
Treating vulnerable customers fairly

Summary of stakeholder responses

STATEMENT ANNEX:

Publication Date: 23 July 2020

A1. Summary of consultation responses

- A1.1 We published our proposed guide for treating vulnerable customers fairly on 25 September 2019 for consultation. We received 23 responses from a range of respondents, including communications providers (“providers”), consumer bodies and individual respondents.
- A1.2 We have considered all responses in finalising the guide and have published all non-confidential responses in full on our website¹. In this document we provide a summary of the submissions received, as well as our responses to key points, grouped by the topic headings in the guide. We have also included an additional ‘customer experience’ example in the guide to address concerns about victims of crime which were raised with us shortly after our consultation closed (see A1.75-A1.77 below). The [guide](#) is published separately to this annex.

Strong support for the guide

- A1.3 All respondents agreed how important it was that providers treat vulnerable people fairly and give them the help, support and services they need, and most welcomed the guide.
- A1.4 Communications providers consistently emphasised their commitment to ensuring fair treatment of vulnerable customers. They welcomed the flexible nature of the guide which enables them to achieve those commitments with measures that are best suited for their customers and organisation.
- A1.5 We are encouraged by the number of providers who volunteered information about the measures they already have in place to help ensure that vulnerable customers are treated fairly. This guide represents a collaborative summary of best practice measures from across the industry.
- A1.6 Consumer bodies also strongly supported the guide emphasising how essential it is that communications services work well for vulnerable customers. Some had concerns that the guide is not mandatory and wanted to see more rules in this area. Our rules are designed to help ensure good outcomes for vulnerable customers and the guide helps to illustrate how this can work in practice. We will continue to work with providers to ensure they treat vulnerable customers fairly and will take steps to address concerns where this may not be happening.

Scope of the suggested measures

- A1.7 Some respondents asked whether the guide puts in place any new rules or obligations that providers must follow. Vodafone asked if the guide represented new regulation, and Post Office asked when the guide came into effect.

¹ Ofcom, [consultation and responses](#).

- A1.8 Consumer bodies and charities raised concerns about the voluntary nature of the guide. The Consumer Council (for Northern Ireland) believed that Ofcom’s General Conditions should be updated to require providers to “implement the measures described in the latest published guide.” Citizens Advice was concerned that providers may choose not to implement the recommendations. Similarly, Money Advice Trust was concerned that the guide does not establish minimum standards that providers must meet.
- A1.9 Consumer bodies also recommended that Ofcom review progress in this area annually, pointing to Ofgem’s annual vulnerability reviews.
- A1.10 Sky disagreed that pay-TV services should fall under the scope of this guide, it considers that they are not an Electronic Communication Service.
- A1.11 Campaign to Retain Payphones was concerned that public telephone boxes are not mentioned in the guide even though vulnerable people use them.

Our response

- A1.12 We have made amendments to the guide to clarify its scope and make clear it is not new regulation.² We recognise that many providers are already applying many of the measures set out in the guide.
- A1.13 We understand the concerns that consumer bodies and charities have raised and although we are not looking to make changes to the rules at this stage, we may consider doing so if we have serious concerns that vulnerable customers are not being treated fairly. We consider having a guide alongside the General Conditions helps to show how good outcomes can be achieved and encourages innovation and ambition in this area. It allows flexibility in providers’ approaches and ensures we can adapt and evolve the guide as we learn more about how vulnerable customers can best be supported.
- A1.14 Ofcom has committed to providing regular updates on progress against its fairness for customer commitments which include a commitment to treat vulnerable customers fairly.
- A1.15 We disagree with Sky’s position about the application of General Condition C5 to pay TV services. We consider that General Condition C5 does apply to some pay-TV services, and that it is appropriate that the guide also provides guidance in relation to the treatment of vulnerable customers of such services.
- A1.16 We have not made changes in response to Campaign to Retain Payphones comments as General Condition 5 to which the guide refers does not apply to public payphones.³

How the suggested measures will be taken into account

- A1.17 Some respondents asked us to clarify if, and how, we would monitor providers’ implementation of the suggestion in the guide. This included Three, Virgin Media, TalkTalk,

² General Condition C5 sets out what providers must do to meet the needs of vulnerable customers. See Ofcom’s [General Conditions of Entitlement](#), C5.1-5.15.

³ The measures that relate to public payphones are in the [Universal Service Obligation](#)

and Post Office. BT noted that not all measures will be suitable for all providers and that providers are still learning about vulnerability.

- A1.18 Money and Mental Health Policy Institute (MMHPI) stated that the guide should clarify what “fair” treatment is, and what “good” and “bad” outcomes would look like and set out how we intend to measure these outcomes. Citizens Advice and Ombudsmen Services made similar comments.

Our response

- A1.19 We have amended the scope section of the guide to clarify our approach and that we will monitor how industry is treating vulnerable customers. As noted in Ofcom’s annual plan, Ofcom will, alongside our regular reporting on customer complaints and satisfaction, publish a progress report on whether companies are delivering on their Fairness for Customers commitments.⁴
- A1.20 We acknowledge that not all the suggestions will be practical for every provider. Depending on the size and nature of a provider, some may choose to only adopt some of the suggestions, and some may take time to implement changes. Our focus is on the outcomes that are delivered for vulnerable customers.
- A1.21 We understand the reasoning for MMHPI’s suggestion. However, we consider the amended guide to be sufficiently clear on the types of measures we consider are likely to result in better outcomes for vulnerable customers and how we will monitor customer experiences.

