



Consumer Council response to the Utility Regulator's Care Register Review consultation

29 September 2017

Our reference PD20010/2722

Summary

The Consumer Council welcomes this consultation and supports the proposals put forward by the Utility Regulator. We view this as a significant step in the ongoing process of improving the services provided to consumers.

We support the principle-based approach of this review, and we are pleased that a restrictive definition of vulnerability has not been put forward. Vulnerability is complex and our understanding of what is needed to support consumers is developing.

We are disappointed that the consultation did not include a review of service provision and as part of our response we have included commentary on this.

Awareness of NIE Networks' Critical Care Register and NI Water's Customer Care Register is low and the numbers of registered consumers are low in comparison to potential need. Stakeholders are keen to help promote the Registers and raise awareness.

Through our research stakeholders and service users have proposed improvements in service delivery.

The names and eligibility criteria of the Registers should be reviewed and aligned.

Energy supply companies must be included in promotional campaigns and linked to improvements in service delivery.

A data sharing and automatic registration process is widely supported and should be established within 12 months. The protocol should apply to all utility companies.

The proposed forums should be used to continue the progress being made. The work of the forums must be timetabled and outcome focused, with a focus on solutions for Northern Ireland, not a replication of GB developments. The Consumer Council has conducted a detailed review of NI Water's Care Register, this can be repeated with all utility companies.

The Consumer Council is committed to continuing to work with the Utility Regulator and industry to improve the support provided to consumers.

1. Introduction

- 1.1. The Consumer Council welcomes the opportunity to respond to the Utility Regulator's (UR) consultation on NIE Networks' Critical Care Register and NI Water's Customer Care Register (the Registers).
- 1.2. The importance of the Registers is clear, whether for providing individual care, planning or reacting to company specific operational issues or contributing to wider multi-agency responses to incidents. The UR's review provides an opportunity to improve the Registers.
- 1.3. To inform this response we have gathered views from specialist representative groups including advice, community, charity and voluntary organisations (annex 1) and held focus groups with their clients/service users. We also conducted a short online survey targeted at groups to whom the Registers would be of particular interest. We received 177 responses to the survey.
- 1.4. We would like to thank all the organisations and individuals who took the time to talk with us or completed the survey. The views provided were essential to the development of this response and will continue to be used as we progress improvements to the Registers.

2. Review approach

- 2.1. We agree with the UR's decision to split the reviews of utility companies' different care registers as outlined under the UR's Consumer Protection Strategy (CPS). Namely, to review the NIE Networks and NI Water Care Registers first, then use the intelligence gathered to inform a review of energy supply companies' and gas network companies' care registers.
- 2.2. The UR has not asked specific consultation questions, welcoming comments on all aspects of the review. We include responses to the UR's ten proposals, grouped under the themes 'Services', 'Awareness' and 'Data Sharing'. Additional commentary is provided on the UR's proposals. All comments are based on the evidence gathered to inform our response.
- 2.3. We support the principle based approach of the UR, rather than trying to define and introduce precise regulatory interventions. Tight specific regulatory mechanisms have the potential to constrict, impair or negatively affect the solutions that could be offered by utility companies or the ability to provide innovation to meet the needs of consumers.

- 2.4. The review does not propose a definition of vulnerability. The Consumer Council endorses this approach. Understanding of vulnerability has developed, moving from being relatively restrictive based on defined customer groups, to an understanding that anyone can be vulnerable given a combination of circumstances. These circumstances can be complex, are often multi-dimensional and can be transitory, with people moving in and out of positions of vulnerability. The Registers must look at the service need of the consumer. It is therefore not appropriate to limit vulnerability to something that only affects specific customer groups.
- 2.5. Recently the concept of ‘vulnerability’ in NI has shifted towards the concept of ‘risk of harm’.¹ The circumstances of a power outage or interruption to a water supply can have an immediate and dramatic effect on an individual’s risk of harm.
- 2.6. Consumers’ circumstances are not the only factor impacting on this risk. Company policy, practice and behaviour can be equally important in contributing to consumers being at greater risk of vulnerability and of that risk crystallising into detriment. This company behaviour is within our control and, viewed from the perspective of the consumer receiving the support, should be the focus of this review and our collective work.
- 2.7. We agree that solutions should be industry led with appropriate support and scrutiny.

