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## **Treating vulnerable customers fairly**

A guide for phone, broadband and pay-TV providers

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# 1. Overview

- 1.1 This guide suggests measures providers could adopt to help make sure they treat vulnerable people fairly and give them the help, support and services they need. Many providers have already made progress in making sure they treat vulnerable customers fairly, but there is still room to do more.
- 1.2 One of Ofcom's priorities is to make sure broadband, phone and TV customers, especially vulnerable customers, are treated fairly.<sup>1</sup> We want vulnerable people to receive a high level of customer care to help them to manage their communications services effectively, and to help them get the right deal for their needs at a fair price. So, we put in place rules – specifically General Conditions C5.1-5.5, which came into force in October 2018 – requiring providers to have policies and procedures in place to make sure vulnerable customers are treated fairly.
- 1.3 Many people already find dealing with essential service providers (for example, energy, water and telecoms companies) a stressful experience. For example, 37% of people who have experienced a mental health problem exhibit significant levels of anxiety when dealing with essential service providers.<sup>2</sup> If a provider delivers poor service or creates unnecessary difficulties for vulnerable customers, this could make their situation worse.
- 1.4 Anybody can face circumstances that lead to them becoming vulnerable - temporarily or permanently. This might include physical or mental health problems, specific characteristics such as age or literacy skills, or changes in personal circumstances such as bereavement, job loss or changes in household income. The Covid-19 pandemic and the steps taken to protect public health in response have increased the potential for customers' circumstances to change suddenly, making them more vulnerable.

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<sup>1</sup> Ofcom, [2020/21 Plan of work](#).

<sup>2</sup> Money and Mental Health Policy Institute, [Access Essentials, Giving people with mental health problems equal access to vital services](#), 2018.

### What does our new vulnerability guide cover?

**Our guide suggests practical measures that providers could adopt to help make sure they are treating vulnerable customers fairly, and offers examples of good practice.** It sets out, among other things, the measures companies could take in areas such as:

- establishing and publishing policies and procedures for treating vulnerable customers fairly;
- identifying vulnerable customers;
- recording information about vulnerable customers' needs;
- communicating with vulnerable customers;
- staff training and resources; and
- monitoring and evaluating success.

The guide not only highlights best practice in treating vulnerable customers fairly, for example people in debt, victims of crime, or customers with physical or mental health problems, but also suggests ways to help the relatives or carers supporting them.

**The measures suggested in this guide are not intended to be prescriptive or exhaustive and will be subject to ongoing review.** We will continue to work with providers and expect to review the guide in future. We also expect providers to review their own performance and take steps to continually improve their approach. We will monitor companies' performance, including against our Fairness for Customers commitments<sup>3</sup> which are designed to strengthen how companies treat their customers fairly, especially those who might be vulnerable.

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<sup>3</sup> Ofcom, [Fairness for Customers Commitments](#)

# Vulnerability in the UK

**14.1** million



UK residents have a disability

**1 in 6** adults

experience common mental health problems every week



Also, **23%** of us suffer anxiety when dealing with service providers



**2.5** million

people in the UK are living with cancer

Dementia affects almost **1** million



people in the UK

**318** people

declared bankrupt or insolvent **per day** Oct-Dec 2019



## Sources:

Department for Work and Pensions, [Family Resources Survey 2018 2019](#)

Macmillan, [Cancer statistics](#)

Mental Health Foundation, [Fundamental Facts about Mental Health 2016](#)

Money and Mental Health Policy Institute, [Access Essentials](#)

Alzheimer's Society & Dementia Statistics Hub, [Prevalence projections in the UK](#)

The Money Charity, [Money Statistics March 2020](#)

## 2. Background

- 2.1 In September 2019 we consulted on our proposed guide to help providers treat vulnerable people fairly. We received responses from a number of providers, consumer bodies and individual customers and have carefully considered these when producing our guide.<sup>4</sup>
- 2.2 In March 2022 we consulted on a proposal to amend the guide with additional good practice measures to ensure customers in debt or struggling to pay are treated fairly, particularly relating to engagement with customers and emphasising provider support; strengthening links to the free debt advice sector; measures taken by providers to effect payment; and social tariffs. We received responses from providers, consumer bodies, debt advice organisations and other organisations and carefully considered these before amending our guide.<sup>5</sup>
- 2.3 This guide suggests practical measures that providers could adopt, to help make sure they are treating vulnerable customers fairly and delivering good outcomes for those customers. This guide aims to bring together current examples of good practice based on our engagement with industry, consumer bodies, charities and other regulators and responses to our consultation.
- 2.4 The suggested measures, as set out in sections 3-7 of this document, cover:
- establishing and publishing policies;
  - treating vulnerable customers fairly;
  - recording information;
  - monitoring performance; and
  - staff training.
- 2.5 In this document, we refer to people whose circumstances have led them to becoming vulnerable as ‘**vulnerable customers**’. We recognise that organisations use a range of different terminology and some people might not like to be labelled as a vulnerable customer. However, the term is well-recognised among communications providers (to whom we refer as ‘providers’ in this guide) and allows us to discuss the topic openly and clearly, so we can seek improvements for customers in the communications sector.

## Regulatory framework

### General duties

- 2.6 Section 3(1) of the Communications Act 2003 (the “Act”), sets out Ofcom’s principal duty:
- a) to further the interests of citizens in relation to communications matters; and

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<sup>4</sup> We have published a [summary of stakeholders’ responses](#).

<sup>5</sup> We have published a statement, including stakeholder’s responses. See Ofcom: [Consultation: Treating vulnerable customers fairly guide – proposals to amend the guide to help ensure customers in debt or struggling to pay are treated fairly](#).

- b) to further the interests of consumers in relevant markets, where appropriate by promoting competition.
- 2.7 Section 3(3) says that, in doing this, our activities should be transparent, accountable, proportionate, consistent, and targeted only at cases in which action is needed, as well as conforming to best practice.
- 2.8 Section 3(4) goes on to say that where relevant, we must also consider the needs of people with disabilities, the elderly and those on low incomes, and the vulnerability of children and of others whose circumstances mean they need special protection.
- 2.9 Some customers can be more vulnerable to unfair treatment than others, due to their personal characteristics or circumstances. The fair treatment of vulnerable customers is a priority for us.

## General Conditions of Entitlement

- 2.10 Section 45 of the Act gives us a power to set (and modify) general conditions, which are regulatory conditions that all providers of electronic communications networks and services must comply with if they provide services in the UK. Under section 51(1)(a), those conditions might include measures aimed at protecting the customers of communications providers.
- 2.11 Ofcom's General Conditions of Entitlement (the "General Conditions") are the conditions we have put in place using these powers. General Condition ("GC") C5 aims to ensure that providers consider the needs of people with disabilities and vulnerable customers.
- 2.12 The General Conditions set out the services that providers must provide to certain groups of people, including people with disabilities or certain accessibility needs. These services include text relay services (on mobile and home phone), mobile SMS access to emergency organisations, emergency video relay access to emergency organisations, communications (other than marketing communications) in an accessible format such as large print and Braille, priority fault repair (fixed broadband and landline), free directory information and third-party bill management. These services must also be widely publicised by providers, using appropriate communication channels (as per GC C5.6) and provided, depending on the service, either free of charge or at the same cost to the consumer as standard services.<sup>6</sup>
- 2.13 This guide focuses on the provisions set out in GC C5.1-C5.5, which came into force on 1 October 2018.<sup>7</sup> Ofcom introduced these provisions to ensure providers have policies and procedures in place to treat vulnerable customers fairly and appropriately:

*"C5.1 The provisions of this condition apply as follows:*

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<sup>6</sup> Ofcom, [A guide to publicising services available to disabled users](#) 2016. (updated 2022)

<sup>7</sup> The general conditions can be found at: [Ofcom, General conditions of entitlement: unofficial consolidated version](#), June 2022.

