

# Electricity and Gas Codes of Practice Guidance for Suppliers

2010

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## **1. Introduction**

- 1.1. This document provides guidance for electricity and gas suppliers to use when preparing codes of practice. It is envisaged that in Suppliers using these guidelines to develop their own codes the rights of customers in the areas of Billing, Complaints Handling, Contract Terms and Conditions, Disconnection, Marketing, Prepayment Meters and Vulnerable Customers will be protected. Customers can be confident of the quality of service being provided by their supplier.
- 1.2. Where Suppliers are offering both fuels, they may, if they wish, prepare single documents in respect of each standard condition covering both electricity and gas.
- 1.3. The guidance sets out a number of detailed points which electricity and gas suppliers must consider when they are preparing the content of their codes of practice or customer charters. It is not exhaustive, but rather describes a minimum level of service on which suppliers may wish to build further.
- 1.4. Each code or customer charter should clearly specify its objectives and the target groups it is intended to reach. It should be written in plain English and set out in a way that is easy to follow and understand.
- 1.5. Copies of the codes of practice should be made available to any person who requests them and should be brought to the attention of customers at least once a year.
- 1.6. Suppliers/Network Operators covered by the Disability Act 2005 should ensure when they are preparing their codes that they are fulfilling their obligations under the Act.

## **Application**

The codes of practice requirements will relate to the supply of all final customers with the exception of requirements regarding vulnerable customers and prepayment meters which only apply to suppliers of domestic customers.

## 2. Code of Practice on Marketing - Guidelines

### General

Suppliers must develop a code of practice that shall protect customers against unwanted, unfair or misleading marketing methods.

- The code of practice shall provide that a supplier adopts best practice with respect to the marketing of its products and services.
- Suppliers must take all reasonable steps to ensure its marketing material is accurate and specifies clearly the product being marketed and the period it covers.
- Where a supplier compares its tariffs to a competitors tariffs, information must be dated to show when the tariffs were in place, comparison must be made on a like for like basis and customers must be made aware that the competitors tariffs are subject to change. Where a supplier is aware that they are comparing their tariff to a tariff that is due to change, they should notify the customer of this fact.
- Where a supplier's tariff contains pass through charges which may be subject to change, the prospective customer's attention should be drawn to this fact prior to the completion of sale.
- Suppliers must ensure that all relevant staff receive suitable training regarding the code of practice and its requirements.
- Suppliers must ensure that its employees or its agents do not misrepresent their firm or portray rival suppliers in a negative or inaccurate way.
- Suppliers must provide a method for current or potential customers to 'opt out' of future marketing endeavours.
- Suppliers must provide a method for monitoring its staff and agents involved in marketing

The marketing code and all training programmes for staff and agents employed or engaged on behalf of the supplier for the purposes of marketing shall include the following guidelines for conducting business:

### Marketing by telephone

In any telephone call made by or on behalf of a supplier to a customer for the purposes of marketing, the caller must, as soon as practicable, clearly identify:

- a) his or her name and contact number; and
- b) the name of the supplier on whose behalf the call is being made; and
- c) the purpose of the call.

If told by a customer, at any time during a telephone conversation between the customer and the supplier that the customer **does not** wish to continue, the supplier must cease the phone call and advise the customer of how to be removed from the contact list. Unless requested by a customer, a supplier must not make a telephone call to a domestic customer:

- a) on Christmas Eve
- b) on any Public or Bank Holiday
- c) on Sundays
- d) outside the following times:
  - i. 8am to 9pm on weekdays; and
  - ii. 9am to 7pm on Saturdays;

### **Marketing at a customer's premises**

If a supplier engages in marketing at a customer's premises, the supplier must immediately, upon arriving at the premises and at all times after that on request by the customer:

- a) produce an identity card that shows his or her full name and photograph and the name, business address and contact number of the supplier; and
- b) advise the customer of the purpose of the visit and enquire if the customer wishes to progress further. If the customer does not wish to proceed, then the supplier must leave the premises immediately and the supplier must advise the customer of how to be removed from the contact list.

Unless requested by a customer, a supplier must not contact a domestic customer at the customer's premises:

- a) on Christmas Eve
- b) on any Public or Bank Holiday
- c) on Sundays
- d) outside the following times:
  - i. 8am to 9pm on weekdays; and
  - ii. 9am to 7pm on Saturdays; and

### **Business customers:**

There are no specific time constraints on when business customers may be contacted. However suppliers are requested to exercise judgment when contacting customers outside the normal business hours of the customer.

All other conditions relating to this code apply equally to business customers.

### **Marketing via e-mail and SMS**

Suppliers may send electronic mail for direct marketing purposes only where:

- Customer has given them explicit consent to do so within the last twelve months, or
- Suppliers have obtained customers personal contact details in the course of a sale to the customer of a product or service within the last twelve months, they informed the customer of their identity, the purpose in collecting the customer's contact details, the persons or categories of persons to whom a customer's personal data may be disclosed and any other information which is necessary so that processing may be fair, and
- The direct marketing a supplier is sending is in respect of similar products and services only.