3. Services

Proposal 1 “Services offered by electricity and water companies will continue to recognise the different levels of service required by customers with various different needs.”

- 3.1. We support this proposal.
- 3.2. The UR outlines the work it has undertaken pre-consultation, some in conjunction with ourselves, reviewing the services provided via the Registers. While this is encouraging, this public consultation provided a further opportunity to gather intelligence on the services provided and to determine to what extent and how effectively services are delivered.
- 3.3. We are disappointed that despite a number of specific requests from The Consumer Council, the UR has not taken the opportunity to include in this consultation questions

¹ DHSSPS and DOJ “Adult Safeguarding: Prevention and Protection in Partnership”. July 2015

about the services provided to consumers. That this opportunity was not taken has made the consultation weaker than hoped for.

- 3.4. Representative groups and service users repeated two fundamental themes:
1. the need to be able to identify and understand the different requirements of consumers; and
 2. the taking of reasonable steps to service these requirements to mitigate the extra risks that vulnerabilities can bring.
- 3.5. The UR's review focusses on awareness and data sharing. Both are essential, but limited to theme 1. The exclusion of any questions on service provision prohibits this consultation working to improve theme 2. Relying on deficiencies in service being quickly identified by the companies is viewing the service from the companies' perspective, not the consumers'. The majority of stakeholders raised concerns around the exclusion of services and that the review did not go deep enough to look at the needs of different consumers in different circumstances.
- 3.6. The UR notes that it has not identified any issues with the services offered to consumers on either Register, that consumers are satisfied with the services offered and that the Registers are generally considered to be good and working well. That the Registers are a good thing is not under any doubt and they are supported by all we spoke with. There was also general satisfaction with the services currently provided. But the need to improve and enhance these services was also widely discussed and supported.
- 3.7. Examples of possible service improvements or areas for considered review included:
- The method and appropriateness of notification for planned interruptions
 - How far in advance notifications are provided with reminders
 - Joint notification to residents and social housing providers and Housing Associations
 - Identity cards in large print
 - Follow up contact during an interruption and the method used
 - Format of information and correspondence
 - Utility staff training to raise awareness, help understand and support consumers with different needs
 - Working towards various accreditation schemes²
 - Online registration and verification
 - Signage at street works

² For example British Standard BS18477, Dementia Friendly, Louder than Words, RNIB approval

- Link with the JAM card and app³ service provider and holders
- Community and outreach centres should be on the Registers
- Specific personnel to administer the Registers

3.8. Organisations provided more suggestions that we would be happy to discuss with the UR and companies as part of our ongoing work to improve the Registers.

3.9. Some organisations had questions about how information is verified and the steps taken before people are removed from the Registers.

3.10. It is clear that improving the services provided through the Registers is a refinement process rather than a rebuilding exercise.

3.11. Proposal 1 recognises the variety of need that must be met. NIE Networks applies a particular set of criteria to consumers wishing to be included on its Register. Concerns were raised that the definition or appreciation of ‘illness’ underpinning the current criteria is out of date and does not include hidden illnesses and disabilities, particularly mental health issues. With the above noted better understanding of vulnerability and the changing needs of consumers, we would encourage this criteria to be reviewed and updated with consideration for expanding the definition of eligible consumers.

3.12. We understand that during a power outage NIE Networks prioritises those with lifesaving equipment for safety reasons. Safety issues are not confined to those with medical conditions, and stakeholders commented on the safety issues faced by the very old or very young, with mental health issues, emotional distress or cognitive disorders, for example, when there is an unplanned interruption of any length.

3.13. A review of eligibility criteria and registration processes must interact with energy supply and gas network companies to ensure a continuous provision of care (see also paragraph 4.3 on awareness raising).

