



## **Treating vulnerable consumers fairly**

A proposed guide for phone, broadband & pay-TV providers

### **Virgin Media's response**

**20<sup>th</sup> November 2019**

**Non-Confidential response**

## EXECUTIVE SUMMARY

Virgin Media welcomes the opportunity to respond to Ofcom's consultation on "Treating Vulnerable consumers fairly" ("**the Consultation**").

Virgin Media strives to treat all of our customers fairly and to ensure that they are able to access the information and support they need. We hope that signing up to Ofcom's 'Fairness For Customers Commitments' demonstrates Virgin Media's intention to treat all customers fairly.

We understand that customers differ, and it is vital we are able to offer more tailored help and support to some customers, particularly those who may be vulnerable. The introduction of the new General Conditions in October 2018, specifically C5.1-5.5, means that providers are required to have clear policies and procedures in place to ensure that vulnerable customers are treated fairly. Accordingly, Virgin Media has looked to enhance existing policies and procedures to ensure that vulnerable customers receive a higher level of customer care and are able to access the help and support they need.

We acknowledge that more can be done to identify, understand and support the range of vulnerabilities that our customers may encounter, both permanent and temporary. We welcome any measures to improve how providers identify and treat vulnerable customers and learn through collaboration with each other and relevant bodies. However, we must ensure that any steps taken are both appropriate and proportionate; in particular we are concerned that any changes are manageable for frontline staff. Virgin Media would welcome further dialogue in advance of any guidance being published.

### 1. INTRODUCTION

Virgin Media welcomes any steps that can be taken to identify and better support vulnerable customers. We therefore support establishing guidance that sets out achievable ways in which vulnerable customers can be provided with the help and support they need and unnecessary barriers they face can be removed.

Virgin Media is pleased to see the language used by Ofcom reflects the fact that any publication following this Consultation is intended to act solely as guidance, and is not intended to be "*prescriptive or exhaustive*". Such clarification is welcome; we feel that, due to the nature of both vulnerability and the processes required to support its associated needs, it would be unhelpful and disproportionate to alter the scope of the current General Conditions. Ofcom itself recognises the need to constantly evolve how providers identify and support vulnerable customers. Enshrining guidance in rules risks stifling these developments as providers become more concerned with compliance than enhancing what they do for the vulnerable.

Accordingly, we welcome the clarity and flexibility that any guidance may give to providers, but it is also important to ensure that any proposed measures are proportionate. If frontline staff become overburdened with new responsibilities we risk guidance defaulting to a 'box ticking' exercise that could stifle innovation and differentiation among providers.

Virgin Media has recently taken steps to address specific circumstances in which vulnerable customers may face unnecessary barriers in getting the best deal. Early next year we will help

vulnerable customers that are outside of their minimum contract term but may not be in a position to get the best deal for their needs. For these inactive, but vulnerable customers, Virgin Media will carry out a 'Health Check' package review to ensure that they are on the most suitable deal for their needs. This type of innovative way of supporting vulnerable customers, one which was quickly picked up by others, is exactly the type of development we fear will be lost if vulnerability just becomes about compliance.

The remainder of our response is structured as follows:

- In **Section 2** we provide our comments on the proposed guidance on the establishment and publication of policies for vulnerable customers;
- In **Section 3** we comment on the proposed identification and treatment of vulnerable customers;
- In **Section 4** we comment on the scope of information that Ofcom proposes should be recorded about the needs of vulnerable customers;
- In **Section 5** we comment on measures concerning the monitoring of performance in relation to the steps taken to effectively treat vulnerable customers fairly;
- In **Section 6** we provide feedback on the proposed staff training provisions: and
- In **Section 7** we provide our responses to Ofcom's consultation questions.

## **2. ESTABLISHING AND PUBLISHING POLICIES**

Virgin Media has a clear and established Accessibility & Vulnerability policy that is regularly reviewed (formally) and updated and has a senior level owner.<sup>1</sup> Virgin Media's Chief Operating Officer (COO) acts as the executive sponsor for our Disability & Vulnerability programme and is provided with regular updates about our Disability Action Plan; a three-year strategy focussing on three core pillars: Strategy, People and Customers, and how to improve our understanding of, and approach to, people with disabilities.

Virgin Media is a champion of disability. In conjunction with our partner Scope, our #WorkWithMe initiative seeks to give disabled people the skills and confidence needed to get into and stay in work. We are also sponsors of the GB Paralympics team and a founding signatory of the Valuable 500, a group of companies committed to putting disability inclusion on their leadership's agenda. We hope this demonstrates that the positive treatment of people with disabilities and vulnerabilities is important to Virgin Media - and over the past two years, these subjects have been a regular topic of discussion at Board level and at senior leadership events.

