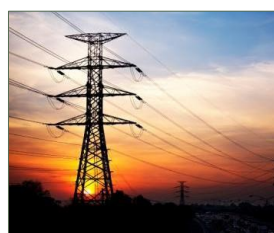


New Market Entrant Guide to Codes of Practice Minimum Standards in Electricity and Gas (pursuant to Licence Conditions 2.8-2.13 in Gas and Conditions 30-35 in Electricity)

March 2017



About the Utility Regulator

The Utility Regulator is the independent non-ministerial government department responsible for regulating Northern Ireland's electricity, gas, water and sewerage industries, to promote the short and long-term interests of consumers.

We are not a policy-making department of government, but we make sure that the energy and water utility industries in Northern Ireland are regulated and developed within ministerial policy set out in our statutory duties.

We are governed by a Board of Directors and are accountable to the Northern Ireland Assembly through financial and annual reporting.

We are based at Queens House in the centre of Belfast. The Chief Executive leads a management team of directors representing each of the key functional areas in the organisation: Corporate Affairs; Network Regulation; Wholesale and Retail Markets.

Our Mission:

Value and sustainability in energy and water.

Our Vision:

We will make a difference for consumers by listening, innovating and leading

Our Values

Be a best practice regulator.

Be professional

Be a collaborative, co-operative and learning team.

Be motivated and empowered to make a difference.

Abstract

This paper provides guidance for new market entrants on the minimum standards in relation to the following Energy Supplier Codes of Practice, (which suppliers have to develop themselves and have approved by the UR):

- Code of Practice on Payment of Bills;
- Code of Practice on Provision of Services for persons who are of Pensionable Age or Disabled or Chronically Sick;
- Code of Practice on Complaints Handling Procedure and;
- Code of Practice on Services for Prepayment Meter Customers.

There are other supplier Codes in additional to those listed above.

The Marketing Code is active and all suppliers must be compliant with the requirements set out in this Code.

Two new Codes, Bills and Statements Code and the Energy Theft Code, are currently being developed. Both are at the second consultation stage and aim to be finalised in 2017. Information on these Codes can be found on the UR website www.uregni.gov.uk

Market entrants must be compliant with these Codes, in addition to the four Codes discussed in this paper.

Minimum standards on the Code of Practice for the Efficient Use of Gas/Electricity have not yet been developed. The UR will inform suppliers when such minimum standards are produced. In the meantime suppliers must ensure that they have a Code of Practice on the Efficient Use of Gas/Electricity which complies with the conditions of the Licence.

Audience

Those considering entry into the electricity or gas supply markets in Northern Ireland.

Consumer Impact

The Codes of Practice minimum standards have already delivered a positive impact for consumers in Northern Ireland. By providing this guidance note which details the minimum standards expected of all energy suppliers, the Utility Regulator hopes to inform prospective new energy suppliers of the necessary Codes of Practice requirements.

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Background

Purpose of the paper

This paper provides information and guidance on the minimum standards of four Energy Supplier Codes of Practice for electricity and gas consumers in Northern Ireland.

- Code of Practice on Payment of Bills;
- Code of Practice on Provision of Services for persons who are of Pensionable Age or Disabled or Chronically Sick;
- Code of Practice on Complaints Handling Procedure; and
- Code of Practice on Services for Prepayment Meter Customers.

There are other Codes in addition to those listed above.

The Marketing Code is active and all suppliers must be compliant with the requirements set out in this Code.

Two new Codes, Bills and Statements Code and the Energy Theft Code, are currently being developed. Both are at the second consultation stage and aim to be finalised in 2017. Information on these Codes can be found on the UR website www.uregni.gov.uk

New market entrants to either the electricity supply market or the gas supply market in Northern Ireland must be compliant with these Codes, in addition to the four new Codes discussed in this paper.

Minimum standards on the Codes of Practice for the Efficient Use of Gas/Electricity have not yet been developed. The UR will inform suppliers when such minimum standards are produced. In the meantime suppliers must ensure that they have a code of practice on the efficient use of gas/electricity which complies with the conditions of the licence.

Suppliers in NI already comply with these minimum standards in their Codes. **The main purpose of this paper therefore is to inform prospective new energy suppliers of the minimum Codes of Practice requirements.**

Please note that the licence conditions referenced to in the title of this guide, that of conditions 30-35 for electricity and conditions 2.8-2.13 for gas, relate to the Power NI electricity supply licence and the SSE Airtricity gas supply licence respectively. Other licence holders licence condition numbers may vary.

As of the date of publication of this paper, March 2017, the references made to Licence Conditions are accurate. Should the Authority, at some future date, make

changes to the Licences which results in a change to the numbering etc of Licence Conditions; please be mindful that this paper may not be updated to reflect these potential future changes.

Background

In order to ensure a consistently high standard, and after an extensive engagement process, the UR published minimum standards for the Codes of Practice. The UR's decision paper in relation to these minimum standards was published in June 2015 and is available at this link¹. The UR made it clear that we would not approve any Code of Practice which falls below the minimum standards. However, suppliers are encouraged to exceed the minimum standards. Where a supplier has chosen to exceed the minimum standards in their own individual Codes of Practice, they must comply with the Code of Practice as approved.