3.14. Stakeholders also questioned if the Registers were strictly limited to households. Organisations such as those providing training and care facilities in the community and sheltered housing would also like to be able to register, particularly for enhanced advanced warning of planned interruptions. A number of training organisations noted

³ The Just A Minute (JAM) Card and app lets people with a learning difficulty, autism or Asperger’s tell others they need Just A Minute. See www.nowgroup.org/jamcard

that they would need at least two weeks' notice to re-organise classes because of the specific needs of their service users.

3.15. In 2016 we conducted a review with NI Water of its Customer Care Register. This looked at promotion and assistance available, staff training, the application process, the communication of essential information, emergencies, access to consumers' homes, access to buildings and recreational facilities, and lifestyle aids. This highlighted certain areas where further consideration was needed. We can repeat this more detailed review with all utility companies.

Proposal 8 "The UR should continue to engage with UKRN and will monitor progress"

3.16. We agree with this proposal. We would be interested to know how the UR will monitor progress and how this will be regularly shared with The Consumer Council and utility companies so all are kept equally abreast of emerging issues and best practice. Stakeholders spoke of the need to learn but not necessarily copy GB developments; that solutions should be fit for NI, not simply a replication.

4. Awareness

4.1. Awareness of the Registers is low. Our targeted survey found only 33% of respondents knew about the Registers.⁴ Similarly low levels of awareness were recorded at The Consumer Council's Consumer Parliament in March 2017 when 63% of 81 respondents did not know about the Registers.

4.2. Our discussions with specialist representative groups and service users found similar low levels of awareness of the Registers. Representative groups also noted that the current levels of take-up of the Registers are low in comparison to the potential levels of need across NI.

4.3. The consultation paper notes there is no clear explanation for the difference in numbers of consumers on the NIE Networks and NI Water Registers⁵. One potential reason is the role of energy supply companies and the new connection process for electricity. Consumers have to answer a question about vulnerability both when they get a new connection and when they switch energy supplier, and information is regularly sent directly to consumers as part of the billing process. In contrast NI Water may never speak or write to a domestic consumer. The more regular interaction that energy

⁴ 59 out of 175 respondents. 2 responders skipped this question.

⁵ NIE Networks 6,000. NI Water 2,778 as of November 2016.

suppliers have with their customers will be one key attribute in efforts to raise awareness.

- 4.4. The UR notes that it wishes to see NIE Networks and NI Water work with The Consumer Council to develop and deliver a joint programme of promotion for the Registers⁶. We support all initiatives to raise awareness and will gladly play our part in this work. This must be outcome based. The measure of success of any promotional work must be more targeted and comprehensive coverage and increased numbers of consumers on the Registers.
- 4.5. Some comment was raised about ability and cost of offering support to increasing numbers of consumers. It is highly unlikely that all registered consumers will require help at the same time. Much of the support services discussed centred on communication, notification and providing updates. The consensus view is that the challenge is not to limit or restrict support through a reduction in service or eligibility but to devise ways to collectively safeguard consumers with vulnerabilities.

Proposal 2 “As proposed by UKRN in GB, NIE Networks and NI Water should adopt a common naming convention for their care registers and use consistent and accessible language when referring to their care registers”

- 4.6. The proposal for common naming (and branding?) is sensible, and has worked in England and Wales. A consistent name that consumers can use and associate across all utility companies could help with promotion, remove a barrier to registration and encourage uptake. It will also help advice, support and care agencies understand and explain the Registers to potential beneficiaries.
- 4.7. During the process of establishing a data sharing protocol (see section 5) it must be ensured that consumers are not confused by common naming and think that signing up for one Register means that they have signed up with all utilities until this process is in place.
- 4.8. Feedback from stakeholders and service users showed some confusion caused by the term ‘critical care’; some equated this with medical intensive care, others transferred the limitation of the NIE Networks’ criteria of ‘critical’ being only for those with lifesaving equipment in the home to all utility companies.
- 4.9. Stakeholders and service users explained that if the Registers had the same name they would expect commonality in levels of service. This could incorporate a core level of provision with additions that would benefit different companies’ customers.

⁶ UR’s consultation document page 32.

4.10. The Consumer Council would suggest that when considering an appropriate name, the consumer forum be used to gain views and feedback prior to implementation.

