



## Improving access to electronic communications services for disabled people

February 2013

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## About Citizens Advice

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The Citizens Advice service provides free, independent, confidential and impartial advice to everyone on their rights and responsibilities. It values diversity, promotes equality and challenges discrimination.

The service aims:

- to provide the advice people need for the problems they face
- to improve the policies and practices that affect people's lives.

The Citizens Advice service is a network of nearly 400 independent advice centres that provide free, impartial advice from more than 3,500 locations in England and Wales, including GPs' surgeries, hospitals, community centres, county courts and magistrates courts, and mobile services both in rural areas and to serve particular dispersed groups.

In 2011/12 the Citizens Advice service in England and Wales advised 2.03 million people on 6.9 million problems. This included 21,000 problems with goods and services provided by communications providers and 80,000 relating to debts to communications providers.

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## Communications providers and third parties

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The consultation makes a number of proposals about third party representation of customers but Citizens Advice would propose a further measure regarding customers who would benefit from the help of a third party in managing their affairs.

Citizens Advice Bureaux regularly help clients deal with problems with and complaints against a wide range of companies including communications providers. In order to speak to the company involved on behalf of the client, advisers use a standard form of authority which is recognised by the DWP, Government agencies and companies across all sectors.

Occasionally, a company will refuse to recognise the form of authority at which point the adviser is unable to help the client. If the client is not in a position to speak to the company themselves after receiving advice then the problem remains unresolved. When this involves disputed bills, disconnection, erroneous charges or service disruption, for example, this can cause significant financial, psychological and physical detriment to the client.

In some circumstances the client will be present at the time and so will be able to verbally confirm their permission for the adviser to speak to the communications provider on their behalf but this will not always be the case, particularly if calling customer services necessitates a long wait in a telephone queue or it is a complex issue requiring a number of phone calls. In these circumstances, resolving the issue would be next to impossible without a form of authority.

By and large, communications providers accept bureaux's forms of authority but from time to time problems emerge. As it happens, at the moment we are attempting to resolve

issues with one large communications provider which appears to be refusing to accept forms of authority from bureaux.

At present there is little we are able to do beyond negotiating with the communications provider and reasoning with them that it is in their interests to accept the forms of authority and emphasising that they are legally compliant and thus present no risk in terms of data protection. While the OFT's guidance on debt management and debt collection both provide that refusing to negotiate with a consumer's appointed third party is an unfair business practice, this is of no help if the client is not in debt to their communications provider.

The additional elements of the safeguard proposed are undoubtedly useful, but they would not help address the specific but related problem faced by bureaux for three key reasons:

- The ability to nominate a third party to help manage their affairs tends to imply a long-term arrangement. Bureaux need the ability to quickly and easily establish their client's permission to speak to communications providers on their behalf for a brief period of time on a specific issue or set of issues.
- The ability to nominate a third party in advance to notify communications providers when there is a fault would not help organisations in the advice sector. Our advisers need to speak to communications providers about a far wider array of problems and in case it would not be practical to have potential clients nominate their local CAB in advance.
- Not all clients who need help speaking to their communications provider are disabled. Some may be vulnerable as a consequence of going through a traumatic life event, have mental health issues or may simply be unable to explain the issue to their communications provider.

To this end, we would propose that the safeguard measures should include a requirement for communications providers to accept a form of authority for customers who require assistance with their affairs on a specific issue or sets of issues rather than as an ongoing arrangement.

We recognise that the scope of the current consultation is limited to looking at general condition 15 and that as such our proposed requirement would likely need to apply to disabled customers, a definition which will not capture all of the customers who would benefit from it. We would propose that it apply to disabled customers and those in a vulnerable situation.

To ensure the effectiveness of our proposals it may also be necessary to amend general condition 14 to require communications providers to specify in their complaints code of practice the process by which they will accept a form of authority and under what circumstances. This would aid organisations such as Citizens Advice given that if a communications provider was not accepting a form of authority which met the requirements, they would not be upholding the code published under general condition 14 and they would be in breach of general condition 15.