Establishing and publishing policies

Proactive senior level engagement

- A1.22 Respondents, particularly consumer bodies, agreed that senior level engagement is crucial to ensuring that vulnerable customers are treated fairly, and that outcomes continually improve.
- A1.23 Vodafone said that Ofcom should acknowledge that senior level engagement will operate differently in practice across providers.
- A1.24 MMHPI suggested Ofcom consider making senior level engagement a formal requirement if providers do not make enough progress in this area, giving the Financial Conduct Authority’s Senior Managers and Certification Schemes as an example.⁵

Our response

- A1.25 We acknowledge that senior level engagement and accountability for vulnerable customers can work differently across providers and have amended the guide accordingly.

⁴ [Ofcom's Plan of Work 2020 21](#)

⁵ FCA’s [Senior Managers and Certification Regime](#).

A1.26 We note with interest the FCA scheme MMHPI mentions. We do not currently consider that it is necessary to introduce such formal requirements.

Taking an inclusive approach to who is potentially vulnerable

A1.27 Three and Money Advice Trust felt that there should be a more consistent definition of vulnerability across regulators.

A1.28 Two respondents suggested adding additional groups not mentioned in the draft guide. Citizens Advice Scotland said that people from rural areas in Scotland who experience poor connectivity should be considered vulnerable, especially if they are reliant on such for health care services. Citizens Advice considered that more consideration should be given to low income as a driver of vulnerability.

A1.29 Money Advice Trust and The Money Charity considered that the guide should include more information about consumer harms and customer service remedies which could address these.

Our response

A1.30 We understand the points made by Three and Money Advice Trust and we continue to work with other sector regulators, including through the UK Regulators network (UKRN), to share knowledge and best practice. This includes areas such as the types of situation that may make customers vulnerable.

A1.31 We agree with the points raised by Citizens Advice Scotland and Citizens Advice and have reflected them in the guide.

A1.32 Although we note the points made by Money Advice Trust and The Money Charity, we consider that the guide is sufficiently clear so that further detail on the types of harms that customers may experience and ways they could be addressed is not currently needed.

Publishing policies on treating vulnerable customers fairly

A1.33 Ombudsman Services noted that the requirement in General Condition C5 to publish policies and procedures helps increase transparency for vulnerable customers and set clear expectations for them.

A1.34 Ombudsmen Services also said that messaging should be designed and tested with consumer groups, a point also made by The Money Charity. The MMHPI offered several useful suggestions on how to make policies accessible for vulnerable customers, including that they should be designed to accessible for and meet the needs of their target audience, have a prominent link from the provider's homepage, be searchable and use simple summary language.

A1.35 BT were concerned that the draft guide was suggesting that providers hold paper copies of published policies and procedures in store, which could cause potential problems including a risk of information becoming outdated and storage space issues. However, Money Advice

Trust suggested we add more to the guide on how providers can ensure people who do not use the internet can access this information.

- A1.36 SSE suggested that Ofcom should monitor new technological solutions which providers could use to share information with customers, giving the example of Sign Video through which British Sign Language users can speak to customer service staff.
- A1.37 Money Advice Trust and Citizens Advice noted that the draft guide did not mention that customers may be charged for paper bills.

Our response

- A1.38 We have reflected the above-mentioned observation from Ombudsman Services into the guide.
- A1.39 We have reflected most of MMHPI's suggestions. And we have included the point that information could be designed and tested with consumer groups.
- A1.40 In response to BT's concerns around printing paper copies, we have amended the guide to make clear that one way of offering customers who are not online information about relevant help, support and services could be through printing out the information for customers in store. We have also included the option to provide information over the telephone or other live communication methods.
- A1.41 We have updated the section of the guide on 'how the suggested measures will be taken into account' to clarify our approach to monitoring.
- A1.42 Regarding paper copies of bills, following an earlier consultation on additional charges, we concluded that it is reasonable for providers to recover the costs they incur when providing customers with paper bills,⁶ and so our General Conditions state that providers can charge a reasonable fee for providing this service.⁷ For customers who are blind or vision impaired and require their bills to be provided in an accessible format such as Braille due to their disability, our General Conditions state these be provided free of charge. Some providers also provide paper bills free of charge to certain vulnerable customers such as those on social tariffs.

Treating vulnerable customers fairly

Identifying vulnerable customers- numbers of customers identified

- A1.43 Although the draft guide acknowledged the challenges that providers can face when identifying vulnerable customers, we stated that our evidence suggests there is much more progress that providers can make in this area. Several providers raised concerns about this comment, including our point that the overall number of customers identified by providers as potentially vulnerable is significantly smaller than we might expect.

⁶ [Ofcom review of additional charges](#).

⁷ Ofcom's [General Conditions of Entitlement](#), paragraph C3.9.

- A1.44 BT considered that a focus on the number of customers identified may drive perverse outcomes, where customers are flagged but do not benefit from being so. Three said that providers should not be obliged to use obtrusive measures to identify vulnerable customers. SSE highlighted that there will always be some customers who do not wish to reveal details that may identify them as vulnerable. Telefonica UK Limited (O2) asked what Ofcom would consider to be “substantial improvements” in the number of vulnerable customers.
- A1.45 Several consumer bodies wanted to see our expectation to see an increase in vulnerable customers taken further. The Consumer Council recommended we introduce a regulatory target for the number of identified vulnerable customers. The MMHPI suggested that providers draw on the customer data to identify vulnerable customers, and that setting out the positive things that can happen as a result of disclosing can help remove one of the current significant barriers to disclosing. A point also made by Citizens Advice, whose consumer research found that more than half of respondents said they would only disclose if it meant they got support from their provider as a result (21%).⁸ The draft guide suggested that providers give customers information about the help, support and services which are available, and referred to this as a ‘statement’. The Communications Consumer Panel and ACOD (CCP/ACOD) questioned whether this title might be confused with statements that are legally required to be provided in the financial services and pensions sectors.