Proposal 6 “NIE Networks and NI Water should work together to continue to improve relationships within community and voluntary organisations, advice giving agencies and other stakeholders who promote care registers including specifically health bodies”

4.11. We support this proposal. Working directly with community, voluntary, advice and health organisations was repeatedly seen as the most effective method of promotion. This direct work should involve piggy-backing existing groups and forums and using their existing extensive communication channels and networks. The ability to register ‘on the day’ should be part of this engagement.

4.12. The potential to provide information and registration services in the wake of an incident was discussed. This should form part of a standard post incident recovery package. This should include a review to check with consumers if the support provided through the Registers worked and was sufficient, alongside promoting the services to non-registered consumers.

4.13. Various methods of promoting the Registers were discussed and suggestions made via the survey, the most common being direct engagement. Other methods stressed the importance of partnership working and included:

- Collaborative working across all utilities
- Work with Housing Associations
- Working with advice organisations
- Information in hospital discharge and care package details, for example working with Eye Care Liaison Officers
- Widespread promotion with the Health Trusts’ Carer services and coordinators
- Details in GP surgeries and hospital waiting areas
- More prominent information on company websites (with subtitled or signed videos) and websites that are more accessible using packaged such as Recite Me
- More prominent information on the back of bills
- Using community and voluntary groups existing networks, for example Facebook and Twitter groups
- Specific social media campaigns
- MLA offices
- Engagement with Education Authorities to link with schools and specifically Special Needs Schools

- Information on the Registers as a standard part of property tenancy agreements, both social and private
- Advertising on local television, radio and NVTV local Belfast television
- Articles, notices and adverts in District Council newsletters
- Link with Meals on Wheels
- Follow up after an incident to understand if more help was needed

4.14. The accessibility of information was discussed. Information, either physical or virtual, needs to be produced and made available in different forms with considerations for font type and size, language, sign language, visual prompts, step by step instructions etc.

Proposal 10 “UR should produce and distribute a promotional leaflet (similar to that produced by UKRN) on the various services available”

4.15. A simple explanatory leaflet was supported by stakeholders. Some questions were raised on the effectiveness of leaflets as a stand-alone promotional tool, given the proliferation of promotional leaflets and the communication needs of certain target groups, and how the leaflet would be distributed to target audiences. Any promotional activities must be coordinated, targeted and include all relevant stakeholders.

Proposal 5 “NIE Networks and NI Water should work together to improve promotion and awareness of their care registers e.g. a common bi-annual vulnerable customer forum”

4.16. The Consumer Council supports this proposal. The companies should work together to develop targeted promotional techniques to maximise awareness and uptake of the Registers. The forum should develop a timetable for actions to prevent drift. We would expect to be involved in this forum.

4.17. The forum would also provide an ideal environment to seek stakeholder and service user views, monitor service delivery and discuss service improvements.

Proposal 9 “UR should set up an annual industry forum for care registers; the purpose of which would be to continue to engage with industry and stakeholders in regards to the monitoring progress on promotion, awareness, data sharing, and collaboration. In particular an industry forum should report the number of customers registered by each of the companies”

4.18. We support the establishment of an industry forum and would be keen to be included as a standing member. The forum’s remit should include, but not be limited to, the

points covered in the UR’s proposal. The scope should be expanded to include service provision and learning from the UR’s work with UKRN.

4.19. Both forums should secure membership, and develop Terms of Reference and desired outcomes with a timetable for actions to prevent drift and a potential decline in stakeholder engagement.

