

BS 18477:2010



BSI Standards Publication

# Inclusive service provision – Requirements for identifying and responding to consumer vulnerability

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### Summary of pages

This document comprises a front cover, an inside front cover, pages i and iv, pages 1 to 32, an inside back cover and a back cover.



## Foreword

### Publishing information

This British Standard is published by BSI and came into effect on 30 November 2010. It was prepared by Panel SVS/0/2, *Vulnerable consumers*, under the authority of Technical Committee SVS/0, *Customer service – fundamental principles*. A list of organizations represented on this committee can be obtained on request to its secretary.

### Information about this document

This British Standard is intended to complement:

- BS 8477, *Code of practice for customer service*
- BS 8463, *Specification for customer billing practice*
- BS 8878, *Guide to good practice in commissioning accessible websites*
- BS ISO 10001, *Quality management – Customer satisfaction – Guidelines for codes of conduct for organizations*
- BS ISO 10002, *Quality management – Customer satisfaction – Guidelines for complaints handling in organizations*
- BS ISO 10003, *Quality management – Customer satisfaction – Guidelines for dispute resolution external to organizations*

While these standards set benchmarks and essential requirements for dealing with customers, this British Standard has been designed specifically to help organizations identify consumers who could be vulnerable or disadvantaged and to adapt their service to be inclusive and accessible to all.

The standard also complements Office of Fair Trading (OFT) guidance, *Consumer Protection from Unfair Trading* [1].

### Presentational conventions

The provisions of this standard are presented in roman (i.e. upright) type. Requirements are expressed in sentences in which the principal auxiliary verb is “shall”.

*Commentary, explanation and general informative material is presented in smaller italic type, and does not constitute a normative element.*

The word “should” is used to express recommendations of this standard. The word “may” is used in the text to express permissibility, e.g. as an alternative to the primary recommendation of the clause. The word “can” is used to express possibility, e.g. a consequence of an action or an event.

Notes and commentaries are provided throughout the text of this standard. Notes give references and additional information that are important but do not form part of the recommendations. Commentaries give background information.

### **Contractual and legal considerations**

This publication does not purport to include all the necessary provisions of a contract. Users are responsible for its correct application.

#### **Compliance with a British Standard cannot confer immunity from legal obligations.**

In particular, attention is drawn to the following:

- The European Unfair Commercial Practices Directive (UCPD) 2005 [2]
- The Disability Discrimination Act 2005 [3]
- The Equality Act 2010 [4]
- The Data Protection Act 1998 [5]
- The Freedom of Information Act 2000 [6]
- The Consumer Credit Act 1974, as amended [7]
- The Consumer Protection from Unfair Trading Regulations 2008 (CPR) [8]
- The Privacy and Electronic Communications Regulations 2003 [9]
- The Electronic Commerce (EC Directive) Regulations 2002 [10]
- The Cancellation of Contracts made in a Consumer's home or place of work etc. Regulations (the "Doorstep Selling Regulations") 2008 [11]
- The United Nations Convention on the Rights of Persons with Disabilities [12]

## 0 Introduction

All consumers are different, with a wide range of needs, abilities and personal circumstances. These differences can put some consumers in a position of vulnerability or disadvantage during certain transactions and communications, potentially putting them at risk from financial loss, exploitation or other detriment. Organizations and markets also differ in the way that they provide services and interact with consumers, and organizations' policies and processes can contribute to, or increase the risk of, consumer vulnerability.

Consumer vulnerability is relative and dynamic, and a consumer's needs and abilities can change with time or circumstance, especially if the consumer is faced with a particularly urgent or complex issue. Consumer vulnerability can be caused by a range of factors, including mental health issues, illness, limited knowledge or awareness of products or markets, or a change in personal circumstances, such as bereavement or unemployment.

Some groups, such as older people and disabled people, are often assumed to be vulnerable, but it ought not to be assumed that, by virtue of their being older or disabled, they are automatically vulnerable. Consumers can be put in a vulnerable position by an organization's failure to provide an inclusive service.

For this reason it is important that consumer-facing organizations provide a flexible and inclusive service which meets the needs of all consumers, regardless of their personal circumstances. For consumers in a vulnerable position this can reduce the risk of detriment, making it easier for them to obtain information, access a service and understand terms and conditions. It can also increase their ability to choose suitable services, and to seek effective resolution with an organization if things go wrong.

