

Communications Consumer Panel and ACOD's response to Ofcom's consultation on 'Treating vulnerable consumers fairly: a proposed guide for phone, broadband and pay-TV providers'

The Communications Consumer Panel, established by the Communications Act 2003, is a group of independent experts with direct sectoral experience. We ensure the citizen and consumer voice is represented in communications policy development.

The Panel's job is to ensure that the sector works for consumers, citizens and micro businesses - and in particular people who may be in a more vulnerable position in society. We carry out research, provide advice and encourage Ofcom, governments, the EU, industry and others to look at issues through the eyes of consumers, citizens and micro businesses.

The Panel pays particular attention to the needs of older people and people with disabilities, the needs of people in rural areas and people on low incomes, and the needs of micro businesses, which have many of the same problems as individual consumers.

Four members of the Panel also represent the interests of consumers in England, Northern Ireland, Scotland and Wales respectively. They liaise with the key stakeholders in the Nations to understand the perspectives of consumers in all parts of the UK and input these perspectives to the Panel's consideration of issues. Following the alignment of ACOD (the Advisory Committee for Older and Disabled people) with the Panel, the Panel is more alert than ever to the interests of older and disabled consumers and citizens.

Response

The Panel supports the publication of guidance for providers on how to treat customers - particularly vulnerable consumers - fairly. We have urged Ofcom to focus on fairness and welcome its *Fairness for Customers* campaign, encouraging a more active focus by providers on Treating All Customers Fairly. Within the guidance, we welcome the use of good practice examples that exist in this sector and others that could be used to inspire providers to operate a commercially successful business through a culture of fairness and inclusivity.

Status of the guidance

The consultation document states that providers must comply with their obligations under GC C5 and frames the guidance as practice that CPs should also consider adopting- as opposed framing to enforceable requirements.

The guidance highlights that the number of vulnerable consumers reported across the sector is lower than might be expected and that providers should "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.” Ofcom states that: *“we would expect to see substantial improvements in the numbers who are (recorded). If not, we will consider further interventions to bring about improvements”.*

An improvement in the recording of information would be inferred from an increase in recorded numbers of vulnerable consumers/consumers requesting services that indicate that they are vulnerable.

Recording accurate information about vulnerable consumers in this sector

We believe it is vital that providers collect accurate information on the number of consumers who need extra help, support and services to be able to use their mainstream services and processes.

In the short term, this information is needed to make sure the right people receive what they need. As Ofcom highlights in this guidance, recording information on extra services needed prevents consumers from having to repeat themselves in every interaction with a provider and is a fundamental part of good customer service. However, having a record of the number of consumers who may be considered vulnerable is a means to an end and should not be considered a measure of success - the goal should be to ensure good quality service and interactions for people who are vulnerable. In the longer term, we believe that information on the additional needs consumers have should be used by providers to highlight weaknesses in the accessibility of providers’ mainstream services and processes, so that these weaknesses can begin to be addressed.

Additionally, as we have stated previously, it would be useful if providers collected information on vulnerability in a consistent way, both so that consumers know what to expect when setting up a service with a new provider and so that the information can be measured consistently across the sector. We would refer Ofcom to a similar situation in the communications sector: the collection of information on complaints received by Alternative Dispute Resolution (ADR) Schemes. The Panel urged Ofcom to publish information on the number of complaints received by the two ADR Schemes and - in order for information on themes and volumes to be meaningful and comparable - encouraged the ADR Schemes to measure the number and types of complaints they received consistently, where they had not originally done so. The same applies in recording the needs of vulnerable consumers. In order for Ofcom to be able to measure and monitor information collected by more than one provider it is important that providers work together to develop a consistent way of recording information on consumers’ needs - even though the way each provider meets those needs may differ.