- (a) *Conditions C5.2. to C5.10 [...] apply to providers of Public Electronic Communications Services; [...] each person to whom a provision applies is a 'Regulated Provider' for the purposes of that provision.*
- C5.2 *Regulated Providers must establish, publish and comply with clear and effective policies and procedures for the fair and appropriate treatment of Consumers whose circumstances may make them vulnerable.*
- C5.3 *Such policies and procedures must include, as a minimum:*
- (a) *practices for ensuring the fair and appropriate treatment of Consumers who the Regulated Provider has been informed or should otherwise reasonably be aware may be vulnerable due to circumstances such as age, physical or learning disability, physical or mental illness, low literacy, communications difficulties or changes in circumstances such as bereavement;*
  - (b) *how information about the needs of Consumers who the Regulated Provider has been informed or should otherwise reasonably be aware may be vulnerable will be recorded and the different channels by which these Consumers will be able to make contact with, and receive information from, the Regulated Provider; and*
  - (c) *how the impact and effectiveness of the policies and procedures are monitored and evaluated.*
- C5.4 *Regulated Providers must provide to Ofcom, on request, any information considered by Ofcom to be necessary to demonstrate compliance with this Condition.*
- C5.5 *Regulated Providers must ensure that all staff are made aware of the policies and procedures and appropriately trained, including (if applicable) on how to refer Consumers to specialist teams or members of staff who have received additional training."*
- 2.14 Our view is that publishing a guide on treating vulnerable customers fairly in light of the current General Conditions, as opposed to imposing new regulation, is an appropriate and proportionate way forward. It should give providers flexibility in how they comply in this area in order to achieve the fair treatment of vulnerable customers. Where necessary we will still take formal regulatory action.

## Scope of this guide

- 2.15 This guide suggests measures that providers could adopt to help ensure they treat vulnerable customers fairly and give them the help, support and services they need. Our aim is to help providers to understand and respond appropriately to the needs of vulnerable customers, including ensuring their staff are equipped to meet these needs.<sup>8</sup>

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<sup>8</sup> Providers should also be mindful of their obligations under the Equality Act 2010.



## Who the guide is addressed to

- 2.16 GCs C5.1-5.5 apply to each *“Regulated Provider.”* They are defined (for the purposes of GC5.2-5.10 and c5.13-C5.18) in GC C5.1 as all providers of *“Public Electronic Communication Services.”* That is, providers of *“any Electronic Communications Service that is provided so as to be available for use by members of the public”.*
- 2.17 An *“Electronic Communications Service”* (“ECS”) is defined in the GCs as *“any of the following types of service provided by means of an Electronic Communications Network, except in so far as it is a content service:*
- a) *An Internet Access Service*
  - b) *a Number-based Interpersonal Communications Service; and*
  - c) *any other service consisting in, or having as its principal feature, the conveyance of Signals, such as Machine-to Machine Transmission Service or a transmission service used for broadcasting;”*<sup>9</sup>
- 2.18 An *“Electronic Communications Network”* (“ECN”) is in turn defined as:
- “(a) a transmission system for the conveyance, by the use of electrical, magnetic or electro-magnetic energy, of signals of any description; and*
  - (b) such of the following as are used, by the person providing the system and in association with it, for the conveyance of the signals:*
    - (i) Apparatus comprised in the system;*
    - (ii) Apparatus used for the switching or routing of the signals; and*
    - (iii) software and stored data...”*<sup>10</sup>
- 2.19 Providers must establish, publish and comply with policies and procedures that help to ensure vulnerable customers are treated fairly.
- 2.20 This guide is addressed to Regulated Providers. The measures suggested in the guide are examples of reasonable, practical steps that we consider will help to ensure vulnerable customers are treated fairly. The guide is designed to help providers build on current practices to improve how they treat vulnerable customers, in light of their regulatory obligations. The guide does not amend or replace their previous obligations or introduce new rules and the suggested measures do not constitute legal advice on how to comply with GCs C5.1-5.5. Having taken their own advice, providers may choose to adopt additional or other practices which also ensure vulnerable customers are treated fairly.

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<sup>9</sup> the terms “Internet Access Service”, “Number-based Interpersonal Communications Service”, “Signal” and “Machine-to-Machine Transmission Service” are defined in the definitions section of the [Ofcom General Conditions of Entitlement](#).

<sup>10</sup> The term “Apparatus” is defined in the definitions section of the [Ofcom General Conditions of Entitlement](#).

## Potential future changes to the guide

- 2.21 We acknowledge that providers' practices in treating vulnerable customers fairly are a dynamic and evolving area, and practices and factors that may influence them such as technological advances may change over time. Providers should therefore aim to keep up to date with future industry developments. We will do the same.
- 2.22 We will also be mindful of government initiatives that may be relevant to the guide. And we welcome feedback from providers on how they find working with the guide in practice. If we identify alternative or additional measures we think it would be appropriate to include, we might decide to update the guide and would look to work with industry to ensure any changes are clear and appropriate.
- 2.23 Vulnerability is a key issue across several market sectors and providers may find it useful to look at examples of what providers are doing in other sectors to inform their own approach. For example, the UKRN document on the support vulnerable people should receive in regulated markets and the report of the UKRN vulnerability event both include case studies within and across several market sectors.<sup>11</sup>

## Equality impact assessment

- 2.24 Ofcom is required to consider any potential impacts our proposals might have on particular groups, such as people sharing a protected characteristic as defined by the Equality Act 2010. These include sex, disability and race. In addition, our equality duties in Northern Ireland, under section 75 of the Northern Ireland Act 1998, require us to consider the desirability of promoting good relations between people of different religious belief, political opinion or racial group.
- 2.25 The contents of this guide are consistent with our duties in this area. We do not consider that the measures suggested in this guide would result in any negative impact on any protected groups. We further consider that the suggested measures reinforce the benefit of GC C5.1-5.5 to vulnerable customers.

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<sup>11</sup> UKRN Vulnerability Event, [Driving fair outcomes for vulnerable consumers, 2020](#). UKRN response, [Consumers in vulnerable situations: the support consumers should receive in regulated markets, 2020](#).

## 3. Establishing and publishing policies

**C5.2 Regulated providers must establish, publish and comply with clear and effective policies and procedures for the fair and appropriate treatment of customers whose circumstances may make them vulnerable.**

3.1 In this section, we suggest measures for providers to consider when establishing and publishing their policies and procedures for treating vulnerable customers fairly.

### Proactive senior level engagement

3.2 Senior leaders should play a part in making sure their vulnerable customers are treated fairly. This includes making sure the treatment of vulnerable customers is high on their agenda, discussed regularly in senior meetings and across the organisation.

3.3 Many providers have appointed senior sponsors to oversee their organisation's work in this area, and we welcome this. We encourage providers to avoid having just one person responsible for overseeing how vulnerable customers are treated. We also recommend that accountability is held at the appropriate level of seniority and influence, such as board or executive level. We recognise this might in practice work differently across providers.

3.4 We encourage senior sponsors to take the lead on making sure that fairness, especially for vulnerable customers, is embedded into the organisation's culture. This should help make sure that the fair treatment of customers, especially vulnerable people, is considered at all levels of an organisation.

3.5 We also encourage sponsors to actively monitor how their organisation is performing when it comes to treating vulnerable customers fairly. This can include through staff performance and customer feedback. This will also help them take the lead on improving outcomes for vulnerable customers, as they will have a greater understanding of where things are not going well.

### Taking an inclusive approach to who is potentially vulnerable

3.6 GC C5.3 provides some examples of circumstances that could indicate that a customer is vulnerable. These include age, a physical or learning disability, a physical or mental illness, low literacy, communications difficulties or changes in circumstances such as bereavement.

3.7 This is not an exhaustive list, and some people might face other circumstances that could be a driver of vulnerability, for example low income or a sudden reduction in regular income, job loss, or living in an isolated rural area. We further recognise that people can experience a combination of circumstances at any point and that vulnerability might also change over time.