Fundamental to establishing a robust policy on the treatment of vulnerable customers is understanding the circumstances in which a person could be classified as vulnerable and how these may change over time. Virgin Media has focussed on expanding how we classify vulnerability (beyond Ofcom's existing guidance) by looking at identifying consumer behaviours and characteristics, such as verbal clues, that could signify some form of vulnerability and ensuring we are able to do more to support customers who find themselves in vulnerable circumstances.

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<sup>1</sup> Following advice from Ofcom in July of this year, Virgin Media has relocated the policy document, meaning it now sits prominently in two places within the relevant sections of our website.

For example, our staff are able to direct any customers experiencing financial difficulties first to our own in-house collections team who will do all they can to support. These staff also highlight to customers that they are able to discuss their situation with support groups such as the Money Advice Service and Citizens Advice, contact details for which can be found via our Accessibility & Extra Support webpages.<sup>2</sup>

Virgin Media appreciates the guidance on how vulnerability policies are developed and published and the additional guidance on how best to comply with the existing General Conditions. We believe that much of this guidance reflects the policies and practices we currently implement, but we are always happy to look at ways in which this can be improved.

### **3. TREATING VULNERABLE CUSTOMERS FAIRLY**

There are two key elements to the treatment of vulnerable customers: their identification, and how providers can ensure that those identified are treated consistently and receive the help and support required. We deal with these two elements separately.

#### Identification of vulnerable customers

Virgin Media is pleased that Ofcom recognises that the identification of customers who could be vulnerable is challenging for providers.

The two major challenges, mentioned by Ofcom, concern how vulnerability may change or develop over time and the possible unwillingness of customers to be classified as vulnerable. We agree with Ofcom on both of these challenges and much of our focus has been on supporting frontline staff in becoming aware of the characteristics that may identify a customer as being vulnerable.

All frontline Virgin Media staff receive Disability & Vulnerability Confident Awareness training and this is reviewed every six months to ensure it remains relevant and up to date and is incorporated into both existing and new staff training. We also give our frontline staff conversational support to help them recognise 'clues' that may indicate a customer's vulnerability. The staff also have access to a number of 'Knowledge Tools' that contain all the information they need, from details on the vast array of processes they need to support their daily role, to help and support materials covering things such as conversational support and guidance on how we best support our customers.

In addition, we have a number of frontline teams (for example, Bereavement, Collections and Complaints) that receive specific training, support and advice on dealing with disabled and vulnerable customers. We are developing additional training modules for these specialist teams on, for example, dealing with those customers who may be at risk of harming themselves. We also have a Disabled Customer Programme, linked to our Disability Action Plan which concentrates on understanding how we identify and meet the needs of our disabled customers.

Virgin Media acknowledges that customers should increasingly be made aware of the help and support available to them. However, we believe that it is important that we continue to focus on specialist education of our staff and support teams to identify better vulnerability, rather than

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<sup>2</sup> <https://www.virginmedia.com/accessibility>

requiring them to deliver generic messages to customers that could be less effective in identifying vulnerability.

### Support and treatment of vulnerable customers

Once providers have identified vulnerable customers, the next step is to ensure that they are being treated fairly and that the barriers they may face are removed as far as possible.

Virgin Media has a number of ways in which we can support vulnerable customers. We provide key information, such as bills and contracts, in a variety of accessible formats. We are currently working on supplying a wider variety of account information in these formats, including ensuring that both End of Contract and Annual Best Tariff Notifications will be delivered in customers' desired accessible format. These steps should help to improve the engagement of vulnerable customers and support them in feeling confident that all the information they need is available.

Beyond accessibility, Virgin Media has increased the variety of contact methods available to customers with the introduction of SMS messenger to sit alongside other methods such as telephone, text relay, video relay, post and webchat. As the Consultation references, we expect that supplying customers with a variety of communication methods will support those vulnerable customers who may be reluctant to, or have difficulty with, communicating via telephone.

Virgin Media always strives to make each customer interaction a positive experience, but we acknowledge that this is particularly important when interacting with vulnerable customers. Our frontline staff are encouraged to make detailed notes on each call and Virgin Media understands the need to ensure that vulnerable customers do not have to repeat themselves on subsequent calls, especially in relation to distressing personal circumstances.

As previously noted, Virgin Media has already begun to introduce processes where we point customers to external bodies that are better placed to help and support them. These include organisations that support customers in financial difficulty, as well as offer tailored help for vulnerable customers who may find themselves in debt. We also work closely with both the Royal National Institute of Blind people and Action on Hearing Loss, alongside other disability experts, should we require guidance on, for example, designing accessible and inclusive services or delivering bespoke training to the relevant teams within the business.

