



Commission for Energy Regulation

An Coimisiún um Rialáil Fuinnimh

Audit of Compliance with the Code of Practice on Vulnerable Customers

Information Note

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Audit of Compliance with the Code of Practice on Vulnerable Customers

CER/16/097

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Executive Summary

1.0 Executive Summary

The [Supplier's Handbook](#) sets out minimum service requirements that suppliers must adhere to in their dealings with energy customers. It comprises of individual Codes of Practice that cover all key areas of customer-supplier interaction, including: billing, disconnections, marketing, vulnerable customers and Pay As You Go meters. These rules are in place to ensure, in line with CER's legislative duties¹, that customers enjoy a high standard of protection in their dealings with licensed suppliers.

As part of its compliance monitoring activities, the CER conducts regular and ad-hoc audits to ensure that suppliers adhere to the requirements outlined in the Supplier's Handbook. One such audit is carried out annually, where the CER examines suppliers' compliance with the requirements of specific Codes of Practice. The findings of previous annual audits of compliance conducted by the CER can be found by following the links below:

1. [Audit of Compliance with the Code of Practice on Disconnections CER/11/225](#)
2. [Audit of Compliance with the Code of Practice on Disconnections for the Domestic Sector CER/13/248](#)
3. [Audit of Compliance with the Code of Practice on Disconnections and the Code of Practice on Marketing and Sign Up CER/15/087](#)

In 2015, the CER decided to conduct an audit of compliance with the Code of Practice on Vulnerable Customers (CPVC). The CER took this decision based on the outcomes of the Vulnerable Customers workshop held in 2014 and compliance monitoring activities of suppliers' practices related to vulnerable customers.

The CPVC sets out specific obligations on energy suppliers regarding the treatment of vulnerable customers, as defined in legislation². In line with legislative requirements stemming from this statutory instrument, the CER has implemented strict regulatory measures for suppliers as well as network companies to protect vulnerable customers. The main obligations are presented below:

¹ S.I. No. 452 of 2004 European Communities (Internal Market in Natural Gas)

<http://www.irishstatutebook.ie/2004/en/si/0452.html>

S.I. No. 60 of 2005 (Electricity) European Communities (Internal Market in Electricity)

<http://www.irishstatutebook.ie/2005/en/si/0060.html>

² S.I. 463 of 2011 defines a vulnerable customer as 'a household customer who is—(a) critically dependent on electrically powered equipment, which shall include but is not limited to life protecting devices, assistive technologies to support independent living and medical equipment, or (b) particularly vulnerable to disconnection during winter months for reasons of advanced age or physical, sensory, intellectual or mental health”.

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- Suppliers must not disconnect “customers registered as critically dependent on electricity” for non-payment of account. Furthermore, “customers registered as particularly vulnerable to disconnection during winter months may not be disconnected for non-payment of account in winter months (1st November – 31st March)”. (Section 8.3 of the CPVC)
- Suppliers are obligated to comply with specific requirements regarding the collection of vulnerable customers’ data and maintain a priority services register and a special services register for customers as outlined in SI 463 of 2011. In addition, suppliers must also record the customer’s vulnerable status in the central database held by the Gas Point Registration Operator or the Meter registration System Operator. (Section 8.4 of the CPVC)
- Suppliers are obligated “to put in place alternative communication formats for customers who have additional requirements not catered for within Universal Design”. (Section 8.5 of the CPVC)

The main findings of the audit of compliance with the CPVC can be classified in three categories:

1. **Breaches of current requirements of the Code of Practice for Vulnerable Customers**, which is one of the code of practice contained in the [Supplier’s Handbook](#). Where breaches were identified, the CER engaged with the errant suppliers in order to remedy the breaches.
2. **Regulatory gaps in the current protection framework for vulnerable customers.**

We have addressed these gaps in the following ways:

- a. The majority of these gaps were addressed by way of proposed new regulatory requirements and consultation questions in the Consultation Paper [Review of the Supplier’s Handbook CER/16/031](#) (published on 22 February 2016). References to such proposed requirements and consultation questions are highlighted throughout this Information Note under Notes appended to the relevant findings
- b. In addition to the above, we have set out new requirements aimed at specific facets of the interaction between suppliers and vulnerable customers. These requirements are outlined in this Information Note and will be included in the next stage of consultation on the Review of the Supplier’s Handbook.

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3. Need for supplier assurance of adherence to legislative and regulatory requirements.

A set of legislative and regulatory requirements imposed on energy suppliers is already in situ. The audit has identified instances where such requirements need to be more prescriptive and detailed. We do not consider these to be **new** requirements as they do not impose new obligations on energy suppliers but merely emphasise and add clarity to existing legislative and regulatory requirements.

4. Recommendations for good practice

Where appropriate, we have issued recommendations for good practice with the view to encouraging suppliers to implement internal policies and procedures which further strengthen the protection of vulnerable customers

A summary of the main findings of the audit is presented below and detailed in Section 2.3 of this document.

- Suppliers' internal procedures and policies facilitate compliance with the requirements of the Code of Practice on Vulnerable Customers and that, overall, suppliers conduct their activities in line within these requirements
- Suppliers have implemented training policies for internal staff and third parties to deal with vulnerable customers. The training policies are generally reflective of legislative and regulatory requirements
- One supplier's staff members who partook in the site visit were found to have poor or insufficient knowledge of relevant legislation (SI 463 of 2011) and recent developments in the central market systems for the gas retail market
- The same supplier was found to have accepted a third party's approach to debt collection which was not reflective of legislative requirements and CER rules in respect of vulnerable customers
- The forms used by suppliers to identify and register vulnerable customers are generally reflective of legislative requirements in terms of definition of vulnerable customers and categories of vulnerability
- Two suppliers were found to use registration forms which did not fully capture all types of vulnerability as outlined in SI 463 of 2011
- Suppliers have adopted different practices in respect of making registration forms available to vulnerable customers, including embedding the registration forms in their website, sending the forms via post, offering the option to complete the form on the telephone