By providing a flexible and inclusive service, organizations can make their services accessible to a larger number of consumers, giving them confidence that their needs can be met. By recognizing signs of vulnerability and dealing with them appropriately, service organizations can increase satisfaction and build confidence in their brand.

With the introduction of new legislation to protect "vulnerable consumers" the provision of inclusive services and the ability to recognize the varying needs of consumers and deal with them appropriately is increasingly important. In May 2008, the European Unfair Commercial Practices Directive (UCPD) [2] was implemented in the UK by the Consumer Protection from Unfair Trading Regulations 2008 (CPR) [8] to protect "vulnerable consumers". It is the first time that provision for "vulnerable consumers" has been included in the structure of UK consumer protection legislation.

The UCPD [2] places a general prohibition on "traders" treating consumers unfairly. Reflecting the provisions of the UCPD [2], the Regulations define the typical consumer by reference to concepts of the "average" consumer, the "average member" of a targeted group of consumers, and the "average member" of a vulnerable group of consumers.

This British Standard gives the organization clear guidance on how to recognize consumers who could be vulnerable, and how to provide inclusive services so that they are able to meet the needs of all consumers and are also in a stronger position to comply with the

UCPD [2], the CPR [8] and other pertinent legislation, such as the Disability Discrimination Act [3] and equality and human rights laws.

As any consumer can experience vulnerability at any time, this standard is not limited to organizations providing services targeted at stereotypically “vulnerable” groups, such as older or disabled people. It applies to all organizations regardless of type, size and the services provided.

This British Standard is not a customer service standard. It assumes that the organization already has customer service frameworks in place, whether bespoke or based on a British Standard, such as BS 8477, and it is intended to complement and build upon existing frameworks.

Customer service standards focus mainly on how to treat customers who have direct contact with an organization. However, this standard gives guidance on how the organization can interact with all consumers; not just existing customers, but anyone who could have contact with the organization, directly or indirectly, or has the potential to become a customer. It focuses specifically on how to make a service accessible to all, so that no one is inappropriately excluded from a service that they wish to consume. It also helps the organization to identify and assist those consumers who could be vulnerable or at risk of disadvantage.

The standard is intended to:

- encourage the adoption of fair, ethical and inclusive practices;
- demonstrate best practice for organizations in the identification and treatment of vulnerable consumers in relation to the UCPD [2] and other relevant legislation;
- assist organizations to understand what consumers have a right to expect from them;
- improve accessibility to services for all; and
- increase consumer confidence.

## 1 Scope

This British Standard specifies procedures for ensuring that services are available and made accessible to all consumers equally, regardless of their personal circumstances.

It is applicable to any organization dealing with the public, regardless of type, size, sector and service provided, though not all of the requirements are relevant to all organizations [for example, the sub-clauses on promotions and marketing (5.8) and contracts and sales documentation (5.10)], while some of the examples provided relate to specific sectors or services.

*NOTE 1 The term “services” describes the provision of any service to consumers, including advice, utilities, goods and products, e.g. financial services, communications, energy, retail (both online and on the high street) and trade. Organizations include consumer groups, debt assistance organizations, social services, government agencies, local authorities, charities, voluntary organizations, legal firms, marketing (PR)/advertising professionals and ombudsmen services.*

*NOTE 2 The requirements of this British Standard are additional to those for customer service generally. For recommendations on customer service, see BS 8477.*



## 2 Terms and definitions

For the purposes of this British Standard the following terms and definitions apply.

*NOTE* The concept of usability is very important to inclusive services and some useful guidance on this in the context of visual display terminals is given in BS EN ISO 9241-11.

### 2.1 accessibility

(interactive system) usability of a product, service, environment or facility by people with the widest range of capabilities

*NOTE 1* The concept of accessibility addresses the full range of user capabilities and is not limited to users who are formally recognized as having a disability.

*NOTE 2* The usability-orientated concept of accessibility aims to achieve levels of effectiveness, efficiency and satisfaction that are as high as possible considering the specified context of use, while paying particular attention to the full range of capabilities within the user population.

[BS EN ISO 9241-171:2008]

### 2.2 accessible format

method of presenting information about products and services other than regular print

*NOTE* An accessible format involves a different presentation or representation intended to make information accessible through a different modality or sensory ability. By providing all information in at least one such format, for instance visual and tactile, more people, including some with language or literacy problems, can be helped. Presentation factors that can affect legibility and ease of understanding include layout, print colour and contrast, size and style of font and symbols and the choice and use of multiple languages. See ISO/IEC Guide 37.