Progress to Date

All electricity and gas suppliers operating in the Northern Ireland retail market have now produced, gained approval for, and should comply with the following Codes of Practices;

- Code of Practice on Payment of Bills (applies to domestic customers)
- Code of Practice on Provision of Services for persons who are of Pensionable Age or Disabled or Chronically Sick (applies to domestic customers)
- Code of Practice on Complaints Handling Procedure (applies to domestic and business customers)
- Code of Practice on Services for Prepayment Meter Customers²(applies to domestic customers)

Failure to comply with a Code of Practice, which has been approved by the Utility Regulator, could constitute a breach of licence conditions. Compliance with licence conditions is monitored and where necessary a breach of licence will be subject to enforcement proceedings as outlined in the UR's enforcement procedure available here³.

All electricity and gas suppliers are required to publish their Codes of Practice in a prominent position on their websites, not more than two clicks from the home page.

¹ http://www.uregni.gov.uk/publications/energy_supplier_codes_of_practice_decision_paper/

² This is called Code of Practice for Prepayment Customers in the Gas Supply Licence. While some licences may refer to the consumers rather than customers, for the purposes of this paper, consumers will be taken to have the same meaning as customers

³ http://www.uregni.gov.uk/uploads/publications/Enforcement_Procedure_2016.pdf

The Codes of Practices will ensure that customers, and in particular vulnerable customers, are protected in their relationship and dealings with electricity and gas suppliers.

Noteworthy information

The information below is relevant for the following Codes of Practice:

- Payment of Bills (applies to domestic customers)
- Provision of Services for persons who are of Pensionable Age or Disabled or Chronically Sick (applies to domestic customers)
- Complaints Handling Procedure (applies to all customers both domestic and business)
- Services for Prepayment Meter Customers⁴ (applies to domestic customers)
- Efficient Use of Electricity/Efficient Use of Gas (applies to all customers both domestic and business)

All suppliers must prepare, submit, and have approved by the Authority, the above Codes of Practice which set out the services the supplier will make available to assist customers.

The supplier shall, whenever requested to do so by the Authority, review any Code and how it has been operated, with a view to determining whether any modification should be made to that Code or to the manner of its operation.

In carrying out any such review the supplier shall consult the Consumer Council and shall consider any representations made by the Consumer Council about the Code or the manner in which it is likely to be or has been operated.

Please note that the Authority will not approve an individual Code of Practice which does not meet with the minimum standards.

Minimum Standards on the Code of Practice for the Efficient Use of Gas/Electricity have not yet been developed. The UR will inform suppliers when such minimum standards are produced. In the meantime, suppliers must produce this Code based on requirements in their licence.

Changes or revisions to Codes of Practice

Where a supplier seeks to review or update any Code of Practice they must consult the Consumer Council and seek a new approval from the UR for the revised Code, before it is introduced.

⁴ This is called Code of Practice for Prepayment Consumers in the Gas Supply Licence. While some licences may refer to consumers rather than customers, for the purposes of this paper, consumers will be taken to have the same meaning as customers

Where a supplier makes minor changes to Codes of Practice (no matter how small) these changes must be sent to the Consumer Council and the Utility Regulator.

The UR will consider any comments that the Consumer Council may have before deciding on whether or not to approve any changes or revisions.

The UR may seek to review these minimum standards in a number of circumstances including but not limited to where there is a change in the underlying legislation or licence condition or where evidence is brought to light that the Codes of Practice are not providing sufficient protection to customers.

Guaranteed Standards of Service

All gas suppliers must ensure that their Codes of Practice comply with Guaranteed Standards of Service (GSS) as set out in The Gas (Individual Standards of Performance) Regulations (Northern Ireland) 2014. Currently, GSS in relation to Electricity suppliers is under review. The Authority has issued a Call for Evidence in regards to Electricity GSS, which can be found at this link:

<https://www.uregni.gov.uk/news-centre/electricity-guaranteed-standards-service-call-evidence>

In the event that the Authority does introduce GSS for Electricity suppliers, then suppliers must ensure compliance with these standards as set out by the Authority.

Electricity and Gas Supplier of Last Resort

Currently, electricity suppliers must be compliant with Supplier of Last Resort requirements as set out by the Authority in licence condition 22. Arrangements for Supplier of Last Resort for gas suppliers are currently being developed. In the event that the Authority introduces such arrangements, then gas suppliers must ensure compliance with the Supplier of Last Resort requirements as set out by the Authority.

Reporting Requirements

These Codes of Practice will be monitored in line with the Retail Energy Market Monitoring (REMM) programme. For further information on REMM please see the following link:

<https://www.uregni.gov.uk/remm-and-market-information>

Licence Compliance

This guidance note is not legal advice; it is for information purposes only.

It is the duty of all electricity and gas suppliers participating in the Northern Ireland retail energy market to ensure that they are fully compliant with their own licence, and where necessary to seek their own legal advice.

Code of Practice minimum standards on Payment of Bills

Applies to Domestic Customers only

This Code of Practice minimum standards outlines the minimum actions required to fulfil the obligations detailed in the Condition 30 of the Electricity Supply Licence and Condition 2.12 of the Gas Supply Licence. This Code of Practice should be no more than two clicks from the homepage on the supplier's website.

This Code of Practice seeks to help domestic customers in debt, or in danger of financial difficulty and being unable to pay their bills. It covers:

1. Definition of Debt

“For the purposes of the Code of Practice on Payment of Bills only, debt will be defined as any amount which remains unpaid outside the payment terms in the supplier's terms and conditions. For example, if a customer's payment for a bill is due within 14 days from the date of the bill, then this amount would be defined as debt if it remained unpaid from day 15”.