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- Suppliers have adopted different approaches in respect of the methods used to bring the CPVC to the attention of customers, such as annual bill inserts, statement on bills, links to the CPVC displayed on supplier's website
- Suppliers have adopted different approaches to identify vulnerable customers at sign up, such as: including specific questions in the sign up process, sending registration forms upon completion of the sign up process;
- Only one supplier has implemented a process to ascertain whether changes in the vulnerability status of an existing vulnerable customer have occurred post sign up
- Suppliers have put in place adequate alternative means of communication with customers with hearing and visual impairments
- Electricity lifestyle choice PAYG suppliers capture customers' understanding and consent that the protection measures against disconnection for non-payment of account no longer apply where they avail of a PAYG meter
- Suppliers have implemented processes to ascertain the suitability of PAYG meters for energy customers in general at time of sign up. However, suppliers failed to demonstrate that **specific criteria** pertaining to these processes have been specifically developed for vulnerable customers
- Suppliers have not implemented processes to ascertain whether a PAYG meter is still suitable for a vulnerable customer post sign up
- Suppliers use different criteria for registering customers other than account holders as vulnerable on the Priority Services Register and Special Services Register

Based on the findings of the audit, the CER has issued a set of requirements and recommendations. A summary of these requirements and recommendations is presented in Annex III and IV, respectively.

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Scope and Methodology

1.1 Relevant Documents

CER/12/081	Electricity and Natural Gas Supplier Handbook Decision Paper
CER/11/168	Electricity and Natural Gas Supplier Handbook Consultation Paper
CER/11/168a	Electricity and Natural Gas Supplier Handbook
CER/11/225	Audit of Customer Disconnections 2011
CER/13/248	Audit of Compliance with the Code of Practice on Disconnections
CER/15/087	Audit of Compliance with the Code of Practice on Disconnections and the Code of Practice on Marketing and Sign Up
CER/16/xxx	Review of the Supplier's Handbook Consultation Paper

2.0 Compliance Audit – Scope, Methodology and Findings

The scope and methodology of the audit are detailed in Sections 2.1 and 2.2, respectively. The main findings of the audit are presented in Section 2.3.

2.1 Scope of the audit

The CER audited the internal practices and processes for the treatment of vulnerable customers of Electric Ireland, Bord Gáis Energy, SSE Airtricity, Flogas, Energia, Pinergy, Prepay Power and Panda Power. The audit, carried out in December 2015, spanned both the gas and electricity domestic markets and examined the treatment of vulnerable customers for compliance with the CPVC as set out in the Supplier's Handbook and specific requirements of the S.I. 463 of 2011.

2.2 Methodology of the audit

The audit of compliance with the CPVC consisted of two parts:

Part I – The first part of the audit applied to all suppliers to domestic customers and took the form of two questionnaires to be completed by these suppliers. The questionnaires required respondents to provide detailed information in relation to their internal systems, processes and procedures which have been implemented to ensure compliance with the CPVC and specific requirements of SI 463 of 2011. The questionnaires are presented in Annex I and Annex II. Suppliers were requested to submit supporting evidence, e.g. Registration Forms, internal staff and third parties training policies, Customer Agreement Forms, written notices, installation agreements used in relation to vulnerable customers alongside their completed questionnaires.

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Part II – The second part of the audit applied to all suppliers and consisted of site visits to each supplier’s premises. During these site visits, suppliers were required to demonstrate on their internal systems³, how specific vulnerable customers’ accounts were treated. For this part of the audit, the CER used a random selection of 5 to 10 domestic MPRN⁴s and GPRN⁵s provided by the network companies and registered as vulnerable on the Priority Services Register or the Special Services Register. Each GPRN and MPRN was pulled up on the suppliers’ IT system and underwent an individual examination.

The main elements covered by the audit of compliance with the CPVC are summarised below and the findings under each element are presented in Section 2.3:

i. Suppliers’ key internal processes and procedures in respect of vulnerable customers

This element of the audit examined whether suppliers’ internal processes and procedures, including registration forms, customer agreement forms, staff and third party training policies, configuration of IT systems, installation agreements, enabled compliance with the requirements of the CPVC and specific requirements set out in the SI 463 of 2011.

ii. Methods for bringing the CPVC to the attention of customers

This element of the audit looked at practices and methods adopted by energy suppliers to bring the CPVC to the attention of customers on an annual basis⁶.

iii. Identifying vulnerable customers at sign up and post sign up

This element of the audit examined suppliers’ compliance with the legislative obligation as set out in SI 463 of 2011, which states that *“suppliers shall take reasonable steps to identify household customers who should be included on a Priority Services or Special Services Register”*

iv. Alternative means of communication

This element of the audit checked suppliers’ compliance with the obligation to provide adequate means of communication to aurally and visually impaired customers.

³ Suppliers’ internal systems, policies and procedures are treated as commercially sensitive information

⁴ MPRN Meter Point Registration Number, unique identifier number assigned to every electricity connection and meter by ESB Networks

⁵ GPRN Gas Point Registration Number, unique identifier number assigned to every gas connection and meter by Gas Networks Ireland

⁶ Section 1.7 of the Supplier’s Handbook requires suppliers to bring all Code of Practice to the attention of customers once per year. In line with the audit scope, this audit examined suppliers’ compliance with this obligation solely in respect of the Code of Practice for Vulnerable Customers.

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v. Vulnerable customers' informed consent to the installation of PAYG meters

This element of the audit looked at whether suppliers of lifestyle choice PAYG meters capture customers' understanding and consent that by opting for a PAYG lifestyle choice meter they are no longer covered by the CER measures of protection against disconnection for non-payment of account

vi. Assessing suitability of a PAYG meter at sign up and post sign up

This element of the audit examined suppliers' compliance with the obligation to assess suitability of a PAYG meter for a vulnerable customer.

vii. Criteria for registration of MPRNs or GPRNs as vulnerable

This element of the audit looked at the criteria used by energy suppliers to register an MPRN or a GPRN as vulnerable on the central market systems.