The current version of the guidance appears to focus on vulnerability solely as a characteristic brought to a provider by a consumer. It could - in our view - acknowledge

that communications services and processes can also affect a consumer's lived experience of a situation:

“Even though on some occasions they’ve said ‘we’ll mark it down in the future and you won’t need to tell us again...’ for some reason it’s not gone on their standard database. It would be nice if it came up with: ‘this customer is blind and has a special device, so just give them a new password if that’s what they ask you.’”¹

“I think when everything’s running fine in terms of communications networks, I’m not as disabled as I might be.”²

Although failure to record information on vulnerable consumers is the only reference to potential future intervention by Ofcom, throughout the guidance there are references to actions that providers ‘must’, ‘should’ or ‘are expected to’ take. We are not clear on the distinction between some of these and other protective actions that Ofcom highlights in the guidance as important measures that providers ‘could consider’, or which consumer ‘might find useful’ for them to take. Further clarity would be helpful.

We believe that the final version of the guidance needs to provide more practical examples/evidence on what works, from the design or procurement of accessible services and products through to personal interactions with consumers - from this sector or others. Alongside this, Ofcom could set out its strategic direction on vulnerability. We welcome the opportunity to work with Ofcom and providers further, to help facilitate these changes.

Culture: from compliance to fairness and inclusive design

Providers must comply with Ofcom’s General Condition (GC) C5 - a rule that includes the requirement to ‘establish, publish and comply with policies and procedures that help to ensure vulnerable customers are treated fairly’ and the guidance sets this out clearly.

Failure to comply with Ofcom’s GCs comes with certain sanctions which are useful in extreme circumstances. However, we have encouraged Ofcom to help providers to move from a compliance-focused culture, to a culture of fairness and inclusive design, putting their customers first - and we are pleased to see that Ofcom is taking forward this approach.

Ofcom states in this guidance that ‘*senior leaders must play a part in making sure their vulnerable consumers are treated fairly*’. We welcome this advice. Without sponsorship at a senior level support for vulnerable consumers will not be delivered consistently across

¹ <https://www.communicationsconsumerpanel.org.uk/research-and-reports/we-re-not-all-the-same-inclusive-communications>

² <https://www.communicationsconsumerpanel.org.uk/research-and-reports/we-re-not-all-the-same-inclusive-communications>

organisations and will rely on individual members of staff who are prepared to 'go the extra mile'. We are pleased that senior sponsorship is strongly encouraged in the guidance along with the recording of types of information that allow measurement of progress by senior sponsors: the recording of numbers of customers who need adaptation of a provider's services and processes; customer service quality monitoring; feedback from customers; and feedback from staff.

The guidance states that *"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."*

We would strengthen this to encourage providers to ask their staff for recommendations based on customer feedback regularly, alongside quality monitoring processes and as part of staff surveys. Customers who have had a bad experience may not then want to spend more of their own time providing feedback to a provider via a survey process, whereas frontline staff are ideally placed to spot trends and voice the concerns of customers. Frontline staff should be encouraged to share good practice to improve the way the organisation works. The opportunity to give feedback should not be limited to specialist staff who work with customers identified as vulnerable, but to all staff so that providers can check that their internal processes are identifying, recording and meeting the needs of those who need extra or different help - also empowering staff to highlight to their employer situations where their organisation is not treating vulnerable consumers fairly.

Additionally, we believe that senior sponsors should be responsible for making their organisations a place where people who can bring lived experience of vulnerability can and want to work. We have heard examples from across sectors of recruitment policies that encourage the hiring of staff with experience that enables them to bring empathy to their interactions with consumers - and examples of organisations that look to their own staff to nominate themselves based on their own experience, to work with vulnerable consumers.

Improving the quality of interactions with consumers - training and partnership

"I think they have quite a high turnover of people who work in call centres, you know, so they have little experience, I think, in dealing with people who are different.... In their basic training, and I know it's all money and everything's cost and, you know, even if it was only four or five sentences taken within their training saying, you know - you may get a person whose speech is poor or, you know, whose skills are poor in general - try to be understanding... do not assume that these people are stupid people and don't treat them like idiots... don't talk to me like that, you know. I'm not a blithering idiot, you know, I'm a person."