3.8 So, when designing policies and procedures on treating vulnerable customers fairly, we expect providers to take an inclusive approach to who may be considered vulnerable. This

means having an approach that includes and takes account of the different types of vulnerabilities that their customer base might be facing, recognising they can be sudden and dynamic in nature, as the current challenges brought about by the Covid-19 pandemic illustrate. This will make sure that their policies and procedures cover the wide range of people who might need their help, support and services, helping providers to respond quickly and sensitively to customers changing circumstances.

- 3.9 As the examples on page 3 illustrate, a large proportion of people in the UK might already be or could potentially become vulnerable due to their personal circumstances.<sup>12</sup> So, providers should continuously seek to develop their understanding of the different issues that could affect their customers and use this when designing their policies and practices, and when designing customer services.
- 3.10 Providers will not always know when someone is vulnerable. Taking an inclusive approach to design of services can help to make sure that the widest range of customers can benefit from better service, whether or not they have been identified by their provider as vulnerable. We encourage providers to consider taking such an approach.
- 3.11 Several providers have worked with consumer bodies and charities when developing their policies and procedures. Drawing on such expertise can help providers continue to develop their understanding of the different groups of vulnerable customers (and what help, support and services they may need). Providers could also consider engaging with a range of customers when designing support and services, to make sure they are accessible, easy to understand and are used as much as possible.

## **Publishing policies on treating vulnerable customers fairly**

- 3.12 GC C5.2 requires providers to publish their policies and procedures on treating vulnerable customers fairly. Doing so can help set out clear expectations and provide transparency for customers. When publishing them, we expect the information to be accurate and up-to-date, easy to understand, clearly signposted and easy to find.
- 3.13 Information should specifically be designed for and meet the needs of vulnerable people. Providers should use simple language, minimise jargon and avoid technical terms. They should not overcrowd information. Key pieces of information should be highlighted for example using bold or colour. Some providers might also wish to use videos or infographics to explain certain products or services. Providers could consider testing their communications with vulnerable people and/or consumer bodies to check the content is sufficiently clear and engaging for vulnerable customers.
- 3.14 As many customers will use providers' websites to access such information, we expect policies and procedures to be published on those websites. We encourage providers to take the following steps to make sure the relevant webpages are easy to locate and useful for vulnerable customers.

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<sup>12</sup> Though the profiles of each provider's respective customer base may vary

## Treating vulnerable customers fairly

- Make sure the policies and procedures and contact, help and accessibility webpages are easy to find, and prominently linked from the homepage, and include all available contact methods.
- Make sure website search functions bring up relevant policies, procedures and useful information, including the information included in contact, help and accessibility web pages.<sup>13</sup>
- Include summaries of the services required by the general conditions (such as priority fault repair or text relay)<sup>14</sup> within published information, including how the services can be accessed.<sup>15</sup>
- Make information accessible for example by making sure it is readable by screen reader software.

3.15 As some people might not use the internet, we expect providers to offer information about relevant help, support and services in different formats or through other communication channels. These could include providing paper copies by post on request or printing them in store or given through other contact methods such as over online chat facilities or verbally over the telephone, with agents trained to use plain, jargon-free language.

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<sup>13</sup> This could, for example, include the provider's approach to providing paper bills and any costs attached (under Ofcom rules providers can charge a reasonable fee for providing this service).

<sup>14</sup> See General Conditions C5.6-5.16.

<sup>15</sup> Ofcom, [A guide to publicising services available to disabled users](#) 2016 (updated 2022) sets out good practice in relation to publicising services for disabled people.

## 4. Treating vulnerable customers fairly

**C5.3 Such policies and procedures must include, as a minimum... (a) practices for ensuring the fair and appropriate treatment of Consumers who the regulated provider has been informed or should otherwise reasonably be aware may be vulnerable...**

4.1 This section sets out some suggested measures providers could take to identify vulnerable customers and treat them fairly.

### Identifying vulnerable customers

4.2 Identifying someone who might be a vulnerable customer is the first step in providing the support they might need. Without taking effective steps to identify these customers, those who need and are entitled to support might not get it, unless a service is truly inclusively designed.

4.3 Our evidence suggests there is much more progress providers can make in this area. While some providers have some records of vulnerable customers in certain groups, the overall number of customers identified by providers as potentially vulnerable is significantly smaller than we might expect.

4.4 We recognise that identifying who is potentially vulnerable can be challenging for providers, who in some cases will have limited information about a person's life or circumstances. In addition, people's individual circumstances can change at any point. A new customer might not be vulnerable at the time of signing up to a new provider, but changes in their personal circumstances might lead to them becoming vulnerable in future.

4.5 So, we encourage providers to raise awareness of the help, support and services available to all new, existing and re-contracting customers (promoting the extra help, support and services that are available is covered at paragraphs 4.32 to 4.36 below). This will help customers, especially vulnerable people, to decide if these would be useful to them. Customers might be more willing to share information about a vulnerability if they know they can get extra support from their provider by doing so.<sup>16</sup> Providers should encourage customers to tell them about any specific accessibility or customer services needs they have, to avoid creating any difficulties to them receiving the help they need. We encourage providers to:

- ask all customers at the earliest opportunity whether they have any specific accessibility or customer service needs that the provider could help with;

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<sup>16</sup> For example, Citizen's Advice, *Counting on it (2019)*, page 14, which states that 40% of people with a mental health problem have disclosed or are willing to disclose in the right circumstances, with 21% of those people only being willing to disclose if it meant they got support from their provider as a result. (Based on Citizen's Advice analysis of polling from a March 2018 ComRes survey with a base of 1,530 adults with mental health problems).

- provide information to all customers on the help, support and services they offer customers who might be vulnerable or have specific accessibility or customer service needs;
  - clearly explain how customers can sign up for help, support or services at any time;
  - have a range of methods for customers to inform or update them about any vulnerability they may be experiencing, or any specific accessibility or customer service needs they have. These could include online forms, a phone number or web chat function; and
  - tell customers what will happen if they share information about a vulnerability, what additional support they are likely to receive as a result and what is likely to be discussed. This should help manage expectations and minimise concerns and anxiety in sharing personal details. This could be via information published on a provider's website or explained in conversations.
- 4.6 The information should be easy to understand and should be published on providers' websites,<sup>[2]</sup> so it is widely accessible to customers. Over the telephone, webchat, or in store, customer-facing representatives could refer to the information and offer to send it to customers or verbally explain the services available.
- 4.7 Some people might not be willing or feel able to tell providers they are vulnerable or have a specific customer service need. Talking about their personal circumstances might cause them anxiety or distress. So, providers should train their employees to be aware of potential characteristics, behaviours or verbal cues of someone who might be vulnerable. Employees will then be able listen carefully and proactively offer or explore with the customer the help, support and services that are available and may benefit them. This could increase providers' ability to offer the help that vulnerable customer's need.<sup>17</sup>
- 4.8 As set out in section 5, where providers think it would be appropriate to record information about a customer's vulnerability or needs, they must do so in line with data protection legislation.
- 4.9 It is important that providers take steps to improve how they identify vulnerable customers so that they can give them the right help and support. While these steps might not result in all such customers being identified, we would expect them to result in substantial improvements in the numbers who are identified in the communications sector.

## How providers can help vulnerable customers

- 4.10 We set out below a range of suggested measures that we encourage providers to consider including in their policies and procedures.

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<sup>[2]</sup> See section three for discussion on publishing policies.

<sup>17</sup> For example, Money Advice Trust [BRUCE tool](#).

- 4.11 As set out in paragraph 3.10, providers will not always know when someone is vulnerable. To help overcome this problem, in addition to inclusive design,<sup>18</sup> we suggest that providers consider applying the following measures to all customers. This will make sure a wider range of vulnerable customers receive the appropriate help, support and services they need even if their provider does not know they are vulnerable. It will also mean customers who are not currently vulnerable, or whose circumstances change suddenly, will benefit from these measures.