Where a supplier engages in marketing via e-mail or SMS to current customers, the supplier must provide the following information to customers:

- a) the supplier's name and address; and
- b) the supplier's e-mail address or other means of electronic contact; or
- c) the supplier's contact number; and
- d) an easy method of unsubscribing/ removing their email address or mobile phone number from future messages at no cost to the customer

If the customer chooses to 'opt out' of future marketing then the supplier must not contact that customer in any way for the purpose of marketing again, unless requested to do so by the customer or unless the customer otherwise agrees.

Where the supplier engages in marketing to potential customers by email or SMS, the supplier must obtain the 'opt in' of the customer prior to contacting them.

Only if the customer chooses to 'opt in' for future marketing then the supplier can contact that customer in any way for the purpose of marketing again...

S.I. 535 of 2003, European Communities (Electronic Communications Networks and Services) (Data Protection and Privacy) Regulations 2003, applies to direct marketing to potential customers.

This SI should be referenced by all Suppliers intending to contact potential customers and should be adhered to within the Supplier's processes.

### **Conduct when customers do not wish to be contacted**

Where a customer has indicated to a supplier orally, in writing or by email, that the customer does not wish to be contacted again for the purpose of marketing, the supplier must log the request and remove that customer from their marketing database within 28 days of the request. After 28 days that customer should not be contacted again for the purposes of marketing unless the customer gives consent.

A customer may request written confirmation that they have been removed from the marketing database, this should be provided within 40 days of receipt of request in accordance with the Data Protection Acts 1988-2003.

Where a supplier uses an external company to conduct direct marketing on its behalf any request by a customer to be removed from the contact list should be forwarded to that company and the above procedure followed.

A supplier must be able to show compliance with this requirement through keeping a 'not for contact' database or by indicating on their customer database that a customer is not to be contacted.

### **Marketing by personal contact**

Where a supplier or nominated agent makes personal contact with a current or potential customer at any location an identity card should always be shown as proof of person. The identity card should show a full name and photograph, and the name, business address and contact number of the supplier.

## **Marketing via internet**

Where a supplier uses the internet as a means for marketing its products to its current and potential customers, the supplier should ensure that all information that it portrays is accurate and easily understood.

## **Promotions**

Where a supplier is engaging in the promotion of its products or services, the supplier should make the current or potential customer aware of any time limit which may accompany the promotion. The supplier should also make the customer aware of any change in conditions which may occur once the period of the promotion expires or any additional terms, conditions or charges which may be associated with the promotion in advance of the customer signing up for it. Any changes to tariffs or terms and conditions which will come into effect after a promotional period must be made clear to the customer prior to signing up.

## **Price comparisons**

Where a supplier uses price comparisons in its marketing material the price comparison must include all relevant charges and be based on a like for like basis using data for the relevant customer category. Comparisons should be made accurately and the methodology for making the comparison should not be misleading. Where a supplier compares its tariffs to a competitor's tariffs, information must be dated to show when the tariffs were in place, comparison must be made on a like for like basis and customers must be made aware that the competitor's tariffs are subject to change.

Where a supplier is aware that they are comparing their tariff to a tariff that is due to change, they should notify the customer of this fact.

Where a supplier's tariff contains pass through charges which may be subject to change, the prospective customer's attention should be drawn to this fact prior to the completion of sale.

This condition can be fulfilled by the provision of a web address with a tariff calculator, a helpline to assist with calculations, or worked examples.

## **Conduct in relation to a customer's personal information**

A supplier should at all times respect a customer's right to privacy and must use a customer's personal information only for purposes authorised by the customer.

A supplier is at all times bound by the relevant provisions of current Data Protection Legislation.

For gas customers Suppliers should inform their customers that certain personal data will be transferred to Bord Gáis Networks and stored on the Gas Point Register. For electricity customers certain personal data will be passed on to ESB Networks and stored on the Meter Point Register.

Suppliers should also indicate to their customers that in the event of a Supplier of Last Resort (SoLR) direction that customer data may be transferred to the SoLR.

## **Use of agents**

Where a supplier employs agents to act on its behalf this Code of Practice should be followed and those agents made aware of its content. The supplier is responsible for

ensuring that persons acting as its agents are complying with this Code and that any reported incidents of miss-selling by agents are investigated fully.