2. Identifying customers in difficulty

a) Distinguish, so far as is reasonably practicable, those customers who may have difficulty in paying bills through misfortune or inability to cope with credit terms (“**Customers in Difficulties**”) from other Customers in default; (Condition 30, 3 (a) Electricity, Condition 2.12.3 (a) Gas).

In order to fulfil this requirement suppliers must:

- form relationships with advice giving organisations and charitable organisations which seek to help customers who are, or may be at risk of, having difficulty paying bills. In particular, suppliers should form relationships with organisations representing those groups covered by section 75 of the Northern Ireland Act.⁵

⁵ <http://www.legislation.gov.uk/ukpga/1998/47/section/75>

- seek permission from the relevant advice giving organisations to share their contact details and publish the up to date list of said contact details on their website.
- proactively seek to identify and communicate with customers having difficulty or at risk of having difficulty paying their bills. This should be done at an early stage in order to prevent the build up of debt.
- use interactions with customers to improve customer insight data to help identify customers having difficulty, or at risk of having difficulty paying their bills.
- use customer records to identify those who have experienced difficulty in the past and offer early intervention to prevent debt building up.
- increase customer awareness of debt advice services and provide proactive sign posting to advice services where they may receive assistance such as benefits entitlement checks.
- ensure appropriate training is given to all staff who come in contact with customers so they may identify customers at risk of having difficulty paying bills. They will ensure all staff who have contact with consumers, including sales, billing, credit control, customer service and field staff etc are aware of the need to identify customers having or at risk of having difficulty paying bills and ensure all relevant services are offered.
- encourage customers having or at risk of having difficulty with payments to self-identify to utility companies.
- use language in correspondence that is non-threatening and supportive and all customer contact should be friendly and non-aggressive.
- ensure all records for those customers identified as having difficulty, or at risk of being in difficulty paying bills are fully updated and flagged appropriately in the supplier's information systems.
- encourage contact from customers in the event of a change of circumstances. e.g. redundancy or incapacitating illness or injury.

3. Providing information on Energy Efficiency

b) Provide relevant information as to how Customers in difficulties may be able to reduce their bills in the future by the more efficient use of electricity (gas). (Condition 30, 3 (b) Electricity, Condition 2.12.3 (b) Gas).

In order to fulfil this requirement suppliers must:

- adhere to and make customers aware of the Code of Practice on the Efficient use of Electricity (Gas) and proactively provide customers with advice and services as detailed in the Code.

4. Payment arrangements and monitoring

c) Make arrangements, taking into account Customers' ability to comply with such arrangements, which enable Customers in difficulty to pay instalments the charges accrued for the supply of electricity (gas) ("instalment arrangements"). (Condition 30, 3 (c) Electricity, Condition 2.12.3 (c) Gas).

In order to fulfil this requirement suppliers must:

- make arrangements for the payment of arrears in instalments which may include instalments paid via direct debit, cash or prepayment meter or, as a last resort, third party deductions from benefits. Suppliers must make reasonable endeavours to ensure that repayments are appropriate for the customer's individual circumstances.
- establish procedures for setting repayments levels based on ability to pay. These procedures will include:
 - Staff training and appropriate instruments designed to assess ability to pay.
 - Where appropriate, agreements with independent advice giving agencies to carry out financial assessments.
 - Setting appropriate repayment levels (to include customer involvement in setting appropriate repayment levels and customer appeals procedures where they are unable to cope with repayment levels).

- Methods of identifying those at risk of having difficulty paying their bills. Furthermore, suppliers will take into account factors which may exacerbate difficulty in paying bills such as poor literacy, numeracy, IT skills, lack of a bank account or rurality.
- for standard credit and Direct Debit customers, establish a reasonable repayment period.

d) Detect failures by Customers in difficulties to comply with the instalment arrangements. (Condition 30, 3 (d) Electricity, Condition 2.12.3 (d) Gas).

In order to fulfil this requirement suppliers must:

- monitor debt repayments and reassess level of repayment if it is apparent that the customer is having difficulty in keeping up with the repayments.
- invite any customers who are paying debt to contact the supplier again if they experience any difficulties with their repayment plan.

e) Ascertain, with the assistance of any information provided by the other persons or organisations, the ability of Customers in difficulties to comply with the instalment arrangements. (Condition 30,3 (e) Electricity, Condition 2.12.3 (e) Gas).

In order to fulfil this requirement suppliers must:

- consider each individual's situation and ability to pay arrears. Where appropriate and with the customer's consent, suppliers shall use information provided by other persons or organisations to ascertain the ability of customers in difficulty to comply with payment arrangements.
- where customers are unhappy with the level of repayment, make them aware of the Consumer Council's role in dispute settlement. If requested during a complaints investigation by the Consumer Council, suppliers will provide to the Council evidence on the procedures used for assessing ability to pay.

f) Provide for Customers who have failed to comply with the instalment arrangements, or procure for them the provision of, a prepayment meter (where safe and practicable to do so. (Condition 30, 3 (f) Electricity, Condition 2.12.3 (f) Gas).

