
DISABILITY STAKEHOLDERS GROUP

COMMISSION FOR ENERGY REGULATION

SUBMISSION

CUSTOMER PROTECTION IN THE DEREGULATED ELECTRICITY MARKET

February 2011

Introduction

This submission is made by the Communications Subgroup of the Disability Consultative Group (DSG), which comprises representatives of the disability sector, who in turn represent the disability umbrella organisations. The DSG Subgroup for the Department of Communications, Energy and Natural Resources consists of representatives of the umbrella organisations of the Disability Sector. The organisations that contributed specifically to this submission are:

- Disability Federation of Ireland
- Not for Profit Business Association
- National Council for the Blind of Ireland
- People with Disabilities in Ireland

In addition to the specific issues relating to the individual questions in the consultation document, there are some over-riding issues that we believe should be considered in the new deregulated market.

It is clear that further wider consultation is required, which must involve all stakeholders, including the sectors that service customers with additional requirements themselves, and we look forward to contributing to this, particularly with regard to the definition of 'vulnerable customers'.

In relation to innovations arising out of this consultation, there is a need to ensure that operators are adhering to standardised formats in their communications, which are comparable across providers, thus enabling consumers to interpret data easily should they switch operators. Protection for customers currently provided by the ESB, must also be transferable and maintained in the deregulated market.

Question 1: Respondents are invited to comment on the proposal to promote active customer switching in the deregulated market? Are you in favour of the proposal? Are there alternative options, communications channels that should

be considered, or specific groups which should be targeted? Outline reasons for agreement or disagreement.

DSG is in favour of the proposals to inform domestic customers of deregulation and the competitive market, and to promote active switching. We also request that the following be taken into account:

Accessible Information: In general customers should receive information in whatever format is best suited to their needs. Some customers, for example, those who experience mental ill-health, those with acquired brain injury, those with intellectual disabilities, and those with literacy issues, may encounter difficulties in understanding the information, and the terms in which the information is provided. Others, for example, those who are visually impaired, or those who are deaf, may have functional difficulties in accessing information. The customer should be consulted on what format is most accessible for them. The CER must ensure that information is provided, where necessary, in a variety of suitable and easily understood formats, including print, internet, printed and broadcast media, as well as Sign Language video, or through personal contact. On-line registration and log-in procedures must be fully accessible.

Printed information in relation to the 'switch', including brochures, leaflets, factsheets, instructions, application forms etc should be published in clear print, large print, audio and Braille. Online information should be easily accessed by customers who use screen reading and magnification software. Explanatory DVDs in Sign language need also to be made available. CER should be proactive in providing suitable information formats, so that the customer does not receive the information in an inaccessible 'default' format, and has to contact the provider to request a suitable format. It should be kept in mind and understood that disability types are not defined, and that there will be a variety of functional requirements to be addressed.

Customer service staff, other frontline staff and managerial staff must receive disability awareness training. This is essential, and it will ensure that there is a greater understanding around disability issues

We also recommend that CER tests the comprehension of customers around issues, using whatever mechanisms at its disposal to confirm that it has been understood correctly (e.g. prizes based on questions contained in information).

Disability umbrella organisations, social inclusion organisations, local authorities, older peoples groups, carers organisations, and disability advocates could also be engaged to roll out this information.

Question 2: Respondents are invited to comment on the proposal to facilitate the development of tariff comparison tools. Are you in favour of the proposal? What is the preferred model for delivery? Are there alternative options which should be considered? Outline reasons for agreement or disagreement.

The DSG is in favour of the proposal to facilitate the development of price comparison tools, the formats of which should also subscribe to the recommendations made in response to Proposal 1. It is important that accessibility issues are addressed from the start and throughout the design process, as it may be difficult to make inaccessible price comparison tools accessible at a later stage.

Q.3 Respondents are invited to comment on any additional measures which could be introduced to enhance the switching process, making it easier for consumers. Are there alternative options which should be considered? Outline reasons for agreement or disagreement.

See all of the measures noted above. For all customers, including those who are considered to be in need of extra protection, the process of switching should be hassle free, easily understood, and reliable. Consultation with customers who may have particular difficulties in this regard must be standard practice. Disability organisations, families and carers can also be a useful resource. Staff training on

how to deal with customers who may be at risk, or require extra time, must be provided.

Q4. Respondents are invited to comment on the proposal to develop a standard checklist that doorstep sellers would provide to customers, which would facilitate CER in monitoring good practice? Are you in favour of the proposal? What information should be included? Are there alternative options which should be considered? Outline reasons for agreement or disagreement.

We agree that a checklist for door-to-door sales would be useful. We also consider the introduction of a Step-By-Step Guide is absolutely necessary, and we would give positive consideration to the Australian example referenced in the consultation document.