Our response

- A1.46 We continue to recognise there can be challenges in identifying vulnerabilities, as we acknowledged in the guide. However, we also continue to encourage improvement in this area. We agree that a focus on numbers alone could cause unintended perverse outcomes and we are not currently considering setting numerical targets. However, we have seen low proportions of customers identified by providers as vulnerable and we are concerned that customers who could benefit from help and support are not receiving it. Indeed our review of broadband pricing last year⁹ highlighted that “the proportion of all customers flagged as vulnerable by most providers is very low and significantly smaller than we might expect”.¹⁰ Population level statistics¹¹ suggest higher levels of customers facing vulnerable circumstances – as the image on page three of the guide illustrates. We have therefore not changed our focus on this in the guide and if the level of identification of vulnerability does not improve, we will consider further interventions.
- A1.47 We have updated the guide to reflect the points made by MMHPI and Citizens Advice and to address the point raised by the CCP/ACOD.

⁸ [Citizens Advice Counting on it \(2019\)](#), page 14.

⁹ [review of pricing practices in fixed broadband](#)

¹⁰ Ofcom’s [Helping customers get better deals: A review of pricing practices in fixed broadband](#), page 34.

¹¹ Though the profiles of each provider’s respective customer base may vary

Identifying vulnerable customers- potential cues

- A1.48 Several respondents commented on our suggestion that providers should train employees to listen for potential cues that someone might be vulnerable.
- A1.49 BT noted that some characteristics, such as a hearing issue, may be relatively easy to identify but that it would not be appropriate to expect advisors to pick up on other forms of vulnerability in this way. Post Office were concerned it could lead to agents making notes of suspicions of vulnerability of a customer and may cause data protection issues.
- A1.50 Giffgaff asked for examples and raised concerns that providers may need to have monitoring systems in place on all customers to do this.
- A1.51 Citizens Advice Scotland recommended that providers develop a positive relationship with customers so that they are comfortable talking about their circumstances, rather than providers “determining and labelling a consumer as vulnerable themselves”.

Our response

- A1.52 We recognise that there can be challenges. The guide does not suggest that providers attempt to proactively identify all vulnerabilities, however we recognise that there can be signs during communications with customers that suggest further help may be needed. For example, if a customer is struggling to understand a piece of information, keeps repeating themselves or forgets something that was just said. We continue to make these points in the guide.
- A1.53 Providers are required to set out how the impact and effectiveness of their policies and procedures are monitored and evaluated. The guide does not add to these requirements. However, we recommend that staff receive appropriate training so that they can listen carefully to the customer and offer support or services that may benefit them.
- A1.54 If the customer chooses to accept this support, then so far as possible this should be recorded for consistent customer service. We have amended this part of the guide to clarify that providers should record any information about customers in a manner which complies with data protection rules.
- A1.55 We agree that it is important for providers to build a positive relationship with customers so that they are comfortable telling their provider about their circumstances and have reflected this point into the guide.

How providers can help vulnerable customers

- A1.56 MMHPI suggested that Ofcom could emphasise the benefits of inclusive service design as it can help to prevent vulnerable customers from facing unnecessary barriers while generally making services easier to use for all customers. To aid the creation of inclusive services, The Consumer Council suggested involving customers in designing policies and practices.

Our response

A1.57 We have reflected both points in the guide. We have also recommended that providers draw on other external expertise so that they can best support a range of vulnerable customers.

Offer a wide range of communication channels

A1.58 In the draft guide we said we expected providers to offer a range of communication channels to customers which should include telephone, post, email, webchat, video call and text. BT and Three said that it should be up to each provider to determine which communication methods are best suited to their customer base. O2 and giffgaff considered that it would be proportionate for providers to offer a selection of the suggested options, rather than all of them. Three also raised concerns about the practical difficulties of seamlessly moving a conversation from one communication to another.

A1.59 Citizens Advice and The MMHPI recommended that providers should have multiple channels for customers to share information about their problems or needs. Citizens Advice considered that at least one of the channels offered should be a freephone service.

Our response

A1.60 The guide still sets out that that providers should offer a range of communication channels to customers. However, in response to the points raised by BT, Three, O2 and giffgaff, the guide recognises there is flexibility over the methods and we have amended the guide to acknowledge that the range of communication channels offered should reflect the needs of the provider's customers.

A1.61 We agree that seamless switching between communication channels mid-conversation could potentially be of great benefit to customers, but we are not expecting this to happen as standard currently and this is not something we have referred to in the guide.

A1.62 In response to MMHPI's suggestions, we have added to the illustrative list of examples of account activities in the guide to include sharing information about needs, re-contracting and switching. We note Citizens Advice's comments about a freephone service. We are not currently recommending this as a standard communication channel; however, we have highlighted that the communication channels available should be clearly displayed and easy to find with any costs made clear.

Make customer interactions a positive experience

A1.63 BT, giffgaff, O2, Post Office and Sky raised concerns about our suggestion that advisors should make "clear and detailed notes on their internal systems". They sought clarity on what information should be recorded and recommended a stronger focus on data protection considerations.

A1.64 BT, giffgaff and Sky sought clarity on our suggestion that vulnerable customers should be given a direct contact into a customer service team, highlighting concerns about having only one member of staff to speak to.