In order to fulfil this requirement suppliers must:

- where Direct Debit or standard credit customers paying by instalments fail to comply with an agreed payment arrangement, offer to provide a prepayment meter where it is appropriate to do so and in compliance with relevant licence conditions and the Code of Practice on Services for Prepayment Meter Customers.
- make such customers aware of the Code of Practice on Services for Prepayment Customers and proactively provide customer services as detailed in the Code.

g) Calibrate an prepayment meter provided, whether in accordance with paragraph (f) above or otherwise, so as to take into account Customers' ability to pay any outstanding charges due from them to the Licensee in addition to the other charges lawfully being recovered through the prepayment meter. (Condition 30, 3 (g) Electricity, Condition 2.12.3 (g) Gas).

In order to fulfil this requirement suppliers must:

- act in accordance with section C above.

h) Ensure that any calibration of the prepayment meter to recover outstanding charges due from any Customer does not operate so as to recover more than 40 per cent (except where the customer has in writing requested for a higher percentage to apply) from each amount that is purchased by the Customer in any single transaction (and thereby transferred to the token, key or card by which the prepayment meter is operated), as payment of or towards the outstanding charges. (Condition 30, 3 (h) Electricity, Condition 2.12.3 (h) Gas).

- for the avoidance of doubt the licence details an upper limit which stated that suppliers shall not force customers to accept repayment levels which exceed 40% of the customer's energy spend in a single transaction. Suppliers must not automatically set repayment rates of 40% per vend, they must first demonstrate, that they have taken steps to contact the customers and used all reasonable endeavours to take into consideration ability to pay.

5. Methods and Procedures to avoid disconnections

i) In so far as is reasonable and practicable to do so, take all reasonable steps to avoid cutting off the supply of electricity (gas) to Domestic Premises occupied by Customers in difficulties unless it has first taken all reasonable steps to recover the charges accrued for the supply of electricity (gas) to the premises by means of a prepayment meter. (Condition 30, 3 (i) Electricity, Condition 2.12.3 (i) Gas).

Before gas suppliers disconnect for reasons of debt, in order to fulfil the above licence condition suppliers must:

- have appropriately trained staff make reasonable endeavours to contact the customer by phone or by personal visit prior to disconnection. Additionally, suppliers must inform the customer of their intent to disconnect with a reasonable estimation of date of disconnection.
- at every stage of the process, offer the customer a means to avoid disconnection by repaying the debt at reasonable instalments or by installing a prepayment meter appropriately calibrated to repay existing debt.
- make reasonable attempts during this process to identify customers who are of pensionable age, who are disabled or chronically sick or on low incomes.
- work with the network company or agent to ensure that in so far as is reasonably practical attempts are made during the disconnection process to identify customers who are of pensionable age, who are disabled or chronically sick or are on low incomes.
- in the event of disconnection in error, for example where a customer has been disconnected during October to March but identified as being vulnerable (in

accordance with Condition 31 (4) (c) in the electricity supply licence and Condition 2.11.4 (c) in the gas supply licence) after the disconnection, suppliers must make reasonable endeavours to reconnect the customer within 24 hours (on working days). Where such a disconnection is made in error the supplier must not apply disconnection or reconnection charges to the customer.

- where the customer has been disconnected due to debt, take steps to ensure that disconnection and reconnection do not exceed the actual costs of disconnection and/or reconnection.
- where a customer wishes to be reconnected, suppliers will be permitted to recoup the costs of disconnection and reconnection that are charged to them by the network company from the customer prior to reconnection. Other supplier costs will be recovered through normal debt recovery arrangements.
- where a domestic customer takes their electricity or gas through a non-domestic supply for example a flat above a commercial premises, make best endeavours, where aware, that domestic customers are not disconnected inappropriately if the commercial premise no longer receives supply.
- not disconnect any customer for non-payment of bill when there is an ongoing complaint or dispute in process (i.e. still classed as an unresolved stage 1 or stage 2 billing complaint with the Consumer Council).
- provide consumers who are being disconnected with all the relevant information to allow them to reconnect at a later date should they so wish. This information will include all relevant reconnection fees.
- keep a record of all contact with the customer and attempts to contact the customer and all actions taken in relation to disconnections and reconnections. Suppliers may be asked to supply these records to the Consumer Council and or the Utility Regulator during a dispute or investigation.

6. Other Issues

- suppliers shall encourage collaborative working with customers in difficulty through early, supportive contact.
- where a third party Debt Collection Agency (DCA) or any third party contractor is used, suppliers shall ensure that the contractor adheres to the Code of

Practice on Payment of Bills and adheres to OFT (Office of Fair Trading) guidelines⁶. Suppliers shall be held fully responsible for the actions of any third party debt collection agency acting on their behalf. Any breach of this Code by a third party DCA will be considered to be a breach by the supplier the DCA is acting for.

- suppliers shall take all reasonable steps to prevent fraud and meter tampering.

⁶ http://www.offt.gov.uk/shared_offt/business_leaflets/consumer_credit/OFT664Rev.pdf

Code of Practice minimum standards on Provision of Services for persons who are of Pensionable Age or Disabled or Chronically Sick

Applies to Domestic Customers only

This Code of Practice minimum standards outlines the minimum actions required to fulfil the obligations detailed in Condition 31 of the Electricity Supply Licence and Condition 2.11 of the Gas Supply Licence. This Code of Practice should be no more than two clicks from the homepage on the supplier's website.

This Code of Practice seeks to help vulnerable customers in their dealings with energy suppliers. It covers:

1. Type of Customer

This Code of Practice cover customers who are of pensionable age or disabled, including in particular domestic customers who are disabled by virtue of being blind, partially sighted, deaf or hearing impaired or chronically sick.

