a report written with Plain English and with Plain Numbers is more likely to be of more help to vulnerable consumers than not.

We look forward to continued collaboration with the UR throughout the Compliance and Enforcement Annual Report consultation process, which will help promote the interests of energy consumers in Northern Ireland.

Yours sincerely

Raymond Gormley

Raymond Gormley
Head of Energy

[1] Plain Numbers Project Utility Regulator becomes first UK regulator to partner with Plain Numbers | Utility Regulator