### **3. Code of Practice on Customer Billing**

#### **Guidelines for Suppliers - Billing Code of Practice**

##### **Billing Timeframes, Cycles & Options**

1. Suppliers will ensure that all bills, scheduled or otherwise, are accurately calculated based on one of the following:
  - a) Actual readings provided by ESNB/Bord Gáis networks, or
  - b) Customer Readings (where suppliers receive customer meter readings directly they are to be forwarded to ESB Networks/Bord Gáis Networks), or
  - c) Supplier or MRSO/GPRO generated estimates (where a supplier chooses to generate their own estimates that supplier must be able to demonstrate that information provided by ESB Networks and Bord Gáis Networks has been used to ensure estimates are as accurate as possible)
2. All bills will clearly state if the reading used to calculate consumption is an actual (a), customer (c) or estimated (e) reading.
3. Suppliers will encourage their customers to provide ESNB/Bord Gáis Networks with access to meters and provide customer own reads if necessary, in particular where a history of actual reads does not exist at a premises. This will be done through messages on the bill, bill inserts and where appropriate through direct mailing to customers. Suppliers will provide assistance and support to industry initiatives to improve the quality of meter reading by advising customers (through messages on the bill or inserts) of the importance of providing ESNB/Bord Gáis Networks with access to meters and customer own reads.
4. Suppliers will ensure that customers will receive prompt and regular scheduled bills (and final bills) for their electricity/gas usage as per the terms and conditions of their supply contract. Suppliers should clearly set out the time period for their bills in their terms and conditions.
5. Suppliers will issue scheduled bills to customers no later than one month after the receipt of meter reading data for the billing period involved except in situations where the customer has agreed otherwise or where the meter reading data appears erroneous.
6. Where a supplier is aware of a delay in billing a customer the supplier will contact the customer within 10 working days of becoming aware of the delay to notify the customer of the late billing.
7. Where bills are provided to customers that are not based on actual meter readings (e.g. interim bills) the bill will be clearly marked as an interim bill or otherwise
8. Bills will clearly indicate the period for which the customer is being charged including any retrospective charges
9. Where a supplier offers electronic billing to customers, a customer must opt into this type of billing format unless specified in the supplier's terms and conditions of supply

10. Where a customer avails of electronic billing all provisions in the code of practice will apply to that format of bill
11. Where a customer has switched supplier the final closing bill will be issued not later than six weeks after the change of supplier has taken place.

## **Payment Options**

1. Suppliers will ensure that the payment options available to their customers are stated clearly in their terms and conditions of supply and on their bills
2. Suppliers may provide a choice of payment methods which must include one or more of the following categories:
  - a) Electronic Funds Transfer
  - b) Postal
  - c) Over the counter e.g. Pay point, Post Office
3. Any additional charges applied to cover the cost of a particular payment method must be clearly stated on the bill
4. The payment due date must always be stated clearly on the bill
5. Where a customer is paying by direct debit then the customer must be notified 14 days in advance if there is any change in the amount to be debited unless they have agreed otherwise (e.g. fixed payment date or amount) (This is in line with the Irish Payment Services Organisation (IPSO) standard for notification of direct debits)
6. Suppliers will provide flexible and reasonable payment plans to customers who find themselves in difficulties paying their bills.

## **Tariffs & Prices**

1. Suppliers will notify customers of the tariffs options available to them in advance of any tariff change or annually, whichever is the shortest period of time
2. Changes in tariffs/prices will be clearly indicated on the bill and the method of application will be explained on the bill or in an accompanying insert
3. Where a supplier uses a method of prorating bills at a tariff change, this will be indicated on the bill and the methodology explained on the bill or in an accompanying insert
4. Where a supplier chooses to request a deposit from a customer the deposit should be repaid on the next bill where customers have met their credit terms within the previous twelve months.
5. Where a customer has not fulfilled these requirements the supplier should indicate the steps that a customer who is required to provide some form of security needs to take to improve his or her credit worthiness, and state what a customer must do in order for security to no longer be required.

## **Information on the bill**

1. The information suppliers are required to provide on customer bills including its format is provided below.

The following information must be placed on the front page of the bill in a manner that allows the customer to find it easily.

- ESNB/Bord Gáis Network’s emergency/fault reporting contact number
- Meter/Gas Point Registration Number (MPRN/GPRN)
- DUoS Category Code (Electricity customers)
- Metering Configuration Code (Electricity customers)
- Profile Code (Electricity customers)

This information will be provided in the following industry approved format, and the codes used shall be those provided by the MRSO/DSO/TSO:

Meter Information number	MPRN (Max. 11 Digits Code)		
	DG group  (Max. 4 Digits Code)	Meter Config. Code  (Max. 5 Digits Code)	Profile  (Max. 2 Digits Code)

The large M should be aligned with the Meter Point Registration Number. The Meter Point Registration Number should be in bold with a font size greater than the remaining data. E.g.

M	10 200 300 400		
	DG7a	M C C 1 2	0 8

- Profile Code (equivalent for gas to be inserted here)
- AC Band (Gas Customers)

**Other information required on the bill**

- Customer account number
- Customer name and address (billing address and supply address where different)

Period to which the bill relates, the date of issue of the bill and the date upon which the bill is due

- Customer’s Tariff category name (where a standard tariff is used)

- Meter readings, upon which the bill is based, including an indication whether the readings are an actual reading, an estimate (by supplier or MRSO/GPRO), or a reading submitted by a customer. Where a, c or e are used to indicate a meter reading type these must be explained on the bill.
- Clear calculations of the amount due for electricity/gas supplied, (giving units, multipliers, rates etc. where appropriate), including any rebates or penalties, free electricity/gas allowance etc and any other amounts being invoiced being clearly separated (e.g. servicing).
- A clear breakdown of any transportation/network charges which are being applied to the customer. These charges must be displayed separately to any other charges the supplier may apply to a customer. (Gas customers)
- A breakdown of any additional pass through charges which the supplier may have incurred on behalf of the customer e.g. balancing gas. (Gas customers)
- A breakdown of any penalty or contractual charges which are applied to a customer's account in addition to supply, transportation and pass through charges. (Gas customers)
- Any Levy amount, Vat etc.
- Total amount due for the supply of electricity/gas in that period;
- A brief description of the supplier's complaints handling procedure and related contact details with a reference to the customer's right to refer an unresolved dispute to the Commission for resolution with the Commission's contact information. This section will require approval by the Commission in advance of publication.
- A List of payment options.
- Suppliers name and contact details (Post/Phone/Fax/e-mail/web-site).
- Explanation of Public Service Obligation Levy and other standard notice requirements (e.g. Vat Registration Number). (Electricity Customers)
- ESB/Bord Gáis Network contact number, where a supplier does not propose to act on a customer's behalf for network related issues.
- Information regarding Fuel Mix as required by the Commission (Electricity Customers)