Printed information can be made more widely accessible by following some simple rules, such as using the largest non-serif font for which there is space [minimum 12 point] and ensuring that all of the text can be seen clearly against the background. Customers who still cannot access the information can be asked their preferred format. For small amounts of information the simplest method might be word of mouth, but this has to be the customer's choice.

Other formats that have proved accessible are:

- easy read: for people with a learning disability or visual impairment;
- British Sign Language for deaf people;
- electronic format, e.g. MS Word documents which can be read by screen reading software such as Dragon and JAWS; and
- Braille for blind people (though many blind and visually impaired people do not read Braille).

Further information on accessible formats is available from the UK Association for Accessible Formats (<http://www.ukaaf.org/>).

It is worth remembering that most people prefer to speak to people.

### 2.3 assistive (technology) product

hardware or software added to, or incorporated within, a system that increases accessibility for an individual

#### EXAMPLES

Braille display, screen reader, screen magnification software, eye tracking devices.

**2.4 consumer**

person who uses or has rights or obligations in relation to a product or service or purchases it for final consumption

*NOTE* The term “consumer” covers potential consumer. Products and services may be one-off purchases or long-term contracts or obligations.

**2.5 consumer detriment**

instance of a consumer suffering as a result of their dealings with an organization, partly or wholly as a result of the organization accidentally or deliberately treating the consumer unfairly

[Office of Fair Trading]

*NOTE* It might be that a consumer is unfairly or inappropriately denied a service or transaction available to others, experiences financial loss, is not given adequate choice, or experiences less than reasonable satisfaction with a service.

**2.6 consumer disadvantage**

condition in which a consumer experiences difficulty in accessing or using services or in dealing with communications

**2.7 consumer vulnerability**

condition in which a consumer is at greater risk of misselling, exploitation or being put at a disadvantage in terms of accessing or using a service, or in seeking redress

*NOTE* This term is used in preference to the term “vulnerable consumers” used in the UCPD [2], which implies that vulnerability is a constant state and can be applied to set groups of people with certain characteristics, affecting all of their transactions and interactions. In reality, vulnerability can affect any consumer and cannot be applied to fixed, identifiable groups of consumers with certain characteristics or personal circumstances.

**2.8 inclusive service**

availability, usability and accessibility of a service to all consumers equally, regardless of their personal circumstances

**2.9 risk factors**

circumstances that might contribute towards a consumer’s vulnerability

**EXAMPLES**

*Unemployment, bereavement, illiteracy, illness or disability or other impairment.*

*NOTE* The presence of one or more risk factors could increase the likelihood of a consumer being at a disadvantage or suffering loss or detriment during a transaction or communication with an organization.

**2.10 usability**

extent to which a product can be used by specified users to achieve specified goals with effectiveness, efficiency and satisfaction in a specified context of use

[BS EN ISO 9241-11]

## 3 Guiding principles for inclusive service provision

### 3.1 General

The Board, chief executive officer and senior management shall demonstrate a clear commitment to the principles specified in 3.2 to 3.10 through, for example, disability equality training, raising awareness and issuing policies, practices and codes of conduct. These shall be clearly communicated down to employees at all levels within the organization to ensure that consumers who might be vulnerable are identified and served appropriately.

### 3.2 Commitment to customer service and inclusivity

The organization shall have or put in place a customer service framework. The organization shall also establish a commitment to identifying and recognizing signs of consumer vulnerability so that consumers who are at risk of detriment or disadvantage can be offered a fair and good quality service which can be adapted to suit their particular needs and abilities.

### 3.3 Resources

Sufficient resources shall be made available for the effective identification and assistance of those considered vulnerable; both new consumers and existing consumers whose circumstances might have changed. This may involve one or more of the following:

- a) providing consumer-facing staff with adequate training to recognize signs of vulnerability and deal with them appropriately;
- b) putting new processes or checks in place to obtain feedback from consumers on certain issues;
- c) employing additional trained staff to deal with consumers requiring specific assistance;
- d) introducing a positive policy for working with consumers' chosen advisers or intermediaries (see 5.5.2.4);
- e) setting aside specific resources to enable the organization to provide information in accessible formats;
- f) providing a comprehensive help section that provides easy-to-use, context-sensitive information and accessibility features on websites, to promote ease of use and navigation.