In addition, Virgin Media is currently exploring the possibility of increasing our interaction and collaboration with a number of charities (☞) who have expertise on the circumstances that may cause customers' vulnerability. We hope to use this shared knowledge to better train our staff to identify and support customers in vulnerable situations.

The Consultation highlights a number of other ways in which providers could support vulnerable customers. We are concerned that Ofcom recommends supplying customers with a written follow up to their conversation. This is likely to impose a considerable burden on frontline staff if the conversations are protracted. In order to alleviate the workload and simplify the recording, there is a risk that these interactions quickly dissolve into scripted conversations that are less likely to assist customers.

#### 4. RECORDING INFORMATION

Virgin Media acknowledges that it is necessary to record accurately status information in order to ensure the right help and support can be given to customers.

Virgin Media uses flags – essentially a recognisable reference point on the screens that staff use when interacting with customers – so that we can record when customers are identified as disabled or vulnerable. We regularly explore how we can improve recording a customers' status. Technological developments, alongside training, have now enabled frontline staff to capture disabled and vulnerable barriers at both point-of-sale, as well as during their tenure with Virgin Media.

#### 5. MONITOR PERFORMANCE

Monitoring the performance of staff is something that is taken seriously across Virgin Media. All frontline staff are monitored on the quality of the service they provide to customers, whether or not they are classified as vulnerable. It is vital that we treat *all* customers fairly. However, we acknowledge that it is important to ensure that vulnerable customers feel that they have access to all the help and support they need.

Virgin Media has put in place a number of measures, such as specific call listening, as part of the Disabled Customer programme, in order to hold our operational teams to account and to ensure that our disabled and vulnerable customers are treated fairly and given all the relevant information they need. These checks are also used in order to provide feedback, whether positive or negative, not only to ensure that the processes are being followed but also enhance our training and coaching.

Virgin Media regularly reviews customer insight data from social media channels and online forums, as well as via direct customer feedback and any complaints data that we are able to assess. This is then used to pinpoint specific customer interactions that may need improvements.

#### 6. STAFF TRAINING

Virgin Media acknowledges that the development of guidelines on staff training regarding vulnerable customers would be useful. However, it is also vital to ensure that we retain the ability to tailor the training for what is best for both our customers and our staff. With that in mind, Virgin Media hopes that any guidance published by Ofcom would not be *"prescriptive or exhaustive"*.

Although our current training, centred on making our staff confident in dealing with vulnerable and disabled customers, is focussed on our frontline staff, it has also been completed by many other teams at various levels of the business. This includes our facilities and property teams. This training is available to all staff across Virgin Media, contained within the 'Knowledge Tools' they have access to via our internal webpages, and is consistently checked and evaluated. For specific operational teams, response and completion rates are consistently checked.

As noted, Virgin Media is looking to increase the number of charities we work alongside and for them to help us to create training that further supports our staff to identify the barriers that disabled and vulnerable customers face.

## 7. CONSULTATION QUESTION RESPONSES

Please see below for our response to the specific questions in the Consultation.

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

As the consultation acknowledges, there are many complex and challenging issues for providers to overcome and some form of guidance could be helpful.

If Ofcom is to publish guidance, Virgin Media believes that it is necessary for further industry dialogue to take place on the specific nature of any guidance.

It is also essential that any guidance does not become "*prescriptive or exhaustive*". Whilst we understand Ofcom's desire to improve the current identification of vulnerable customers and, as a result, ensure that they are treated fairly, it is vital that providers are given scope to tailor aspects such as training, monitoring and recording in a way that not only suits their customers but allows their staff to feel empowered and comfortable when adopting any new processes.

Guidance such as that proposed is only worthwhile if it is constructive, has a positive impact for our customers and does not create obligations that are disproportionate and unduly burdensome, as this will undermine how such guidance is implemented and followed. It must also not be used as a basis for enforcement action if Ofcom decrees that providers are not following it to the letter. There must be an ongoing dialogue between Ofcom and providers that results in continually improved processes and procedures for supporting vulnerable customers.

### **Question 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.**

Throughout the main body of this response, Virgin Media has outlined the steps we have already taken to improve both the identification and treatment of vulnerable customers, as well as commenting on the measures suggested by Ofcom. We believe that much of what is in the consultation, or variants thereof, are already in place or under consideration.

However, we have noted some elements of the suggested measures that could be disproportionate and may place undue burden on frontline staff and would risk undermining their effectiveness in dealing with vulnerable customers. This requires further discussion with Ofcom ahead of the publication of guidance and we would welcome the opportunity of further cross-industry discussions with Ofcom.