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Dear Rachel,

**RE: Best Practice Framework: UR Consultation on the Code of Practice for Consumers in Vulnerable Circumstances**

Thank you for the opportunity to provide feedback on the proposed delivery, principles and measures relating to the new CoP for Consumers in Vulnerable Circumstances.<sup>1</sup>

We have outlined our responses to each of the questions and measures in the consultation paper. In principle Electric Ireland supports the new CoP and considers that it will have a positive impact on Energy Consumers in NI. We agree with the establishment of an Industry Working Group to bring together the key stakeholders from the different organisations to collaboratively define, evolve and drive the solutions that will support Consumers in vulnerable circumstances.

We have captured detailed feedback below, outlining comments for each of the questions and relevant measures. Our primary concerns relate to the risks associated with implementing the measures within the indicated timelines as:

- (1) The data risk associated with the creation and management of the new care register will need to be thoroughly defined and evaluated in order to ensure consumers' data is managed securely and efficiently and in accordance with data protection laws. Recent high-profile incidents in Northern Ireland have demonstrated the requirement for strong data protection measures.
- (2) Detail of how the measures will work across the industry has not been defined resulting in an inability to carry out an impact assessment and to estimate effort associated with implementing the measures risk free. Implementation of the CoP without careful design and planning may result in negative outcomes, including for our customers.
- (3) It is the URs expectation that solutions will be defined and delivered through an industry working group. However, this industry working group has not been established or a lead for it appointed, thus creating risk to the already challenging proposed timelines.

We do not want these concerns to take away from the UR's purpose and intent with the new CoP, but we consider that these may not be unique to Electric Ireland, and they may result in an overarching risk for all stakeholders in terms of meeting the timelines set out.

We welcome any comments and further engagement with the UR and through the working groups.

Yours sincerely,

A handwritten signature in black ink that reads "Philip McGrady".

Philip McGrady, Regulation & Compliance Manager , Electric Ireland NI

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<sup>1</sup> [Best Practice Framework Consultation Proposals: Code of Practice for Consumers in Vulnerable Circumstances | Utility Regulator \(uregni.gov.uk\)](#)

## **EI Responses to Questions and Measures**

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

*Response:* Electric Ireland (EI) agree that this document will have a positive impact with regards equality of opportunity for those groups listed.

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

*Response In relation to 2.41:* EI agrees in principle to a single CoP, however we share the concerns that are outlined in 2.34 in the consultation paper that detail is lacking in terms of how the measures will be operationalised. We would support initially the hybrid approach outlined in 2.32, which would mean that suppliers recognise consumers under the new definition whilst then allowing more time for the industry working groups to define the details of what is expected for the enduring solution.

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

*Response:* EI agree with the proposal to establish industry working groups. We consider that these should be established as soon as possible to provide the appropriate forum to collaboratively work to define and design the end solutions and address the concerns raised in Q2. EI's preference would be that prior to any final decisions being made in relation to the CoP that the working group be provided the opportunity to form a collaborative response in relation to the consultation paper, after the initial solution design has been scoped.

Our immediate concerns are that the working groups have not been established, and an appropriate lead has not been appointed, resulting in potential downstream impact on solution design. This creates potential customer risk and potentially delays the timeframes of when requirements can be enacted.

EI considers that the UR should function as a catalyst in formation of the working groups, playing an initial facilitation role then transitioning to an enduring arbitration role once the groups are operational. This approach worked well for previous CoPs such as the Theft CoP.

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

*Response:* EI agrees with the proposal to introduce the 10 Principles and the intent of the principles in terms of providing support to consumers under the new definition for vulnerability. Our concern is that the impact of the principle-based approach may be diluted if balance is not achieved in terms of positive adoption of the principles versus strict adherence to any new mandatory measures, processes, and reporting mechanisms.

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

*Response:* Please see EI's response below against the measures:

Measure Number	Description	EI Comments
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Principle 1 Measure 1.1	All companies to adopt the UR's vulnerability definition: 'A consumer is deemed vulnerable when their personal characteristics or circumstances reduce their ability to engage effectively and achieve fair outcomes. A vulnerable consumer is significantly less able to protect or represent their interests and significantly more likely to suffer detrimental impacts on their health, wellbeing or finances.'	EI agree in principle to this measure; however, we feel that the broader definition which covers temporary vulnerability could cause challenges and risk in relation to the data sharing and maintenance practices associated with the new customer care register structures.
Principle1 Measure 1.2	Obtaining the BS ISO 22458: 2022 Consumer Vulnerability standard is recommended to all companies (but not required). The BS ISO standard will be aligned to the CoP requirements, so will evidence (for those companies who obtain it) compliance with a number of the CoP requirements.	EI welcomes that this measure is recommended rather than required.
Principle1 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	EI agrees with this proposal.
Principle 2 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	EI agrees with this proposal.