### 3.4 Competence

The organization shall ensure that staff possess sufficient:

- a) knowledge of best practice for the provision of inclusive service so that they are able to meet the needs of all consumers, regardless of their personal circumstances or access requirements; and
- b) knowledge and skills necessary for them to fulfil legislative requirements in relation to vulnerable consumers.

### 3.5 Transparency

The organization shall widely publicize, using accessible formats, its intent to provide an inclusive service.

### 3.6 Accessibility

The organization shall have a commitment to:

- a) providing accessible systems, products, services and premises to potential and existing customers by, for example, making these adaptable to different users or utilizing interfaces that are compatible with mainstream technology and assistive products;

*NOTE 1 In this instance "accessible systems" can include, but are not limited to, desktop systems, touch screen systems, websites, kiosks, terminals, chip and PIN systems and ATMs, and "accessible services" can include, but are not limited to, web-delivered and mobile device-delivered services conforming to ISO/IEC 24752.*

- b) ensuring that all information required by consumers is available in accessible formats (see 5.7.1); and
- c) conducting business in language which is plain and easily intelligible and adapted to the needs of consumers, not all of whom are able to speak, read or write in English.

*NOTE 2 The organization should always provide information in the format most accessible to the consumer. It should not produce only one accessible format and assume that this will meet the needs of all consumers.*

### 3.7 Communication

Consumers shall at all stages of service delivery be given a choice of options to contact and communicate with the organization so that they are not put at a disadvantage, e.g. by telephone, post or internet, or in person (face-to-face) where practicable, depending on their preferences and personal circumstances.

*NOTE An induction loop may be used when serving deaf people.*

### 3.8 Confidentiality

Personal information about consumers shall be stored and treated confidentially.

*NOTE This area is covered by legislation, such as the Data Protection Act 1998 [5].*

### 3.9 Fairness

The organization shall ensure that its policies and processes treat all consumers fairly, and do not unduly discriminate against or seek to exploit, any particular group(s) of consumers.

### 3.10 Awareness

The organization shall ensure that all managers and relevant staff are aware of how they should treat consumers and whether improvements are required to ensure delivery of inclusive services, particularly to consumers at greater risk of vulnerability.

## 4 Understanding risk factors

### 4.1 Identifying consumer vulnerability

The organization shall ensure that staff who deal directly with consumers, and design communication systems, are able to identify potential consumer vulnerability using a "risk factors" approach and understand that such vulnerabilities might not be obvious.

*NOTE 1 The factors that can cause consumers to be at particular risk of vulnerability can be short- or long-term, or fluctuate over time depending on the context or on personal circumstances.*

Common risk factors are:

- a) age;
- b) disability or other impairment;
- c) mental health issues;
- d) low income;
- e) basic skills: literacy and numeracy;
- f) inexperience or lack of knowledge of a particular subject;
- g) sudden change in circumstances, e.g. bereavement, divorce, illness or loss of employment;
- h) complexity and confusion: difficulty of accessing and understanding large amounts of information;
- i) balance of power: lack of competition and or choice; and
- j) caring responsibilities.

Staff shall be made aware of these risk factors and their potential effects. For risk factors that are not immediately obvious and cannot be easily identified, staff shall be encouraged to use "triggers" to help them identify signs of vulnerability in consumers.

*NOTE 2 "Triggers" are signs that consumers might be having some kind of difficulty and need assistance. They might be things that the consumer says or does. Examples of triggers are given in Table 1.*

*NOTE 3 Annex A contains more detailed information about "risk factors" that indicate vulnerability and explains how they can affect consumers' relationships and interactions with supplier organizations.*

Table 1 Examples of triggers

Triggers	Possible causes
"I can't pay" "I'm having trouble paying" Payments stopping suddenly	loss of employment; loss of a partner; debt; high interest rates; no access to credit; limited financial skills or means
"I can't read my bill" "I can't understand the letter you sent me"	difficulties with literacy or numeracy; mental health issues; no, or inappropriate, accessible formats provided
"I can't hold on all day" "I hate all these press buttons"	running out of phone credit; financial difficulties; physical or mental impairments associated with hearing, dexterity or confusion; difficulty in using call centres or other types of technology

## 4.2 Identifying the needs of individual consumers

Staff shall be trained and supported so that they are able to identify the needs of individuals and the presence of any risk factors that could affect their access to the organization's services. Staff should understand that not everyone with particular risk factors will necessarily be vulnerable in any or all circumstances.