For the purposes of this Code a person is 'disabled' if he/she has a 'disability' within the meaning given to that term in the Disability Discrimination (Northern Ireland) Order 2006.

For purposes of this Code the term 'Pensionable Age' shall be consistent with the state pension age.

2. Services Provided

a) Licensee will at the request of any such Domestic Customer, where reasonably practicable and appropriate, and in each case free of charge [details in licence]: (Condition 31, 3 (a-e) Electricity, Condition 2.11.3 (a-f) Gas).

In order to fulfil the above licence condition, at the request of any such domestic customer where reasonably practicable and appropriate, suppliers must, for no cost:

- provide special controls and adaptors for electrical and gas appliances and meters and reposition meters (including prepayment meters).
- provide special identification for employees authorised by the Licensee to visit households. This will include operation of a password scheme.

- provide advice on the use of electricity and/or gas appliances and other gas fittings (where appropriate) to any such customer who requests it.
- operate a nomination or bill redirection service for those customers who wish to have their bills redirected to a nominated person in addition to a copy of the bill sent to the actual customer if requested. Suppliers must ensure that the nominated person has agreed to receive the bills.
- arrange to read the meter at least once each quarter and advise the customer of that reading where the customer or no one else in the household can read the meter.
- arrange for a free annual gas safety inspection of the gas appliances and other gas fittings on the customers side of the meter for those customers who are of pensionable age, disabled or chronically ill. This only applies to households where all occupants are of pensionable age or disabled or chronically sick or minors. This does not apply where the landlord of the customer is responsible for the annual inspection in accordance with the Gas Safety (Installation of Use) Regulations (Northern Ireland) 2004. The safety inspection must be undertaken by a person possessing appropriate expertise (Gas Only).

b) The Code of Practice shall include arrangements by which the Licensee will on request and free of charge [details in licence]: (Condition 31, 4 Electricity, Condition 2.11.4 (a) Gas).

In order to fulfil the above licence condition suppliers must on request and free of charge:

- provide alternative formats of communications for those domestic customers who require it 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 any other services where appropriate. Also included is 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.

3. Disconnecting Customers who are of Pensionable Age, Disabled or Chronically Sick

c) The Code of Practice shall include arrangements by which the Licensee will deal with disconnections [details in licence]: (Conditions 31, 4 (b-d) and 31.6 (a-b) for Electricity, Conditions 2.11.4 (b-d) for Gas).

In order to fulfil the above licence conditions suppliers must:

- not disconnect a customer who has not paid their bill and is of pensionable age, disabled or chronically sick and lives alone or only with other persons who are of pensionable age, disabled, chronically sick or under the age of 18 during any winter period, that is to say, a period beginning with 1 October in any year and ending with 31 March in the following year.
- 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 during any winter period, that is to say, a period beginning with 1 October in any year and ending with 31 March in the following year.
- take all reasonable steps to ascertain whether a domestic property falls within the scope of the two previous points before exercising any right to disconnect the property.
- 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. This evidence must be provided to the Authority on request.

4. Awareness-raising of services provided

d) The Code of Practice shall include arrangements by which the Licensee will perform free of charge [details in licence]: (Condition 31, 5 (a-d) Electricity, Condition 2.11.5 (a-d) Gas).

In order to fulfil the above licence condition suppliers must:

- establish and maintain a register of domestic customers who are of pensionable age, disabled or chronically sick and who wish to be included on the list.
- ensure that the register holds sufficient information of the age, disability or chronic illness of domestic customers to allow their specific needs or requirements to be identified.
- inform domestic customers at least annually of the existence of the register and how eligible customers can be included on it.
- provide (free of charge) advice and information to customers on the services available from their supplier because of their age, disability or chronic illness.
- demonstrably promote customer care registers to encourage greater identification and sign up of eligible customers.
- encourage appropriate organisations (such as but not exclusive to advice giving agencies) to raise awareness of the existence of customer care registers amongst members and clients.
- ensure that relevant staff are adequately trained in the identification of customers who may be eligible for the customer care scheme and in treating customers in an empathetic manner to encourage customers to self-identify.
- where appropriate and in line with data protection provisions, provide information in the customer care register to any relevant party licenced to convey gas or distribute electricity to the domestic consumer's premises under the Gas Order or the Electricity Order in an appropriate form and at appropriate intervals.
- the Licensee shall, in respect of each domestic premises to which it cuts off the supply of electricity:
 - Maintain for at least a period of six months, or (where a complaint has been made in respect of the Licensee's actions to cut off the supply) for at least a period of six months after the complaint has been resolved; and
 - Provide to the Authority on request, evidence of the reasonable steps it took pursuant to the arrangement set out in its Code of Practice (Gas Condition 2.11.6 and Electricity Condition 31.6).

Codes of Practice minimum standards on Complaints Handling Procedure

Applies to both Domestic and I&C Customers

This Code of Practice minimum standards outlines the minimum actions required to fulfil the obligations detailed in the Condition 33 of the Electricity Supply Licence and Condition 2.8 of the Gas Supply Licence. This Code of Practice should be no more than two clicks from the homepage on the supplier's website.

This Code of Practice seeks to help customers when perusing complaints with their energy supplier. It covers:

1. Definition of complaint

"The expression (through various possible channels: letter, email, phone call or physical claim) of a person's dissatisfaction."

