
Treating vulnerable consumers fairly

A proposed guide for phone, broadband and pay-TV providers

[Treating vulnerable consumers fairly](#) – Welsh version

CONSULTATION:

Publication date: 25 September 2019

Closing date for responses: 20 November 2019

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1. Overview

This consultation document suggests measures providers could adopt to help ensure they treat vulnerable people fairly and give them the help, support and services they need.

One of Ofcom's priorities is to ensure broadband, phone and TV customers, especially vulnerable customers, are treated fairly.¹ Ofcom's principal duty is to further the interests of citizens and protect consumers from harm, especially vulnerable people. This is reflected in our Fairness for Customers Commitments, which are designed to strengthen how companies treat their customers – especially those who might be vulnerable.²

Anybody can face circumstances that lead to them becoming vulnerable - temporarily or permanently. This might include physical or mental health problems, specific characteristics such as age or literacy skills, or changes in personal circumstances such as bereavement or job loss. We recognise that people in these circumstances may find it challenging to deal with some personal matters, including managing their broadband, phone and TV services.

Vulnerable people might face barriers to making full use of their communications services, particularly if providers don't offer the right help and support. Many people already find dealing with essential service providers (for example, energy, water and telecoms companies) a stressful experience. For example, 37% of people who have experienced a mental health problem exhibit significant levels of anxiety when dealing with essential service providers.³ If a provider delivers poor service or creates unnecessary barriers for vulnerable consumers, this could make their situation worse.

Providers must treat vulnerable consumers fairly and give them the right help, support and services. Ofcom's rules – specifically General Conditions C5.1-5.5, which came into force in October 2018 - require providers to have policies and procedures in place to ensure vulnerable customers are treated fairly. We want vulnerable people to receive a high level of customer care to help them to manage their communications services effectively, and to help them get the right deal for their needs at a competitive price. Many providers have made progress in making sure they treat vulnerable consumers fairly, but there is still room to do more.

This consultation document suggests practical steps that providers should consider taking, to help ensure they are treating vulnerable consumers fairly and deliver good outcomes.

Our proposed guide aims to bring together current examples of good practice when it comes to treating vulnerable customers fairly. This is based on our engagement with industry, consumer groups and other regulators.

¹ See Ofcom, 2019, [Ofcom's Annual Plan: Our programme of work for 2019/20](#)

² See Ofcom, 2019, [Britain's biggest broadband and phone firms to put fairness first](#)

³ Money and Mental Health Policy Institute's *Access Essentials, Giving people with mental health problems equal access to vital services*

The measures, as set out in sections 3-7 of this document, cover:

- **establishing and publishing policies;**
- **treating vulnerable consumers fairly;**
- **recording information;**
- **monitoring performance; and**
- **staff training.**

These measures are not intended to be prescriptive or exhaustive and we expect to review the final guide from time to time, as practices in this area evolve. Fair treatment of vulnerable consumers is a priority issue in Ofcom's annual plan of work, and we will continue to engage with stakeholders on this topic on an ongoing basis.

In this document, we refer to people whose circumstances have led them to becoming vulnerable as '**vulnerable consumers**'. We recognise that our stakeholders use a range of different terminology and some people might not like to be labelled as a vulnerable consumer. However, the term is well-recognised among communications providers (who we refer to as 'providers' in this consultation document) and allows us to discuss the topic openly and clearly, so we can seek improvements for consumers in the communications sector.

We are now seeking views from interested or affected parties on our proposed guide on treating vulnerable customers fairly.

The consultation closes on 20 November 2019.

Vulnerability in the UK

13.3 million



UK residents have a disability

1 in 6 adults

experience
common mental
health problems
every week



Also, **23%** of us
suffer anxiety when
dealing with service
providers



2.5 million

people in the UK
are living with cancer

Dementia affects
almost

1 million

people
in the UK



350 people

declared bankrupt **per day**
Jan-Apr 2019



Sources:

Department for Work and Pensions, [Family Resources Survey 2017/18](#)

Macmillan, [Cancer statistics](#)

Mental Health Foundation, [Fundamental Facts about Mental Health 2016](#)

Alzheimer's Society & Dementia Statistics Hub, [Prevalence projections in the UK](#)

The Money Charity, [Money Statistics July 2019](#)

2. Background

Regulatory framework

General duties

- 2.1 Section 3(1) of the Communications Act 2003 (the “Act”), sets out Ofcom’s principal duty:
- a) to further the interests of citizens in relation to communications matters; and
 - b) to further the interests of consumers in relevant markets, where appropriate by promoting competition.
- 2.2 Section 3(3) says that, in doing this, our activities should be transparent, accountable, proportionate, consistent, and targeted only at cases in which action is needed, as well as conforming to best practice.
- 2.3 Section 3(4) goes on to say that we must also consider the needs of people with disabilities, the elderly and those on low incomes. We must also consider the vulnerability of children and of others whose circumstances mean they need special protection.
- 2.4 Some consumers can be more vulnerable to unfair treatment than others, due to their personal characteristics or circumstances. The fair treatment of vulnerable consumers is a priority for Ofcom.
- 2.5 The suggested measures in this document will help achieve our objectives and fulfil our duties. They will give stakeholders clarity about the types of things we expect providers to do to comply with their obligations.
- 2.6 Our current view is that publishing a guide on treating vulnerable consumers fairly, as opposed to new formal regulation, is an appropriate and proportionate way forward. It should give providers flexibility in how they comply in this area in order to achieve the fair treatment of vulnerable consumers. Where necessary we will still take formal regulatory action, using the powers described below.