	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	All companies to remove call duration targets for vulnerability and affordability themed calls.	EI agrees with this proposal.
Principle 2 Measure 2.3	Ensure there is always a person(s) on duty during call centre operating hours who has the authority to make flexible decisions in relation to the support provided to consumers represented by the UR's vulnerability definition.	EI agrees with this proposal.
Principle 2 Measure 2.4	Establish a partnership between consumer representative bodies and Suppliers/network companies (which can be readily evidenced, and which is intentionally cultivated and maintained) to raise awareness of the existence of customer care registers amongst members and clients.	EI agrees with the proposal.
Principle 2 Measure 2.5	Ensure processes are in place to enable a warm handover of consumers in vulnerable circumstances who are in need of additional support.	EI supports the intent of this measure and agrees to make reasonable efforts to work with agencies in order to implement these processes. However, we are unable to provide comment on the agencies willingness to commit or their ability to deliver the service and if the level of support that they will provide will be adequate, as these agencies are not required to comply with the CoP. Consideration would need to be given as to the lawful basis for transferring any personal data required to these agencies.
Principle 2 Measure 2.6	All companies to provide a phone number for consumers that will not incur a premium rate charge, alongside providing other avenues for customer contact that are free of charge	EI agrees with the proposal.

	(to include as a minimum a call back option).	
Principle 3 Measure 3.1	<p><b>All Regulated Companies:</b> 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], of any domestic customers or are represented by the UR's vulnerability definition, and who wish to be included on the list.</p>	<p>EI has concerns in relation to the creation of a Single Customer Care register, which includes customers under the new broader definition of vulnerability. Whilst we agree that a single medical care register will facilitate both suppliers and DNOs in supporting vulnerable customers in the services provided, we consider 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 &amp; Transparency, Purpose Limitation, Data Minimisation, Accuracy and Storage Limitation, Accountability.</p> <p>We have concerns around the unintended consequences on consumers, as numerous consents may be needed from consumers which may erode trust in the industry without sufficient and supported explanation.</p> <p>We consider that it is unclear as to the lawful basis for the sharing of data across suppliers and DNO's, where accountability resides, which may result in unintended data protection issues without thorough consideration.</p> <p>Overall, it is difficult to agree to this measure without visibility of the end solution which we have provided comments on in Q3.</p>
Principle 3 Measure 3.2	<p><b>Register Holder:</b> Establish and maintain a customer care register of domestic customers who are of pensionable age, disabled or chronically sick [medical care register], or are represented by the UR's vulnerability definition and who wish to be included on the list. Provide a secure transfer channel for relevant Suppliers and DNOs to share details of their consumers who require or need updating on the customer care register. Update the customer care register in a timely manner following receipt of data from Suppliers and/or DNOs.</p>	<p>Similar to our response to measure 3.1 we consider that it is difficult to agree to this measure without visibility of the end solution details and that this measure poses potential contradictions against the following UK GDPR principles: Purpose Limitation, Data Minimisation, Accuracy and Storage Limitation.</p> <p>We recognise the URs intentions with the single care register, however significant risk assessment, research, and design is required in order to define how this could potentially work in practice without posing risk to consumers, energy stakeholders and the industry as a whole.</p>

Principle 3 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.	EI agrees with this proposal.
Principle 3 Measure 3.4	- Actively promote customer care registers (to encourage greater identification and sign up of eligible customers) to the wider public through a number of different communication channels such as, but not limited to, social media, websites, outreach events and advertisements. Engagement should occur with at least one consumer representative body in developing and/or delivering the promotion. Companies must be able to evidence promotional activity through at least 3 different communication channels each year. This activity can be delivered in collaboration with other utility companies and/or consumer representative bodies.	EI agrees with the proposal but similar to comments on measure 2.5 we are unable to provide comment on the agencies willingness to commit and ability to deliver any promotion.
Principle 3 Measure 3.5	All companies to use best endeavours during any customer interaction to proactively identify when someone is experiencing a potentially vulnerable period and make contact with them to establish if they are need of support.	EI agrees with this proposal.
Principle 3 Measure 3.6	Take all reasonable steps to ascertain whether an occupant of a domestic property and/or the bill payer falls within the scope of eligibility to be added to the customer care register, and if eligible add the consumer to the customer care register (subject to their consent).	We appreciate that the UR is actively engaging with the ICO in relation to the measure. We consider that it could be of benefit to the wider industry stakeholders to extend this engagement to the industry working groups once they are established as we feel the topics of consent are complex. We note that UR have referenced this in 5.248 and per our comments to Q3 we propose that the UR could play an initial facilitation role to establish the working group and integrate the ICO stakeholders. EI would appreciate clarity on the UR's understanding of what constitutes "reasonable steps".