## Offer a wide range of communication channels

- 4.12 We expect providers to offer a range of communication channels to customers, which reflect the needs of their customers. These channels should be clearly displayed and easy to find.<sup>19</sup> These should include, where appropriate, telephone, post, email, webchat, and video and text relay. Providers should also make sure customers can carry out important account activities such as sharing information about their customer service or accessibility needs, sales, re-contracting, switching, billing or complaints using these channels. As noted above, providers are also required to provide text relay services and communications in an accessible format for any subscriber who requires it because of their disabilities.<sup>20</sup> Providers should offer to record their customer's preferred communication channel so that they can take this into account when they need to get in touch.
- 4.13 Having a wide range of communication channels is important as different customers will have different preferences or needs, sometimes due to their personal circumstances or characteristics. For example, 54% of customers who have experienced mental health problems have serious difficulties using the telephone and might therefore prefer an alternative communication channel.<sup>21</sup> In addition, partially sighted or blind customers might prefer a combination of telephone conversations and large print/Braille correspondence by post. Conversely, some people are not comfortable with telephone calls or find receiving post stressful, so they might prefer digital channels.

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<sup>18</sup> See section 3.10 above for what we mean by inclusive service design and the benefits it may bring.

<sup>19</sup> With any attached costs to using such channels made clear.

<sup>20</sup> See GC C5.8-9 on relay service and C5.15 on communications (except marketing communications) in accessible formats.

<sup>21</sup> Money and Mental Health Policy Institute's *Access Essentials, Giving people with mental health problems equal access to vital services*.



**“My hearing has recently deteriorated. I find it hard to communicate as I always use the phone.”**

When a customer says they have particular needs, it is important that this is noted on their account, with the customer’s agreement. Relevant services should be outlined and agreed before communication channels are updated, where necessary.

In this scenario, appropriate services to suggest may be alternative communication channels for contacting the provider like email or webchat, text relay, different hardware (a telephone that works well with hearing aids) or a referral to specialist organisations.

## Make customer interactions a positive experience

- 4.14 We encourage providers to focus on making customer interactions positive for all their customers, especially vulnerable people, including when the customer is switching or otherwise terminating their contract.
- 4.15 Frontline staff should be trained<sup>22</sup> to communicate with vulnerable customers with empathy and support, and listen carefully to what they say, to help them feel more comfortable in speaking to their provider or sharing their customer service needs.
- 4.16 Often small changes in approach will have a meaningful impact on a customer’s experience, for example, allowing more time on a telephone call to ensure a high-quality conversation, rather than focusing on call-time targets. Providers should also allow customer service advisors some degree of flexibility to go ‘off-script’ when speaking to vulnerable customers, as they might need more detailed information or a specific approach that suits their needs.
- 4.17 We also encourage providers to do what they can to avoid vulnerable customers having to explain their personal circumstances each time they contact them, which could be frustrating and/or distressing. In addition to the points covered about recording information chapter 5, this could include:
- direct contact to specialist teams or members of staff who have received additional training should be available for customers who would benefit from this; and
  - customer service advisors being clear on what will happen next and the likely timescales for next steps.
- 4.18 Some providers are taking steps to also improve face-to-face interactions with customers. Examples include checking in advance if someone might take longer to answer the door if an engineer’s visit is necessary, deploying engineers for relatively minor issues like installing equipment, where this would help the customer and is available, having dedicated sessions with British Sign Language interpreters in-store or made available digitally.

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<sup>22</sup> See section seven on staff training.

### Being responsive and sensitive to vulnerable circumstances

- 4.19 We encourage providers to be responsive and sensitive to customers in vulnerable circumstances.
- 4.20 Sometimes customers can find themselves in vulnerable circumstances very suddenly. For example, if a crime has been committed against an individual, they might quickly find themselves without their mobile phone if it has been taken by the police as evidence.
- 4.21 In these circumstances, we would expect providers to be patient and empathetic and focus only on the information that they need (for example avoiding unnecessary questions about the crime). They should recognise the importance third parties can play in these circumstances, helping customers avoid reliving their experiences when they engage with their provider.<sup>23</sup>
- 4.22 We understand and welcome the fact that many providers already have policies covering such circumstances, including ensuring that customers do not pay for mobile phone services they have not been able to use, and other types of measures such as those also mentioned in the scenario below

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<sup>23</sup> We would expect the involvement of third parties to be subject to any reasonable verification and consent procedures, or clear concerns about fraud or other concerns.

**“Someone committed a crime against me and now I don’t have my mobile phone because the police have taken it for evidence.”**

In this example, a customer who might not have required any extra help, support or services in the past is now potentially vulnerable.

When a customer is in these circumstances, they are likely to be upset and distressed. Contacting their provider to inform them of what has happened to their phone might be a significant step in the circumstances. They might not feel able to talk to their mobile phone provider directly and may ask a trusted friend or family member or an organisation like Victim Support to make contact on their behalf.

Good customer service would include the agent showing empathy and compassion, listening carefully and taking the time to ensure they have the key information they need (this might, for example, include a crime reference number, which the provider can then verify with the police).

The customer should not feel pressured to provide any more information than is necessary. Where a third party makes the contact, identification and verification procedures should be clearly explained and appropriate to the circumstances to avoid unnecessary repeat contacts with the customer.

In this scenario, it would be appropriate to make sure customers don’t pay for mobile phone services they have not been able to use while their mobile phone is in police custody. Where possible and appropriate, new numbers, temporary SIMs and/or temporary handsets should be offered to customers.

## Provide clear accessible written communications

- 4.23 We encourage providers to make sure their key written communications, including web chat, bills, terms and conditions, policy documents and contracts are clear and use plain English where possible.<sup>24</sup> In doing so, providers should be aware that some customers have lower levels of literacy or health conditions that affect their ability to process information. We are aware that some providers use videos and infographics to help communicate with customers.
- 4.24 Where possible, we encourage providers to tailor content to customers’ specific needs and be clear if there is an action for the customer to take, for example, if they are expected to get in touch or make a payment. Where relevant, written communications should also include information on the help, support and services that are available to vulnerable groups.

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<sup>24</sup> General Condition C1.4 requires that contract information be provided in a ‘clear, and comprehensive manner’. Section 68, Part 2 of the Consumer Rights Act 2015 requires that consumer contracts or consumer notices are transparent and those written using plain and intelligible language will fulfil this requirement.

<sup>24</sup> Where appropriate, providers should signpost customers to external sources of help, see paragraphs 4.41 to 4.45.

- 4.25 Many people use the internet to access information. Providers' websites and apps should be easy to understand and navigate, with useful information and access to help, support and services. Providers should carefully consider what titles and search terms are used for this information as words like 'vulnerability' or 'accessibility' might not mean much to customers.
- 4.26 We also recommend that websites and apps are accessible for those with disabilities. For example, tested with screen readers to make sure they work correctly for people with visual impairments and, where possible, websites allowing for keyboard-only navigation to support customers with motor impairments.
- 4.27 Providers should review their communications regularly, particularly those that are most commonly used, to ensure they are fit for purpose and take account of any feedback or good practices shared by charities and consumer bodies. They could also test their communications with a range of customers with different accessibility needs, cognitive problems and literacy levels, where possible.

### **Offer follow-up information in writing**

- 4.28 Some people might find it useful to receive information and/or a recap of actions agreed in writing (for example by email, online accounts or SMS) following a telephone call or web chat, so they can review and digest in their own time. For example, they might not remember information well, have memory problems due to a health condition or find it hard to process what is said to them in real time, particularly over the telephone.
- 4.29 We therefore suggest that providers offer follow-up information in writing at the end of conversations with vulnerable customers who would benefit from this, to make sure customers are aware of this option and can make use of it if they want to. We acknowledge in some cases this service is already provided following an online or SMS-based conversation.
- 4.30 Offering follow-up information in writing will be useful for many people, especially vulnerable people. Where appropriate, this should include information about services they are purchasing, changes they are making, for example upgrading or downgrading or account/billing changes and any help, support or services that might assist them.
- 4.31 If a provider has specialist teams or members of staff who have received additional training, it may be appropriate for them to deal with these requests.