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2.3 Findings of the audit

This section presents the main findings of the audit in respect of the examined areas as detailed in the above section.

i. Suppliers' key internal processes and procedures in respect of vulnerable customers

The main findings in respect of this element of the audit have been grouped under the following headings: configuration of IT systems, training policies and Registration Forms.

Configuration of IT systems

Finding 1

Suppliers' IT systems are capable of delivering compliance with the relevant requirements of the CPVC and the SI 463 of 2011, which obligate suppliers to:

- Establish, maintain and regularly update a register Priority Services Register and a Special Services Register
- Ensure that data contained on a Priority Services or Special Services Register is forwarded to the network companies for inclusion on an industry register as appropriate
- Not disconnect registered vulnerable customers for non-payment of account during set periods of time

Finding 2

Relevant suppliers' staff who partook in the site visit demonstrated sufficient understanding of how to update the Priority Services Register and the Special Services Register.

Finding 3

All suppliers perform a manual check on accounts flagged as vulnerable prior to submitting a disconnection request to the network companies.

Finding 4

The "vulnerable customer" flag is clearly visible on all suppliers' IT systems and appears in a prominent location on the screen when the MPRN/GPRN account is accessed.

Requirement

Suppliers are required to ensure that their internal systems, including but not limited to IT systems, credit control systems, are fully reflective of relevant legislative and regulatory requirements and central market systems' developments.

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Note

The audit did not identify instances where suppliers' internal systems and procedures were not conducive to adherence to relevant requirements of the CPVC and SI 463 of 2011.

Notwithstanding this, we are of the strong view that continuous compliance with legislation and regulatory requirements can only be **fully** achieved where suppliers ensure on a regular basis that their internal processes and policies (such as IT systems, credit control policies etc.) are capable of delivering such compliance. Therefore, we consider it prudent to reflect this requirement in the marked up version of the Supplier's Handbook, which will be published in the next stage of consultation on the review of the Supplier's Handbook.

We do not consider this to be a new requirement as it does not impose new obligations on energy suppliers but merely emphasises and adds clarity to existing legislative and regulatory requirements.

Training policies

Finding 5

Suppliers have developed and implemented training policies for internal staff and third parties (i.e. debt collection agencies, marketing and advertising agencies). The training policies are generally reflective of legislative and regulatory requirements. The level of detail in the training policies varies from supplier to supplier.

Finding 6

One supplier's staff members who partook in the site visit were found to have insufficient or poor knowledge of relevant legislation (i.e. SI 463 of 2011) and regulatory developments (i.e. the Vulnerable Customers workshop 2014 and developments in the gas retail market central systems).

Finding 7

The same supplier was found to have accepted a third party's internal policy for collection of debt which was not reflective of legislative requirements and CER rules in respect of vulnerable customers.

To this end, the CER has engaged with the errant supplier with a view to ensuring that:

- legislative and regulatory requirements and central market systems developments are clearly transmitted to relevant staff
- Vulnerable Customers documents received from third parties are reviewed by relevant persons within the organisation and any misalignments with legislative or CER requirements are addressed immediately

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Note

It is the CER's view that energy customers should be afforded the same level of protection, whether they engage with suppliers directly or via suppliers' representatives. In this context, suppliers as well as their representatives who interact with customers on their behalf must adhere to the requirements of the CPVC.

In light of the findings of this audit and the audit conducted in 2014 (Audit of Compliance with the Code of Practice for Disconnections and the Code of Practice on Marketing and Sign Up) in respect of suppliers' representatives, the CER proposed the introduction of comprehensive requirements in the Consultation Paper Review of the Supplier's Handbook [CER/16/031](#). The proposed requirements cover various aspects of the supplier – supplier's representative/s relationship (i.e. training, compliance monitoring, customer protection) and apply to all suppliers' representatives, regardless of the nature of their relationship with energy suppliers (i.e. marketing and advertising, customer service, debt collection).

In addition to the proposed requirements included in the Review of the Supplier's Handbook, the CER is setting out minimum standards specifically aimed at suppliers' training policies for staff and suppliers' representatives in respect of vulnerable customers. This requirement is set out below:

Requirement

Suppliers are required to ensure that the training policies put in place for staff and suppliers' representatives in respect of vulnerable customers are fully reflective of legislative and regulatory requirements and central market systems' developments.

These training policies should include the following information at the minimum:

1. The function and role of the CER in respect of vulnerable customers
2. Definition of vulnerable customers and categories of vulnerability as outlined in relevant legislation
3. The requirements of the CER Code of Practice for Vulnerable Customers
4. Protection measures put in place by the CER in respect of vulnerable customers in respect of disconnection for non-payment of account and alternative means of communication
5. Any additional requirements in respect of the sign up of vulnerable customers, if applicable
6. Criteria for the assessment of suitability of PAYG meters for vulnerable customers
7. Capturing vulnerable customers' understanding of and consent to the consequences

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of opting for a PAYG meter in relation to the CER protection measures against disconnection for non-payment of account

Note

The CER notes that the items enumerated above are generally reflected in suppliers' training policies to staff and third parties, with various levels of granularity. Notwithstanding this, we see merit in setting out standards regarding the minimum level of information that should be included in suppliers' policies for vulnerable customers.

This is a new requirement and will be reflected in the marked up version of the Supplier's Handbook, which will be published in the next stage of consultation on the review of the Supplier's Handbook.

Registration forms

The findings under this heading are presented under 2 sub-headings: content & format and availability & accessibility.

Content and format of registration forms

Finding 8

The forms used by suppliers to register customers as vulnerable are generally reflective of legislative requirements in terms of definition of vulnerable customers and categories of vulnerability.

Two suppliers were found to use registration forms which did not fully capture all types of vulnerability, as outlined in the SI 463 of 2011.

The CER has engaged with the errant suppliers to rectify the matter and ensure that the content of the registration forms are fully reflective of the legislative requirements in terms of types of vulnerability.

We note that in some cases suppliers do not use a separate form to register customers on the Priority Services Registration, as currently required in Section 8.4.1 (b) of the CPVC. In respect of this matter, it is the CER's view that the content of the registration form/s (i.e.