The organization shall therefore ensure that staff are able to identify, without intrusive questioning, the needs of individual consumers in a range of ways, such as:

- a) checking that the consumer understands and can act on the information provided, especially where the consumer has an urgent and/or complex problem;
- b) determining whether the consumer has any particular requirements or preferences for communicating with the organization;
- c) establishing whether the consumer has any particular requirements in accessing the services;
- d) determining whether the consumer has particular requirements in terms of how services are provided;

*NOTE* Staff may, for example, ask such questions as, "Would you like to discuss how to pay your bill?", "Do you have any specific requirements?", "How can we help you with that?" or "How can we make that easier for you?". A bank can provide information to consumers on the options they have to access their bank account, including through post offices, or offer over-the-counter cash withdrawal facilities for those who have difficulty using ATMs and/or remembering their PIN.

- e) establishing whether the consumer has any particular requirements regarding the format of bills and information material.

## 4.3 Dealing with consumer vulnerability

Once staff have identified a consumer who could be vulnerable they shall use a solution-led approach to establish the cause of the problem and to offer relevant help and assistance (see Table 2).

Table 2 Possible solutions

Triggers	Possible causes	Possible solutions
"I can't pay" "I'm having trouble paying"	Loss of employment Loss of a partner	Ask what can be done to help the customer Reduce payments for a short period Provide a payment holiday Arrange a more flexible repayment schedule Explain alternative methods of payment
"I can't read my bill" "I can't understand the letter you sent me" Delay in response	Difficulties with literacy or numeracy Mental health issues Failure to provide information in an accessible format	Ask how the organization can help Give a clearer explanation of the bill verbally Provide the bill or letter in a format requested by the consumer

*NOTE* Annex B sets out some scenarios of consumers in vulnerable circumstances being put at a disadvantage, and suggests how the organizations involved should have acted differently.

## 5 Planning, design and development of inclusive service delivery

### 5.1 General

To implement measures for the provision of inclusive service delivery, the steps in 5.2 to 5.12 shall be followed.

### 5.2 Review existing service

#### 5.2.1 Impact assessment

**5.2.1.1** The organization shall take appropriate measures to understand and review the impact of its policies and procedures, including its current customer service arrangements, on its consumer base. This shall include, where appropriate:

- a) understanding the factors that can place consumers at a disadvantage, both in terms of goods or services supplied and the organization's interaction with its consumers;
- b) researching and applying best practice in dealing with consumers' specific needs;
- c) identifying relevant statutory and regulatory requirements;
- d) ongoing consultation and engagement with consumers, or organizations representing their interests, in the development of products and/or changes to service;
- e) testing or trialling products and services with end users for accessibility and usability to identify any unplanned or unintended impacts on specific groups of consumers;
- f) training and supporting frontline staff so that they can identify and respond to consumers who have specific needs;
- g) ensuring systems and procedures are sufficiently flexible that people who are in difficult circumstances are not disadvantaged;
- h) conducting regular audits of consumer processes and communications to ensure that practices are appropriate to meet consumers' needs, inviting customer feedback, and ensuring that there are clear procedures for registering complaints, analysing their causes and suggesting improvements to service provision;
- i) identifying problems in the service provided and implementing improvements; and
- j) reviewing all consumer facing systems and methods of delivering information to determine if there are any accessibility issues which could have a negative impact on consumers.

**5.2.1.2** Where the organization specializes in the provision of services which are primarily targeted at vulnerable or disadvantaged consumers, the organization shall also gather sufficient information to:

- a) understand the characteristics of the intended target range of consumers;
- b) identify the specific service needs of this group; and
- c) ensure that its processes fully reflect the specific needs of the group.



## 5.3 Identify areas requiring attention

### 5.3.1 Objectives

Based on the information it has gathered, and using the approach specified in Clause 4 to identifying risk factors which indicate potential consumer vulnerability, the organization shall prepare a description of the risk factors that are likely to place consumers at a disadvantage in relation to the provision of its services, together with guidance on the provision available for such consumers, including signposting to other bodies. The organization shall determine the objectives required to identify and meet the needs of consumers who could be vulnerable.