General Conditions of Entitlement

- 2.7 Section 45 of the Act gives us a power to set (and modify) general conditions, which are regulatory conditions that all providers of electronic communications networks and services must comply with if they provide services in the UK. Under section 51(1)(a), those conditions might include measures aimed at protecting the customers of communications services.
- 2.8 Ofcom’s General Conditions of Entitlement (the “General Conditions”) are the conditions we have put in place using these powers. General Condition (“GC”) C5 aims to ensure that providers consider the needs of people with disabilities and vulnerable consumers.
- 2.9 The general conditions set out the services that providers must provide to certain groups of people, including people with disabilities or certain accessibility needs. These services

include text relay services (mobile and landline), emergency SMS (mobile only), large print and Braille bills and contracts, priority fault repair (fixed broadband and landline), free directory information and third-party bill management. These services must also be widely publicised by providers, using appropriate communication channels (as per GC C5.6).⁴

2.10 This consultation document focuses on the provisions set out in GC C5.1-C5.5, which came into force on 1 October 2018.⁵ Ofcom introduced these provisions to ensure providers have the right policies and procedures in place to treat vulnerable consumers fairly and appropriately:

“C5.1 This condition applies to all providers of Public Electronic Communications Services, each of whom is a ‘Regulated Provider’ for the purposes of this Condition.

C5.2 Regulated Providers must establish, publish and comply with clear and effective policies and procedures for the fair and appropriate treatment of Consumers whose circumstances may make them vulnerable.

C5.3 Such policies and procedures must include, as a minimum:

(a) practices for ensuring the fair and appropriate treatment of Consumers who the Regulated Provider has been informed or should otherwise reasonably be aware may be vulnerable due to circumstances such as age, physical or learning disability, physical or mental illness, low literacy, communications difficulties or changes in circumstances such as bereavement;

(b) how information about the needs of Consumers who the Regulated Provider has been informed or should otherwise reasonably be aware may be vulnerable will be recorded and the different channels by which these Consumers will be able to make contact with, and receive information from, the Regulated Provider; and

(c) how the impact and effectiveness of the policies and procedures are monitored and evaluated.

C5.4 Regulated Providers must provide to Ofcom, on request, any information considered by Ofcom to be necessary to demonstrate compliance with this Condition.

C5.5 Regulated Providers must ensure that all staff are made aware of the policies and procedures and appropriately trained, including (if applicable) on how to refer Consumers to specialist teams or members of staff who have received additional training.”

Scope of the suggested measures

2.11 This consultation suggests measures that providers could adopt to help ensure they treat vulnerable consumers fairly and give them the help, support and services they need. Our aim is to help providers to understand and respond appropriately to the needs of vulnerable consumers, including ensuring their staff are equipped to meet these needs.

⁴ See Ofcom, 2016, [A guide to publicising services available to disabled people](#)

⁵ See Ofcom, 2019, [General Conditions of Entitlement](#)

Who suggested measures apply to

- 2.12 GCs C5.1-5.5 apply to each *“Regulated Provider.”* They are defined in GC C5.1 as all providers of *“Public Electronic Communication Services.”* That is, providers of *“any Electronic Communications Service that is provided so as to be available for use by members of the public”*.
- 2.13 An *“Electronic Communications Service”* (“ECS”) is defined in the GCs as *“a service consisting in, or having as its principal feature, the conveyance by means of an Electronic Communications Network of signals, except in so far as it is a content service”*.
- 2.14 An *“Electronic Communications Network”* (“ECN”) is in turn defined as:
“(a) a transmission system for the conveyance, by the use of electrical, magnetic or electro-magnetic energy, of signals of any description; and
(b) such of the following as are used, by the person providing the system and in association with it, for the conveyance of the signals:
(i) Apparatus comprised in the system;
(ii) Apparatus used for the switching or routing of the signals; and
(iii) software and stored data...”
- 2.15 Providers must therefore establish, publish and comply with policies and procedures that help to ensure vulnerable customers are treated fairly.
- 2.16 Providers should also consider the suggested measures we set out in this consultation document. They are examples of reasonable, practical steps that will help to ensure vulnerable consumers are treated fairly and help to ensure providers are meeting their regulatory obligations.

How the suggested measures will be taken into account

- 2.17 This consultation document suggests measures providers could adopt to meet their obligations under GCs C5.1-5.5. It does not amend or replace their previous obligations. In assessing whether a provider is meeting its obligations, we would take into account whether a provider has adopted any of these measures.
- 2.18 The suggested measures do not constitute legal advice on how to comply with GCs C5.1-5.5. It would remain open for providers to consider taking other reasonable steps (other than those set out in this document) to ensure they comply. If they are in any doubt, providers should take their own legal advice on how to comply.

Review of the suggested measures

- 2.19 We acknowledge that providers’ practices in treating vulnerable consumers fairly are a dynamic and evolving area and practices may change over time. Providers should therefore aim to keep up to date with future industry developments.

- 2.20 Ofcom will also do the same. We expect to review the guide from time to time. If we identify alternative or additional measures we think it would be appropriate to include, we might decide to update the guide.