We also agree with a fact sheet, such as that published in Britain, outlining a list of do's and don't' for salesmen. All sales people should carry identification, which is accessible and which incorporates a Braille label. Anyone who calls to a door must have training in dealing with all customers. They must be provided with disability awareness training, as outlined above, and must adhere to a code of conduct in line with the Consumer Protection Act (2007). In line with government policy on mainstreaming, customer agents must be aware and trained to give each potential customer the same information if that customer wishes it, giving regard to the extra time that may be required to do this. The agent needs to be aware of the possible vulnerabilities of some consumers, and satisfy him or her self that they are acting ethically and that the customer is making a fully informed decision, without discriminating against any consumer. Where appropriate an advocate, family member, or friend might also be usefully brought into the discussion with the bill payer's permission.

Q5. Respondents are invited to comment on the proposal to develop an industry standard annual statement to price and consumption data? Are you in favour of the proposal? Are there alternative options which could facilitate

customers to manage their consumption and assess competing offers? Outline reasons for agreement or disagreement.

We agree with this proposed new practice. It must be made clear that this is a statement and not a bill, and the statement must be provided in an accessible format as required by the customer, and as outlined earlier.

Q6. Respondents are invited to comment on the proposal to require all licensed suppliers to adopt the principles of Universal Design in all communications with customers? Are you in favour of the proposal are there alternative options which should be considered? Outline reasons for agreement or disagreement.

The DSG considers it appropriate that delivery of all front line services and communications should be guided by principles of Universal Design, as outlined in the Disability Act 2005. It should be noted that once information and services have been made accessible, it is important that the availability of these services is promoted. For many people, including those with disabilities and other socially excluded groups, no one media format is fully accessible. Therefore all media formats must be used to ensure customer awareness. In turn each format must conform to the highest level accessibility, eg. websites should conform to W3C WCAG Guidelines, and television adverts should carry subtitles, audio description and sign language

Q7. Respondents are invited to comment on the proposal to expand the definition of vulnerable customers? Are you in favour of the proposal? Are there alternative options which should be considered? Outline reasons for agreement or disagreement.

We agree with the proposal to expand the definition of vulnerable customers. The definition, as defined in the consultation paper, defines vulnerable customers as:

“those that are critically dependent on a range of electrically powered equipment

or assistive technologies that support independent living. The definition should recognise that for some customers that this may be on a temporary (episodic or periodic) or permanent basis. “

It is our contention that those who are vulnerable because of mental health issues, learning disabilities, intellectual disability, or who have an acquired brain injury, must also be classified as customers in need of extra protection, regardless of their need for assistive technologies. We also agree that the definition should be forward looking, ie. that it includes the possibility of technologies to support independent living that may over time become available. Given the complexity of this issue, we believe that it should not be defined by technical equipment, or type of disability or condition, but by recognising that a consumer or a member of the household will suffer unduly without access to electricity.

Therefore, we recommend that the definition of a ‘vulnerable customer’ (this term is further discussed below) should be:

“someone for whom, by reason of age, health, or disability, the disconnection of electricity to that consumer or a family member resident in the same abode, would present a clear threat to the health or wellbeing of that customer, in addition to which, it is genuinely difficult of the consumer to pay his or her bills because of financial insecurity, whether temporary or permanent”

Further intensive consultation with all stakeholders, including the disability, aging, carers organisations, those working within the areas of palliative care and long term illness, medical professionals and HSE, will be required to adequately address the criteria for eligibility and to agree how the CER will adequately monitor implementation of these criteria. This is vital issue given the necessity to define ‘vulnerable Consumer’ in law. It is also necessary given the fact that many consumers with disabilities would rather a different term was used for ‘vulnerable’.

In the spirit of “mainstreaming”, as laid out in the National Disability Strategy, and the concept of universal service design, the category of ‘vulnerable customer’ should be mainstreamed into a generic reference to ‘Consumer protection’. We would also recommend that some other language protocols are updated across the energy sector literature:

‘The use of the terms ‘vulnerable customers’, ‘the disabled’, ‘special services register’, and ‘the elderly’ are out of date. We recommend the following:

- Change ‘vulnerable customers’ to ‘Customers with Particular Requirements’,
- Change ‘the disabled’ to ‘people with disabilities’,
- ‘Change ‘special services register’ to ‘register of customers with particular requirements’,
- Change ‘the elderly’ to ‘people aged 66 and over’. The term ‘elderly’ could be confusing as it does not specify a particular age category and could be interpreted to mean over 80’s, for example,
- Change ‘visually impaired customers’ to ‘customers with vision impairments’.
- All references to carers in literature could more usefully read, nominated person or advocate.

We would agree that registration as a customer who needs to requires extra protection is necessary, and that whilst consumers are responsible for registering, this registration should be shared with the new supplier should a consumer switch. Provision could be made for this information to be passed on at the initial registration process. Suppliers should take reasonable steps to enquire if there are consumers in need of extra protection residing at an address, they may also ask for proof of status.

For further information or clarification on this submission, please contact Joan O’Donnell, Disability Federation of Ireland, joanodonnell@disability-federation.ie.