Principle 4 Measure 4.1	All companies will have an adequate Data System that is interoperable with industry systems used for customer care registers and will support the inputting, holding and maintaining of an adequately detailed consumer profile with regards the customer's specific support needs.	EI feel this measure may require complicated system development or configuration. Similar to our response to Q3 it is difficult to agree to this measure without visibility of the end solution, and only after there is visibility of the details will EI be able to understand the effort and risk involved with implementing changes to support this principle which may in turn compromise compliance timeframes.
Principle 4 Measure 4.2	Ensure that the customer care register holds sufficient information (in line with existing Data Protection legislation) on the needs or requirements of the domestic customers who are considered vulnerable due to age, disability or chronic illness [medical customer care register] and/or mental health status or other reasons covered under the definition of vulnerability.	EI has concerns in relation to this measure which have been captured under measure 3.1 and 3.2. We consider that the definition of 'sufficient' in line with the UK GDPR principle of Data Minimisation, Purpose Limitation and Accuracy, may create a challenge to the intention of having a single customer care register.
Principle 4 Measure 4.3	<b>Customer care register holders</b> 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.	EI agrees with this proposal.
Principle 4 Measure 4.4	<b>Customer care register holders</b> 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.	EI agrees with this proposal; however, we have concerns which are similar to our comments to measure 3.1. The inclusion of transient vulnerability, which is temporary, may create a challenge in terms of the UK GDPR Accuracy and Accountability principles due to the transient nature of personal circumstances.
Principle 5 Measure 5.1	Take all reasonable steps to not disconnect a customer who has not paid their bill and is of pensionable age, disabled or chronically sick and lives alone and who are represented by the vulnerability definition or only with other persons who are of pensionable age, disabled,	EI agrees with this proposal.

	chronically sick or under the age of 18, or with a dependent aged under 5 years and who are represented by the UR's vulnerability definition.	
Principle 5 Measure 5.2	Take reasonable steps to avoid disconnecting the supply to premises where a bill has not been paid and includes an occupant who is of pensionable age or disabled or chronically sick or under the age of 18, or with a dependent aged under 5 years and who are represented by the UR's vulnerability definition during any winter period, that is to say, a period beginning with 1 Oct in any year and ending 31 March in the following year.	EI agrees with this proposal.
Principle 5 Measure 5.3	Ensure a domestic premises which includes an occupant who is of pensionable age or disabled or chronically sick and who are represented by the UR's vulnerability definition can avail of a flexible payment plan for any reconnection charges. This repayment plan must be based on the customer's ability to pay and is to include but not exclusive to the use of instalments. If the reconnection is following disconnection or isolation from the network to ensure safety, the DNO can request an agreement with the customer to regular meter checks for the first year of reconnection.	EI agrees with this proposal.
Principle 5 Measure 5.4	Arrange a free annual gas safety inspection of the gas appliances and other gas fittings on the customer's side of the meter for households where all occupants are either of pensionable age, disabled, chronically ill, minors or are represented by the UR's vulnerability definition.	Not applicable to EI.



Principle 5 Measure 5.5	Provide special identification for employees authorised by the Licensee to visit households. This will include operation of a password scheme and another telephonic based identification scheme (such as the Quick Check 101 scheme). Applies to all regulated utility companies	EI agrees with this proposal.
Principle 6 Measure 6.1	All companies to provide (free of charge and accessible) advice and information on the additional services available to customers because of their age, disability, or chronic illness and/or who are represented by the UR's vulnerability definition. This should be provided through a number of channels to include, at minimum, the company's website and customer's bills. Advice and information provided must be accessible and displayed (if applicable) in a prominent position.	EI agrees with this proposal.
Principle 7 Measure 7.1	All companies to provide consumers who are represented by the UR's definition of vulnerability and are experiencing affordability difficulties with their energy bills with the option of a 'warm handover' to a consumer body which can assist them with a benefit entitlement check facility. Applies to all regulated utility companies	EI agrees with this proposal, however similar to our comments against measure 2.5 we are unable to provide comment on the agencies willingness to commit and ability to deliver a 'warm handover' option.  We consider that it is unclear as to the lawful basis for the sharing personal data with these agencies.
Principle 7 Measure 7.2	Include the option of 'breathing space' when developing a payment plan for customers in debt who are represented by the UR's definition of vulnerability. Breathing space is a period during which an individual in debt is provided with respite from creditor action in order to fully engage with debt advice agencies and seek sustainable solutions to	EI agrees with this proposal.