## **Arrears & Arrangements for identifying and dealing with customers in difficulty**

Suppliers are required to include guidance in their code for customers who may have difficulty in paying their bills.

The code should include:

The procedures for dealing with customers having difficulty paying and the options available for these customers so as to avoid disconnection of supply.

- The code should confirm that customers with repayment difficulties who contact the supplier will be made to feel that their case will be heard sympathetically and that offers of repayment will be carefully considered.
- The code should encourage customers to contact their supplier at an early stage if they are experiencing difficulty making payment on their bill.

Suppliers should provide a copy of this code or a summary version to customers at an early stage during the follow-up action for non-payment of an account or for failure to keep to an agreed payment arrangement.

The Commission may require suppliers to give it additional information about the operation of the code, concerning the suppliers' internal debt policies and procedures, which will not form part of the published code of practice.

The Supplier will be required to describe their procedures for distinguishing customers in difficulty from others in default. The procedures should set out:

- The steps taken to identify customers in difficulty
- The time-scale for follow-up action; and
- The attempts which will be made to make appropriate contact, either by letter, telephone or visit, with customers who fall into arrears or fail to keep to agreed payment arrangements.
- That accounts, requests for payment and other correspondence should encourage the customer to contact the supplier at an early stage to discuss the options available.
- That Staff who make contact with customers should be suitable trained and be empowered to agree payment arrangements which reflect the customer's circumstances.

A supplier should take account of the customer's ability to pay when agreeing any repayment arrangement, by credit or a prepayment meter and confirm with the customer that arrangements are manageable.

Customers should be referred to the help and advice that may be available from advice agencies e.g. Money Advisor i.e. MABS, a recognised charity or Social Welfare Representative. Details of how to contact these agencies should be provided to the customer as appropriate. Suppliers should provide a copy of this code or a summary version to customers at an early stage during the follow-up action for non-payment of an account or for failure to keep to an agreed payment arrangement.

## **Closing Account**

The billing code should set out clearly the supplier's requirements for closing accounts. This should include the steps the customer must take in order to close their account and any liability they may have in the event that they do not close their account correctly.

## 4. Code of Practice on Disconnection

### Guidelines for Suppliers - Disconnection Procedure

Suppliers are required to specify conditions for renewal and termination of services or contract (or both) including the connection and disconnection of final customers. The following are the Commission's minimum requirements with respect to a supplier's code of practice on disconnection. The word disconnection in this code refers to locking/unlocking, de-energisation/re-energisation and disconnection for non payment.

### General

A supplier should provide in its code of practise that it conducts its business in such a manner that minimises the number of customers that are disconnected. Suppliers must have procedures in place consistent with best industry practice concerning the treatment of customers with arrears. Suppliers must work with the relevant state agencies or state sponsored bodies/recognised charities to assist customers with arrears or a payment plan in the event that difficulties are experienced. Disconnection of a customer should only be carried out as a last resort.

### Reasons for Disconnection

Suppliers must specify instances which may lead to the disconnection of a customer's supply which may include:

- Failure to pay a bill relating to the supply of electricity/gas;
- Upon request of the customer;
- Suppliers should include indication to their customers that their gas supply may be disconnected by Bord Gáis Networks for safety reasons and/or operational reasons where appropriate. This Code does not apply in these circumstances.

Suppliers must specify where disconnection of a customer's supply will **not** be initiated by the supplier and must include as a minimum the following circumstances:

- Where a customer has entered into a payment plan with the supplier and is honouring that arrangement;
- Where a customer is pursuing a complaint using the complaint handling procedures specified by the supplier and the complaint is related to the reason for disconnection. The supplier may not initiate a disconnection until the complaint process is exhausted;
- In the event that a customer is disputing a bill this clause only applies to the disputed bill and not any previous or subsequent bills which must be paid as normal;
- For failure to pay a bill which is not related to the supply of electricity/gas (e.g. failure to comply with the terms of a hire purchase agreement related to the purchase of an electrical appliance/gas boiler or any service given outside the supply of electricity/gas);
- For failure to pay a bill based on a regular estimate unless it is fair and reasonable in the circumstances<sup>1</sup>, (e.g. unmetered supply, access to read a meter is refused);

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<sup>1</sup> By way of example, it is considered reasonable to request a customer's disconnection where long term no access to a premises is an issue and the customer has been informed. However where, as part of the metering cycle, a customer receives an estimated read and this appears not to match the customer's normal consumption pattern the customer may dispute this and should not be disconnected.