- A1.65 Giffgaff asked whether our suggestion that customer service advisors discreetly pass on relevant information about a customer's needs before passing them on to another person or department was preferable to making notes on the system.
- A1.66 O2 said that all staff, not just customer service advisors, should have sight on the internal system of any adjustments that the customer may need (but not necessarily all of their data). O2 also noted there may be practical considerations with offering British Sign Language interpretations in store- they may only be available Monday to Friday, for example, and may not be available in all regions.
- A1.67 MMHPI recommended that providers should make information available on their websites that manages customer's expectations about what will happen when they get in touch.
- A1.68 The CCP/ACOD said the guide would benefit from a section explaining what customer experience is expected from a provider when they are losing a customer who is vulnerable.

Our response

- A1.69 We note the comments made by BT, giffgaff, O2, Post Office and Sky. Although the guide sets out that customer service advisors should make clear and detailed notes on their internal systems, we expressly recognise the application of data protection legislation, which clearly takes precedence.
- A1.70 We have amended the guide to make clear that rather than referring to a single employee, we are suggesting that having a direct contact to specialist teams or members of staff who have received additional training, should be available to for customers who would benefit from this.
- A1.71 Our suggestion in the guide that customer service advisors could discreetly pass on relevant information about a customer's needs before passing them onto another person or department is in addition to, and in no way as a substitute for, making detailed notes on an internal system. We consider the guide is clear on this point and would emphasise the importance of recording appropriate information to avoid unnecessarily making customers repeat themselves and the further stress this can cause.
- A1.72 We agree with O2 that providers may want to consider making information about specific adjustments or services needed available to other staff in addition to customer service advisors. We recognise this can help to ensure that customers are treated fairly. We have updated the guide to reflect this point. We also acknowledge that British Sign Language interpreters may not always be available but welcome that some providers have been able to set up dedicated sessions with interpreters.
- A1.73 We have updated the guide in light of MMHPI's recommendation to say that providers should be clear on what customers can expect to happen if they disclose a need or vulnerability.
- A1.74 We have updated the guide to reflect the point raised by the CCP/ACOD.

New scenario added- being responsive and sensitive to vulnerable circumstances

- A1.75 During the consultation, we were made aware of concerns of instances where victims of crime had been dealt with insensitively by their mobile phone provider. This included where a customer had been required to pay for their mobile phone airtime service when their phone was in police custody.
- A1.76 We spoke to a number of providers about these issues and were reassured that many had policies which included ensuring a customer did not pay for airtime services during the time the phone was in police custody, together with other measures aimed at ensuring the customer is treated fairly.
- A1.77 For clarity, we have included an additional ‘customer experience’ example in the guide which considers the treatment of customers in these circumstances. This example reflects the types of policies that we understand are already employed by a number of providers, and that we want to see applied consistently across the industry.

Provide clear accessible written communications

- A1.78 BT sought clarity around which written communications should be user tested, and by which vulnerable groups. The MMHPI, The Money Charity and the CCPCACOD suggested that communications should be tested on a range of customers including those with a range of accessibility needs and literacy levels.
- A1.79 The CCP /ACOD also recommended that providers:
- a) seek accreditation for their communications;
 - b) use accessible written communication on apps because some customers use these to access information or manage their accounts.
 - c) use accessible titles and search terms on their websites as phrases such as “vulnerability” or “accessibility” may not come naturally to customers
- A1.80 O2 asked that we include the caveat ‘where possible’ when stating that key written communications including terms and conditions are clear and use plain English as ‘ it may not be possible to use plain English, particularly in contracts or terms and conditions where it may be necessary to use legal terminology.”

Ofcom’s response

- A1.81 Although it is for providers themselves to determine how best to test their written communications, in response to BT’s point we have suggested in the guide that the most common forms of communication should be reviewed regularly.
- A1.82 We have also noted the importance of recognising that some customers have lower levels of literacy levels or health conditions that can affect their ability to process information and the option of testing.

- A1.83 We have reflected the points made by the CCP /ACOD into the guide.
- A1.84 We disagree with O2's comment. Both the General Conditions¹² and the Consumer Rights Act 2015¹³ require contracts to be written in clear language and we have updated the guide to make this clear. We have also included a link to the Behavioural Insights Team guide on how to improve customer understanding of contractual terms and privacy policies.¹⁴

Offer follow-up information in writing

- A1.85 Several providers were concerned about our suggestion that they should offer follow-up information in writing. For example, Virgin Media considered this would place a burden on frontline staff which might lead to scripted conversations. Post Office said that written summaries may be of inconsistent quality and seen as intrusive by customers. Sky requested confirmation that we do not expect providers to offer follow ups for conversations with every customer and felt that online and SMS based messaging services could be used for the same purpose.
- A1.86 The MMHPI suggested that providers proactively offer written follow-ups at the end of conversations to raise awareness and reach. Citizens Advice recommended that we make written follow-ups after calls where there has been changes to a customer's service mandatory.

Our response

- A1.87 We continue to consider that vulnerable customers can find it useful to have a written follow-up after a conversation with their provider. We do not expect this to happen for every customer, but we do expect this to be offered to customers who might be expected to benefit from it and we have updated the guide to this effect. We have also updated the guide to reflect that there are different ways of providing such a note after a contact (including by email, through an online account or SMS, for example). We do not agree with Post Office that this could be intrusive as we would expect providers to be sensitive to the needs of their customers in offering and providing this service.
- A1.88 We are not looking to consider making this a mandatory requirement at the current time.

Promote the extra help, support and services that are available

- A1.89 We received a number of comments about our suggestion that providers should provide information about the extra help, support and services available to vulnerable customers, alongside their new contract documents or welcome pack'. BT and Sky considered that doing so may not be effective because it may overload customers with information.

¹² General Condition C1.2 requires that minimum contractual requirements be provided in a 'clear, comprehensive and easily accessible form'.