	<p>their debt. The period of time should be decided on a case-by-case basis based on the individuals' circumstances.</p> <p>Applies to Suppliers.</p>	
Principle 7 Measure 7.3	<p>All companies will use best endeavours to proactively identify consumers who are at risk of self-disconnecting and provide advice and support/financial assistance where appropriate.</p>	<p>EI agrees in principle to this measure however we would appreciate clarity from the UR on what constitutes "best endeavours" as such behaviours may be difficult to detect. If a data driven approach is considered under best endeavours, this may be best served in a future landscape where smart metering has been implemented.</p>
Principle 7 Measure 7.4	<p>Target consumers with a PPM debt on or over a specified amount (£200) and provide an incentive to engage to discuss debt repayment that will include a package of support measures (e.g., warm handover to organisation who can carry out a benefit entitlement check).</p>	<p>EI agrees with this proposal.</p>
Principle 7 Measure 7.5	<p>Do not disconnect a customer for debt if they are actively engaging with their Supplier.</p>	<p>EI agrees with this proposal.</p>
Principle 8 Measure 8.1	<p>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.</p>	<p>EI has concerns in relation to this measure as outlined in our comments on measures 3.1 and 3.2. Details 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 working group. We are concerned that the timelines are challenging given that that the working groups are yet to be established.</p> <p>In point 5.253 the UR also stated that new proposed compliance targets are six months following the final decision paper. Can the UR confirm that the May 2024 date in table one is now September 2024?</p>
Principle 9 Measure 9.1	<p>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</p>	<p>EI agrees with this proposal.</p>

	principles and the required measures.	
Principle 9 Measure 9.2	As part of their return, all companies must report on actions taken to increase awareness of the customer care registers (this will be tracked by the UR through the UR's annual domestic consumer insight tracker survey); and on the operation, outcomes and future review arrangements for their activities under the Code.	EI agrees with this proposal.
Principle 9 Measure 9.3	Measure removed	n/a
Principle 9 Measure 9.4	In the case of disconnection of a domestic property maintain, for at least six months or where a complaint has been made six months after the complaint has been resolved, a record and evidence of the steps taken to ascertain whether the occupants include persons who are of pensionable age or disabled or chronically sick or minors (aged 0-5 years old) or are represented by the UR's vulnerability definition. This evidence must be provided to the Authority on request.	EI agrees with this proposal.
Principle 10 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	EI agrees that the research and consumer engagement will support the companies in the continuous development of their vulnerable customer practices. We consider however that this principle could be better facilitated centrally in order to ensure standardisation of approach, more efficient allocation of resources and funding, and to avoid duplication of efforts and potential contradictory outcomes across the energy industry. EI considers that CCNI may be best positioned to carry out this research in their statutory role of consumer advocate and research body.
Principle 10 Measure 10.2	All companies to publish an accessible version of the returns submitted to the Authority on compliance with the Code of	EI agrees with this proposal.

	Practice for consumers in vulnerable circumstances on their own websites. These returns will also be published on the Authority's website.	
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**Q6 | Do you have comments on the URs proposal on the new structure for registering consumers in vulnerable circumstances as set out in section 6? Please clearly state in your response which aspect of the proposal that your comments relate to.**

*Response:* EI have concerns in relation to the new structure, which have been captured in our responses to measures 3.1, 3.2, 4.4 and 8.1.

Aligning to our responses in Q2 and Q3, EI would like to see the industry working groups operational, with engagement from the ICO, to define the detail of how the new customer care register structures will work in practice. This will help define what change effort is required to implement measures without creating risk on the support offered to the customer and the effective management of their data. We have concerns in relation to the commitment to implement timeframes until such time as the solution details are defined, as there is a risk that an industry process will be rushed and not thoroughly tested. We recognise the consequences that poor processes, system design and governance can have on customers.

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

*Response:* EI agrees with this proposal subject to clarification on all open questions in this response.

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

*Response:* Similar to our response to Q2 and Q3, EI would like to see the establishment of the industry working groups in order to provide detail on how the measures will be operationalised.

EI would welcome a better understanding of initial reporting requirement proposals from the UR. For any quantitative results-based reporting, we would require detail in order to determine if data will be easily available, or if complex system development or configuration is required in order to implement. If system change is required, there will be time and effort impact and we would have concerns in relation to implementing within the proposed timeframes in the absence of any detail.

In the absence of the reporting detail, we would be supportive of an annual qualitative retrospective compliance report approach.

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

*Response:* EI has concerns in relation to the implementation timeframes. We recognise that the UR are suggesting a period of six months to fully implement the measures following the final decision paper, which will be published in March 2024, but we are concerned that the industry working groups have not yet been established, and the detail in relation to operationalising the new processes, systems and customer care registers is not yet defined. While EI support the principle of the new CoP in general and we are committed to implementing as soon as possible, we feel that the detail of the solutions should be first defined in order for all stakeholders to evaluate the practicalities, complexities and risks associated with the changes. Given that personal and sensitive data is being shared, the design and implementation of these processes should allow sufficient time for risk mitigation measures to be developed and for thorough testing.

Consideration should be given to the dynamic nature of the industry and subsequent additional pressures that energy stakeholders may face in supporting customers during the winter months.