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whether all types of vulnerability are captured) and their alignment with legislative requirements is more important than the number of forms used to register vulnerable customers.

Requirement

Suppliers are required to ensure that the registration form/s for the registration and identification of vulnerable customers comply with legislative requirements and CER instructions.

Note

The CER included this requirement for consultation in the Review of the Supplier's Handbook (Code of Practice for Vulnerable Customers). The requirement outlined above is a reiteration of the proposed requirement included in the Review of the Supplier's Handbook.

Note

The CER notes that progress has been made in ensuring that the configuration of gas and electricity central market systems is fully compliant with the requirement of SI 463 of 2011 and further work is planned for 2016.

Notwithstanding the current limitations of the electricity central market system, legislation places the obligation **on suppliers** to *"establish, maintain and regularly update a register ("Special Services Register") of its customers who are vulnerable customers that are particularly vulnerable to natural gas or electricity disconnection during winter months"*. Therefore, it is suppliers' responsibility in the first instance to implement **their own processes** to ensure that energy customers are provided with the possibility to register as vulnerable according to **all types of vulnerability as stated in legislation** and that these customers are afforded protection against disconnection for non-payment of account as set out in SI 463 of 2011.

Finding 9

Inconsistencies were found in relation to the terminology used by some suppliers in the registration forms and other vulnerable customers related documents (i.e. Codes of Practice for Vulnerable Customers, training policies), which was not fully aligned with the requirements of the SI 463 of 2011 (i.e. "customers with special needs", interchanging use of "vulnerable customers" and "customers critically dependent on electrically powered equipment").

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During the site visits and subsequent communications, the CER has emphasised the importance of suppliers' staff and representatives understanding of the definition of vulnerable customers and consistency of terminology used in training and relevant documents.

Recommendation for good practice

We recommend that the terminology used in vulnerable customer related documents, including but not limited to registration forms, codes of practice, internal policies and procedures, is consistent with current legislation and provides information which is clear and easy to understand.

Finding 10

Some suppliers' have opted for an exhaustive enumeration of examples of electrically powered medical equipment eligible for registration on the Priority Services Register, from which customers need to select the medical equipment relevant to their medical condition.

We urge suppliers to exercise due caution in limiting customers' ability to select a type of electrically powered medical equipment from a limited list of examples. It is recommended that the relevant registration form allows customers the option to name a type of medical equipment that is not listed (for example, by inserting a field name "Other, please specify") in an appropriate location on the relevant registration form.

Recommendation for good practice

We recommend that registration forms do not limit customers' ability to add a type of electrically powered medical equipment, that they may be critically dependent on, on the registration form/s.

Availability and accessibility of registration forms

Finding 11

Suppliers have adopted different practices in respect of making registration forms available to customers, such as:

- Embedding the registration forms in their website; in this case, vulnerable customers need to print out the forms, complete and post same to their energy supplier.
- Posting registration forms to customers at sign up or upon request; some include a Free Post envelope; in this case, vulnerable customers need to complete the forms

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and post them (free of charge where a Free Post envelope is provided) to their energy supplier.

- Providing facilities for customers to complete registration forms over the telephone; in this case, customers are registered as vulnerable based on information provided to their supplier over the telephone.
- A combination of the above practices

The CER is of the strong view that suppliers must offer customers a range of options to access, complete and return the registration forms. Furthermore, these options should be an easy and free of charge process which does not impose unnecessary transactional costs on the customer. The approach taken by some suppliers where customers have to print out the registration forms and send same via post may be regarded as being less accessible than posting the registration forms with a Free Post envelope.

Requirement

Suppliers are required to provide customers with an easy and free of charge process for registration as vulnerable customers. At the minimum, suppliers must ensure that customers avail of an easy and free of charge way to access, receive, complete and return registration forms.

Note

The CER included this requirement for consultation in the Review of the Supplier's Handbook. The requirement outlined above is a reiteration of the proposed requirement included in the Review of the Supplier's Handbook.

ii. Methods for bringing the CPVC to the attention of customers

Finding 12

Suppliers have adopted different approaches in respect of the methods used to bring the CPVC to the attention of customers once per annum, such as: annual bill inserts, statement on bills, links to the CPVC displayed on suppliers' websites.

The CER is of the view that by merely displaying links to the CPVC on the website, suppliers do not fulfil their obligation arising from the requirement to bring the CPVC to the attention of customers on an annual basis. The intent of this requirement is to ensure that energy

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customers receive unprompted notification as to the existence and location of their supplier's CPVC.

Requirement

Suppliers are required to ensure that the CPVC is brought to the attention of customers with or on the energy bill / statement at least once per year and at sign up.

Note

The CER included this requirement for consultation in the Review of the Supplier's Handbook. The requirement as outlined above is a reiteration of the proposed requirement included in the Supplier's Handbook.

iii. Identifying vulnerable customers at sign up and post sign up

The findings under this heading are presented under 3 sub-headings, as follows:

- Identifying vulnerable customers at sign up
- Registering an MPRN or a GPRN as vulnerable upon receipt of verbal notification
- Identifying vulnerable customers post sign up

Identifying vulnerable customers at sign up

Finding 13

Suppliers have adopted different approaches as to the measures taken to identify vulnerable customers at sign up, such as:

- Some suppliers include specific questions in the sign up process, aimed at ascertaining whether the customer is eligible to register on the Priority Services or the Special Services Register
- Some suppliers send registration forms with the welcome package that follows the sign up process
- A combination of the above practices

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Requirement

Suppliers are required to take reasonable steps to identify customers who are eligible to register as vulnerable customers. This, at the minimum, should include the following:

- i. Ensure that appropriate and relevant questions and information are included on all written and oral communications provided to customers at sign up, included but not limited to sign up / registration forms, telephone scripts, online sign up facilities, welcome packages, customer agreement forms etc. Suppliers are required to ensure that the information and questions provided to customers in relation to eligibility for registration as vulnerable customers is in accordance with relevant legislative requirements and instructions issued by the CER.
- ii. Ensure that a specific reference to the Vulnerable Customers Code of Practice is included on or with **each energy bill and/or statement** sent to customers and on the suppliers' website

Note

The CER included this requirement for consultation in the Review of the Supplier's Handbook. The requirement as outlined above is a reiteration of the proposed requirement included in the Supplier's Handbook.