Impact assessment

- 2.21 Section 7 of the Act sets out Ofcom's duty to carry out impact assessments. We have not carried an impact assessment in respect of this consultation document. This is because we carried out an impact assessment when we introduced the relevant GCs, C5.1-5.5, and we are now publishing a guide to help providers comply with those same obligations. We do not therefore consider that the contents of this consultation document impose any burden on providers beyond the requirements of the GCs which they should already be meeting.
- 2.22 In relation to equality, Ofcom is required to consider any potential impacts our proposals might have on particular equality groups, such as people sharing a protected characteristic as defined by the Equality Act 2010. These include sex, disability or race. In addition, our equality duties in Northern Ireland, under section 75 of the Northern Ireland Act 1998, require us to consider the desirability of promoting good relations between people of different religious belief, political opinion or racial group.
- 2.23 Ofcom considers that the contents of this consultation document are consistent with our duties in this area. We do not consider that there is any negative impact on any protected groups. We further consider that the suggested measures reinforce the benefit of GC C5.1-5.5 to vulnerable consumers.

3. Establishing and publishing policies

C5.2: Regulated Providers must establish, publish and comply with clear and effective policies and procedures for the fair and appropriate treatment of consumers whose circumstances may make them vulnerable.

- 3.1 In this section, we suggest measures for providers to consider when establishing and publishing their policies and procedures for treating vulnerable consumers fairly.

Proactive senior level engagement

- 3.2 Senior leaders must play a part in making sure their vulnerable consumers are treated fairly. This includes making sure the treatment of vulnerable consumers is high on their agenda, discussed regularly in senior meetings and across the organisation.
- 3.3 Many providers have appointed senior sponsors to oversee their organisation's work in this area, and we welcome this. We encourage providers to avoid having just one person responsible for overseeing how vulnerable consumers are treated. We also recommend that accountability is held at the appropriate level of seniority and influence, such as board or executive level.
- 3.4 We encourage sponsors to take the lead on ensuring that fairness, especially for vulnerable consumers, is embedded into the organisation's culture. This should help ensure that the fair treatment of customers, especially vulnerable people, is considered at all levels of an organisation.
- 3.5 We also encourage sponsors to actively monitor how their organisation is performing when it comes to treating vulnerable consumers fairly. This can include through staff performance and customer feedback. This will also help them take the lead on improving outcomes for vulnerable consumers, as they will have a greater understanding of where things are not going well.

Taking an inclusive approach to who is potentially vulnerable

- 3.6 GC C5.3 provides some examples of circumstances that could indicate that a consumer is vulnerable. These include age, a physical or learning disability, a physical or mental illness, low literacy, communications difficulties or changes in circumstances such as bereavement. This is not an exhaustive list, and some people might face a combination of circumstances at any point. Vulnerability may also change over time.
- 3.7 So, when designing policies and procedures on treating vulnerable consumers fairly, we expect providers to take an inclusive approach to who may be considered vulnerable. This means having an approach that includes and takes account of the different types of vulnerabilities that their customer base might be facing. This will ensure that their policies and procedures cover the wide range of people who might need their help, support and services.

- 3.8 As illustrated on page 3, a large proportion of people in the UK could potentially become vulnerable due to changes in their personal circumstances. So, providers must have a robust understanding of the different issues that could affect their customers and use this to inform their policies and practices.
- 3.9 Several providers have worked with consumer interest groups and charities when developing their policies and procedures. Drawing on such expertise can help providers ensure they are well-informed on the different groups of vulnerable consumers (and what help, support and services they may need).

Publishing policies on treating vulnerable consumers fairly

- 3.10 GC C5.2 requires providers to publish their policies and procedures. When publishing them, we expect the information to be accurate and up-to-date, easy to understand, clearly signposted and easy to find.
- 3.11 As many consumers will use providers' websites to access such information, we expect policies and procedures to be published on those websites. We encourage providers to take the following steps to ensure the relevant webpages are easy to locate and useful for vulnerable consumers.
- Ensure the policies and procedures and contact, help and accessibility webpages are easy to find, and prominently linked from the homepage, and include all available contact methods.
 - Ensure website search functions bring up relevant policies, procedures and useful information, including the information included in contact, help and accessibility web pages.
 - Include summaries of the services set out under the general conditions (such as priority fault repair or text relay)⁶ within published information, including how the services can be accessed.⁷
 - Make information available in different formats, for example readable for people with visual impairments using screen readers.
- 3.12 For people who do not use the internet, we expect providers to have information available via different communication channels on request. These could include paper copies available by post or in store.

⁶ See General Conditions C5.6-5.13.

⁷ Ofcom's 2016 document, [A guide to publicising services available to disabled people](#), sets out good practice in relation to publicising services for disabled people.

4. Treating vulnerable consumers fairly

C5.3: Such policies and procedures must include, as a minimum... (a) practices for ensuring the fair and appropriate treatment of Consumers who the Regulated Provider has been informed or should otherwise reasonably be aware may be vulnerable...

4.1 This section sets out some suggested measures providers could take to identify vulnerable consumers and treat them fairly.

Identifying vulnerable consumers

4.2 Identifying someone who might be a vulnerable consumer is the first step in providing the support they might need. Without taking effective steps to identify these consumers, those who need and are entitled to support might not get it.

4.3 Our evidence suggests there is much more progress providers can make in this area. While some providers have some records of vulnerable consumers in certain groups, the overall number of customers identified by providers as potentially vulnerable is significantly smaller than we might expect.

4.4 We recognise that identifying who is potentially vulnerable can sometimes be challenging for providers, who in some cases will have limited information about a person's life or circumstances. In addition, people's individual circumstances can change at any point. A new customer might not be vulnerable at the time of signing up to a new provider, but changes in their personal circumstances might lead to them becoming vulnerable in future.

