



CONSULTATION RESPONSE TO OFCOM'S VULNERABILITY GUIDELINES

20 November 2019

Executive Summary

1. Post Office welcomes Ofcom's consultation on the vulnerability guidelines. As an organisation with a social purpose, care of vulnerable customers is a key priority for Post Office. We appreciate the efforts that Ofcom has gone to over the past few months to run workshops with the industry to determine best practices that are the basis of the guidelines.
2. Post office is broadly supportive of the guidelines as they outline some practical steps that providers could take to help vulnerable customers. We are pleased that Ofcom clarifies that the guidelines are measures that providers could take when dealing with vulnerable customers. We expect that providers will adopt measures that are suitable for their customer base.
3. Ofcom states that it will consider the guidelines when assessing a provider's compliance with the General Conditions. We are pleased that Ofcom clarifies that the guidance does not impose any further obligations on providers than the General Conditions, which remain the legal obligation.
4. Ofcom acknowledges that it can be challenging to identify vulnerable customers and Post Office agrees with this. Different providers will have different customer bases which may contain different vulnerabilities. For example a large proportion of Post Office customers pay their telephone bill in a branch. For some of these customers who are financially vulnerable this option may make the difference between having a telephone service or not.
5. Recording a customer's details is important for delivering good customer service and we are pleased to see that Ofcom recognises this. However, we believe that Ofcom's advice that providers should keep detailed notes is not always possible (legal) if the customer objects or the customer does not recognise themselves as being vulnerable. Post office can only record personal data in its systems if the customer provides explicit consent.

Contents

Executive Summary.....	2
Contents.....	3
1. Overview of Post Office	4
2. Introduction	4
2.1. The proposed use of the Guidance.....	4
2.2. Identification of vulnerability.....	5
2.3. Data protection	5
2.4. Written summary of conversations	6
2.5. Warm transfer.....	6
3. Consultation Questions.....	6
4. Conclusion.....	7

1. Overview of Post Office

6. Post Office is the UK's largest retail network and the largest financial services chain in the UK with more branches than all of the UK's banks and building societies put together. We are also growing our direct channels such as contact centres and online - meaning we are there for more customers, in more ways. There are over 11,500 Post Office branches nationwide covering over 17 million customer visits and dealing with 47 million transactions per week. The role of the Post Office in the community is unique in the UK.
7. Post Office is a government owned, commercial business driven by social responsibility. Post Office offer more than 170 products and services under four product pillars: Mails & Retail; Financial Services; Government Services; and Telecoms. The telecoms service offers customers, either a standalone voice contract or a Dual contract which contains both Broadband and Home Phone¹. [Redacted]
8. Looking at the UK population, 99.7% of people live within three miles of their nearest Post Office outlet. For many rural communities the Post Office is their only retail outlet. Many of the Post Offices' customers choose to purchase their telecoms service from the Post Office because they are able to come into their local branch and enjoy the interaction, whether it is to pay their bill every month or sign up to a new service. [Redacted]. Some customers utilise budget payment cards to help them budget each month and pay for their service. Post Office aspires to be at the very heart of customers' choice by becoming the most trusted provider of essential services to every person in the UK.

2. Introduction

9. Post Office welcomes the opportunity to respond to Ofcom's consultation 'Treating vulnerable consumers fairly' (the 'Consultation'). Given the importance of vulnerability it is important that Ofcom consults on the guidelines.
10. We recognise that over the past few months Ofcom has worked with the industry through a series of workshops to identify some of the best practices in the telecoms industry. We also note the Communications Consumer Panel has also held some meeting at which speakers from other industries have shared their practices.
11. We broadly welcome the proposals in the guidelines as they provide examples of some good practices. While the guidelines provide some useful examples and thoughts, there are practical issues in relation to identifying vulnerable customers, recording information and consequentially complying with data protection legislation.

2.1. The proposed use of the Guidance

12. Section 2.17 of the Consultation states that Ofcom will take account of the measures when considering whether a provider met its obligations under GC5.1-5.5 and will consider whether the provider had adopted any of these measures.
13. Different providers have different mixes of vulnerable customers and some will have customers with vulnerabilities not identified in the guidelines. It is unlikely that there is a one

size fits all policy and so it is important that providers have the freedom to adapt their practices according to their base of vulnerable customers.