Registering an MPRN or GPRN as vulnerable on receipt of verbal notification

Finding 14

Suppliers have adopted different approaches to cases where customers notify them verbally of a type of vulnerability, such as:

- Some suppliers register the relevant MPRN/GPRN as vulnerable upon receipt of verbal notification prior to receipt of completed and signed registration forms
- Some suppliers do not register the relevant MPRN/GPRN as vulnerable in the absence of completed and signed registration forms
- One supplier marks the relevant MPRN/GPRN as vulnerable on their internal systems and subsequently reconciles the MPRNs/GPRNs marked as vulnerable and the registration forms received in relation to the MPRNs/GPRNs marked as vulnerable on their internal systems. In addition, this supplier sends a reminder after a set number of days to customers who have provided verbal notification of vulnerability prompting them to return the completed and signed registration forms.

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The CER acknowledges that in line with the current requirements of the Supplier's Handbook, "forms must be returned to the supplier who is responsible for completing the customer's registration". Notwithstanding this, the CER views the last of the three approaches outlined above as the preferred approach which reduces the risk of failing to register a customer as vulnerable in the absence of completed and signed registration forms.

Requirement

Suppliers are required to develop and implement adequate and efficient processes to address cases where customers provide verbal notification of vulnerability but fail to return completed and signed registration forms. These processes should be aimed at reducing the risk of failure to register a vulnerable customer and increasing the possibility of identifying customers who are eligible to be registered as vulnerable.

Note

This is a new requirement and will be reflected in the marked up version of the Supplier's Handbook, which will be published at the next stage of consultation in the review of the Supplier's Handbook.

Identifying vulnerable customers post sign up

Finding 15

Except bringing the CPVC to the attention of customers on an annual basis, suppliers have not implemented specific processes to ascertain whether customers have become eligible to register as vulnerable post sign up.

One supplier implemented specific processes to ascertain whether changes have occurred in the status of an existing vulnerable customer. This supplier has implemented a process to review details of customers registered as vulnerable. The CER regards this practice as responsible and customer oriented.

Currently there are no specific requirements placed on suppliers in respect of ascertaining whether customers have become eligible to register as vulnerable post sign up or whether changes have occurred in the status of a vulnerable customer (for example, an elderly customer registered on the Special Services Register for reasons of advanced age may, in time, require electrically powered medical equipment, which will render this customer eligible to be registered on the Priority Services Register). This issue becomes highly significant in

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the context of vulnerable customers on PAYG meters, where a PAYG meter may not be suitable for customers who are critically dependent on electrically powered equipment.

Note

In light of these findings, the CER included a consultation questions in the Review of the Supplier's Handbook. The consultation question is asking respondents' views on whether additional requirements should be introduced to ascertain the status of vulnerable customers and ensure that they are registered on the appropriate register.

Finding 16

Notwithstanding the wide range of legislative and regulatory requirements placed on suppliers to protect vulnerable customers and raise awareness amongst customers in relation to these protection measures, some customers do not provide their energy supplier with the information required to register them as vulnerable. In absence of such information, the energy supplier treats these customers as non-vulnerable customers.

Suppliers may become aware that a customer is vulnerable post sign up. This scenario is highly significant in cases where the vulnerable customer is on a PAYG meter, where prepaid electricity may not be suitable for customers who are critically dependent on electrically powered medical equipment. This issue is also addressed at point vi. below, Assessing suitability of a PAYG meter at sign up and post sign up.

Requirement

Suppliers are required to implement fit-for-purpose processes to address cases where it becomes apparent that a PAYG meter is not suitable for a vulnerable customer post sign up. These processes should be aimed at minimising the risk of interruption in supply and provide an adequate solution for the customer's energy needs.

Note

This is a new requirement and will be reflected in the marked up version of the Supplier's Handbook, which will be published at the next stage of consultation in the review of the Supplier's Handbook.

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iv. Alternative means of communication

Finding 17

Suppliers have put in place adequate means of communication with customers with hearing and visual impairments.

Suppliers have demonstrated the capacity to provide visually impaired customers with relevant documents (including Terms & Conditions of Supply, Customer Charter, Codes of Practice) in a suitable communication format.

v. Capturing vulnerable customers' understanding and consent that the protection measures against disconnection for non-payment of account no longer apply where they avail of a PAYG meter

Finding 18

Energy suppliers offering life style choice PAYG meters capture customers' understanding and consent on relevant customer facing documents (such as Customer Agreement Forms and Installation Agreement) that the CER protection measures against disconnection for non-payment of account no longer apply where a PAYG meter is installed.

Note

In the Review of the Supplier's Handbook, the CER proposed the inclusion of additional requirements in the customer sign up process aimed at ensuring that vulnerable customers are notified of the protection measures put in place by the CER in respect of disconnection for non-payment of account.

vi. Assessing suitability of a PAYG meter at sign up and post sign up

Finding 19

Suppliers have implemented processes to ascertain the suitability of PAYG meters at sign up for customers in general. However, suppliers have failed to demonstrate that specific criteria pertaining to these processes have been specifically developed to ascertain suitability of a PAYG meter for vulnerable customers, taking into account their type of vulnerability.

Audit of Compliance with the Code of Practice on Vulnerable Customers CER/16/097

Findings

Suppliers have not implemented processes to ascertain whether a PAYG meter is still suitable for a vulnerable customer post sign up.

Note

In light of these findings, the CER included two consultation questions in the Review of the Supplier's Handbook. The consultation questions are asking respondents' views on whether:

- Principles, guidelines or regulatory measures are required to ensure consistency in the criteria used by suppliers to assess suitability of PAYG meters for vulnerable customers and;
- Specific regulatory measures should be introduced to ensure **continuous** assessment of suitability of PAYG meters for vulnerable customers (i.e. post sign up).

vii. Criteria for registration of MPRNs or GPRNs as vulnerable (account holder or person residing on the premises)

Finding 20

Suppliers use different criteria for registering customers other than account holders as vulnerable on the Priority Services Register or the Special Services Register.