- For failure to pay a bill based on a regular estimate unless it is fair and reasonable in the circumstances,
- Where a customer relies on a recognised life support system powered by electricity;
- During the winter months (October to March) where a person of pensionable age is living alone, with another person of pensionable age or where minors are dependent on persons of pensionable age.

## Process

All suppliers must put in place a full escalation process which will be followed in advance of any request to disconnect a customer. This process will include contacting and notifying the customer to inform them they are in arrears (by telephone and/or in writing), providing information on any options the customer has to make payment and providing contact details for customers wishing to enter into a payment plan or where appropriate in the case of domestic customers how to arrange to have a pre-payment meter. A supplier may develop different escalation processes for domestic and non-domestic customers should they so wish. The process for each customer category should be clearly set out. Should the customer wish to nominate a third party to represent them this should be facilitated e.g. Money Advisor including MABS, a recognised charity or Social Welfare Representative.

## Notice

Where a supplier has exhausted its escalation process and intends to initiate a disconnection,

- No disconnection calls will be made on a Friday, Saturday, Sunday, eve of a Public Holiday or a Public Holiday.

For the avoidance of doubt, disconnections for safety reasons to prevent injury to persons or damage to property may be made at any time and are not within the scope of this Disconnection Code of Practice.

- The supplier must provide at least 7 days notice in writing to the customer of its intention to request ESN/Bord Gáis Networks to disconnect its supply. The notice must specify the reason for disconnection. Where a registered vulnerable customer has nominated a 2<sup>nd</sup> contact address on their application to be included on the register of vulnerable customers the disconnection notice must be sent to this address also.
- Where the supplier is aware that a large electricity/gas user (i.e. a customer consuming more than 1 GWhr) has gone into liquidation or receivership the notice period is reduced to 2 days or whatever contractual arrangement the supplier may have with the user.
- The notice must specify the **actual cost** to the customer of disconnection and reconnection.
- The notice must highlight that the payment of arrears cannot be made to the persons carrying out the disconnection.
- The supplier must facilitate customers who wish to pay immediately any bill arrears after the issue of the notice.
- The notice must specify the supplier's debt handling procedures and the contact details of the supplier's debt handling division.

## Financial Hardship



Suppliers must facilitate payment options/plans for residential customers experiencing genuine financial hardship and, where appropriate, engage with a money advisor e.g. MABS, a recognised charity or third party.

### **Vulnerable Customers**

Where a supplier is made aware that a domestic customer may be at high risk due to disconnection alternative methods of debt recovery should be used. This could be done through offering alternative means of payment, pre-payment meters and payment plans. This is particularly important during winter months for elderly customers. The use of pre-payment meters may not always be appropriate and the ability of a customer to utilise this technology should be considered with the customer when making a decision to install one. Where a customer has a mobility or sensory impairment, which may cause difficulties when using such a meter, an alternative payment method should be used instead.

Suppliers are expected to use discretion when choosing to disconnect domestic customers and where a genuine vulnerability is demonstrated a supplier would be expected not to disconnect that customer.

### **Payment Plans**

Payment plans are a method of assisting customers who are experiencing financial difficulties in paying their bills. Where appropriate, suppliers will be required to assist customers in genuine financial difficulty in making a payment plan. Suppliers are not required to offer this as a standard service to all customers.

### **Reconnection**

Where a disconnected customer has reached a settlement with its supplier (through payment plan or payment in full), the customer shall be entitled to be reconnected under the standard network terms and conditions offered by the supplier including, where appropriate, the provision of a security bond or other such measure that is reasonably required to ensure that disconnection for non-payment not will occur in the future. Where a supplier requires a security bond clear conditions associated with this, including how it will be repaid must be provided to the customer.

Where a customer has repeatedly been disconnected, failed to make payments of bills or fails to keep a payment plan that customer may be subject to disconnection and reconnection may only take place after full payment for outstanding bills is made. That customer may also be liable for a higher security bond.

## **5. Code of Practice on Complaint Handling**

### **Guidelines for Suppliers - Complaints Handling Procedure**

#### **Complaints Handling Procedure**

The code of practice must detail how a supplier will effectively and transparently resolve a customer complaint in a timely fashion. The aim of this Code is to provide an easy process for customers to use when they are experiencing difficulties with their electricity/gas supply. Key to this is ease of access to the appropriate division of the organisation and the training of staff to handle complaints. This code of practice may provide different complaint handling procedures for different customer categories.

The supplier will be required to attempt to resolve all relevant complaints before referring a complaint to the Commission. The supplier must make the customer aware that they have the right to refer an unresolved complaint to the Commission for resolution.

Where the Commission is investigating a customer complaint, the supplier must refrain from taking follow up action in relation to any monies that are the subject of dispute. No such action should take place prior to the Commission issuing its final decision on the complaint. This does not mean that the supplier cannot follow up additional monies accrued before or after the bill in dispute which remain unpaid. In the event that a particular customer seeks to use the complaints handling process to avoid bill payment, the Commission will address this on a case by case basis.