**“My husband has died. How do I transfer the phone account at our house into my name?”**

In this example, the caller might be upset and distressed. Good customer service would include the agent showing empathy and compassion, listening carefully and taking the time to discuss all the details of their account, including how the account holder’s name can be changed.

Where possible, queries should be dealt with during the first point of contact, to avoid further upset to the customer. Providers should also make sure they do not send any further correspondence in the customer’s husband’s name, as this could distress the customer. It might be useful to provide a summary of the changes and discussions in writing after the call, so the caller can refer to it in their own time.

## Promote the extra help, support and services that are available

- 4.32 We encourage providers to promote the full range of extra help, support and services they offer to customers. We also remind providers that they are obliged to promote the services they offer to meet the needs of customers with disabilities.<sup>25</sup>
- 4.33 In addition, providers could consider working with consumer bodies and charities to increase awareness of the help, support and services that are available, including social tariffs<sup>26</sup>. For example, providers could raise awareness of their accessibility services to relevant customers by collaborating with relevant charities on how to promote these services effectively.
- 4.34 As set out in paragraphs 4.2 to 4.9, we encourage providers to provide all customers with information around the time they take out a new contract, for example, sent alongside their new contract documents or welcome pack, that sets out:
- a) details of the help, support and services they offer customers who might be vulnerable or have specific accessibility or customer service needs; and
  - b) clearly explains how customers can sign up for help, support or services at any time.
- 4.35 The information should be easy to understand and should be published on providers’ websites,<sup>[2]</sup> so it is widely accessible to customers. Over the telephone or webchat or in

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<sup>25</sup> Ofcom’s 2016 guidance document, [A guide to publicising services available to disabled users \(updated 2022\)](#) sets out good practice in relation to publicising services for disabled people, which is still relevant when publicising services to those customers.

<sup>26</sup> We refer to ‘social tariffs’ to describe the discounted or targeted tariffs that providers are voluntarily offering to customers who meet certain eligibility criteria. BT and KCOM are subject to separate obligations to offer appropriate tariff options and packages that depart from those provided under normal commercial conditions to the subscribers of their telephony services who are on low incomes or have special social needs under [Paragraph 5\(2\) of the Schedule to The Electronic Communications \(Universal Service\) Order 2003](#). These tariffs are specifically excluded from the definition of “social tariffs” by section 68(2A) Communications Act 2003.

<sup>[2]</sup> See section three for discussion on publishing policies.

store, customer-facing representatives could refer to the information and offer to send it to customers or verbally explain the services available.

**“I’m 86 and don’t see or hear too well anymore, and I didn’t catch everything you said on this call, but I’m sure it’s going to be fine.”**

Good customer service could include the agent noting the customer’s specific accessibility or communication needs (in line with data protection legislation), being empathetic with the customer, identifying that they may benefit from taking longer to talk to them and offering to follow the call with a written summary (especially if the customer made changes or signed up for additional services). We would also expect the provider to make the customer aware of the help, support and services that are available, such as text relay and communications in accessible formats.

- 4.36 We encourage providers to send a reminder of the available help, support and services to existing customers on a regular basis, for example, once per year with billing or other customer service communications. We are aware that providers in the energy sector give their customers this sort of reminder alongside their annual account update. One example we have observed in the energy sector states: *‘Let us know if you need extra help. If you’re elderly, disabled, sick... we can help make your life easier. Sign up here [link] to get help that best suits you’*.

### **Implement specialist customer service teams /staff members who can help**

- 4.37 We encourage providers to have in place specialist staff who have had training on helping vulnerable customers.<sup>27</sup> This could be in a separate team, or a selection of employees who receive further training on particular customer issues, for example handling suicide threats, problem debt and mental health problems.
- 4.38 Where a vulnerable customer’s needs will be better met by a specialist, they should be referred as soon as possible. Staff should be trained to understand how and when to refer customers to specialist teams or staff members.
- 4.39 We encourage providers to allow specialist members of staff to dedicate the time to certain customers, regardless of the channel they are using to communicate. We also encourage providers to ensure specialist staff are empowered to offer flexible solutions to people who have specific customer service needs.
- 4.40 Most of the larger providers are taking this approach. We welcome this and other initiatives including dedicated telephone lines for vulnerable customers and specialist staff in teams responsible for debt collection (where there is often a higher likelihood of speaking to vulnerable customers).

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<sup>27</sup> We discuss the use of specialist teams further in section seven.

## Signpost other organisations that support vulnerable customers

- 4.41 In some cases, it might be appropriate to refer customers to a third-party organisation such as Citizens Advice, debt charities, mental health charities or the Samaritans.<sup>28</sup> This is because they may be better equipped to provide specialist help and support.
- 4.42 We therefore encourage providers to promote third-party organisations and services in their conversations with customers or send links to useful information. This will enable customers to consider these services and get in touch with the relevant organisation when they are ready to do so.
- 4.43 Providers should have clear procedures for signposting third-party organisations and train staff to know about the different organisations and when and how to refer customers.
- 4.44 We also encourage providers to build links with third-party organisations. Where possible, this could include having direct telephone or digital routing available for customers or organising follow up contacts for customers who might need urgent assistance and who consent to being transferred or referred and having their personal information passed on. However, providers will need to work with the third-party organisations to ensure they have the capacity and staff available to deal with referrals.<sup>29</sup>
- 4.45 There are also external resources available from consumer bodies which could help providers to implement processes and train staff to help vulnerable customers.<sup>30</sup>

## Help third parties, such as relatives or carers, who are supporting vulnerable customers

- 4.46 Vulnerable customers are sometimes helped by people such as relatives or carers, or consumer bodies. We encourage providers to be sensible when communicating with these people or organisations when required so they can deal with queries or issues on behalf of customers, subject to any reasonable verification and consent procedures. The boxed example below suggests what this might look like.
- 4.47 This includes staff being aware of which types of third party can act on a customer's behalf, how they can act and on what basis, and recognising that in addition to trusted friends and family members, organisations that support vulnerable customers can act as third parties.<sup>31</sup> If specialist staff or teams deal with these matters, frontline staff should be trained on when to refer customers to them.
- 4.48 Providers are required to offer third-party bill management services, which can benefit vulnerable customers. These services should be accessible and easy to set up. Providers

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<sup>28</sup> This list is non-exhaustive.

<sup>29</sup> Providers may also want to consider offering such organisations a direct way to contact them on the customer's behalf rather than via general customer service contact channels.

<sup>30</sup> For example, Money Advice Trust, [Vulnerability, mental health and the energy sector: a guide to help identify and support customers](#).

<sup>31</sup> For example, Ofcom, [Power of attorney and third party bill management](#) and UKRN, [Supporting customers who do not make their own decisions, 2019](#).

should promote awareness to customers where appropriate, so those who might benefit are aware of these services.

- 4.49 We also encourage providers to offer other third-party services where possible, including the ability for a customer to switch any third-party permissions on and off and set up additional notifications for the person acting on their behalf, such as potential spending or usage alerts.<sup>32</sup> These can really help, for example where a customer experiences fluctuating mental capacity.<sup>33</sup>
- 4.50 Providers' procedures should be consistent with the law on mental capacity and decision making, including powers of attorney, recognising that mental capacity can fluctuate. Providers should make sure their frontline staff are appropriately trained in handling the different types of third-party representatives, including deputyship, power of attorney and appointees.<sup>34</sup>

**“My brother has suffered a head injury and can no longer manage his own affairs. Finalising the deputyship order is likely to take two or three months. In the meantime, he is paying for broadband services he cannot use.”**

We would expect the provider to speak to the person representing the customer with compassion and empathy. We would also expect the provider to use suitable verification methods, for example, asking to see paperwork regarding the deputyship order. In relation to the account, good customer service could include the provider allowing the account to be frozen for an initial period (at least as long as it takes to obtain the deputyship order).