Most suppliers have adopted the following practice:

- An MPRN is registered on the Priority Services Register where **the account holder or any person residing on the premises** is critically dependent on electrically powered equipment
- An MPRN / GPRN is registered on the Special Services Register where **the account holder** is vulnerable to disconnection during winter months due to reasons of advanced age, or physical, sensory, intellectual or mental health.

Requirement

Suppliers are required to ensure that the registration as vulnerable on the Priority Services Register and the Special Services Register is not limited to the account holder but is effected for any occupant eligible to be registered as vulnerable at the premises supplied with electricity and / or gas.

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Findings

Note

Under legislative mandate, the CER is responsible for the protection of all energy customers classified as vulnerable under SI 463 of 2011, regardless of whether they are account holders or mere users of gas or electricity. Furthermore, SI 463 of 2011 does not differentiate between energy user and account holder, rather defines a vulnerable customer as **“a household customer”** who is *“(a) critically dependent on electrically powered equipment, which shall include but is not limited to life protecting devices, assistive technologies to support independent living and medical equipment, or (b) particularly vulnerable to disconnection during winter months for reasons of advanced age or physical, sensory, intellectual or mental health”*.

Therefore, the provisions of SI 463 of 2011 for disconnection for non-payment of account should apply in respect of **all vulnerable customers**, regardless of whether they are the account holders or mere residents in a premises supplied with electricity and / or gas.

We do not consider this to be a new requirement but rather provision of further clarity to existing legislative and regulatory requirements.

Finally, the CER notes that most suppliers have had formal and informal interactions with recognised charities and state agencies responsible for the protection of vulnerable people, such as the National Disability Agency, St Vincent de Paul, Money Advice and Budgeting Services etc. This practice is stronger rooted within larger and more established energy suppliers. Nevertheless, smaller suppliers have expressed a keen interest in strengthening the relationship with such organisations in the future.

Recommendation for good practice

The CER welcomes initiatives developed by some suppliers where such agencies and organisations contribute to the development of policies aimed at the protection of vulnerable customers. We regard this as a customer oriented approach and support suppliers' efforts to develop more inclusive policies for energy customers.

Audit of Compliance with the Code of Practice on Vulnerable Customers CER/16/097

Conclusions and Next Steps

3.0 Conclusions and Next Steps

3.1 Conclusions

The CER has completed audit of compliance with the Code of Practice on Vulnerable Customers for all retail suppliers. The main findings of the audit are detailed in Section 2.3.1 of this paper. On foot of the findings outlined above, the CER has issued a number of requirements and recommendations for good practice. These requirements and recommendations are enclosed in Annexes III and IV, respectively.

3.2 Next Steps

The audit identified regulatory gaps in the current protection framework for vulnerable customers. The majority of these gaps were addressed by way of proposed new regulatory requirements and consultation questions in the Consultation Paper Review of the Supplier's Handbook CER/16/031 (published on 22 February 2016). In addition to these, we have set out new requirements aimed at specific facets of the interaction between suppliers and vulnerable customers. These requirements are outlined in this Information Note and will be included in the next stage of consultation on the Review of the Supplier's Handbook.

**Audit of Compliance with the Code of Practice on Vulnerable Customers
CER/16/097**

Annex I

Annex I

**Audit of compliance with the Code of Practice on Vulnerable Customers
Questionnaire**

Requirement

1.7 Copies of the Codes of Practice must be available to any person who requests them in an appropriate format and must be brought to the attention of customers at least once a year and on sign up.

Details of internal processes in respect of the Code of Practice on Vulnerable Customers, including but not limited to staff / relevant third parties training (i.e. customer service centres, debt collection agencies), relevant internal IT systems, policies and procedures, engagement with other parties such as nominated representatives. Please cover the following in your response.

- i. Please provide specific details as to the methods used to bring the Codes of Practice on Vulnerable Customers to the attention of energy customers at least once per annum (for example, via website, letter, bill insert etc.)
- ii. Please provide us with your opinion as to additional actions / measures that suppliers may take to increase awareness of the Code of Practice on Vulnerable Customers amongst energy customers.
- iii. Please provide us with your opinion as to whether there should be standard minimum requirements placed on suppliers in relation to the methods used to bring the Code of Practice on Vulnerable Customers to the attention of energy customers once per year
- iv. Please provide detailed information as to the methods used to bring the Codes of Practice to the attention of energy customers at Sign Up.

Please fill in

Evidence to support details

Please fill in

Requirement

8.3.1 Suppliers are required to put in place systems/ processes which ensure that registered vulnerable customers are not disconnected during the set time periods.

Details of internal processes, including but not limited to staff / relevant third parties training (i.e. customer service centres, debt collection agencies), relevant internal IT systems, policies and procedures, engagement with other parties such as nominated representatives.

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<p>Please provide separate answers to address the above question for (i) bill pay customers and (ii) PAYG customers, both financial hardship and life style choice</p> <p style="text-align: center;"><i>Please fill in</i></p>
<p>Evidence to support details</p> <p style="text-align: center;"><i>Please fill in</i></p>
<p>Requirement</p> <p>8.3.3 Suppliers are required to ensure that all registered vulnerable customers are on the most economic tariff available for their chosen payment method i.e. not penalised due to remaining on a legacy tariff.</p>
<p>Details of internal processes, including but not limited to staff / third parties training (i.e. sales agents, customer service centres), relevant IT systems, policies and procedures, engagement with other parties such as nominated representatives. Please cover the following in your response.</p> <p>i. Please provide specific information as to whether you conduct any checks, and if yes what is the frequency of such checks, to ensure continuous adherence with this requirement.</p> <p style="text-align: center;"><i>Please fill in</i></p>
<p>Evidence to support details</p> <p style="text-align: center;"><i>Please fill in</i></p>
<p>Requirement</p> <p>8.3.4 In addition suppliers must put in place communication options for customers with additional requirements in this area.</p>
<p>Details of internal processes, including but not limited to staff/third parties training (i.e. customer care centres, sales agents), relevant internal IT systems, policies and procedures, engagement with other parties such as nominated representatives. Please cover the following in your response.</p> <p>i. Please provide detailed information as to the suitable communication aids you have implemented to facilitate communication with customers with additional communication needs (i.e. visually or hearing impaired)</p> <p style="text-align: center;"><i>Please fill in</i></p>
<p>Evidence to support details</p> <p style="text-align: center;"><i>Please fill in</i></p>
<p>Requirement</p>

