

Ofcom Call for inputs - Review of measures to protect people in debt or at risk of disconnection

Introduction

Citizens Advice Daventry & District welcome the opportunity to respond to the Ofcom Call for inputs and the partial review of the *Treating vulnerable customers fairly guide* (referred to as TVCF in this response document).

Citizens Advice Daventry & District is a member of the National Citizens Advice service and fully supports the twin aims of Citizens Advice of:

- To provide the advice people need for the problems they face, and
- To improve the policies and practices that affect people's lives

We fully support Ofcom regarding the importance of having the right level of protections in place for vulnerable customers in debt or struggling to pay, but we also believe there is a pressing need to review more fully how far communications providers have progressed in implementing the guidance contained in the *Treating vulnerable customer fairly guide*, and especially the treatment of the speech impaired, which does seem to be the forgotten disability.

Overall, the real-world experience is showing that vulnerable customers, such as the speech impaired, are definitely not being treated fairly by communications providers. There is a distinct lack of understanding of the needs of the speech impaired, which leads to a significant failure in this cohort being treated fairly.

In addition to Ofcom potentially making changes to the *Treating vulnerable customers fairly guide* to ensure protections for customers in debt or struggling to pay, we believe there is an opportunity to make other changes to the guide at the same time, to better treat vulnerable customers fairly. There is substantial evidence that many providers are not embracing the spirit of the guide and are giving vulnerable customers a very poor standard of service.

Ofcom Question 1: Do you agree that we should amend the guide in the ways suggested? If not, are there any alternative options you think we should consider? Please provide evidence supporting your views, including any research you have conducted or have access to.

Yes, from our experience the guide should be amended in the ways suggested. We would also suggest that the guide be further enhanced to address the following issues we have identified:

TVCF Guide section 4.5 - Identifying Vulnerable Customers and also GC¹ C5.3

The Ofcom observations state that they consider it important to continue to improve how providers identify vulnerable customers. The feedback we have received is that providers are very poor at identifying and recording customers with a speech impairment appropriately and in taking into account their impairment when communicating with the vulnerable customer.

Speech impairment does not appear to be treated as a unique type of impairment which has specific requirements in how such customers are communicated with and products or services aligned to their needs. As an example, all too often providers require the customer to telephone the provider to provide common needs information - not any easy task for the speech impaired and even trying to use the BT Relay UK service reveals how unaware providers' staff are in how the Relay UK service works for different needs – and sadly in many cases providers' staff are totally unaware of how the Relay UK service works at all!

Regarding disabilities - providers misunderstand that speech impairment is not the same as, nor always related to hearing impairment. **Agreeing a standard on disabilities and categories would be beneficial for all communications providers.**

TVCF Guide sections 5.2 - 5.6 - Recording vulnerable customers' needs and also GC C5.3

Providers are very poor at recording customers' needs and in ensuring that those needs are taken into account throughout their organisations whenever they have contact with a customer - the best illustration of this is when a speech impaired customer informs the telecoms provider that they are speech impaired, but the different parts of the organisation continually try to phone to speak to the customer.

Further a lack of appreciation for what different impairments mean in terms of day-to-day functioning is common, as is the lack of knowledge regarding the Equality Act 2010 and Reasonable Adjustments.

TVCF Guide section 4.12 - Offer a wide range of communication channels

The Ofcom observations note variation among providers in the extent to which they use multiple types of communications channels to get in touch with customers. The feedback we have received is that providers are particularly poor at providing and using appropriate communications channels for the speech impaired. Providers try to use the telephone to communicate with the speech impaired - even when the providers have been clearly informed and recorded the communications needs to their customers. **We also suggest that providers should ensure that all communications channels have staff that can fully support customers' account and technical issues, be that channel webchat, email, video, letter, relay service or telephone.**

¹ All references in this document to sections of the Ofcom General Conditions of Entitlement are shortened to GC followed by the section number.

Ofcom Question 2: Do you agree that we should amend the guide in the ways suggested? If not, are there any alternative options you think we should consider? Please provide evidence supporting your views, including any research you have conducted or have access to.

Yes, as a local Citizens Advice service, we wholeheartedly agree with the Ofcom proposals to amend the guide. If providers routinely include clear and prominent information about sources of free debt advice in their payment and collection related communications to customers in arrears, it will greatly help customers seek help at the earliest opportunity. This combined with a direct way for consumer organisations to contact providers on a customer's behalf will assist in addressing not only arrears issues, but also to help resolve other account issues before they become an arrears issue.

Ofcom Question 3: Do you agree that there should be more consistency in the way in which providers seek to effect payment from customers in debt? If so, how do you believe this could be achieved most effectively? Please provide evidence supporting your views, including any research you have conducted or have access to.