The procedure set out in the code should be:

- effective, aimed at solving the problem and providing at the very least a satisfactory explanation, an apology or some form of redress as appropriate;
- readily assessable to users of the service with clearly set out procedures and responsibilities;
- speedy, with time limits for dealing with complaints;
- confidential – the privacy of the individual should be protected;
- integrated with the organisation's operation and practices.

The code should include the following;

- details of how to contact the supplier to make a complaint, including any special arrangements for customers who are vulnerable and those whose first language is not English if available.
- the procedure for escalating complaints if the customer remains dissatisfied, including a named individual or job title with overall responsibility and contact details for each stage of the process.

- timescales for each stage of complaint handling and investigation with clear commitments as to response times and details of any company standards and payments for failure to respond within the set time;
- details of how the Commission can assist in resolving complaints which the supplier/network operator has not resolved to the customer's satisfaction and how the Commission can be contacted. The Commission's contact details should appear at the end of the Code only as a point of reference for unresolved complaints at the end of the escalation process.
- the arrangements for making charter payments to customers following a failure by the supplier/network operator to meet a Guaranteed Standard – including details when such payments may be due and the time limit in which the customer should receive payment.
- the Code of Practice should include commitment to making payment to the customer within a certain period, where the Commission has issued a direction for compensation or redress.

## **6. Code of Practice on Vulnerable Customers**

### **Definition of vulnerable customers**

The Commission has decided that services for vulnerable customers shall be categorised as those customers vulnerable to supply interruption and those who have special communication requirements. The following paragraphs sets out the definition of a vulnerable customer.

### **Supply interruption**

#### **Electricity Life Support (Priority) Customers**

These are persons who are reliant on life-supporting equipment in the home that is operated using electricity.

#### **Other Supply Interruption**

Some customers may also be considered as vulnerable to supply interruption where they use gas and/or electricity sources for heating or cooking. This category encompasses elderly and disabled persons who may become at risk where prolonged lack of gas or electricity occurs.

#### **Elderly Customers**

Elderly customers are defined as those who are of state pensionable age (66 years). An elderly person must be living alone, with other elderly persons or with minors to avail of the provision that elderly customers are not disconnected or de-energised in winter.

#### **Special Communications**

Some customers require special communications arrangements to be put in place. The following customers are covered by this section:

- Customers with visual impairments
- Customers with hearing impairments
- Customers who are vulnerable in the home (elderly, mobility & visually impaired)

#### **Collection of Vulnerable Customer Data**

- Vulnerable customers must register as such through their supplier.
- Suppliers will use a standard application form. An additional application form is required for registering customers that use life support equipment. See appendix 1 for basic template information.
- Forms will be available through suppliers and network operators but must be returned to the supplier who is responsible for completing the customer's registration.
- Suppliers must retain customers' details and record their vulnerable status in the central database held by the Gas Point Registration Operator or Meter Registration System Operator.

- Suppliers must update customer information every two years from the date a customer registers.
- Data collection will comply with relevant Data Protection requirements. As the network operators hold the complete database of all customers they will also hold the complete database of vulnerable customers

### **Services for Vulnerable Customers**

The provision of services is broken into two different categories.

- Customers vulnerable to supply interruption
  - Suppliers must register customers on life support equipment. These customers cannot be de-energised or disconnected at the request of a supplier. De-energisation or disconnection can only occur for safety reasons or where requested by the customer.
  - Suppliers cannot request the de-energisation or disconnection of elderly customers (living alone, with another elderly person or with minors) in winter months ( 1<sup>st</sup> November – 31<sup>st</sup> March).
  - Suppliers should make provision for customers who may become vulnerable as a result of prolonged disconnection or de-energisation in their Code of Practice on Disconnection or De-energisation.
  - If a network operator finds that a customer is vulnerable on arrival at the premises for the purpose of disconnection or de-energisation, the network operator shall have the discretion to withdraw from the premises and notify the supplier.
- Customers with special communication requirements
  - Where possible suppliers should disability proof standard services offered to customers to ensure where possible that services are mainstreamed rather than separate services being developed for particular customer categories. E.g. the use of e-billing is appropriate for some customers with vision impairments; however the design of the bill should be considered to ensure that the technology used by these customers will be able to read the bill accurately.
  - The Commission has decided that suppliers and network operators must develop a standard method of communicating with customers with vision impairments. At least one additional method of communicating must be provided which could include Braille bills, talking bills, phone calls or the use of electronic services e.g. e-billing, internet based information.

The following is the list of communications to be provided in non standard format for visually impaired customers:

- Domestic Customer Terms & Conditions
- Customer Charter
- Customer Codes of Practice
- Domestic Tariff Information
- Personalised Domestic Customer Communications (As approved by the Commission)
- Outage Notification (standard format to designated address)
- Any letter to a customer informing them of a change in services or tariff

Any insert to customers that has been required by the Commission

- Suppliers and network operators must develop a communication method for customers with hearing impairments which would be similar to offering a phone service to customers with regular hearing.
- Network operators are required to develop an emergency reporting mechanism for customers with hearing impairments.
- Network operators are required to develop a method for customers to validate callers to their home. Where a supplier uses agents or representatives to call to domestic premises they will also be required to develop a verification process.

## **7. Code of Practice on the Use of Prepayment Meters**

### **Issuing Bills**

Given the nature of prepayment meters customers may not receive bills as frequently. The Commission has decided that Suppliers must issue customers with statements of consumption, debt and payments made at least annually.