Audit of Compliance with the Code of Practice on Vulnerable Customers

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Annex II

8.4.1 The following applies in relation to the collection of vulnerable customer data:

- a) Where an application form is used to register a vulnerable customer a standard application form should be used. An additional application form is required for registering customers critically dependent on electricity.
- b) Data collection and updating will comply with relevant Data Protection requirements.

Details of internal processes, including but not limited to staff / third parties training (i.e. customer care centres, sales agents), relevant internal IT systems, policies and procedures, engagement with other parties such as nominated representatives. Please cover the following in your response.

- i. Please submit copies of registration forms used for registration of vulnerable customers, both Priority Services Register and Special Services Register
- ii. Please provide detailed explanation regarding internal processes and procedures implemented to ensure compliance with Data Protection requirements.

Please fill in

Evidence to support details

Please fill in

Requirement

8.5.1 Suppliers are required to put in place alternative communication formats for customers who have additional requirements not catered for within Universal Design.

Details of internal processes including but not limited to staff / third parties training (i.e. customer care centres, sales agents), relevant internal IT systems, policies and procedures, engagement with other parties such as nominated representatives. Please cover the following in your response:

- i. Have you engaged with relevant third parties in order to achieve compliance with this requirement?

Please fill in

Evidence to support details

Please fill in

Requirement

8.5.2 Suppliers are required to develop a standard method of communicating with customers with vision impairments. No less than 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.

Audit of Compliance with the Code of Practice on Vulnerable Customers

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Annex II

<p>Details of internal processes including but not limited to staff / third parties training (i.e. customer care centres, sales agents), relevant internal IT systems, policies and procedures, engagement with other parties such as nominated representatives.</p> <p><i>Please fill in</i></p>
<p>Evidence to support details</p> <p><i>Please fill in</i></p>
<p>Requirement</p> <p>8.5.3 The following is the list of communications to be provided, as a minimum, in non-standard format for vision impaired customers:</p> <ul style="list-style-type: none">a) Household Customer Terms & Conditionsb) Customer Charterc) Customer Codes of Practiced) Household Tariff Informatione) Personalised Household Customer Communications (As approved by the CER)f) Outage Notification (standard format to designated address)g) Any letter to a customer informing them of a change in services or tariffh) Any insert to customers that has been required by the CER
<p>Details of internal processes including but not limited to staff / third parties training (i.e. customer care centres, sales agents), relevant internal IT systems, policies and procedures, engagement with other parties such as nominated representatives.</p> <p><i>Please fill in</i></p>
<p>Evidence to support details</p> <p><i>Please fill in</i></p>
<p>Requirement</p> <p>8.5.4 Suppliers are required to develop a communication method for customers with hearing impairments which would be similar to offering a phone service to customers with regular hearing. This could include the provision of an SMS based service for registered customers.</p>
<p>Details of internal processes including but not limited to staff / third parties training (i.e. customer care centres, sales agents), relevant internal IT systems, policies and procedures, engagement with other parties such as nominated representatives.</p> <p><i>Please fill in</i></p>

Audit of Compliance with the Code of Practice on Vulnerable Customers

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Annex II

Evidence to support details <i>Please fill in</i>
Requirement 8.6.1 Suppliers are required to provide a simple method for customers to register a third party representative on their account where necessary.
Details of internal processes including but not limited to staff / third parties training (i.e. customer care centres, sales agents), relevant internal IT systems, policies and procedures, engagement with other parties such as nominated representatives. <i>Please fill in</i>
Evidence to support details <i>Please fill in</i>
Requirement 9.3.2 It is the supplier's responsibility to assess the suitability of prepayment meters/ budget controllers for a given customer (especially customers who may be vulnerable or have an impairment which could impact their ability to use the technology). It is important that customers are capable of using any technology that is provided safely and that they can access the budget controller and access a location to purchase top up for their budget controller.
Details of internal processes including but not limited to staff / third parties training (i.e. customer care centres, sales agents), relevant internal IT systems, policies and procedures, engagement with other parties such as nominated representatives. <i>Please fill in</i>
Evidence to support details <i>Please fill in</i>

Audit of Compliance with the Code of Practice on Vulnerable Customers

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Annex II

Annex II

Audit of compliance with specific requirements of SI 463 of 2011

Requirement 4. (1) A supplier shall— (a) establish, maintain and regularly update a register (“Priority Services Register”) of its customers who are vulnerable customers that are critically dependent on electrically powered equipment.
Details of internal processes in respect of Vulnerable Customers, including but not limited to staff / third parties training (i.e. customer care centres, sales agents), relevant internal IT systems, policies and procedures, engagement with other parties such as nominated representatives. <i>Please fill in</i>
Evidence to support details in respect of Vulnerable Customers <i>Please fill in</i>
Requirement 4. (1) A supplier shall— (b) establish, maintain and regularly update a register (“Special Services Register”) of its customers who are vulnerable customers that are particularly vulnerable to natural gas or electricity disconnection during winter months.
Details of internal processes including but not limited to staff / third parties training (i.e. customer care centres, sales agents), relevant internal IT systems, policies and procedures, engagement with other parties such as nominated representatives. <i>Please fill in</i>
Evidence to support details <i>Please fill in</i>
Requirement 4. (1) A supplier shall— (c) take reasonable steps to identify household customers who should be included on a Priority Services or Special Services Register,

Audit of Compliance with the Code of Practice on Vulnerable Customers

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Details of internal processes including but not limited to staff / third parties training (i.e. customer care centres, sales agents), relevant internal IT systems, policies and procedures, engagement with other parties such as nominated representatives.