14. We are pleased that the guidelines do not extend the general conditions and that only the general conditions are legally binding and that the purpose of the guidelines is to identify measures that a provider could take when dealing with vulnerable customers.
15. Post Office would also like Ofcom to clarify when the guidelines will come into effect and how long providers will have to adopt them. For some providers who may need to take systems changes and retrain staff this will take time.

2.2. Identification of vulnerability

16. The Consultation does not regard the list of vulnerabilities in the General Conditions as exhaustive. Post Office also recognises that the list of vulnerabilities is longer than those in the General Conditions and has made provision for some other customer types it considers vulnerable.
17. However, the Consultation recognises that it can be challenging to identify vulnerable customers. To address this challenge, Section 4 of the Consultation implies that agents should generally be listening for indications of vulnerability and 'make clear and detailed notes on their systems'.
18. We are concerned here that Ofcom expects agents to make notes of suspicions of vulnerability of a customer. This will require careful judgement by agents to ensure that any information or 'indications' provided by the customer are interpreted correctly. It also raises data protection issues which we discuss later.
19. A customer's acceptance of vulnerability is a prerequisite here and this is not always the case. For example, we note that not all elderly people consider themselves vulnerable. So while age may be a factor to consider in assessing vulnerability, age does not automatically make a customer vulnerable.
20. Different providers attract different customers dependent on their product offering and brand. Some CPs clearly attract younger, more technically competent customers whereas others [Redacted].
21. In our overview of Post Office we highlighted that many of our telecoms customers pay in branch and some others use budget payment cards. We also accept cash and cheques. For many of our customers these payment methods are probably an enabler to having a telecoms service as some are likely to be financially vulnerable.
22. A provider may have a customer base where it recognises other vulnerabilities either informally or formally that are not listed in the GCs and have processes in place to support them.

2.3. Data protection

23. We are pleased that Ofcom has recognised the importance of recording data and consequently some of the issues relating to data protection. Recording information is central

to providing a consistent services to customers over an extended period. Any information stored on systems must be obtained following customer consent and this is a policy that is strictly enforced in the Post Office.

24. However, in our view Section 4.14 paints an over simplification of information recording as it overlooks some of the obligations of data protection.
25. Firstly, it assumes that the customer is willing to have personal details recorded on our systems which is not always the case. Despite a customer telling a call centre agent personal details about their vulnerability they may not want them recording on our system. Post Office requires a record of consent to record any personal health or mental health information.
26. Secondly, if the information to be recorded on our system does not fit into a recognised vulnerability category then agents will need to make detailed free form notes. Any free form notes stored on systems are particularly troublesome as the skill levels of agents will vary and so the quality of the recorded information. The notes would have to be meaningful to other agents to be of use but also suitable for disclosing to the customer should they request access to their information.
27. Thirdly, as we noted above we are concerned that Ofcom expects providers to make detailed notes on what may be suspicions of vulnerability, when in fact the vulnerability may not be established. Post Offices will not make notes on its systems based on suspicions of vulnerability.
28. The guidelines should make clear that only substantive facts in relation to a customer's vulnerability should be stored on providers systems and after the provider has sought consent to record them.

2.4. Written summary of conversations

29. In Section 4.25 suggests that providers could provide a written summary and we recognise the benefit this may bring. Providing a written summary of a telephone conversation could be very troublesome. As we mentioned above written free form communications can be very difficult to do consistently in a contact centre and could also be seen as intrusive by the customer.

2.5. Warm transfer

30. In Section 4.31 Ofcom suggests that providers should have direct telephone or digital routing for customers who require urgent assistance. Post office recognises the importance of this and the benefits it may bring. Technologically this is not difficult to implement but from a customer service perspective, it raises issue around obtaining consent from the customer and requires an agent's assessment for the customer's situation before proposing that the customer should be routed to a third party.

3. Consultation Questions

Question 1. Do you have any comments on Ofcom's proposal to publish a guide to help providers treat vulnerable customers fairly?

31. Post Office believes that the guidelines will be helpful to the industry to help treat vulnerable customers fairly.

Questions 2. Do you have any comments on the suggested measures set out in sections 3-7? Please set out your comments on each section separately.

32. Post office has provided comments on some of the key areas.

4. Conclusion

33. The proposed guidelines provide some useful advice on the treatment of vulnerable customers. There are some limitations on the practicalities of the measures in the guidelines in relation to recording of information and identification of vulnerable customers. We are pleased that the General Conditions remain the legally binding obligation and are not extended by the guidance.