"I felt that they weren't listening. It was like they had a spreadsheet in front of them to deal with each issue. And unless that issue was in front of them, they didn't know how to resolve it."

“...they put me through to this disabled line and it was a young lady I was talking to. She said, while we’re at it have you got any other problems and I explained to her that my eyes are playing up. Oh, she said, well we can ... send you a large print bill. I said okay then, that will be fine. It came about during a conversation, you know, and she was quite chatty and very helpful.”³

We agree with the proposals that providers should provide training to all staff to highlight what the organisation does for vulnerable consumers and that this training should be more in-depth for frontline staff, particularly people working in vulnerability teams.

We strongly encourage providers to work with and learn from charities and consumer organisations - as some already do - to bring learning to life and ensure training is current and accurate.

Making it easier for vulnerable consumers to access customer services

We have previously championed - and welcome the promotion of - a multi-channel approach, including consideration of needs of consumers who do not use the internet. We are also supportive of Ofcom’s recommendation that providers have a dedicated team or dedicated staff members for consumers who need extra help, support or services. We recommended the same after publication of our 2015 research ‘We’re not all the Same’, which focused on the needs of disabled consumers. Our full list of recommendations can be found on our website: <https://www.communicationsconsumerpanel.org.uk/research-and-reports/we-re-not-all-the-same-inclusive-communications>

We believe it is vital that all customers have quick, easy and free access to customer services - our soon to be published research into the experiences of low-income households using communications services highlights some of the challenges financially vulnerable people are facing.

As the guidance states, some people like to access information via providers’ websites. We would add that some providers encourage access to information on a ‘self-serve’ basis, via apps. Both need to be accessible to all, to allow vulnerable people to have independent access to billing information and other important services. We believe the guidance would benefit from encouraging providers to seek accreditation and user testing. Accreditation will allow providers to aim for a recognised accessibility standard and regular user testing will allow testing of ‘real-life’ scenarios and feedback from users on how accessible services are in practice.

³ <https://www.communicationsconsumerpanel.org.uk/research-and-reports/we-re-not-all-the-same-inclusive-communications>

We support Ofcom's suggestion that providers offer follow-up in writing after a call - this is good customer service, especially for vulnerable consumers. We believe this must include *"information about services they are purchasing or upgrading/downgrading and any help, support or services that might assist them"* as set out in the guidance.

Promotion of help, support and services for vulnerable consumers, to all consumers

We have long pressed for - and support in this publication - the promotion of *"the full range of extra help, support and services"* to all. While the full range is not defined in the guidance, we have interpreted this to mean all additional accessibility and customer services that the provider can provide, beyond those mandated under the General Conditions.

Promoting these services to all consumers should enable friends and family of people who would benefit from them to raise awareness so that the right people can access them.

We are unclear on the following points, which we hope Ofcom will consider before publishing the final version of the guidance:

- The use of the word 'statement' to describe the list of services that providers are to promote. The word 'statement' has a different meaning in the financial services and pensions sectors and we believe that providers and Ofcom should research other sectors' work on customer services and vulnerability to avoid terminology that could be confusing for consumers. The word 'statement', with its financial connotations may be off-putting to some consumers, particularly people in financial vulnerability. We would encourage the use of straightforward language. If this is a list of extra services that might help consumers, why not describe it as a 'list of extra services that might help you, or someone you know'?
- The guidance states that "the statement could be sent by post or email or provided as a paper copy in store where available" and that it "should also be published on providers' websites, so it is widely accessible to customers". We wonder why the word 'should' has not been used across the board, as in other parts of the guidance. We welcome that Ofcom recognises the need for a multi-channel approach to consumer communications.

Consumer charter

Publishing a consumer charter can help consumers to understand what level of service and type of interactions they can expect from their provider. Some providers in other sectors clearly display their customer charter and codes practice prominently, for example on the homepage of their website and by tagging the document so that it is easily found by search engines. Consumer charters should offer meaningful guarantees that consumers can

rely on from pre-contract to at least the end of their minimum contract term with that provider.