¹³ Section 64(3), Part 2 of the Consumer Rights Act 2015 requires that consumer contracts and consumer notices be expressed in plain and intelligible language.

¹⁴ The Behavioural Insights Team's [Improving consumer understanding of contractual terms and privacy policies: evidence-based actions for businesses](#).

- A1.90 Vodafone also considered this would not be effective, that this information need not be sent to all customers because it may not be applicable to all.
- A1.91 As mentioned in the “identifying vulnerable consumers” section above, the CCP/ACOD suggested avoiding using the term “statement” to describe the format for this information as it could be confusing.
- A1.92 The CCP/ACOD also recommended that paper copies of this information be provided in store on request. Citizens Advice Scotland recommended that providers go further and create an information pack which includes guidance on switching, financial health and debt prevention and management.

Our response

- A1.93 Considering BT, Sky and Vodafone’s concerns, we have amended the guide to say that this information should be provided ‘around the time’ that the customer takes out a new contract to allow for different approaches.
- A1.94 We continue to consider that all customers should at the very least be made aware of the existence of these services. The information may or may not be applicable for every customer at the time they receive it. However, it can help them consider whether they may benefit from services available and to know about them if circumstances change as anyone can become vulnerable. We have therefore not reflected Vodafone’s point in the guide.
- A1.95 Throughout the guide we now refer to any information about help, support and services as information rather than a “statement”, so that no one is put-off from accessing these services because of their title.
- A1.96 We have amended the guide to take account of the different ways that this information can be communicated to customers. Citizens Advice Scotland offers some useful examples of things that could be covered in information packs, however given what is covered already in the guide and Ofcom’s specific rules on switching, we do not consider we need to add further detail in the guide at this time.

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

- A1.97 BT highlighted that having a specialist team may be not be suitable for all providers.
- A1.98 MMHPI recommended that providers have clear escalation processes so that frontline staff know when to pass a customer onto a specialist team or employee.
- A1.99 An individual respondent felt that vulnerable customers should have access to UK-based call centres.

Our response

- A1.100 We agree with BT’s point and have amended the guide to reflect that there are different ways of giving customers access to specially trained staff.

- A1.101 We have reflected MMPHI's point in the guide.
- A1.102 We do not consider it appropriate to recommend providers use UK-based call centres as this is a decision for them. Our focus is on ensuring that providers are ensuring staff, wherever they may be located, are appropriately trained and monitored so that customer needs are met

Signpost other organisations that support vulnerable customers

- A1.103 Two providers raised concerns with our reference in the draft guide to having 'direct telephone or digital routing {to third-party organisations} available for customers who might need urgent assistance'. BT said customers may need time to prepare for a conversation with a signposted organisation. Sky considered this went beyond the role of providers and questioned if this is appropriate as it may put customers and signposted organisations under pressure. Post Office and Giffgaff emphasised the importance of customer consent if providers were to transfer calls on their behalf.
- A1.104 Three, Giffgaff and PayPlan considered that we should set out our expectations around when to signpost to third parties, and which groups to signpost to.
- A1.105 BT, Money Advice Trust, The Money Charity and The MMHPI made the point that providers should ensure signposted organisations are willing to, or have capacity too, support the customers who are referred to them. The Consumer Council recommended that there should be a coordinated framework around this.
- A1.106 Citizens Advice Scotland recommended that providers explain the circumstances of the customer on their behalf to avoid repetition or distress.

Our response

- A1.107 We agree any action to link a customer and a third-party organisation should be done sensitively and appropriately after discussing it with the customer and with their consent. We have amended the guide accordingly and note that in addition to transferring live calls, providers can also facilitate such referrals by scheduling in a call to the customer.
- A1.108 Research by MMHPI and Citizens Advice has found that a customer's first contact with organisations such as debt advisors can be the hardest. Therefore, any actions to help make this easier and link customers to key sources of advice, particularly for areas such as debt management, can be beneficial for all concerned.
- A1.109 We consider the guide is sufficiently clear on our expectations about signposting to third parties and believe providers are best placed to decide which organisations to signpost given their knowledge of their customer base.
- A1.110 We agree with the comments made by both providers and consumer bodies that, in considering offering referrals and live transfers with signposted organisations, providers should ensure the organisations they are signposting to have the capacity able to support any customers who may need their help. We have updated the guide to say that providers

should have clear procedures for signposting third-party organisations and staff should be trained to know about the different organisations and when and how to refer customers.

- A1.111 We have not updated the guide to reflect the points Citizens Advice Scotland make as the provision of the information mentioned is directly relevant to data protection legislation which is covered elsewhere in the guide.

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

- A1.112 Several providers wanted more clarity on how third-party arrangements should work in practice. For example, BT noted the importance of validating the third party's relationship with the customer and safely limiting the actions they can take on an account.
- A1.113 O2 questioned what we meant by being 'sensible' when communicating with third parties and our reference to providers dealing with queries or issues 'without unnecessary barriers'.
- A1.114 Giffgaff questioned what appropriate security measures would be for third parties, asking if third parties should be subjected to enhanced security vetting.
- A1.115 Two mobile providers (Giffgaff and Vodafone) suggested there may currently be technical difficulties in setting up spending or usage alerts to go to the third party, if linked to a facility where the customer could turn third party permissions on and off at different times.
- A1.116 The CCP/ACOD considered that third party services should always be mandatory. Citizens Advice argued that greater flexibility in the management of third-party access, including the ability to turn such access on and off as needed and the option to notify the third party when usage limits are breached should be mandatory.
- A1.117 MMHPI recommended that Ofcom encourage providers to make customers aware of third-party bill management services.
- A1.118 The Consumer Council noted that customers can sometimes prefer or need an appropriate organisation to act on their behalf, with consent, rather than a carer or relative. The Money Carer Foundation made us aware, during a telephone call, of some of the difficulties that organisations can face when acting as appointees for customers.

