

# 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.**

**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.

- i. Until such time as there is a centralised utility customer care register, gas suppliers must provide the relevant and lawful details of any domestic customers who are of pensionable age, disabled or chronically sick to any relevant party licensed under the Gas Order to convey gas to the domestic consumer's premises in an appropriate form and at appropriate intervals.

**Applies to all Licensees**

- 2.10 **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)**

- 2.11 **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**

- 2.12 **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.
- 2.13 **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.

- 2.14 **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.**

- 2.15 **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**

- 2.16 **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.

- 2.17 **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.

- 2.18 **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.**

- 2.19 **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.

- 2.20 **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.
- 2.21 **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.
- 2.22 **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**

- 2.23 **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**

- 2.24 **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**

- 2.25 **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**

- 2.26 **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**

- 2.27 **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**

- 2.28 **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.**

- 2.29 **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.**

- 2.30 **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.

- 2.31 **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.

- 2.32 **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**

- 2.33 **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**

- 2.34 **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.**

- 2.35 **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.**

2.36 **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.

2.37 **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.

2.38 **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.**

- 2.39 **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.

- 2.40 **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.