2. Accessibility of Complaints Handling Procedure

a) The Code of Practice shall include arrangements by which the Licensee will establish and operate **an accessible, equitable and transparent, simple and inexpensive** complaints procedure which shall enable any person who is being supplied with electricity or gas by the Licensee or has at any time received a supply of electricity or gas from the Licensee, to bring and have **promptly dealt** with any complaint he may have in respect of the Licensee's activities in providing such a supply.

The complaints procedure established and operated by the Licensee in accordance with the Codes of Practice shall as a minimum:

- specify the period, which may differ for different types of complaint but which shall not be longer than three months, within which it is intended that complaints will be processed and resolved;
- be made available to any person without charge;
- facilitate the fair and prompt settlement of complaints and disputes; and
- provide for a system, where required by the Authority under Condition 29 of the electricity licence and 2.20 of the gas licence or otherwise warranted, of making a reimbursement and/or compensation payment to complainants. (Condition 33, 2 & 3 Electricity, Condition 2.8.2.and 2.8.3 Gas).

In order to fulfil the above licence condition suppliers must:

- ensure that customer facing staff are able to inform any person about the energy company's complaints handling procedure and the role and contact details of the Consumer Council.
- ensure that the relevant terms and conditions, customer statements and bills and any other applicable literature refer to the existence of the Code of Practice on Complaints Handling and should signpost people to how they can get a copy.
- provide, insofar as is reasonably practical, free of charge to any person who requests it, a copy of the Code of Practice on Complaints Handling Procedure in hard copy or where appropriate other format as agreed with the person.
- place a link to up to date details of the complaints handling procedure in a prominent position on the home page of their website.
- ensure that the complaints handling procedure is sufficiently accessible to enable any person and in particular those persons with disabilities or those without internet access to lodge and progress a complaint.
- ensure that complaints procedures should be transparent and simple so that they do not deter any person from making a complaint.
- have in place low cost options for any person to make a complaint that must include but not be limited to:
 - a phone number charged at the equivalent of a local call rate
 - a Northern Ireland postal address
 - an email address or internet web page form
- allow for complaints to be made and progressed orally (by telephone or in person) or in writing (including email).
- where a person who is of pensionable age, disabled or chronically sick or has other specific needs or someone representing such a person makes a complaint, the energy company must take additional steps as deemed necessary or appropriate to help the person resolve the complaint in an appropriate and prompt manner.

- have due regard to the Gas (Individual Standard of Performance) Regulations (Northern Ireland) 2014⁷. This applies to gas suppliers only.

Transparency

In order to fulfil the above licence condition suppliers must:

- have a clearly written Code for handling complaints made by any person (including Domestic and Industrial and Commercial customers).
- ensure that the Code is concise, easy to understand and written in plain English.
- as part of the Code suppliers must include information about:
 1. The contact details for making a complaint
 2. The process for making a complaint
 3. The steps the supplier will take to investigate and resolve the complaint
 4. The timeframe in which the supplier will endeavour to resolve the complaint which shall not be longer than three months, including a prompt first answer or acknowledgement within 5 working days of the receipt of the complaint and the lead time to deal with a complaint. Gas Suppliers must take account of the Gas (Individual Standards of Performance) Regulations (Northern Ireland) 2014 when establishing timeframes for dealing with complaints.
 5. The contact details for dispute resolution i.e. the Consumer Council.
 6. The arrangements for compensation arrangements (if applicable)
- set out, in the Code of Practice, the different remedies that may be available to a person under the complaints handling process such as:
 1. An apology
 2. An explanation
 3. The taking of appropriate remedial action by the supplier
 4. The award of compensation in appropriate circumstances
- on receipt of a complaint, record:
 1. The date the complaint was received
 2. In what format the complaint was made (oral/written)

⁷ <http://www.legislation.gov.uk/nisr/2014/60/contents/made>

3. The identity and contact details of the relevant person making the complaint or on whose behalf the complaint is made
 4. A summary of the complaint
 5. A summary of any advice given or action taken
 6. Whether the complaint was resolved and if so an explanation of why it is deemed resolved
 7. The date the complaint was resolved
 8. If the complaint remains unresolved, the supplier must record the date that the consumer was advised that they may pursue the complaint through the Consumer Council
- retain written records collected through the complaints handling procedure for a period of at 2 years.
 - record all complaints and report in keeping with the UR's REMM complaint classifications.
 - allow for compensation if applicable under Condition 29 in the electricity supply licence and Condition 2.20 in the gas supply licence. Gas Suppliers must provide compensation in accordance with the Gas (Individual Standards of Performance) Regulations (Northern Ireland) 2014⁸.
 - currently, GSS in relation to electricity suppliers is under review. The Authority has issued a Call for Evidence in regards to electricity GSS, which can be found at this link:

<https://www.uregni.gov.uk/news-centre/electricity-guaranteed-standards-service-call-evidence>
 - in the event that the Authority does introduce GSS for electricity suppliers, then suppliers must ensure compliance with these standards as set out by the Authority.

Prompt and Effective

In order to fulfil the above licence condition suppliers must:

- establish clear timeframes, and a clear and reasonable escalation process for dealing with complaints with clear commitment to specified response times.

⁸ <http://www.legislation.gov.uk/nisr/2014/60/contents/made>

- ensure timely and fair investigation and resolution of complaints and show how it is intended that complaints will be processed and resolved within three months.
- allocate and maintain such level of resources as may be reasonably required to enable them to receive, handle and process consumer complaints in an efficient and timely manner.