## Act fairly when a customer is in debt or struggling to pay<sup>35</sup>

- 4.51 Debt can be stressful and can have a significant impact on a person's mental health. Research by the Money and Mental Health Policy Institute shows that, each year, 13% of people in problem debt<sup>36</sup> think about suicide and three per cent of people in problem debt attempt to take their own life.<sup>37</sup>
- 4.52 We expect providers to recognise that customers who are in arrears are likely to be vulnerable. We therefore encourage providers to take extra measures to make sure

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<sup>32</sup> As suggested in Citizens Advice publication [Minimum standards support for people with mental health problems](#).

<sup>33</sup> Money and Mental Health Institute, [A little help from my friends, 2019](#).

<sup>34</sup> See also Ofcom's guide on [Powers of attorney and third party bill management](#).

<sup>35</sup> This guide is primarily focused on day to day fair treatment. Information on the specific ways providers were responding to the unique challenges linked to covid-19 can be found [here](#).

<sup>36</sup> Money and Mental Health Policy Institute's *A Silent Killer Report* defines 'problem debt' as meaning someone who has been seriously behind on payments for bills or credit agreements or have been disconnected by a utilities provider in the past year. See: Money and Mental Health Policy Institute (2018), [A Silent Killer. Breaking the link between financial difficulty and suicide](#), page 13.

<sup>37</sup> Money and Mental Health Policy Institute (2018), [A Silent Killer. Breaking the link between financial difficulty and suicide](#), page 5.



customers in debt or customers struggling to meet their regular payments are treated fairly.<sup>38</sup>

- 4.53 Providers should be aware of the requirements of the Government's *breathing space scheme* that came into force in England and Wales on 4 May 2021,<sup>39</sup> allowing eligible customers 60 days' respite from creditor action.
- 4.54 Providers who take measures to effect payment should be transparent about their approach, ensuring customers can easily find out which measures the provider generally tends to use and at what stages of the debt journey they can usually be expected.
- 4.55 Service restrictions can have a serious impact on customers. When using service restrictions as a measure to effect payment, providers should support customers by:
- using a phased approach to introducing service restrictions, where practical;
  - avoiding introducing service restrictions for vulnerable people who are particularly reliant on their communications services, unless all other options have been exhausted;<sup>40</sup>
  - protecting, where possible, calls to free helplines dedicated to e.g. protecting children and domestic abuse victims, even during service restrictions, and making customers under service restrictions aware of this approach.
- 4.56 Providers should, wherever possible, prevent customers from being disconnected. Disconnection is a serious step that should only be used as a last resort and providers should take several steps before it is considered:
- Proactively and prominently emphasise the provider support available for customers in debt (such as payment deferrals or payment plans) in direct communications about payment and/or debt with customers and with debt advice organisations acting on their behalf. Providers should also ensure that information about the support available to customers can easily be found on their websites.
  - When contacting a customer about their debt, take account of the customer's circumstances where appropriate as well as their preferred communication channel<sup>41</sup>. If a customer in debt has not expressed a preference or if they are not responding, use a range of communication channels before taking any follow-up action, such as

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<sup>38</sup> Ofcom's General Conditions rules place obligations on providers to ensure that any measure they take to effect payment or disconnect services are proportionate and not unduly discriminatory (GC C3.11). Providers must also publish details of the measures they may take to obtain payment or disconnection, where a customer has not paid all or part of a bill.

<sup>39</sup> [The Debt Respite Scheme \(Breathing Space Moratorium and Mental Health Crisis Moratorium\) \(England and Wales\) Regulations 2020.](#)

<sup>40</sup> We recognise that identifying customers who are in vulnerable circumstances that make them particularly reliant on communication services can be challenging for providers, and that it has to be based on a meaningful conversation with the customer. This is why our guide emphasises the importance of being responsive and sensitive to customers in vulnerable circumstances and of raising awareness of the extra help, support and services available, as set out in paragraphs 4.19 and 4.32-4.36 of this guide.

<sup>41</sup> As set out at 4.12-4.13 of this guide.

enforcement and debt recovery. Rotate between communications channels to increase the chance of reaching the customer<sup>42</sup>.

- Allow a customer some time to get help, support and advice on how to manage their debts (without the threat of enforcement action or disconnection during the same period).<sup>43</sup>
- Consider offering payment holidays or deferrals, or freezing additional fees and charges where a customer is experiencing problem debt, particularly while the customer is seeking debt help and advice.
- Ask questions to understand the customer's financial situation and ability to pay.<sup>44</sup>
- Discuss and agree a realistic and reasonable payment plan which is flexible and repayable over a period of time and based on their ability to pay (including considering any advice or proposals from a debt adviser).<sup>45</sup>
- Help the customer understand the payment plan and any additional costs involved, and clearly explain any consequences of non-payment (including any impact on services).
- Offer tariff advice, whether that is switching to a cheaper tariff or social tariff. For example, customers who have experienced higher out of contract charges and have recently fallen behind with payments could benefit from such engagement with their provider. Providers could consider waiving early termination charges if a customer does switch tariff due to their debt.
- Offer a social tariff to allow eligible people, such as those in receipt of means-tested benefits, to access communications services at discounted prices. Customers in debt or who are struggling to pay should be told about a provider's social tariff (where available), its eligibility criteria and sign-up process.
- Make customers aware of services that might cost more than they are expecting and discuss implementing bill or usage checkers and limits.
- Include information in payment and collection related communications about where customers can access free debt advice, recognising that not all debt advice organisations operate across the whole of the UK. This information should be clear and easy to find.
- Refer<sup>46</sup> customers to debt organisations or charities that can provide free debt advice and support (directly where possible).<sup>47</sup> Consider offering to set up and action such a referral for the customer - see signposting section (paragraphs 4.41-4.45).
- Make it as easy as possible for free debt advice organisations, subject to any reasonable verification and consent procedures, to represent their clients, for example

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<sup>42</sup> In doing so, providers will need to ensure they comply with their obligation under the Privacy and Electronic Communications (EC Directive) Regulations 2003.

<sup>43</sup> Providers need to ensure they comply with their obligations under the [Debt Respite Scheme \(Breathing Space Moratorium and Mental Health Crisis Moratorium\) \(England and Wales\) Regulations 2020](#).

<sup>44</sup> A Standard Financial Statement completed by a free debt advice organisation or other relevant organisation can help providers with this task. See: Money Advice Service. [What is the Standard Financial Statement?](#)

<sup>45</sup> Providers should also be aware of the requirements of Government's *Statutory Debt Repayment Plan*, due to be implemented alongside the *Breathing Space Scheme*. See: Gov.UK: [Statutory Debt Repayment Plan: Consultation](#).

<sup>46</sup> Providers need to be mindful to comply with data protection legislation.

<sup>47</sup> For example, StepChange, the Money Advice Service, National Debtline, Business Debtline, Debt Advice Foundation, Citizen's Advice and Christians Against Poverty.

by providing a direct way to contact the provider. Providers should also ensure their frontline staff are aware that customers may be represented by debt advice organisations and facilitate such arrangements.

- Make sure the customer can easily access their billing information to help prevent debt building up again in the future.

4.57 To benefit customers who are struggling to pay their bills, providers could work with consumer bodies or other organisations specialising in financial support. For example, to increase awareness of the help, support and services that are available, and to ensure that any information required to support their work is accurate and timely.

4.58 Providers should help customers by seeking to understand a customer's individual circumstances before instructing a debt collection agency to pursue them and by using debt collection agencies that have strong policies for treating vulnerable customers fairly.

4.59 Ultimately, providers might need to be flexible in their policies and procedures when dealing with customers facing problem debt as their circumstances and needs might be more complex.

**“I suffer from mental health problems and have difficulties with my memory and remembering information. My income fluctuates as a result and I have had to deal with the collections team before, which has brought on severe anxiety and scares me.”**

One in four people will experience a mental health problem each year and over a third of people experiencing a mental health problem have never been diagnosed. We therefore expect providers to be aware that a high proportion of their customers will be affected by mental health problems and they should be equipped to offer them the appropriate help, support and services.