Our response

- A1.119 In response to the points raised by BT, O2 and giffgaff, we have amended the guide to make clear that any third-party access should be subject to any reasonable verification and consent procedures. We also say that providers should train their staff so that they are aware of the different types of third parties and what powers they may have and that if there are staff with specialist training, frontline staff should be trained on when and how to refer customers to them. And we highlight that procedures should be consistent with the law on mental capacity and decision making. It is for providers to determine how they

make this work in practice, striking the right balance between enabling customers to manage their account and services effectively, and, protecting the customer from third parties abusing their position.

- A1.120 We note the potential technical issues that giffgaff and Vodafone raised with the functionality of turning spend/usage alerts on and off at will. However, as we say elsewhere in the guide, we expect providers to keep up to date with technological advances and to continually strive to improve outcomes for vulnerable customers.
- A1.121 We understand the motivations behind CCP/ACOD, and Citizen’s Advice calls for more mandatory rules in this area are likely to be due to the poor experiences that some customers experience in this area. The guide aims to help providers to understand and respond appropriately to the needs of vulnerable customers, considering Ofcom’s current regulatory framework.¹⁵
- A1.122 We have reflected MMHPI’s point that providers should promote these services to customers who might benefit from them into the guide. This is also relevant to promoting the extra help, support and services that are available.
- A1.123 We have reflected the Consumer Council’s point into the guide
- A1.124 In response to the Money Carer Foundations comments, we hope this section of the guide, and the amendments we have made, help to encourage better experiences for customers and ensure that providers treat third parties appropriately.

Act fairly when a customer is facing problem debt

- A1.125 Several providers highlighted where they already have our recommendations in place or where they are going above and beyond the recommendations, in their responses.
- A1.126 SSE noted that it is important for customers to be aware of the potential outcomes of their debt and that it can be difficult to support customers who are unwilling, or unable, to talk to them about debt. PayPlan also raised similar points.
- A1.127 Three responses discussed disconnection. Citizens Advice felt that disconnection should be forbidden. MMHPI recommended that disconnection should be a last resort and that Ofcom should take enforcement action if vulnerable customers are put at risk of harm by disconnection. Ombudsman Services recommended that we consider the impact disconnection could have on customers.
- A1.128 Three consumer bodies and charities emphasised the importance of giving customers time to seek help with their debt. Citizen’s Advice suggested that providers should implement a 60-day pause on enforcement when vulnerable customers miss two consecutive bill payments. The Consumer Council and Money Advice Trust highlighted the UK Government’s ‘breathing space’ proposals and urged providers to implement them.

¹⁵ Ofcom’s [General Conditions of Entitlement: unofficial consolidated version](#), C5.12. page 44.

- A1.129 Money Advice Trust emphasised the importance of understanding a customer’s ability to pay before setting up a payment plan, recommending that providers make use of the Standard Financial Statement to assess customer’s ability to pay, or use “key principles” when assessing this, like those published by Ofgem.¹⁶ Money Advice Trust also recommended that providers should be flexible and freeze additional fees and charges.
- A1.130 Citizens Advice also suggested that providers should proactively ensure that customers are on the best deal for them and that providers should set up debt advice appointments directly if customers agree to this.
- A1.131 Citizens Advice Scotland recommended that providers should ensure customers can access their billing information easily to prevent debt accruing.

Our response

- A1.132 We welcome the steps providers are already taking in this area to improve experiences for customers and for the information they have provided about this.
- A1.133 Our consultation on the draft guide took place before the covid-19 pandemic, which has highlighted the importance of providers being responsive and flexible when dealing with customers who are struggling to pay. We are continuing to work with providers on their approach to vulnerable customers in these circumstances.¹⁷
- A1.134 We broadly agree with the suggestions offered by providers and consumer bodies and have amended the guide to reflect them as appropriate. For example, we have amended the guide to emphasise that providers should, wherever possible, prevent customers from being disconnected and that disconnection should only be used as a last resort. The guide suggests several steps providers could take, such as offering payment holidays and tariff advice (for example, customers who have experienced higher out of contract charges for some time and have who have recently fallen behind with payments), before considering disconnecting a customer.

Recording customers' needs

- A1.135 We received several responses to this section of the guide.
- A1.136 A number of respondents highlighted that they already have systems in place to record information about vulnerable customers, these and other respondents noting the importance of accurately recording the needs of vulnerable customers in order that the right help and support can be given (Virgin Media, Vodafone, Post Office and PayPlan).
- A1.137 SSE noted that capturing information is an important, but not the only, part of ensuring enhanced service provision.
- A1.138 Several respondents, including providers and consumer bodies, made the point that customers may not always want to engage with their provider or disclose information

¹⁶ Further information on the [Standard Financial Statement website](#) or Ofgem’s [open letter on ability to pay](#).

¹⁷ Information on the specific ways providers are responding to the unique challenges linked to covid-19 can be found [here](#).

about a potential vulnerability. Three, for example, asked what providers should do if it is apparent a customer may need additional help but is unwilling or unable to explain what help is needed.