4.5 So, we encourage providers to raise awareness of the help, support and services on offer to new, existing and re-contracting customers. This will help them to decide if these would be useful to them. Providers should also do all they can to encourage consumers to tell them about any specific accessibility or customer services needs they have, to avoid creating any barriers to them receiving the help they need. There are measures to help achieve this.

- Ask all customers at the earliest opportunity whether they have any specific accessibility or customer service needs that the provider could help with.
- Give all customers a statement about the help they offer customers who are vulnerable or have specific accessibility or customer service needs, and explain how they can sign up for it. This statement should also be published so its contents are easy to access.
- Have a range of methods for customers to inform or update them about any vulnerability they may be experiencing, or any specific accessibility or customer service needs they have. These could include online forms, a phone number or web chat function.
- Tell customers about the help, support and services available via all communication channels, where appropriate, so they can decide whether they would be useful to them.

- 4.6 Some people might not be willing or able to tell providers they are vulnerable or have a specific customer service need. So, providers should train their employees to listen carefully and be aware of the potential characteristics, behaviours or verbal cues of someone who might be vulnerable or who might benefit from the help, support and services that are available. They can then offer them when needed.⁸
- 4.7 It is important that providers take steps to improve how they identify vulnerable consumers. While these steps might not result in all such consumers being identified, we would expect to see substantial improvements in the numbers who are. If not, we will consider further interventions to bring about improvements.

How providers can help vulnerable consumers

- 4.8 We set out below a range of suggested measures that we encourage providers to consider including in their policies and procedures.
- 4.9 Many of these measures can be applied to all consumers, vulnerable or not. This will ensure vulnerable consumers receive the appropriate help, support and services they need even if their provider does not know they are vulnerable.

Offer a wide range of communication channels

- 4.10 We expect providers to offer a range of communication channels to customers. These should include telephone, post, email, webchat, video call and text. Providers should also ensure customers can carry out important account activities such as sales, billing or complaints using these channels. As noted above, providers are also required to provide text relay services and bills in large print or Braille.⁹
- 4.11 Having a wide range of communication channels is important as different customers will have different preferences or needs, sometimes due to their personal circumstances or characteristics. For example, 54% of customers who have experienced mental health problems have serious difficulties using the telephone and might therefore prefer an alternative communication channel.¹⁰ In addition, partially sighted or blind consumers might prefer a combination of telephone conversations and large print/Braille correspondence by post. Conversely, some people are not comfortable with telephone calls or find receiving post stressful, so they might prefer digital channels.

⁸ For example, see the Money Advice Trust's [BRUCE tool](#).

⁹ See GC C5.8-9 on relay service and C5.13 on bills and contracts in accessible formats.

¹⁰ Money and Mental Health Policy Institute's *Access Essentials, Giving people with mental health problems equal access to vital services*.

“My hearing has recently deteriorated. I find it hard to communicate as I always use the phone.”

When a consumer says they have particular needs, it is important that this is noted on their account. Relevant services should be outlined and agreed before communication channels are updated, where necessary.

In this scenario, appropriate services to suggest may be text relay, different hardware (a telephone that works well with hearing aids) or a referral to specialist organisations.

Make customer interactions a positive experience

- 4.12 We encourage providers to focus on making customer interactions positive for their customers, especially vulnerable people. Frontline staff should be trained¹¹ to communicate with vulnerable consumers with empathy and support, and listen carefully to what they say, to help them feel more comfortable in speaking to their provider or sharing their customer service needs.
- 4.13 Often small changes in approach will have a meaningful impact on a customer’s experience, for example, allowing more time on a telephone call to ensure a high-quality conversation, rather than focusing on call time targets. Providers should also allow customer service advisors some degree of flexibility to go ‘off-script’ when speaking to vulnerable consumers, as they might need more detailed information or a specific approach that suits their needs.
- 4.14 We also encourage providers to do what they can to avoid vulnerable consumers having to explain their personal circumstances each time they contact them, which could be frustrating and/or distressing.
- a) Customer service advisors should make clear and detailed notes on their internal systems.
 - b) Any recorded information on a customer’s personal circumstances should be made available to customer service advisors when they speak to that consumer.
 - c) Vulnerable customers should not need to repeat themselves when they are put through to another person or department. This can be achieved by customer service advisors discreetly passing on relevant information.
 - d) A direct contact should be available for consumers who would benefit from this.
- 4.15 Some providers are taking steps to also improve face-to-face interactions with customers. Examples include checking in advance if someone might take longer to answer the door, deploying engineers for relatively minor issues like installing equipment, where this would help the customer, and having dedicated sessions with British Sign Language interpreters in-store or made available digitally.

¹¹ See section 7 on staff training.

Provide clear accessible written communications

- 4.16 We encourage providers to ensure their key written communications, including web chat, bills, terms and conditions, policy documents and contracts, are clear and use plain English.
- 4.17 Where possible, we encourage providers to tailor content to customers' specific needs and be clear if there is an action for the customer to take, for example, if they are expected to get in touch or make a payment. Where relevant, written communications should also include information on the help, support and services that are available to vulnerable groups.
- 4.18 A lot of people use the internet to access information. Providers' websites should therefore be easy to understand and navigate, with useful information and access to help, support and services. We also recommend that websites are tested with screen readers to ensure they work correctly for customers with visual impairments.
- 4.19 Providers should review their communications regularly, to ensure they are fit for purpose and take account of any feedback or good practices shared by charities and consumer interest bodies. They could also test their communications with customers, where appropriate.

