I wanted to firstly declare an interest in the matter of vulnerability and data-sharing.

We are the Vulnerability Registration Service (VRS), which is a not-for-profit organisation, and hosts a central database of vulnerable people. This data is made available to our clients to make them aware which of their customers are vulnerable, and what their vulnerabilities are, in order that they can treat the person more carefully and appropriately.

1. Do you agree that we should retain the vulnerability definition we set out in our 2016 Vulnerability Focus report?

The Ofwat definition is:

A customer who due to personal characteristics, their overall life situation or due to broader market and economic factors, is not having reasonable opportunity to access and receive an inclusive service which may have a detrimental impact on their health, wellbeing or finances.

I'm not sure how suitable this is for staff – particularly front-line staff – and I believe that 'Vulnerability' is more than just 'having reasonable opportunity to access and receive an inclusive service'.

Different organisations and sectors have different definitions of 'vulnerable', but Gov.co.uk's description seems most accurate to me: 'Being vulnerable is defined as in need of special care, support, or protection because of age, disability, risk of abuse or neglect.'

Your draft guidance states that '*there remains some controversy and debate around the use of the term 'vulnerability',* and suggests a move away from 'vulnerable customer'*.* The suggestion was previously to talk instead about 'customers in circumstances that make them vulnerable' or 'situations of vulnerability'. I'm not sure either alternative was better or preferable, and they both include a variation on the word vulnerability. The word vulnerability is often debated, but in the absence of a better or more appropriate word I think we accept it and move forwards.

With this in mind, calling them 'customers who need extra help' could be a good consumer-facing term, whilst I completely agree with the use of the term vulnerability to refer to the overall topic.

2. Do you agree with our approach to nomenclature, particularly our use of the term 'extra help'?

Yes, as above.

3. Do you agree with our proposed approach to applying the guidance to new appointees and the Welsh non-household sector?

Yes

4. What impact do you think our draft guidance will have on the experiences of customers who need extra help?

It should help those who go to the length and effort to disclose the fact, and who are aware of PSR's and actively seek to register – and register with each of their electricity, gas and water companies.

Awareness of the PSR is currently very low however (our independent research showed that 80% of UK adults hadn't heard of it) – so there is a lot of work to do there, and the suggestion that each water company should engage with third parties such as public sector organisations, charities etc to encourage them to share data regarding consumers seems optimistic and flawed. This would be the area of the guidance I believe could be improved the most.

5. Are there further lessons from other regulated sectors that could be incorporated into our draft guidance?

6. Do you agree with our proposed approach to enforcing our customer-focused licence condition by reference to our draft guidance?

This doesn't seem completely clear. On the subject of enforcement, the draft guidance only says: 'We propose to enforce the principles with reference to this guidance: that is, we propose to take into account how a company has considered our guidance in its activities when considering compliance with the condition.' I think this could be built out to aid understanding.

7. Do you agree that our draft objectives cover the broad areas of vulnerability support activities that companies should be considering?

Not quite. Objective 1 covers identifying and recording, but not sharing (minimum expectation 3.4 briefly mentions data sharing). If an organisation identifies a vulnerable person (person who requires extra support), they should share this data to help protect the person elsewhere. Historically, one of the reasons that PSR codes haven't been as successful as they might is that organisations keep their own PRS registers, and don't share the data with other organisations – often resulting in the person having to have the same, difficult, conversation repeatedly with different organisations.

Regarding Objective 3 - Identifying customers, you seem to be advising that each of your organisations engage with a multitude of third parties:

'this includes (but is not limited to): engagement with local charities and support organisations; working with local public sector service providers like councils and NHS; and direct engagement with customer groups.'

I'm not sure it's realistic to expect each of your organisations to successfully engage with all of the relevant third parties, especially without a framework or process to work within and with no obligation from those third parties to engage. Having communicated and built relationships with many charities and public sector service providers, I must also say that it can take a very long time to get into a position where they will share data, if at all. Practically speaking I don't see this working.

Minimum expectation 3.4: 'Companies should actively consider how they can reduce communication burdens on customer who need extra help; this could include establishing data sharing arrangements with partner organisations. Declaring the same extra help needs to multiple different companies or providers can be frustrating for customers, or may result in needs not being declared

to every provider. For these reasons, companies should look to reduce the number of times that a customer has to declare an extra help need'

This is absolutely key, and could be amplified. If an organisation finds that someone requires extra support (is vulnerable), they should share that information to protect the person more widely.

8. Do you agree with the proposed list of minimum expectations we have set out?

Identification isn't covered. This could result in an organisation pleading ignorance around some of their vulnerable customers as they can claim not to have been aware of a vulnerability. I believe as a minimum, every effort should be taken to ascertain whether vulnerability exists.

9. Do our draft minimum expectations offer a good balance between making clear the minimum standards we expect from companies, and challenging companies to innovate

and find new ways to meet the needs of their customers?

I think that the challenge to innovate could be amplified as it's only mentioned once in the Expectations, and the only examples are around data sharing and identification – which might not be the best examples as data sharing and identification in the utilities sector still seem some way behind where they should be.

10. Do you agree with the proposed approach and timeline around companies' vulnerability strategies?

Yes.

11. Do you agree with our proposed approach and timelines for setting out our detailed expectations around the design of priority services registers in a separate standards document?

Yes. I should add that I believe there should be one register, which is centrally hosted, and which all water, energy, public sector, financial service, charity etc organisations can use to record and access data.

Section 5 mentions Innovation 9 times; which I think reflects an acknowledgement that PSR's aren't achieving what they should currently, and a desire to improve. Too often we see organisations take an insular approach to the subject of vulnerability – focusing only on their organisation and thinking too small. One central register would be the most innovative change to PSR's, and result in the best outcomes for consumers.

Simon Towers

Vulnerability Registration Service