- A1.139 Three highlighted the need for greater consistency in recording information about vulnerabilities across providers and other sectors.
- A1.140 MMHPI noted how disclosures of information can help providers better understand and support their vulnerable customers and that providers need to do more to improve how disclosures of mental health problems are handled. MMHPI said that attempts to record vulnerability at an individual level will inevitably be imperfect as some vulnerable customers will not be willing or able to providers about their vulnerability, and that this creates a powerful rationale for inclusive design.
- A1.141 Sky asked whether Ofcom expects the customer service needs to be recorded rather than information about the customer's personal situations or conditions. It said that the latter would go beyond the general condition and allow too much room for subjective judgements or recording of personal circumstances. The Post Office requested that the guide make it clear that only substantive facts in relation to vulnerability should be stored on provider's systems.
- A1.142 The Money Advice Trust said the guide should make clear that providers need to record enough information about the customer's vulnerable situation in addition to their specific needs at the point in time. Otherwise it could (inadvertently) lead to a customer repeatedly disclosing their vulnerable situation to a firm.
- A1.143 The CCP/ACOD considered information on the additional needs which customers have can be used to highlight weaknesses in the provider's mainstream services which can then be addressed. The CCP/ACOD considered it is important that providers work together to develop a consistent way of recording information on customers' needs even if the way each provider meets those needs may differ.
- A1.144 The Consumer Council and Ombudsman Services recommended that Ofcom look into cross-sector sharing of information to help the identification of vulnerable customers. They noted the work promoting priority services data sharing between energy networks and water companies and the benefits for customers, including potentially avoiding needing to register vulnerabilities with each sector provider.
- A1.145 Citizens Advice said providers must be clear with vulnerable customers about how they will record their data to avoid concerns about how it may be stored or used. Citizens Advice also considered that the guide should set out how often firms should check in with their customers to see if their situation has changed.

Ours response

- A1.146 We welcome the positive engagement of respondents on this section of the draft guide, and the keenness of several providers to get this right for the customer.

- A1.147 We acknowledge that some customers may not want to engage, and we have amended the guide to take account of this. We note in the guide some steps that can help encourage disclosure and appropriate signposting.
- A1.148 We acknowledge that in some circumstances it may be appropriate to record some information about the situation driving those needs, for example if it is fluctuating in nature as this may affect how those needs can be met.¹⁸ We would expect providers to carefully take into account the ICO's guidance on data protection, including special category data, in designing and operating information capture.
- A1.149 We agree that there are potential benefits in ensuring greater consistency in how providers record vulnerable customer groups. We have had very positive initial engagement with providers on this area and look forward to developing our approach with them.
- A1.150 We have noted the implications of the CCP/ ACOD's comments regarding identifying potential areas for improvement of existing services in the guide.
- A1.151 We note the potential benefits that cross-sector data sharing can have for vulnerable customers, and the need to protect customers in doing so (including the importance of keeping such information safe). We are watching the water and energy data sharing initiative with interest and look forward to developing our approach as we learn more from this initiative.
- A1.152 We have reflected Citizens Advice's points into the guide to an extent. Although we note that providers should check with the customer if there have been any changes to their situation, we do not consider it appropriate to place a time period on this as we consider that providers are best placed to determine the appropriate check in points given their knowledge of their customers.
- A1.153 However, we have suggested that providers could make use of pre-existing contact points to see if a customer's circumstances have changed. For example, if they call a customer to discuss changes to their contract, they could take a moment to ask if they require any extra help, support or services or if they are receiving any extra help, support or services that they no longer need.

Data protection considerations

- A1.154 Several respondents highlighted the importance of consent in recording information about a customer's vulnerable situation and how this is reflected into policies.
- A1.155 BT said a vulnerability flag to a customer's account must only be done with clear consent. Post Office said it has a strict policy on ensuring customer consent to recording information. Giffgaff wanted clear guidance as to whether consent is required before making detailed notes on internal systems about vulnerability. O2 stated that information should only be recorded with the knowledge and consent of the customer.

¹⁸ Emphasis added. Ofcom's [General Conditions of Entitlement](#), C5.3 (b), page 45.

- A1.156 Vodafone explained that its advisors will ask a customer's explicit permission to record details of their vulnerability. Citizens Advice noted that in line with GDPR, data should only be processed based on informed consent.
- A1.157 Several respondents highlighted the relevance of data protection legislation and the role of the Information Commissioner's Office ("ICO"):
- a) Sky raised some concerns with providers recording information to be shared across providers' systems and different teams in large organisations. Sky highlighted that providers need to walk a fine line between the different regulatory regimes of Ofcom and ICO with potentially serious consequences for any failings.
 - b) A few respondents asked for more guidance - including from ICO - on how to meet the requirements (O2, giffgaff, Sky, The Money Charity, Money Advice Trust and Ombudsman Services). Many asked if Ofcom had engaged ICO on the guide and/or suggested doing so.
- A1.158 Additionally, Citizens Advice suggested that providers should consult with vulnerable customers when developing the information to give them about their data rights and privacy to make sure it meets their needs.

Our response

- A1.159 We agree that the role of consent in data protection legislation is very important, particularly in this context. We appreciate that information about a vulnerable customer's needs may attract the additional obligations relating to special category data. Together with relevant ICO guidance documents already highlighted in the guide, we have added several additional references to data protection legislation
- A1.160 We agree strongly with the points made about collaboration with the ICO and we have engaged with them on the guide. The recording and handling of customer information, including special categories of data under data protection legislation is also relevant to other sectors. We are therefore also engaged in the UK Regulator's Network Vulnerability Group, who are looking to encourage broader sharing of knowledge and best practice across regulators to help industry deliver better outcomes for customers. They are intending for this to build on relevant work including the UKRN's vulnerability literature review and the Money Advice Trust and Money Advice Liaison Groups forthcoming guide on GDPR and vulnerability.¹⁹
- A1.161 We agree with the points made by Citizens Advice and have amended the guide to reflect these.

¹⁹ UKRN, [support consumers should receive](#) in regulated markets, 2020.