Offer follow-up information in writing

- 4.20 Some people, including vulnerable people, might find it useful to receive information in writing following a telephone call or web chat, so they can review and digest in their own time. For example, they may not remember information well or find it hard to process what is said to them in real-time, particularly over the telephone.
- 4.21 Offering follow-up information in writing will be useful for many people, especially vulnerable people. Where appropriate, this should include information about services they are purchasing or upgrading/downgrading and any help, support or services that might assist them.

“My husband has died. How do I transfer the phone account at our house into my name?”

In this example, the caller might be upset and distressed. Good customer service would include the agent showing empathy, listening carefully and taking the time to discuss all the details of their account, including how the account holder’s name can be changed. They should also ensure that they do not send any further correspondence in the customer’s husband’s name, as this could distress the customer. It might be useful to provide a summary of the changes and discussions in writing after the call, so the caller can refer to it in their own time.

Promote the extra help, support and services that are available

- 4.22 We encourage providers to promote the full range of extra help, support and services they offer to customers. We also remind providers that they are obliged to promote the services they offer to meet the needs of consumers with disabilities.¹²
- 4.23 In addition, providers could consider working with consumer interest bodies and charities to increase awareness of the help, support and services that are available. For example, providers could raise awareness of their accessibility services to relevant customers by collaborating with relevant charities on how to promote these services effectively.
- 4.24 We encourage providers to provide all customers with a statement, alongside their new contract documents or welcome pack that sets out:
- a) details of the help, support and services they offer customers who might be vulnerable or have specific accessibility or customer service needs; and
 - b) clearly explains how customers can sign up for help, support or services at any time.
- 4.25 The statement could be sent by post or email or provided as a paper copy in store where available. It should also be published on providers’ websites,¹³ so it is widely accessible to customers. Over the telephone, customer-facing representatives could refer to the statement and offer to send it to customers or verbally explain the services available.

¹² Ofcom’s 2016 guidance document, [A guide to publicising services available to disabled people](#), sets out good practice in relation to publicising services for disabled people, which is still relevant when publicising services to those customers.

¹³ See section 3 for discussion on publishing policies.

“I’m 86 and don’t see or hear too well anymore, and I didn’t catch everything you said on this call, but I’m sure it’s going to be fine.”

Good customer service could include the agent noting the consumer’s specific accessibility or communication needs (in line with data protection), being empathetic with the consumer, identifying that they may benefit from taking longer to talk to them and offering to follow the call with a written summary (especially if the customer made changes or signed up for additional services). We would also expect the provider to make the customer aware of the help, support and services that are available, such as text relay and bills in large print.

- 4.26 We encourage providers to send a reminder of the available help, support and services to existing (or re-contracting) customers on a regular basis, for example, once per year with billing or other customer service communications. We are aware that providers in the energy sector give their customers this sort of reminder alongside their annual account update. One example we have observed in the energy sector states: ‘Let us know if you need extra help. If you’re elderly, disabled, sick... we can help make your life easier. Sign up here [link] to get help that best suits you’.

Implement specialist customer service teams or identify staff members who can help

- 4.27 We encourage providers to have specialist staff in place who have had specialist training on helping vulnerable consumers.¹⁴ Where a vulnerable consumer’s needs will be better met by a specialist, they should be referred as soon as possible.
- 4.28 We encourage providers to allow specialist members of staff to dedicate the time to certain customers, regardless of the channel they are using to communicate. We also encourage providers to ensure specialist staff are empowered to offer flexible solutions to people who have specific customer service needs.
- 4.29 Most of the larger providers are taking this approach. We welcome this and other initiatives including dedicated telephone lines for vulnerable consumers and specialist staff in teams responsible for debt collection (where there is often a higher likelihood of speaking to vulnerable consumers).

Signpost other organisations that support vulnerable consumers

- 4.30 In some cases, it may be appropriate to refer customers to a third-party organisation such as Citizens Advice, debt charities, mental health charities, the Samaritans¹⁵. This is because they may be better equipped to provide specialist help and support.
- 4.31 So, we encourage providers to build links with these types of organisations and, where possible, have direct telephone or digital routing available for consumers who might need

¹⁴ We discuss the use of specialist teams further in section 7.

¹⁵ This list is non-exhaustive.

urgent assistance. In less urgent circumstances, providers could promote third-party services over the telephone or send links to useful information.

- 4.32 There are also external resources available from consumer bodies which could help providers to implement processes and train staff to help vulnerable customers.¹⁶

Help third parties, such as relatives or carers, who are supporting vulnerable consumers

- 4.33 Vulnerable consumers are sometimes helped by people such as relatives or carers. We encourage providers to be sensible when communicating with these people when required so they can deal with queries or issues on behalf of consumers without unnecessary barriers.
- 4.34 However, in doing so, providers must also make sure that vulnerable customers are appropriately protected from unauthorised activity or scams. A person acting on behalf of a customer should be authorised to do so, and should pass appropriate security measures to access a customer's account.
- 4.35 Providers are required to offer third-party bill management services, which can benefit vulnerable customers. These services should be easy to set up.
- 4.36 We also encourage providers to offer other third-party services, including the ability for a customer to switch any third-party permissions on and off and set up additional notifications for the person acting on their behalf, such as potential spending or usage alerts¹⁷.

“My brother has suffered a head injury and can no longer manage his own affairs. Finalising the deputyship order is likely to take two or three months. In the meantime, he is paying for broadband services he cannot use.”

We would expect the provider to speak to the person representing the customer with compassion and empathy. We would also expect the provider to use suitable verification methods, for example, asking to see paperwork regarding the deputyship order. In relation to the account, good customer service could include the provider allowing the account to be frozen for an initial period (at least as long as it takes to obtain the deputyship order).