In the example above, good customer service would include the provider giving clear and accessible information, via the customer's preferred communication method, including information about the support they can offer should the customer enter debt, such as payment deferrals or payment plans. The provider could offer to send details of any verbal conversations in writing, so the customer has time to digest what they have been told. Due to the customer's income fluctuations, it may be appropriate to offer tariff advice including information about any social tariff they have, eligibility criteria and how to sign up for it.

If the customer is in arrears and has a preferred communications channel, the provider should try to use that. If the customer does not respond when the provider tries to contact them about their debt, the provider should rotate between communication channels to increase the chances of reaching the customer. The provider should proactively tell the customer about the support and help they offer customers in debt. The provider should also include information about where the customer can access free debt advice. The provider should allow them time to get help and support without the threat of enforcement action or disconnection during that period. Any service restrictions

## Treating vulnerable customers fairly

used by the provider should be used in a phased approach if practical, protect calls to free helplines and be avoided if a customer is particularly reliant on their communications services. The provider should also act fairly when pursuing debt recovery, including discussing and agreeing a reasonable repayment plan (including considering any advice or proposals from a debt adviser). The provider should seek to understand a customer's individual circumstances before putting them in a position where a debt collection agency pursues them.

## 5. Recording information

**C5.3 Such policies and procedures must include, as a minimum... (b) how information about the needs of Consumers... will be recorded and the different channels by which these Consumers will be able to make contact with, and receive information from, the Regulated Provider.**

5.1 This section sets out some suggested measures for providers on recording information about vulnerable customers' needs.

### Recording vulnerable customers' needs

5.2 Providers' policies and procedures must include details of how they record information about the needs of vulnerable customers. Providers should understand and capture their customers' needs, so they can provide support and services that help. Capturing this information can also help providers to identify potential areas for improvement in existing services. As noted above, when collecting this information, frontline staff should be patient, empathetic and sensitive to the customer and their circumstances.

5.3 We have described above how providers can encourage customers to share their specific accessibility or customer service needs. These steps will help providers to identify vulnerable customers, and give them the additional help, support or services they need. Vulnerable customers should not need to repeat themselves when they are put through to another person or department. This can be achieved by, for example, customer service advisors discreetly passing on relevant information, having checked with the customer that they are happy for them to do so.

5.4 We expect providers' frontline staff to accurately record their customers' needs and/or any personal information that a customer discloses<sup>48</sup> which is relevant to their services and which can be recorded in line with data protection legislation. It might be helpful if they explain to the customer that they are making notes to help avoid customers having to repeat the same information in future. Providers should ensure that this information is visible to other frontline staff on internal systems, with appropriate access controls in place.

5.5 To support accuracy, frontline staff could check if a customer's circumstances have changed by making use of opportunities to discuss this with them. For example, if a member of staff gets in touch with a customer to discuss their account or services, they could take a moment to ask if the customer has any specific accessibility or customer service needs or, if they have already recorded specific needs, check if these are still relevant to the customer.

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<sup>48</sup> Such information should be date-stamped, so that it is clear when it was recorded on the system.

- 5.6 We would expect providers to update their systems when they are made aware that a customer is no longer vulnerable or no longer has specific customer service needs. Accurate recording should reduce the need for customers to repeat personal information at each contact point, which could be frustrating or distressing. As set out below, where providers think it would be appropriate to record information about a customer's vulnerability or needs, they should do so in line with data protection legislation. Examples include recording when someone needs paper documents sent in large print or Braille or that someone needs longer on telephone calls. Providers' systems should be able to capture this type of information and easily amend it.

**“I suffer from cerebral palsy and every time I contact my provider; I have to repeat myself and ask them to take a bit longer on the call with me.”**

Good customer service could include actively listening to the customer and recording the customer's needs accurately on their system the first time they are told (subject to data protection legislation). This will enable the provider to meet the customer's needs and offer a better service, and avoid the customer having to repeat themselves each time they contact their provider. The provider should ensure the customer is given more time on telephone calls, as they have requested.

## Data protection considerations

- 5.7 When recording information about customers, providers will need to comply with relevant data protection legislation, including the General Data Protection Regulation, ensuring it is accurate, relevant and limited to what is necessary.<sup>49</sup> Providers should take steps to ensure they record, hold, use, process and protect this information in line with data protection legislation. They should establish an appropriate basis in law and (where special category data may be being recorded) a condition for processing, before personal data is recorded.<sup>50</sup>
- 5.8 Providers should refer to other relevant guidance from the Information Commissioner's Office, such as documents on the conditions for processing special category data,<sup>51</sup> data-sharing,<sup>52</sup> data retention,<sup>53</sup> data minimisation<sup>54</sup> and data protection impact assessments.<sup>55</sup>
- 5.9 Under data protection legislation, providers must provide information to customers about what to expect when they collect their personal information and the rights they have for example regarding the processing of information and to withdraw consent. This must be concise, transparent, intelligible and easily accessible. The ICO has published detailed information covering the customer's right to be informed. We expect providers policies

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<sup>49</sup> Regulation (EU) 2016/679.

<sup>50</sup> ICO [guidance](#) and lawful basis [interactive tool](#). See also conditions for processing special category data in ICO's [special category guidance](#)

<sup>51</sup> ICO, [special category guidance](#)

<sup>52</sup> ICO, [data sharing code of practice](#).

<sup>53</sup> ICO, [storage limitation](#).

<sup>54</sup> ICO, [data minimisation](#).

<sup>55</sup> ICO, [data protection impact assessments](#).

and procedures to reflect, and appropriately reference, their published privacy information.<sup>56</sup>

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<sup>56</sup> ICO, [privacy information to provide](#), [right to be informed](#), [create a privacy notice](#)

## 6. Monitoring performance

**C5.3 Such policies and procedures must include, as a minimum... (c) how the impact and effectiveness of the policies and procedures are monitored and evaluated.**

6.1 In this section, we outline suggested measures for how providers can effectively monitor and evaluate the impact and success of their policies and procedures for treating vulnerable customers fairly.

### Evaluating staff performance

6.2 We noted above how senior management should take an active role in monitoring their organisation's performance in treating vulnerable customers fairly. This is so they have clear oversight of the service being delivered and can bring about improvements where necessary.

6.3 Providers will generally already monitor the service being provided to customers by their employees, and we acknowledge that providers will have different approaches to this. We expect such monitoring to include assessing the quality of customer service being delivered to vulnerable customers.

6.4 In relation to evaluating frontline staff performance, we encourage providers to consider the following practices, some of which we have observed already being used by providers.

- Include measures in their performance measurements relating to the service provided to vulnerable customers. This could be linked to the providers' annual reporting processes or similar reviews.
- Conduct random quality assurance evaluations to make sure the right information and services are provided to vulnerable customers, this could include different points in the customer journey, such as handling disclosures of vulnerability or escalations to specialist teams.
- Carry out call monitoring or mystery shopping to ensure high quality customer service is being delivered by frontline staff, especially for vulnerable customers.
- Make sure staff are not penalised for spending more time talking to vulnerable customers.
- Acknowledge and reward employees who deliver great service to a vulnerable customer, for example following positive customer feedback.
- Deliver comprehensive feedback and coaching to employees to highlight where things have gone well and where improvements are needed, including exploring whether follow-up training would be beneficial.<sup>57</sup>

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<sup>57</sup> See section seven on staff training.