Some examples of consumer charters in other sectors can be found here:

- <https://sse.co.uk/v3/assets/blt09078e271abddd45/blt16833bbffdaf96af/5cb85459f6fd7c280fd8c06b/Domestic%20Customer%20Charter.pdf> (SSE)
- http://www.bournemouthwater.co.uk/Uploads/Docs/BW_customer_charter.pdf (Bournemouth Water)
- http://nioil.com/wp-content/uploads/2019/09/NIOF_Customer_Charter_2019.pdf (NI Oil)

We would also encourage providers to place helpful information on their website in an easy-to-access place, using terms that consumers will recognise. Words like ‘vulnerability’ and ‘accessibility’ may not come naturally to consumers and may not be the first place they would look for help. It is vital that providers’ search box terms are relevant and that information linked through from the homepage has a relevant title. In this example from the financial services sector, a hub of information for customers who are experiencing vulnerability due to a life event is titled ‘Challenging Times’:

<https://www.nationwide.co.uk/support/challenging-times> (Nationwide Building Society)

Third parties

As explained in the guidance, providers are required to offer third-party bill management services, which can benefit vulnerable customers. The guidance state that these services should be easy to set up. Although recognising the tension between guidelines and enforcement, we believe that the expectation in this area should be a ‘must’.

When considering the fact that providers will need to work with third parties to help some consumers run their accounts, the guidance states that *“providers must (also) make sure that vulnerable customers are appropriately protected from unauthorised activity or scams”* which we agree with. We will shortly be undertaking research into the impact of scams on consumers using communications services.

Losing customers

We believe the guidance would benefit from a section that helps providers to understand what is expected of them when they are losing a customer, through the customer switching or otherwise terminating their contract, or when terminating a contract.

We also believe that where consumers are dealing with financial difficulties, providers should be flexible in agreeing payment plans and keeping the customer connected to the services they rely on as far as possible. In our soon to be published research, we will set out a list of recommendations for providers in respect of their financially vulnerable consumers.

Summary

- We support the publishing of guidance to help providers understand ways that Ofcom expects them to treat all - including vulnerable consumers - fairly;
- We agree that providers should be expected to record information on the needs consumers have and adaptations they require to the provider's mainstream processes and service, both so that the consumer can receive what they need each time, without repeating their request and so that providers can learn how to make their processes and services more accessible.
- We believe that recording of vulnerability information should be standardised across the sector;
- We agree that senior sponsors should take responsibility for making their organisation fair to consumers, particularly in vulnerable circumstances or with needs that are not automatically catered for in the current design of the providers' processes and services;
- We believe that senior sponsors should have access to the range of information described in the guidance and additionally, should seek input from frontline staff on a regular basis;
- Senior sponsors should also make it easy for people with experience of vulnerability to work in their organisation and use their experience to benefit customers;
- We believe that all providers' staff should be aware of what is on offer to help vulnerable consumers and frontline and specialist staff should receive more thorough, interactive and regularly refreshed training;
- Additionally, all providers should listen to staff feedback on good practice and areas where their employer is not treating vulnerable consumers fairly;
- We support the expectation that providers have specialist teams and that customers with specific needs are able to access the same staff easily;
- We have long supported and urged Ofcom to add to its GCs the expectation that all vulnerability services are promoted to all and welcome this expectation as part of this guidance;
- We suggest changing the word 'statement' to one that is less regulatory and more consumer-relevant;
- We support a multi-channel approach to communicating with consumers and follow-up in writing after a phone-call or webchat;
- Third party support for vulnerable consumers must be easy to set up and protection from fraud and scams is vital;
- We believe that providers should maintain fairness to all consumers at whatever stage of the customer journey, from pre-sales to the loss of the customer and providers should work with financially vulnerable consumers rather than disconnecting them.
- We believe that publishing a consumer charter is a way that providers can set out promises to all consumers - especially those who are more vulnerable - about the quality of service and interactions they can expect.