Act fairly when a consumer is facing problem debt

- 4.37 Debt can be stressful and can have a significant impact on a person's mental health. Research by the Money and Mental Health Institute shows that, each year, 13% of people

¹⁶ See, for example, Money Advice Trust's [Vulnerability, mental health and the energy sector: a guide to help identify and support customers](#).

¹⁷ As suggested in [Citizens Advice's publication](#) on cross sector minimum standards support for people with mental health problems.

in problem debt¹⁸ think about suicide and three per cent of people in problem debt attempt to take their own life.¹⁹

4.38 We expect providers to recognise that customers who are in arrears are likely to be vulnerable, and encourage providers to take extra measures to ensure that customers in debt are treated fairly.²⁰

- Use a range of communication channels when contacting a customer about their debt (including their preferred method of communication) before taking any follow-up action, including enforcement or debt recovery.
- Allow a customer some time to get help, support and debt advice (without the threat of enforcement action or disconnection during the same period).²¹
- Discuss and agree a reasonable payment (including considering any advice or proposals from a debt adviser) and being clear on any additional costs involved and how services will be affected.
- Refer customers to debt organisations or charities who can provide free debt advice and support (directly where possible).²²
- Proactively offer tariff advice, whether that is switching to a cheaper tariff or social tariff.

“I suffer from mental health problems and have difficulties with my memory and remembering information. My income fluctuates as a result and I have had to deal with the collections team before, which has brought on severe anxiety and scares me.”

One in four people will experience a mental health problem each year and over a third (36%) of people experiencing a mental health problem have never been diagnosed. We therefore expect providers to be aware that a high proportion of their customers will be affected by mental health problems and they should be equipped to offer them the appropriate help, support and services.

In this example, good customer service would include the provider giving clear and accessible information, via the customer’s preferred communication method. The provider could offer to send details of any verbal conversations in writing, so the customer has time to digest what they have been told. It may be appropriate to offer tariff advice due to the customer’s income fluctuations.

If the customer is in arrears, the provider should allow them time to get help and support

¹⁸ Money and Mental Health Policy Institute’s *A Silent Killer Report* defines ‘problem debt’ as meaning someone who has been seriously behind on payments for bills or credit agreements or have been disconnected by a utilities provider in the past year.

¹⁹ Money and Mental Health Policy Institute’s *A Silent Killer Report*.

²⁰ Ofcom’s General Conditions rules place obligations on providers to ensure that any measure they take to effect payment or disconnect services are proportionate and not unduly discriminatory (GC C3.11). Providers must also publish details of the measures they may take to obtain payment or disconnection, where a consumer has not paid all or part of a bill.

²¹ Providers should also be aware of requirements that may be implemented under the Government’s [Breathing space scheme](#) after the publication of this document.

²² For example, StepChange, Debt Advice Foundation, Citizen’s Advice and Christians Against Poverty.

without the threat of enforcement action or disconnection during that period. The provider should also act fairly when pursuing debt recovery, including discussing and agreeing a reasonable repayment plan (including considering any advice or proposals from a debt adviser).

5. Recording information

C5.3: Such policies and procedures must include, as a minimum... (b) how information about the needs of Consumers... will be recorded and the different channels by which these Consumers will be able to make contact with, and receive information from, the Regulated Provider.

5.1 This section sets out some suggested measures for providers on recording information about vulnerable consumers' needs.

Recording consumers' needs

5.2 Providers' policies and procedures must include details of how they record information about the needs of vulnerable customers. Providers should understand and capture their customers' needs, so they can provide support and services that help them.

5.3 We have already described above how providers can encourage consumers to share their specific accessibility or customer service needs. These steps will help providers to identify vulnerable consumers, and give them the additional help, support or services they need.

5.4 We expect providers to record their customers' needs accurately and ensure this information is visible to frontline staff on internal systems. Accurate recording should also reduce the need for consumers to repeat personal information at each contact point, which could be frustrating or distressing.

5.5 Examples include recording when someone needs paper documents sent in large print or Braille or that someone needs longer on telephone calls. Providers' systems should be able to capture this type of information and easily amend it.

“I suffer from cerebral palsy and every time I contact my provider, I have to repeat myself and ask them to take a bit longer on the call with me.”

Good customer service could include actively listening to the customer and recording the customer's needs accurately on their system the first time they are told (subject to data protection legislation). This will enable the provider to meet the customer's needs and offer a better service, and avoid the customer having to repeat themselves each time they contact their provider. The provider should ensure the customer is given more time on telephone calls, as they have requested.

5.6 We would also expect providers to update their systems when they are made aware that a customer is no longer vulnerable or no longer has specific customer service needs (as appropriate).

Data protection considerations

- 5.7 When recording information about customers, providers will need to comply with relevant data protection legislation, including the General Data Protection Regulation.²³ Providers should take steps to ensure they comply with this legislation and establish an appropriate basis in law before personal data is recorded.²⁴ Where providers think it would be appropriate to record information about a customer's vulnerability or needs, they should discuss it with them first.
- 5.8 Providers should also refer to other relevant guidance from the Information Commissioner's Office, such as documents on the conditions for processing special category data,²⁵ data-sharing²⁶, data retention²⁷, data minimisation²⁸ and data protection impact assessments.²⁹

²³ Regulation (EU) 2016/679.

²⁴ See the ICO's [guidance on data protection](#) and [interactive tool](#).