In short – yes. As Ofcom has observed - people in vulnerable circumstances may also be particularly reliant on communications services to access support services. Our findings are that providers are very poor at taking into account the vulnerable status of customers and the key dependency on both fixed and mobile services that vulnerable customers have. Providers should take a more proactive approach in understanding the needs of vulnerable customers rather than seeking to effect a blanket restriction on services or even disconnection.

During the course of investigations we have discovered that providers are not even providing the standard of service as mandated in General Conditions:

TVCF Guide section 2.11 and also GC C5.11 - Priority Fault Repair

The guide is very clear in stating that providers must provide a priority fault repair for vulnerable customers for both fixed broadband and landline, but **many providers have only implemented a priority fault repair service for the fixed landline connection and not the fixed broadband**.

We also believe that speech and hearing impaired vulnerable customers, who are particularly reliant on broadband for video based services, should be offered fair access to services to suit the customers abilities and preferences and that of the popular channels elected by the organisation being called, including:

- (1) relay with visual/signing interpreter: InterpreterNow, Starleaf, SignVideo + whichever emergency video relay service is selected by Ofcom in 2021/22

- (2) relay with audio/typed interpreter: RelayUK
- (3) independent use (relay free) and freely available everyday combined video/audio/typed platforms such as Attend Anywhere², Skype, Teams and Zoom

This technology dependency means they are isolated if there are any issues with their fixed broadband and thus have an increased need for advanced warning of planned outages; failover resilience; high availability and true guarantee service levels.

GC C5.9 - Relay service

Providers state that they support the Relay UK service operated by BT. However, many providers do not appear to understand how the Relay service works:

- Technically - requiring both a phone and internet connection, or;
- Logistically - regarding how a call is started, executed and ended.

All providers supporting the Relay UK service should ensure that they offer both a special tariff for Relay UK phone calls to offset the significantly longer call lengths and free data transfer for the internet connections required by the Relay UK Service, as is specifically required in GC C5.9(a) and GC C5.9(b) regarding the overall cost of making a Relay call. **Our research shows that most providers are not taking into account the data requirement of Relay UK, which for customers with limited or no data allowance, this is an additional cost which would not be incurred if the call was made without using Relay UK.**

We call on Ofcom to insist that providers resolve the deficiencies of providers in not meeting the General Conditions of Entitlement highlighted above.

We would also like to see the TVCF guide updated to protect vulnerable customers from any restriction of access to essential services or disconnection. We suggest that access to all relay type services that require a phone and/or broadband connection, be that fixed or mobile, are provided free of charge. This could be implemented by providers excluding both phone calls made via a relay service and any data traffic on fixed or mobile broadband services needed to use the relay service from being chargeable and not counting towards any call/data allowances that a vulnerable customer may have.

Ofcom Question 4: Do you agree that we should amend the guide regarding the provision of information about measures to support customers? If not, are there any alternative options you think we should consider? Please provide evidence supporting your views, including any research you have conducted or have access to.

² Attend Anywhere is used by many NHS services and Citizens Advice

Yes we agree that the guide should be amended. We would also like to see providers give better support to their vulnerable customers, as highlighted by the following research and feedback:

TVCF Guide sections 4.37 - 4.40 - Implement specialist customer service teams /staff members who can help and also GC C5.5

From our own research, if providers do have specialist customer service teams /staff members to deal with vulnerable customers, especially those customers who have a communication disability such as speech impairment, access to these specialists is nigh on impossible! Such specialists need to be available via the channel that is most appropriate to the vulnerable customer – not the channel that is most convenient for the provider.

TVCF Guide section 7 - Staff Training and also GC C5.5

From real-world experience, there is little evidence that providers have made progress in ensuring that their staff, and if they have them any specialist teams, have any training to ensure vulnerable customers are treated fairly and that any communications from the provider take into account the needs of the vulnerable customer.

TVCF Guide sections 3.12 - 3.14 - Publishing policies on treating vulnerable customers fairly and also GC C5.2 & C5.3:

From our own research we have found that providers are not clearly publishing their policies and procedures regarding products and services for vulnerable customers, and have out of date content or policies that their own staff are not aware of.

TVCF Guide sections 4.14 - 4.17 - Make customer interactions a positive experience

The real-world experience is that even though a customer has informed a provider of their speech impairment, the customer has to frequently re-inform agents of the provider of their impairment and of their need for reasonable adjustments, including using a communication channel appropriate to the customers' needs.

Reasonable adjustment means a person reliant on technology and the internet to communicate should **not** have to phone to report performance issues. For example, email could require just low data levels or SMS for no data requirement, to report broadband performance issues. If a customer is recorded by the provider as a vulnerable customer this would obviate the need for customer validation which is currently sought before any investigation or corrective action is taken by the provider.

TVCF Guide Section 4.32 Promote the extra help, support and services that are available and also GC 5.6

Providers do not appear to recognise or understand the particular needs of the speech impaired and offer no specific help, support or information via an appropriate channel for the speech impaired.