3. Dispute Resolution

b) The Licensee shall keep each of its Customers informed (a) of the Customer's rights to initiate the Licensee's complaints handling procedure (as established in accordance with the requirements of Condition 33 for electricity and Condition 2.8 for gas); (b) that the Consumer Council can assist in resolving complaints which the Licensee has not resolved to the Customer's satisfaction; (c) that the Customer has the right to refer complaints which relate to billing matters to the Authority where the Consumer Council has not been able to resolve the complaint to the Customer's satisfaction; (Condition 38, 14 (a-c) Electricity, Gas Condition 2.19.14 (a-e).

In order to fulfil the above licence condition suppliers must:

- ensure appropriate training is given to all staff who come in contact with customers or the general public so they may make any person aware of the company's complaints handling procedure.
- ensure that front-line staff are fully informed and trained on the right of consumers to go to the Consumer Council if they are unhappy with how their complaint is being handled.
- ensure appropriate correspondence (such as bills, statements etc.) provided to customers includes information on the right of consumers to take unresolved complaints to the Consumer Council. The information will include:
 1. The contact details of the Consumer Council
 2. Reference to the fact that any person can utilise the scheme at no cost to themselves

3. The person's right to go to court if they deem the solution unsatisfactory is not affected by this procedure
- Include this information in their Complaint Handling Procedure so that it is available to any person making a complaint.

4. Reporting Requirements

Report on Performance. Condition 36, 2 (e) & 3 of the Electricity Supply Licence, Condition 2.23.2 (e) & 2.23.3. of the Gas Supply Licence.

The gas and electricity supply licences state reporting requirements with regard to performance on complaints. In order to fulfil the above licence condition suppliers must:

- provide to the Authority and publish on an annual basis the number of complaints received by the Licensee, whether made in writing, in person or by telephone and the number resolved by the Licensee.
- provide a copy of their complaints report free of charge to any person who requests a copy.

Code of Practice minimum standards on Services for Prepayment Meter Customers

Applies to Domestic Customer only

This Code of Practice minimum standards outlines the minimum actions required to fulfil the obligations detailed in Condition 34 of the Electricity Supply Licence and Condition 2.9 of the Gas Supply Licence. This Code of Practice should be no more than two clicks away from the homepage on the supplier's website.

This Code of Practice seeks to help customers who use prepayment meters when engaging with their supplier. It covers:

1. Information Provision for Prepayment Meter Customers

a) Provide advice, information, services and facilities, including the availability of emergency credit, which will assist the Domestic Customer to avoid being without supply of electricity (gas) at particular times or in particular circumstances; Condition 34, 3 (a) Electricity Supply Licence, Condition 2.9.3 (a) Gas Supply Licence

In order to fulfil the above licence condition suppliers must:

- provide an explanation of what a prepayment meter is and ensure that customers receive instructions on the use and operation of the prepayment meter before it is installed or at installation.
- use best endeavours to ensure that customers understand the tariffs and charges for using a prepayment meter and the supplier's policy on refunding credit balances.
- provide details on the amount of emergency credit associated with the meter and an explanation of how the emergency credit works.
- provide details of how to access information on vending facilities in the customer's area, including the location and hours available.
- ensure that where a prepayment meter is installed in order to collect outstanding debt, the supplier makes reasonable endeavours to ensure that

the customer fully understands the terms and conditions of the repayment arrangement before the installation of the prepayment meter and the implications for their payments and outstanding debt (i.e. the actual amount to be deducted along with per cent of debt) and what to do if they have difficulty maintaining the debt repayments.

- provide customers with information about how debt will be recovered i.e. on a per vend basis but advise that times of lower usage may be a good opportunity to reduce their debt.

b) Instructions for the operation of the prepayment meter system, including token availability, emergency credit and other such facilities; Condition 34, 3 (b) Electricity Supply Licence, Condition 2.9.3 (b) Gas Supply Licence.

In order to fulfil the above licence condition suppliers must:

- when the meter is installed and upon request at any time, at no charge, provide instructions on how to operate the meter which are expressed in clear, simple and concise language, and in a format which makes it easy for a person not familiar with the operation of a prepayment meter to understand. These instructions must also be available on the supplier's website.
- provide instructions on how and where payments to the account can be made.
- if requested, use its best endeavours to provide the operating instructions in a language other than English or another format such as Braille.
- where applicable, provide details on how the customer can access up to date information on the amount of their debt, the likely length of time to repay the debt and how much their tariff for debt recovery has been calculated.
- ensure that the customer can reasonably access facilities to top up the prepayment meter. (Suppliers will consider issues such as internet access, mobility issues and the geographical coverage and location of nearest outlets where prepayment meter top ups are available).
- Electricity suppliers must:
 - (i) ensure prepayment infrastructure (Liberty system) is programmed to dispense the change of rate code (the 40 digit code), via the vending

process, between 7 and 20 days period before the change in rate actually takes effect (tariff effective date). Each electricity supplier must adopt a consistent change of rate process and timeframe for every tariff change (regardless whether the tariff change is an increase or decrease). This means, for example, that if a supplier chooses to dispense the change of rate code 15 days before a tariff increase, they must also dispense the change of rate code 15 days before a tariff decrease;

- (ii) use best endeavours to ensure that customers understand the process of how their meter is updated when there is a tariff change. This includes, but is not limited to, the actions that the customer is required to take to update their meter with the change of rate code (40 digit code). Suppliers must advise customers how many days before the tariff effective date they will receive their change of rate code;
- (iii) ensure that, for each tariff change, domestic prepayment customers are notified at least 21 days in advance of the tariff effective date of the process as outlined in paragraph (ii) above.