Monitoring performance

Evaluating staff performance

- A1.162 Six providers specifically noted that they already evaluate staff performance in treating vulnerable customers fairly, these were BT, O2, SSE, Three, Virgin Media and Vodafone.
- A1.163 BT and SSE asked that the guide reflect that providers may evaluate on a broader basis i.e. ensuring a customer's needs were met, rather than including specific vulnerability performance measures. SSE suggested that evaluation could include taking a qualitative view of performance.
- A1.164 O2 asked for examples of what Ofcom expected from providers.
- A1.165 MMHPI suggested that Ofcom could add to the guide by encouraging providers to monitor staff performance at key points such as: during escalations to a specialist team; when handling disclosures of mental health problems; and when signposting to other organisations.
- A1.166 Ombudsman Services considered there is value in understanding and sharing good practice across the industry to raise standards so that customers in vulnerable circumstances can have better and more consistent experiences.

Our response

- A1.167 We welcome the measures that providers are taking in this area, including focus on evaluating staff performance.
- A1.168 In response to the points raised by BT and SSE, we have amended the guide to recognise that providers will have different approaches to evaluating performance. We have also amended the guide to make clear that we expect monitoring to include assessing the quality of customer service being delivered to vulnerable customers (however this may be achieved).
- A1.169 In response to O2's point, we consider the guide sets our expectations out in sufficient detail while allowing space for providers to decide how best to do this, taking into account for example their customer base, the communication channels offered and the information about quality of customer service they consider it appropriate to collect.
- A1.170 We have updated the guide to reflect MMHPI's points.
- A1.171 We agree with Ombudsman Services, this is directly relevant to our work with UKRN mentioned at paragraphs A1.30 and A1.160 above.

Gathering and using customer feedback

- A1.172 Several providers offered information about the measures they have in place to gather and use customer feedback. SSE has a 'Fairness Feed' which gathers valuable insight from both customers and colleagues on areas where improvements can be made to inform customer

service policies and procedures. Vodafone has an employee well-being group where issues related to vulnerability are discussed and it uses complaints to gain insight into any process, system or staff issues. Virgin Media regularly reviews customer insight data from social media channels and online forums, as well as complaints data to pinpoint specific areas that may need improvement.

- A1.173 The Consumer Council noted that customers are in the best position to say if the help is meaningful. The Money and Mental Health Institute and Money Advice Trust suggested adding that providers should seek out feedback from vulnerable customers or specialist groups and learn from other bodies and external resources provided by independent experts. The CCP /ACOD suggested this area could be strengthened by encouraging providers to regularly ask all staff (not just specialists) for recommendations based on customer feedback and their experience interacting with customers. They also suggested there be an option for employees to raise issues anonymously.

Ours response

- A1.174 We are pleased to hear about providers initiatives. We have amended the guide in light of the suggestions made by the Money and Mental Health institute, Money Advice Trust and the CCP/ACOD.

Staff training Content of training

- A1.175 A number of respondents highlighted the need to ensure training covered key areas including building a culture of treating customers fairly, the drivers of vulnerability and risks attached, active and empathetic listening, knowing the support the provider can offer and when to signpost to specialist internal and external advice. However, they also highlighted the need to ensure that training was sufficiently tailored to the provider and its customers. For example, Virgin Media said it was important to retain the ability to tailor training and that, Ofcom's guidance should not be "prescriptive or exhaustive".
- A1.176 The Money Advice Trust emphasised that general awareness training is not enough. Training should be practical, operationally focussed and designed with the challenges and demands staff may face in engaging with vulnerable customers.
- A1.177 The Money Charity and The Consumer Council said we should make clear that staff training should include offshore service centres and retail store staff.
- A1.178 Giffgaff queried whether it was proportionate or viable to provide training to the entire workforce, especially those staff members who do not deal with customers.
- A1.179 SSE made the point that while it may be beneficial to involve third parties in the production and delivery of training, providers need to consider whether the training would be in keeping with their approach.
- A1.180 MMHPI suggested that draft guide emphasise that it was particularly important that frontline staff were trained to deal with customers in financial difficulty. Providers should

ensure that their collections staff are appropriately trained and are confident in dealing with vulnerable customers.

Our response

- A1.181 We agree with the points made by respondents and have amended the guide to take account of them. We agree with Virgin Media that the guide should not be prescriptive or exhaustive and we do not consider it is.
- A1.182 To giffgaff's point, we acknowledge that the level of training may vary depending on the role of the employee and this point was made clear in the draft guide and remains in the finalised guide.

Frequency and evaluation of training

- A1.183 Citizens Advice and Giffgaff suggested we should say how often refresher training should take place.
- A1.184 The Consumer Council suggested that we should encourage providers to consider using external accreditation schemes to provide assurance about their training.

Our response

- A1.185 We have not amended the guide considering Citizens Advice and giffgaff's point. We remain of the view that it is for providers to determine when and how to review their training, including when refresher training should take place.
- A1.186 In relation to external accreditation schemes, we would encourage providers to consider using such a scheme where this is suitable for their customers and employees and have updated the content of training section of the guide to mention them.

Collaborating with consumer bodies and charities

- A1.187 Respondents generally welcomed the measures suggested in this section of the draft guide, Citizens Advice Scotland and CCP/ACOD for example noted that good relationships with third party organisations would help deepen understanding of vulnerabilities and can inform the development of training. Payplan said it has helped to ensure appropriate language is used in their training on vulnerabilities. Money Advice Trust gave examples of some of their work with providers.
- A1.188 The Money Charity highlighted the need to engage with the consumer bodies and charities concerned to ensure they have availability/resources to provide help and advice.

Our response

- A1.189 We have updated the guide to take account of these comments.