²⁵ See the ICO's [guide to special category data](#).

²⁶ See the ICO [data practice code of practice](#), which was under consultation at the time of publication.

²⁷ See the ICO's [guidance on data retention](#).

²⁸ See the ICO's [guidance on data minimisation](#).

²⁹ See the ICO's [guidance on Data Protection Impact Assessments \(DPIAs\)](#).

6. Monitoring performance

C5.3: Such policies and procedures must include, as a minimum... (c) how the impact and effectiveness of the policies and procedures are monitored and evaluated.

6.1 In this section, we outline suggested measures on how providers can effectively monitor and evaluate the impact and success of their policies and procedures for treating vulnerable consumers fairly.

Evaluating staff performance

6.2 We noted above how senior management should take an active role in monitoring their organisation's performance in treating vulnerable consumers fairly. This is so they have clear oversight of the service being delivered and can bring about improvements where necessary.

6.3 Providers will generally already monitor the service being provided to customers by their employees. However, we expect such monitoring to include assessing the quality of customer service being delivered to vulnerable consumers.

6.4 In relation to evaluating frontline staff performance, we encourage providers to consider the following practices, some of which we have observed already being used by various providers.

- Include measures in their performance measurements relating to the service provided to vulnerable customers. This could be linked to the providers' annual appraisal processes.
- Conduct random quality assurance evaluations to ensure the right information and services are provided to vulnerable customers.
- Carry out call monitoring or mystery shopping to ensure high quality customer service is being delivered by frontline staff, especially for vulnerable customers.
- Ensure staff are not penalised for spending more time talking to vulnerable customers.
- Acknowledge and reward employees who deliver great service to a vulnerable customer, for example following positive customer feedback.
- Deliver comprehensive feedback and coaching to employees to highlight where things have gone well and where improvements are needed, including exploring whether follow-up training would be beneficial.³⁰

6.5 Frontline staff might also have useful suggestions on improving customer service for vulnerable customers. Providers could therefore consider using focus groups or internal forums to highlight and discuss issues or concerns or share tips. If appropriate, there could be an option for employees to raise issues anonymously.

³⁰ See Section 7 on staff training.

Gathering and using customer feedback

- 6.6 We also encourage using feedback from customers, including those who might be vulnerable, to see how to improve the customer service being provided to vulnerable customers. This could include data from customer satisfaction surveys and complaints.
- 6.7 This feedback will be vital in identifying areas where a provider is falling short of expectations and improvement is needed to deliver a high level of customer service, especially for vulnerable people.
- 6.8 We encourage providers to utilise customer feedback in the following ways.
- Regularly monitor changes in complaints levels, customer service survey results or other customer feedback.
 - Carry out root cause analysis where potential shortcomings or concerns are identified.
 - Speak directly to vulnerable customers who have complained to an in-depth understanding of how their experience could have been handled better (rather than relying on high-level feedback).
 - Work with panels of customers who have specific or additional customer service needs when implementing changes or new initiatives to ensure they are fit for purpose and will be helpful.
 - Use customer feedback in staff training, to bring to life consumer experiences and improve training materials.³¹
- 6.9 We have also observed one provider putting in place a complaints-related steering group to highlight and discuss complaints trends and how they can be addressed.

³¹ See Section 7 on staff training.

7. Staff training

C5.5: Regulated Providers must ensure that all staff are made aware of the policies and procedures and appropriately trained, including (if applicable) on how to refer Consumers to specialist teams or members of staff who have received additional training.

7.1 In this section, we set out some suggested measures on the staff training providers are obliged to provide to ensure vulnerable consumers are treated fairly.³²

Delivering effective training to all staff

7.2 Staff training is crucial to giving employees the skills and confidence to provide a high level of service to customers, especially vulnerable people.

7.3 The level of training received by a staff member might differ depending on their role.

Content of training

All staff

7.4 It is important for all employees to have an understanding and awareness of the issues facing their organisation's customer base, so they can take vulnerable customers into account when designing products, implementing new initiatives or taking other commercial decisions.

7.5 So, we encourage providers to provide training to all staff members on their policies and procedures for treating vulnerable customers fairly. This will help to build a culture centred around fairness and inclusivity.

Frontline staff

7.6 Customer service representatives, provider's engineers and third-party contractors are more likely to speak to vulnerable consumers or people with specific customer service needs, so they should be provided with more in-depth training. For these employees, training should cover the following topics:

- an overview of the types of personal circumstances that might lead to someone becoming vulnerable (and what impact they might have);
- how to identify consumers who might be vulnerable or might benefit from specific help, support or accessibility services, for example, actively listening and asking further questions where appropriate;
- how to communicate empathically with vulnerable customers;

³² Ofcom's 2016 document, [A guide to publicising services available to disabled people](#), sets out good practice in relation to training staff to publicise services for disabled people, which remains relevant.

Treating vulnerable consumers fairly

- the different methods of communication available, including how assistive technology works (for example, text relay, video relay) for employees who might be in contact with customers using those methods;
 - what additional services can be offered to people who might be vulnerable or need specific support, and how these services could help those people;
 - how to promptly refer consumers to staff who specialise in this area if they cannot answer the query, without delay or inconvenience for the customer; and
 - an understanding of how their role helps their organisation to meet its obligations to its customers and deliver a good customer experience to all people.
- 7.7 Staff training should give any employees who have contact with consumers the ability and confidence to help and support them and provide a level of service that meets their needs.
- 7.8 Several providers offer specific training, such as basic British Sign Language for engineers, and suicide awareness training.