Please cover the following in your response:

- i. Please provide detailed information as to the methods used to identify vulnerable customers at sign up.
- ii. Please provide separate answers to address the above question for (i) bill pay customers and (ii) PAYG customers, both financial hardship and life style choice
- iii. Please provide detailed information as to the methods used to identify vulnerable customers after sign up, for example those who may be eligible to register as vulnerable customers after they were signed up

Please fill in

Evidence to support details

Please fill in

Requirement

4. (1) A supplier shall—

(d) ensure that data contained on a Priority Services or Special Services Register is forwarded to the distribution system operator for inclusion on an industry register as appropriate.

Details of internal processes including but not limited to staff / third parties training (i.e. customer care centres, sales agents), relevant internal IT systems, policies and procedures, engagement with other parties such as nominated representatives. In your response please cover the following:

- i. Please provide details as to what customer facing actions do you take when acquiring a vulnerable customers, including interaction with network companies, the customer in question, as applicable.

Please fill in

Evidence to support details

Please fill in

Requirement

4. (1) A supplier shall—

(e) ensure that customers on a Priority Services Register are not disconnected or de energised at any time for reasons of non-payment of bills.

Details of internal processes

Audit of Compliance with the Code of Practice on Vulnerable Customers

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Annex II

<i>Please fill in</i>	
Evidence to support details	<i>Please fill in</i>
Requirement 4. (1) A supplier shall— (f) ensure that a customer on a Special Services Register shall not be disconnected or de-energised during the winter months for reasons of non-payment of bills	
Details of internal processes	<i>Please fill in</i>
Evidence to support details	<i>Please fill in</i>

Audit of Compliance with the Code of Practice on Vulnerable Customers

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Annex III Summary of requirements

Annex III

Audit of compliance with the Code of Practice on Vulnerable Customers

Summary of requirements

Based on the findings of the audit of compliance with the Code of Practice on Vulnerable Customers, the CER has issued the following requirements and recommendations:

Requirements

Requirement

Suppliers are required to ensure that their internal systems, including but not limited to IT systems, credit control systems, are fully reflective of relevant legislative and regulatory requirements and central market systems' developments.

Requirement

Suppliers are required to ensure that the training policies put in place for staff and suppliers' representatives in respect of vulnerable customers are fully reflective of legislative and regulatory requirements and central market systems' developments.

These training policies should include the following information at the minimum:

8. The function and role of the CER in respect of vulnerable customers
9. Definition of vulnerable customers and categories of vulnerability as outlined in relevant legislation
10. The requirements of the CER Code of Practice for Vulnerable Customers
11. Protection measures put in place by the CER in respect of vulnerable customers in respect of disconnection for non-payment of account and alternative means of communication
12. Any additional requirements in respect of the sign up of vulnerable customers, if applicable
13. Criteria for the assessment of suitability of PAYG meters for vulnerable customers
14. Capturing vulnerable customers' understanding of and consent to the consequences of opting for a PAYG meter in relation to the CER protection measures against disconnection for non-payment of account

Audit of Compliance with the Code of Practice on Vulnerable Customers

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Annex III Summary of requirements

Requirement

Suppliers are required to ensure that the registration form/s for the registration and identification of vulnerable customers comply with legislative requirements and CER instructions.

Requirement

Suppliers are required to provide customers with an easy and free of charge process for registration as vulnerable customers. At the minimum, suppliers must ensure that customers avail of an easy and free of charge way to access, receive, complete and return registration forms.

Requirement

Suppliers are required to ensure that the CPVC is brought to the attention of customers with or on the energy bill / statement at least once per year and at sign up.

Requirement

Suppliers are required to take reasonable steps to identify customers who are eligible to register as vulnerable customers. This, at the minimum, should include the following:

- iii. Ensure that appropriate and relevant questions and information are included on all written and oral communications provided to customers at sign up, included but not limited to sign up / registration forms, telephone scripts, online sign up facilities, welcome packages, customer agreement forms etc. Suppliers are required to ensure that the information and questions provided to customers in relation to eligibility for registration as vulnerable customers is in accordance with relevant legislative requirements and instructions issued by the CER.
- iv. Ensure that a specific reference to the Vulnerable Customers Code of Practice is included on or with **each energy bill and/or statement** sent to customers and on the suppliers' website

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Annex III Summary of requirements

Requirement

Suppliers are required to develop and implement adequate and efficient processes to address cases where customers provide verbal notification of vulnerability but fail to return completed and signed registration forms. These processes should be aimed at reducing the risk of failure to register a vulnerable customer and increasing the possibility of identifying customers who are eligible to be registered as vulnerable.

Requirement

Suppliers are required to implement fit-for-purpose processes to address cases where it becomes apparent that a PAYG meter is not suitable for a vulnerable customer post sign up. These processes should be aimed at minimising the risk of interruption in supply and provide an adequate solution for the customer's energy needs.

Requirement

Suppliers are required to ensure that the registration as vulnerable on the Priority Services Register and the Special Services Register is not limited to the account holder but is effected for any occupant eligible to be registered as vulnerable at the premises supplied with electricity and / or gas.

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Annex IV Summary of recommendations

Recommendations

Recommendation for good practice

We recommend that the terminology used in vulnerable customer related documents, including but not limited to registration forms, codes of practice, internal policies and procedures, is consistent with current legislation and provides information which is clear and easy to understand.

Recommendation for good practice

We recommend that registration forms do not limit customers' ability to add a type of electrically powered medical equipment, that they may be critically dependent on, on the registration form/s.

Recommendation for good practice

The CER welcomes initiatives developed by some suppliers where such agencies and organisations contribute to the development of policies aimed at the protection of vulnerable customers. We regard this as a customer oriented approach and support suppliers' efforts to develop more inclusive policies for energy customers.