5. Data Sharing

Proposal 3 “NIE Networks and NI Water should work together to ensure that a customer who is eligible to join the NIE Networks care register is automatically included on the NI Water care register”

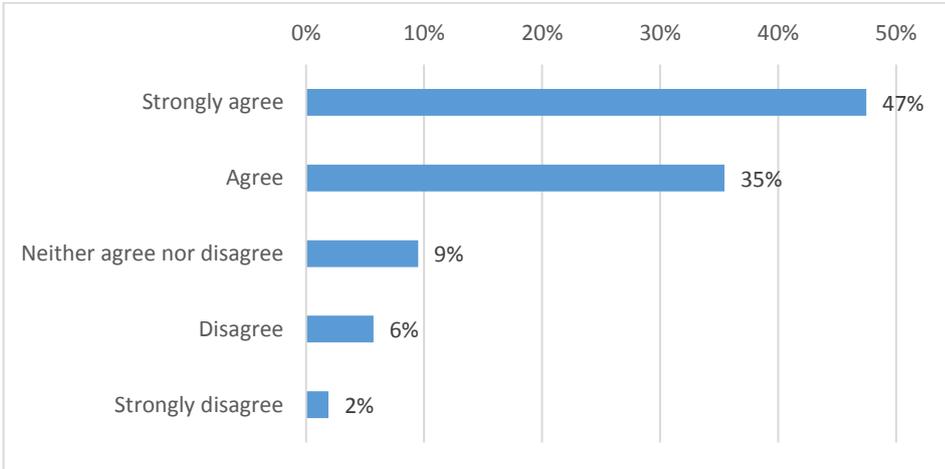
Proposal 4 “NI Water need to create a sub-set to their current care register. This sub-set is to consist of customers who are currently included on, or are eligible to be include on, the NIE Networks care register”

Proposal 7 “NIE Networks and NI Water should proactively explore ways in which data can be shared between the two companies, within data protection regulations, and for the benefit of vulnerable customers. For example, a data sharing agreement between NIE Networks and NI Water; seeking express and informed consent from customers for their information to be shared between the two companies”

5.1. There was widespread support for the establishment of a data sharing protocol and an automatic dual registration process between the two network companies.

NIE Networks and NI Water should share information with each other about people on their Care Registers?

N=158 responses



- 5.2. It was widely felt that a protocol should operate on an opt-out basis for consent. Automatic registration should be offered to all future applicants and retrospectively to existing registered consumers.
- 5.3. Stakeholders wanted clarity on how applications will be processed, third party consent for applications, where the data will be held, and how the two Registers will link given the current different eligibility criteria.
- 5.4. Some concerns were raised about the security and use of personal data. All wanted guarantees that no information would be shared with third parties for any other purpose. Joint working with the ICO will ensure that the process is robust and secure.
- 5.5. It was felt that a protocol should include gas network and energy supply companies, and that the protocol should be mandatory for licenced utility companies.
- 5.6. The data sharing protocol should be developed in parallel with awareness raising activities. The Consumer Council would like to see a data sharing protocol and an automatic dual registration process established as soon as possible and within the next 12 months.

6. Conclusion

- 6.1. This consultation provides a good starting point from which we can collectively work to improve the registers of all utility companies. The Consumer Council has a body of evidence that will play a central part to this process. We remain fully committed to this work and look forward to continuing to work with the UR and industry as the support for consumers is improved.
- 6.2. The real conclusion of our work will be if it makes a real difference to the position of consumers in vulnerable situations.
- 6.3. Should you have any questions on any of the points made in this response please contact [Graham](mailto:Graham.Smith@consumercouncil.org.uk) Smith, Head of Water, Graham.Smith@consumercouncil.org.uk telephone 029 9025 1600.

Annex 1 – representative groups⁷

Action Hearing Loss
Action Mental Health
Age NI
Age Sector Platform
Advice NI
Association Talking Newspapers Northern Ireland
Autism NI
Bryson An Munia Tober.
Cedar Foundation
Citizens Advice Northern Ireland
Consumer Council for Water
Consumer Futures Unit, Citizens Advice Scotland
Disability Action
Education Authority
Guide Dogs NI
Health and Social Care Trusts
Housing Rights
Marie Curie Belfast
National Energy Action
Now Group
North Belfast Senior Citizen Forum
The Orchardville Society
Parkinsons UK
Polycystic Kidney Disease (PKD) Charity
Regional Community Resilience Group
RNIB NI
Rural Community Network
Step NI

⁷ Many more specialist representative groups across NI need to be engaged with. The time constraints of the consultation process over the summer period limited those with which The Consumer Council could engage.

South Belfast Seniors Forum
Triangle Housing Association