## Gathering and using customer feedback

- 6.5 We also encourage using feedback from customers, including those who might be vulnerable, to see how to improve the customer service being provided to vulnerable customers. This could include data from customer satisfaction surveys and complaints, insights from social media channels and online forums.
- 6.6 Frontline staff might also have useful suggestions on improving customer service for vulnerable customers. Providers could therefore consider regularly asking staff for recommendations based on customer feedback through focus groups, staff surveys or internal forums. These channels can also be used to discuss issues or concerns or share tips for good practice and should be open to all staff. If appropriate, there could be an option for employees to raise issues anonymously.
- 6.7 This feedback can be extremely helpful in identifying areas where a provider is falling short of expectations and improvement is needed to deliver a high level of customer service, especially for vulnerable people.
- 6.8 We encourage providers to utilise customer feedback in the following ways.
- Regularly monitor changes in complaints levels, customer service survey results or other customer feedback.
  - Carry out root-cause analysis where potential shortcomings or concerns are identified.
  - Speak directly to vulnerable customers who have complained to an in-depth understanding of how their experience could have been handled better (rather than relying on high-level feedback).
  - Work with panels of customers who have specific or additional customer service needs when implementing changes or new initiatives to ensure they are fit for purpose and will be helpful.
  - Work with consumer bodies that have experience working with vulnerable groups and/or make use of their published resources.<sup>58</sup>
  - Use customer feedback in staff training, to bring to life customer experiences and improve training materials.<sup>59</sup>
- 6.9 We have also observed one provider putting in place a complaints-related steering group to highlight and discuss complaints trends and how they can be addressed.

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<sup>58</sup> For example, the Money Advice Trust's [Vulnerability resource hub](#).

<sup>59</sup> See section seven on staff training.

## 7. Staff training

**C5.5 Regulated Providers must ensure that all staff are made aware of the policies and procedures and appropriately trained, including (if applicable) on how to refer Consumers to specialist teams or members of staff who have received additional training.**

7.1 In this section, we set out some suggested measures on the staff training providers are obliged to provide to ensure vulnerable customers are treated fairly.<sup>60</sup>

### Delivering effective training to all staff

7.2 Staff training is crucial to giving employees the skills and confidence to provide a high level of service to customers, especially vulnerable people.

7.3 The level of training received by a staff member might differ depending on their role.

### Content of training

#### All staff

7.4 It is important for all employees to have an understanding and awareness of the issues facing their organisation's customer base, so they can take into account vulnerable customers when designing products, implementing new initiatives or taking other commercial decisions.

7.5 So, we encourage providers to provide training to all staff members on their policies and procedures for treating vulnerable customers fairly, including raising awareness that extra support is available for vulnerable customers. This training could also include examples of circumstances that might lead to someone becoming vulnerable and the challenges that vulnerable customers might face. This will help to build a culture centred around fairness and inclusivity.

#### Frontline staff

7.6 Customer service representatives (whether located on- or offshore, in-store or in other locations), providers' engineers and third-party contractors are more likely to speak to vulnerable customers or people with specific customer service needs, so they should be provided with more in-depth training. For these employees, training should cover the following topics:

- An overview of the types of personal circumstances that might lead to someone becoming vulnerable (and what impact they might have).

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<sup>60</sup> Ofcom, [A guide to publicising services available to disabled people](#) 2016 (updated 2022).

## Treating vulnerable customers fairly

- How to identify customers who might be vulnerable or who might benefit from specific help, support or accessibility services, for example, actively listening and asking further questions where appropriate.
  - How to communicate empathically with vulnerable customers.
  - The different methods of communication available, including how assistive technology and services work (for example, text relay, video relay) for employees who might be in contact with customers using those methods.
  - What additional services can be offered to people who might be vulnerable or need specific support (including from third party organisations), and how these services could help those people.<sup>61</sup>
  - How to promptly refer customers to staff who specialise in this area if they cannot answer the query, without delay or inconvenience for the customer.
  - An understanding of how their role helps their organisation to meet its obligations to its customers and deliver a good customer experience to all people.
- 7.7 Staff training should give any employees who have contact with customers the ability and confidence to help and support them and provide a level of service that meets their needs.
- 7.8 Several providers offer specific training, such as basic British Sign Language for engineers, and suicide awareness training.

### Specialist staff

- 7.9 Additional training might also need to be given to specialist staff who help vulnerable customers. Depending on their experience, these employees might need specific further training on top of that given to all or frontline staff.
- 7.10 We have seen larger providers implement additional training to teams who focus solely on communication with vulnerable customers. As well as receiving additional training, sometimes delivered by charities,<sup>62</sup> they share best practice about more complex cases and discuss if the customer experience could have been improved (see also monitoring chapter). Contacts from frontline staff will often be transferred to this team when specific expertise is required.
- 7.11 We also suggest that additional training be delivered to frontline staff who work with customers in financial difficulty. This is because people facing problem debt are more likely to be vulnerable and their customer service needs will be more complex. Training could help agents to be empathetic towards the specific circumstances of the individuals they are listening to and enable agents to better support customers.

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<sup>61</sup> This could also include accreditation schemes offered by organisations such as the British Standards Institute, for example, [the standard that helps vulnerable consumers](#).

<sup>62</sup> Any training, whether produced/delivered internally or with assistance of third parties such as relevant charities, would need to be tailored to the needs of the provider's customers.

## Frequency and evaluation of training

- 7.12 As a provider's range of services might change over time, they should review and, if necessary, update their training materials on a regular basis, for example at least once a year. They should also update their training ahead of any significant changes to the services available to their customers.
- 7.13 Staff members could also be prompted to regularly refresh their knowledge by retaking the training or by completing other types of refresh activity, such as briefings, seminars or internal events.
- 7.14 We encourage providers to include an evaluation method at the end of the training to ensure it has been well understood and implemented effectively.

## Providing resources for staff

- 7.15 Frontline staff might not be asked about providers' different types of help, support or services on a regular basis. So, we encourage providers to make sure their staff have appropriate resources and reference materials at their disposal, so they can speak with vulnerable customers with knowledge and confidence. This could include:
- a) an intranet page or centralised hub, including resources relating to vulnerable customers and links to additional or external services that staff can refer to in real time (including call-handling scripts, internal guidance, useful links to information produced by the provider and by external organisations and relevant telephone numbers); and
  - b) appointing internal vulnerability 'champions' or representatives who can assist in raising knowledge and awareness on a local basis (and who might be responsible for reporting to more senior staff members).
- 7.16 We also encourage providers to check that their internal systems' search functions bring up relevant and helpful information when common words or phrases are searched for by employees. They should take steps to address any shortcomings in their systems in this regard.

## Collaborating with consumer bodies and charities

- 7.17 Several providers collaborate with consumer bodies and/or charities when implementing policies and procedures on treating vulnerable customers fairly.<sup>63</sup>
- 7.18 Some larger providers have also collaborated with consumer bodies and/or charities when developing their training programmes to bring real-life customer insight and specialist knowledge into staff training and ensure that appropriate language around customer

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<sup>63</sup> Providers should evaluate how policy changes may impact customers and their rights. For example, The Consumer Council, other consumer bodies and regulatory organisations test their policy by considering the effect on consumer access, choice, safety, information, fairness, representation, redress and education.

vulnerability is being used. We strongly welcome this approach and encourage other providers to make use of such expertise when developing their training.

- 7.19 For example, one provider partnered with the mental health charity, MIND, in designing its staff training. This aimed to help employees to identify people who might be experiencing mental health problems and communicate with them empathetically and confidently. Money Advice Trust has also worked with a provider to deliver training for staff on vulnerability, including dealing with challenging conversations, implementing early interventions, enhancing soft skills and effective signposting.
- 7.20 Other providers have created similar partnerships with other consumer bodies and charities. We have also seen similar examples of industry and charity partnership in the energy sector.<sup>64</sup>
- 7.21 While this level of collaboration might not be an option for smaller providers or might be too resource-intensive for certain charities, providers can still take the time to use information on charities' or consumer bodies' websites when developing the skills and knowledge of their employees. For example, The Money and Mental Health Policy Institute's Mental Health Accessible standards are designed to help essential services firms, such as telecoms providers, better understand the challenges that customers with mental health problems face and to make their services easier to use.<sup>65</sup>

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<sup>64</sup> Ofgem, [vulnerable customers in the energy market](#), 2018, page 46.

<sup>65</sup> [Mental health accessible](#).