Specialist staff

- 7.9 Additional training might also need to be given to specialist staff who help vulnerable customers. Depending on their experience, these employees might need specific further training on top of that given to all or frontline staff.
- 7.10 We have seen larger providers implement additional training to teams who focus solely on communication with vulnerable consumers. As well as receiving additional training, sometimes delivered by charities, they share best practice after more complex cases to share information and understand if the customer experience could be improved. Calls from frontline staff will often be transferred to this team when specific expertise is required.

Frequency and evaluation of training

- 7.11 As a provider's range of services might change over time, they should review and, if necessary, update their training materials on a regular basis, for example, at least once a year. They should also update their training ahead of any significant changes to the services available to their customers.
- 7.12 Staff members could also be prompted to refresh their knowledge by retaking the training or by completing other types of refresh activity, such as briefings, seminars or internal events.
- 7.13 We encourage providers to include an evaluation method at the end of the training to ensure it has been well understood and implemented effectively.

Providing resources for staff

- 7.14 Frontline staff might not be asked about providers' different types of help, support or services on a regular basis. So, we encourage providers to make sure their staff have

appropriate resources and reference materials at their disposal, so they can speak with vulnerable customers with knowledge and confidence. This could include:

- a) an intranet page or centralised hub, including resources relating to vulnerable consumers and links to additional or external services that staff can refer to in real time (including call-handling scripts, internal guidance, useful links to information produced by the provider and by external organisations and relevant telephone numbers); and
- b) appointing internal vulnerability ‘champions’ or representatives who can assist in raising knowledge and awareness on a local basis (and who might be responsible for reporting to more senior staff members).

7.15 We also encourage providers to check that their internal systems’ search functions bring up relevant and helpful information when common words or phrases are searched for by employees. They should take steps to address any shortcomings in their systems in this regard.

Collaborating with consumer interest groups and charities

7.16 Several providers collaborate with consumer interest groups and/or charities when implementing policies and procedures on treating vulnerable consumers fairly.

7.17 Some larger providers have also collaborated with consumer interest groups or charities when developing their training programmes, to bring real-life customer insight and specialist knowledge into staff training. We strongly welcome this approach and encourage other providers to make use of such expertise when developing their training.

7.18 For example, one provider partnered with the mental health charity, MIND, in designing its staff training. This aimed to help employees identify people who might be experiencing mental health problems and communicate with them empathetically and confidently. Other providers have created similar partnerships with other consumer interest bodies and charities. We have also seen similar examples of industry and charity partnership in the energy sector.³³

7.19 While this level of collaboration might not be an option for smaller providers, they can still take the time to use information on charities’ or consumer groups’ websites when developing the skills and knowledge of their employees. For example, The Money and Mental Health Policy Institute’s Mental Health Accessible standards are designed to help essential services firms, such as telecoms providers, better understand the challenges that customers with mental health problems face and to make their services easier to use.³⁴

³³ See Ofgem’s [Vulnerable consumers in the energy market: 2018](#), page 46.

³⁴ See Money and Mental Health Policy Institute’s [Mental Health Accessible standards](#).

8. Consultation questions

1. Do you have any comments on Ofcom's proposal to publish a guide to help providers treat vulnerable customers fairly?
2. Do you have any comments on the suggested measures set out in sections 3-7? Please set out your comments on each section separately.

A1. Responding to this consultation

How to respond

- A1.1 Ofcom would like to receive views and comments on the issues raised in this document, by 20 November 2019.
- A1.2 You can download a response form from <https://www.ofcom.org.uk/consultations-and-statements/category-2/treating-vulnerable-consumers-fairly>. You can return this by email or post to the address provided in the response form.
- A1.3 If your response is a large file, or has supporting data, please email it to consumer.needs@ofcom.org.uk, as an attachment in Microsoft Word format, together with the [cover sheet](#).
- A1.4 Responses may alternatively be posted to the address below, marked with the title of the consultation:
- Vulnerability Project Team
Competition and Consumer Enforcement Team
Ofcom
Riverside House
2A Southwark Bridge Road
London
SE1 9HA
- A1.5 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in British Sign Language:
- Send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files. Or
 - Upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A1.6 We will publish a transcript of any audio or video responses we receive (unless your response is confidential).
- A1.7 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt if your response is submitted via the online web form, but not otherwise.
- A1.8 It would be helpful if your response could include direct answers to the question asked in the consultation document. The question is set out in Section 8. It would also help if you could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.
- A1.9 If you want to discuss the issues and questions raised in this consultation, please contact Sheryl Willson on 020 7981 3047, or by email to consumer.needs@ofcom.org.uk.

Confidentiality

- A1.10 Consultations are more effective if we publish the responses before the consultation period closes. In particular, this can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish all responses on [the Ofcom website](#) as soon as we receive them.
- A1.11 If you think your response should be kept confidential, please specify which part(s) this applies to and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A1.12 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.13 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further in our [Terms of Use](#).

Next steps

- A1.14 Following this consultation period, Ofcom plans to publish a statement in early 2020.
- A1.15 If you wish, you can [register to receive mail updates](#) alerting you to new Ofcom publications.

Ofcom's consultation processes

- A1.16 Ofcom aims to make responding to a consultation as easy as possible. If you have any comments or suggestions on how we manage our consultations, please email us at consult@ofcom.org.uk. We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.17 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:

Corporation Secretary
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA
Email: corporationsecretary@ofcom.org.uk

A2. Consultation coversheet

BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing

Name/contact details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts? _____

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)