

Appendix 1

Summary of responses to RD 11/08

RD 11/08 proposed a number of updates to our guidance to companies on services for disabled or elderly consumers.

This annex sets out those areas that were questioned or not supported, and also discusses a number of additional points raised by respondents.

General points

Customer or consumer. While the proposal to change references to the “customer” to the “consumer” or “bill payer” was generally supported, a number of companies noted their preference to continue to use the term “customer” in their literature. One company explained that amending the term may confuse those who understand “customer”. Another noted that they consider all users to be “customers”, regardless of who pays the bill.

We accept these comments, but for the purpose of the guidelines we have made amendments as proposed to the “consumer”.

Special assistance. One company noted that their consumers prefer the term “individual needs” to “special assistance”.

We accept that some companies may prefer to use alternatives, but for the purpose of the guidelines we will continue to use “special assistance”.

Register

Assistance at times of flooding. A number of companies requested clarification on this point, noting the difference between fluvial and sewer flooding. It was felt that where flooding was caused by rivers or assets not belonging to the water company, then it was not the responsibility of the company to assist in evacuation, which they saw as a job for the emergency services. The concern is that consumers’ expectations may be raised if names are added to the register for assistance at such times.

It was also noted that a balance needs to be made between the needs of consumers and the demands placed on companies at times of flooding.

We accept these points and are aware that there are other established plans in place. Findings from the Pitt Review noted that while local authorities

should play a major role in the management of local flood risk and co-ordinate relevant agencies, that water companies should also be involved and have regard to guidance published by the Cabinet Office in March 2008, 'Identifying People who are Vulnerable in a Crisis', which is intended to help develop local action plans for identifying groups of people who may be vulnerable in an emergency.

Therefore, while we accept that it is not appropriate for companies to be required to make such evacuations, we would expect them to be engaged in other agencies' handling of emergency situations and to share relevant information.

We have therefore removed the words relating to consumers needing help during times of flooding from the updated guidance.

Real-time text. RNID suggested that companies should prominently advertise real-time text or minicom services and make sure that consumer-facing staff are equally available by phone or real-time text. RNID would be willing to help with any training issues. We agree and have added words to the guidelines.

Sign language. RNID also suggested that companies should be encouraged to provide essential customer information as British Sign Language webclips. We agree and have added words to the guidelines.

Data sharing. While some respondents welcomed the encouragement for companies to work together and apply a robust and practical approach to data protection issues (noting the need for a common agreement or form if the process is to work effectively), others noted that without explicit consent from the consumer, they are not willing to pass data to other companies or utilities. Instead, they remind the customer of the need to re-register with their new company or second supplier, where the consumer has different water and sewerage service suppliers .

We accept this point and have amended section 2.6 of the guidelines to reflect this.

Application process

Application form. One company noted that it no longer uses an application form as it was felt to be unhelpful and off-putting. Instead a customer can contact the company, and where services can be offered, they will be. This is already reflected in the guidelines.

MIND believes that companies should involve people with experience of mental distress and other disabled groups when developing their application process. Words have been added to this effect.

Applications from third parties. Companies noted that the consumer's explicit consent or agreement must be given in these cases. While companies will make all reasonable efforts to capture consumers on their register, they would not wish to obtain details without the consumer's consent. Words have been added to the guidelines.

One company asked for guidance to be given on what qualifies as an "advice agency". Due to the large number of organisations representing various groups, both on a national and local basis, we do not believe that it would be practical to circulate a list. However, we would be happy to assist any company who is unsure as to whether or not to accept an application from a particular group.

Promotion

Use of incentives to encourage consumers to register. Of those companies that responded to this proposal, none supported it. A number noted the possibility of fraudulent applications being made which would increase the administrative burden involved in validating applications, while others pointed out that many customers simply do not wish to register due to a desire to maintain their independence, in which case no incentive would help.

Two water companies noted that it was not appropriate to offer added incentives because the additional services offered should be incentive enough.

One company explained that they do offer incentives to register, particularly when attending roadshows, for example in the form of prize draws. We have no objection to companies offering such incentives, and believe that it can be a helpful way to encourage consumers to register.

However, we feel that this is for individual companies to consider and do not think that it is sensible to make this an expectation on all companies.

We have therefore removed these words from the updated guidelines.

Provision of information strategy. One company asked what form a strategy should take to make sure that consumers are informed about the specialised services available.

We do not believe that it would be practical or desirable to be prescriptive in setting out how information should be provided to consumers. This is for individual companies to decide. We have therefore not added words to the guidance.

Meter siting

Meter siting. One company noted that siting meters internally is not normally a consumer's priority. It is more important that bills are based on actual readings and that companies proactively alert customers when consumption is abnormally high or low. MIND also noted that companies should consider making consumers aware if consumption is considerably higher than anticipated.

We have not added this as an expectation to the guidelines as we would expect all companies to ensure that bills are based on actual reads wherever possible and to flag up abnormal consumptions for all consumers.

In terms of waiving charges for re-siting disabled or elderly consumers meters, one water company noted that this could be classed as positive discrimination because they offer an equal service to all, which is to relocate at a charge. Our view is that while the Disability Discrimination Act ensures that disabled customers are not disadvantaged by a company's policies, it would not prevent such positive discrimination. Our preference therefore remains for companies to re-site meters for disabled or elderly customers for no charge.

Access to consumers' homes

Password schemes. MIND noted that some people with mental distress may find it hard to remember a password. Companies should have adequate systems in place to address this. Confirming the password in writing or having a prompt question could be ways of doing this.

We agree and have added the suggestion to the guidelines.

Liaison with other utilities. One company noted that because of the volume of consumers that switch energy providers, the expectation for water companies to liaise with other utilities in relation to password schemes may

not be practical, and may lead to increased exposure due to inaccurate information. The data protection point discussed earlier would also be relevant here.

We have therefore added “wherever possible and practical” to this point in the updated guidelines.

Staff training

Sign language. One company noted in relation to sign language that training individual staff members may mean that skills will be at a low level. Instead they ask RNID to accompany staff on visits to deaf customers. We accept that this is a practical alternative.