- ensure that the domestic customer can purchase their electricity in advance through a prepayment meter and not prevent the customer from purchasing electricity through a prepayment meter.
- the licensee shall, no later than three months after this Condition takes effect or such later date as the Authority directs establish, and submit to the Authority, such arrangements as will ensure that in an event which (a) the Authority considers that circumstances have arisen that would entitle the Authority to revoke the Licence; or (b) the Licensee purposes to assign or transfer its business to another electricity supplier or cease its business as an electricity supplier.
- ensure that each prepayment Domestic Customer is able to continue using, and to do so on the same basis, the prepayment meter services being provided to that Domestic Customer by the supplier until at least such time as either: (i) a Last Resort Supply Direction issued to another electricity supplier in accordance with Condition 22 takes effect; or (ii) another electricity supplier starts to supply electricity to the Domestic Customer.
- for gas, each Licensee's must ensure that each prepayment domestic customer is able to continue using, and to do so on the same basis, the prepayment meter services being provided to that domestic customer by the Licensee until at least such time as another gas supplier starts to supply gas

to the domestic consumer. Arrangements for a Supplier of Last Resort for Gas suppliers are currently being developed. In the event that the Authority introduces such arrangements, then Gas Suppliers must ensure compliance with the Supplier of Last Resort requirements as set out by the Authority.

c) Details of where the Customer may obtain information or assistance if the prepayment meter or any device used to allow the Charges for the Supply of Electricity (Gas) to be paid through the prepayment meter is not operating effectively; Condition 34, 3 (e) Electricity Supply Licence, Condition 2.9.3 (e) Gas Supply Licence.

In order to fulfil the above licence condition suppliers must:

- provide the telephone number(s) for advice on use of meter, complaints and emergency service. One telephone number can service advice on use of the meter and complaints.

2. Suitability of Prepayment Meters

d) Details of the advantages and disadvantages of prepayment meters, including situations or types of Customer for which they are particularly suited or unsuited; Condition 34, 3 (c) Electricity Supply Licence, Condition 2.9.3 (c) Gas Supply Licence.

In order to fulfil the above licence condition suppliers must:

- list in the Code of Practice the advantages and disadvantages of a prepayment meter taking different customer groups into consideration.
- use reasonable endeavours to seek to identify any customer for whom a prepayment meter may not be suitable especially customers who are of pensionable age, disabled or chronically sick. This process will include assessing access to payment facilities. It is important that customers are capable of using any metering technology that is provided safely and that they can access the meter and access a location to purchase top-ups for their prepayment meter.

- proactively seek to ensure that customers are aware of alternative payment methods.
- for customers that are in debt, point out the benefits of prepayment meters in debt repayment. Installation of prepayment meters without the express agreement of the customer should be used as a last resort in the debt recovery process in order to avoid disconnection.
- ensure that for customers with a disability or older customers, that the meter is located in a position which is accessible to the customer and that the customer is able to operate the meter (for example are the buttons and display screens accessible for those with slight impairment or other disabilities). Where reasonably practicable and appropriate the supplier will arrange for the provision of special controls or adaptors and reposition meters to enable the customer to operate the meter.
- not install a prepayment meter in a household where a life support system or critical care medical equipment is required⁹ (electricity only).
- where the supplier becomes aware that an excising prepayment customer is experiencing difficulties physically using the meter or accessing top up facilities, the supplier should work with the customer to make an alternative arrangement for payment.
- ensure that customers are aware that if they do choose to change supplier their options for vending may change.

3. Payments for Prepayment Customer

e) Details of any additional charges which may be payable for the use of prepayment meters and the basis on which these charges are calculated; Condition 34,3 (d) Electricity Supply Licence, Condition 2.9.3 (d) Gas Supply Licence.

In order to fulfil the above licence condition suppliers must:

- make customers aware of any additional charges payable for the use of a prepayment meter and how these additional charges are calculated.

⁹ <http://www.nie.co.uk/Customer-information/Critical-care-register>

- advise customers of any charges which will be made for replacement of lost cards and the amount of such charges.
- the Licensee shall not prevent the customer from purchasing their electricity in advance through a prepayment meter.

f) Information about the procedures the Licensee will follow when removing or resetting the prepayment meter, including the timescale and any conditions for removing or resetting it. Condition 34, 3 (f) Electricity Supply Licence, Condition 2.9.3 (f) Gas Supply Licence.

In order to fulfil the licence condition above the supplier must:

- provide customers with information on procedures, timescales and any other conditions for resetting or removing a prepayment meter.
- where appropriate, provide instructions on how to obtain a refund of remaining credit when the prepayment meter contract is terminated.

g) Ensure that any calibration of the prepayment meter to recover outstanding charges due from any consumer does not operate so as to recover more than 40% (except where the customer has in writing requested for a higher percentage to apply) from each amount that is purchased by the consumer in any single transaction (and thereby transferred to the token, key or card by which the prepayment meter is operated), as payment of or towards the outstanding charges. Condition 34, 3 (g) Electricity Supply Licence, Condition 22.9.3 (g) Gas Supply Licence.

In order to fulfil the above licence condition suppliers should reference the Code of Practice on Payment of Bills (Condition 30,3 (h) Electricity, Condition 2.12.3 (h) Gas).