### **Debt Recovery and Management**

While the Commission is of the view that prepayment meters can provide a useful tool for customers who are experiencing financial difficulty, suppliers need to have their own processes in place for debt recovery. Prepayment meters should therefore only be used as a last resort.

### **Treatment of Vulnerable Customers**

Suppliers should assess the suitability of prepayment meters for vulnerable customers. It is important that customers are capable of using any metering technology that is provided and that they can access the meter and access a location to purchase top up for their prepayment meter.

An elderly prepayment customer may choose to avail of the facility whereby where the elderly prepayment customer runs out of credit during the winter months their gas supply will continue. Where the customer opts for this non shutdown facility, suppliers must monitor the gas usage of elderly pre-payment meter customers over the winter period and advise them when they might be falling into debt.

### **Proposed Guidelines:**

The Commission has set out below its guidelines for suppliers to assist them in developing a Code of Practice for Natural Gas Prepayment Meters ("The Code"). Suppliers will be expected to develop codes based on these guidelines. The Code should indicate clearly a commitment to the following as a minimum level of service to their customers:

### **Information Requirements**

- a) An explanation of what a prepayment meter is and how it operates.
- b) Suppliers must commit to providing full details of how customers will access up to date charges.
- c) The frequency and content of statements or bills which the supplier will issue (must be at least annually).
- d) Details of vending facilities in the customer's area, including the location and hours available.
- e) Customers should be advised on the charges which will be made for replacement of lost cards and the amount of such charges.
- f) Details should be provided to the customer on the amount of emergency credit associated with the meter and an explanation of how it works.

- g) The telephone number(s) for advice on use of meter and emergency service should be provided.
- h) Suppliers should contact customers on a regular basis, annually at a minimum, to enable them to make comparisons between the cost of prepayment and other payment methods if there is a difference in tariffs. The unit price should be the same as for a comparable credit meter customer. Any difference in tariff should only be in cases of debt recovery or other such circumstances approved by the Commission.
- i) Customers should be made aware of the total amount of their debt, the likely length of time to repay the debt and how their tariff for debt recovery has been calculated.
- j) Customers should be regularly informed of their outstanding debt and notified when their debt has been recovered.
- k) The policy on refunding credit balances must be provided to the customer.

### **Installation Requirements**

- a) Suppliers must ensure the consent of the customer / named account holder prior to installation of the prepayment meter.
- b) Customers should have reasonable access to vending facilities 7 days a week. In this respect, reasonable access is defined as a distance of no more than 1.6 km, unless this is considered to be unreasonable in particular circumstances, e.g. rural areas.
- c) The supplier should take account of the customer's ability to pay when installing a prepayment meter and confirm with the customer that payment arrangements are manageable; in particular this includes the setting of debt recovery tariffs, where they apply.
- d) Suppliers must put in place measures to assess that the use of a prepayment meter is safe and appropriate for the customer in question.
- e) The code should also refer to measures and provisions that relate to each category of vulnerable customer including recognition that prepayment meters may not be suitable for such customers. The code should explain that wherever possible alternative arrangements will be offered.
- f) Provision for emergency credit covering approximately a two day period must be made available.
- g) Suppliers will monitor the pattern of top up by prepayment customers and report as required to the Commission.



## **8. Suppliers' Customer Charter**

This requirement will apply to the supply of domestic customers and Small and Medium sized Enterprises (SMEs). Customer contracts must clearly state that the customer charter applies.

### **General**

Suppliers shall develop a customer charter, based on their codes of practice, setting out the services provided and service quality levels offered and compensation and the refund arrangements which apply if service quality levels are not met. This should be submitted to the Commission at the same time as the Codes of Practice (as a single or combined document).

### **Service Guarantees**

The Commission is of the view that all suppliers have a number of set service guarantees, contained within its customer charter, arising from their codes of practice. These guarantees are an indication of a supplier's commitment to customer service and would have a small financial penalty associated with them should they not be met. As a minimum suppliers are required to develop 4 guarantees at least one of which should be related to the code of practice on complaints handling. These guarantees shall include a form of payment to customers, should suppliers fail to deliver on the service levels indicated in their customer charters. Suppliers must publish the charter on their web site and otherwise make it available upon request to customers and potential customers.

## **9. Reporting**

Suppliers will be required to report annually on their compliance with their Codes of Practice and Customer Charters. This report should provide information under the following headings:

### **Overview**

Suppliers must provide details of how often and how customers are being made aware of the existence of their Codes of Practice and Customer Charter. In addition suppliers must include an overview setting out how they are fulfilling the Commission's guidelines in relation to Codes of Practice and the Customer Charter.

### **Billing**

Suppliers must submit a copy of the content of their bill with their report (and prior to making significant changes for the approval of the Commission).

### **De-energisation/Disconnection**

Suppliers must include a report on the number of de-energisations, categories of customers, general reasons for de-energisation (disconnection), periods of de-energisation and a commentary on any measures taken to reduce the number of de-energisations.

### **Vulnerable Customers**

All suppliers of domestic customers and the network operators must submit a report on their provision of services to vulnerable customers. This report should include the number and category of customers registered as vulnerable customers. It must also include the types of service offered, how these services are advertised and their uptake.

### **Customer Charter**

Suppliers must report to the Commission on its performance and compliance with its customer charter, including payments made to customers, in the event that do not meet their minimum service levels.

### **Complaints**

The supplier will be required to report to the Commission on the numbers and types of complaints received and the number of complaints resolved using the standard template approved by the Commission (see appendix 2).

**Appendix 1: Basic template information to be presented by suppliers on forms to register customers for priority support or special services.**

It is expected that suppliers would produce their application forms in a standard format with information presented in an appropriate size and font to allow ease of reading. At a minimum the following information should be included.

Priority Support Register Application Form:

Page 1 Cover	Page 2 Suppliers should include a description of the services they offer to their customers and information on the register on this page
<p style="text-align: center;">Page 3 Specific information required to be on this page</p> <p>Name:</p> <p>Address:</p> <p>Date of Birth:</p> <p>Contact number:</p> <p>Mobile Number:</p> <p>Minicom Number:</p> <p>Email address:</p> <p>MPRN or GPRN:</p> <p>Alternative Contact Person &amp; Address:</p> <p>Contact Number:</p> <p>Equipment Details:</p> <p>Oxygen Concentrator <span style="float: right;">■</span></p> <p>Personal Suction Pump <span style="float: right;">■</span></p> <p>Home Dialysis <span style="float: right;">■</span></p> <p>Peg Tube Feeding Pump <span style="float: right;">■</span></p> <p>Electric Hoist <span style="float: right;">■</span></p> <p>Total Parental Nutrition Machine <span style="float: right;">■</span></p> <p>Ventilator <span style="float: right;">■</span></p> <p>Nebuliser <span style="float: right;">■</span></p>	Page 4 – Return address for form

<p>Electronic Pressure Relieving Mattress <input type="checkbox"/></p> <p>Household Lift <input type="checkbox"/></p> <p>Other: _____ <input type="checkbox"/></p> <p>In filling this form you agree to share this information with ESB Networks. This allows ESB Networks to provide you with additional services.</p> <p>Signature: _____</p> <p>Please note you may be asked to provide evidence of your use of this equipment from your doctor</p>	
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Special Services Register Application Form:

Page 1 Cover	Page 2 Suppliers should include a description of the services they offer to their customers and information on the register on this page
<p style="text-align: center;">Part A:</p> <p style="text-align: center;">Information for Special Services Register</p> <p style="text-align: center;">Name:</p> <p style="text-align: center;">Address:</p> <p style="text-align: center;">Date of Birth:</p> <p style="text-align: center;">Contact number:</p> <p style="text-align: center;">Mobile Number:</p> <p style="text-align: center;">Minicom Number:</p> <p style="text-align: center;">Email address:</p> <p style="text-align: center;">MPRN/ GPRN (You will find this number on the top right hand side of your bill):</p> <p style="text-align: center;">Registration Category:</p> <p style="text-align: center;">Deaf or hard of hearing <input type="checkbox"/></p> <p style="text-align: center;">Blind or Partially Sighted <input type="checkbox"/></p> <p style="text-align: center;">Elderly (Aged 66 or over, living alone or with</p>	Page 4 – Return address for form

other persons over 66 or with minors. ■

Mobility Impaired ■

Alternative Contact Person & Address:

Contact Number:

In filling this form you agree to share the information in Part A of the form with ESB Networks. This allows ESB Networks to provide you with additional services to suit your customer category.

Part B:

Supplier Services—Suppliers to list service options for customers in this section

**EXAMPLE:**

Account Number:

Braille Bill

Spoken Bill

Large Print

Minicom Contact

SMS Contact

Email Contact

Customer Signature:

Please note you may be asked for proof of status

## Appendix 2: Template for supplier reporting

Main Categories -	*Sub Categories	Total complaints received	Total number of complaints escalated to 2nd stage of process	Total number of complaints resolved
Billing	Bill Clarity			
	Bill Frequency			
Payment	Payment			
	Direct Debits			
	Missing Payments			
	Tariffs/Price			
	Refunds			
Marketing/Sales/ Customer Service	Marketing practices			
	Sales staff			
	Sign up process			
	Website			
Credit control	Credit control (correspondence, procedures etc)			
	Deenergisation/ locking			
	Debt			
Prepayment Metering	Ease of use of ppm system			
	Access to top up facilities			
Account Issues	General usage complaint - too high			
	Change of address/tenancy			
	Account details incorrect			
	Landlord/tenant problem			
	Account incorrectly opened/closed			
Other				
Customer Charter	Guarantee	Complaints received	Payment Made	
	Guarantee1			
	Guarantee 2			
Main Categories -	Sub Categories	Total complaints received	Total number referred directly to networks	
Netw orks Related Complaints	Meter Reading/ estimated meter reading			
	Meter function			
	Time switch fault (electricity only)			
	Meter Installation			
	Quality of supply/ interruption to supply			
	Damage to property			
	Siteworks charges			
	Multiplier problem			

\*The sub categories listings are given as a guide only. They may be changed to suit a suppliers own requirements.