*NOTE Objectives should be articulated in such a manner that their fulfilment can be measured using performance indicators as identified by the organization.*

## 5.4 Planning for inclusive provision of services

The organization shall develop approaches which enable it to meet the anticipated needs of all consumers, e.g. flexible payment arrangements such as “pay-as-you-go”. The organization shall also put in place alternative arrangements to meet any specific needs that have not previously been identified where individual consumers would otherwise be disadvantaged.

Plans for deploying alternative approaches shall include guidance for staff on how alternative options can be arranged, including any authorization required and how to respond to requests for specific variations from individual consumers. Staff shall be given appropriate authority to resolve issues themselves without the involvement of colleagues in other teams or departments.

The organization shall plan effective and efficient processes for identifying and then managing the needs of consumers who may be considered vulnerable within the context of the services being provided. Outcomes shall include a flexible approach and service levels that meet the needs of all consumers, ensuring that they:

- a) are not disadvantaged by policies which discriminate against some groups or which fail to take account of consumers' circumstances;
- b) are able to receive fully the planned level of customer service when dealing with the organization and its suppliers, agents or delivery partners;
- c) receive guidance as to what they have a right to expect from the organization;
- d) have access to information presented in inclusive ways that takes account of literacy and language difficulties and is available in non-web-based forms, as well as electronically, such that it is compatible with mainstream technology and assistive products (see ISO/IEC 24752);
- e) are able to obtain, understand and act on the information provided;



- f) are, where possible, able to contact the organization easily, with all of the consumers' requirements being satisfactorily addressed on the initial contact; and

*NOTE* Where this is not possible, the organization may arrange for consumers to be contacted again, checking how and when this can be done.

- g) have easy access to complaint-handling processes and can seek redress and obtain appropriate remedies where necessary (see 5.11.3).

## 5.5 Policies and procedures

### 5.5.1 General

The organization shall develop policies and put in place procedures to enable the needs of consumers in vulnerable circumstances to be identified and met, as far as is reasonably practicable.

*NOTE* Procedures should be flexible and able to be adapted to respond to changes in markets and consumer circumstances. Any obstacles to the effective operation of these procedures should be identified, together with any possible incentives that would assist in implementation, maintenance and improvement.

The organization shall implement measures to ensure that its policies and procedures are operated in a fair and ethical manner which is not discriminatory and which will not cause or increase consumer vulnerability, e.g. supervisory checks and assessments, review of consumer feedback, audits and mystery shopping.

### 5.5.2 Using and managing records

**5.5.2.1** Staff shall be encouraged to note relevant information about consumer vulnerability (see 4.2 and Table 1), detailing any relevant risk factors that could affect service provision to such a consumer and any assistance needed or given. The organization shall ensure that any such information is recorded with the full knowledge and consent of the consumer and is kept up-to-date. This information shall be made available only to those members of staff who need this to ensure appropriate service for consumers and to allow the organization to provide a flexible service to consumers with specific requirements.

*NOTE* The collection and storage of personal information is covered by legislation, such as the Data Protection Act 1998 [5], the Privacy and Electronic Communications Regulations [9] and the Electronic Commerce (EC Directive) Regulations 2002 [10].

The organization shall ensure that only such staff are able to access the information by, for example, password-protection.

**5.5.2.2** The organization shall establish its own internal standards and processes to cover the collection, validation, access, update, retention, privacy and protection of all personal data held about consumers to ensure that the privacy and integrity of data are maintained (see BIP 0012 and BS 10012), again recognizing that the collection and storage of personal information is covered by legislation, such as the Data Protection Act 1998 [5].

**5.5.2.3** The organization shall ensure that consumers are not required to disclose full details of their circumstances to show why they need a particular service or to qualify for assistance, unless direct financial assistance is involved or the accuracy of any professional advice they receive would depend on its full disclosure.

**5.5.2.4** The organization shall ensure there is a protocol for dealing with third parties representing consumers. This should include appropriate methods for checking that any third party has the relevant authority to act on the consumer's behalf. Where requested and/or appropriate, the organization shall arrange for access to accounts and information, such as bills (see 5.6), to be sent to a nominated third party (e.g. Citizens Advice Bureau or a family member) to deal directly with the organization on behalf of the consumer [including arranging terms of repayment (see 5.10.4.4)].

*NOTE* Measures should be devised and implemented to promote the availability of these arrangements to the intended beneficiaries and their carers, and, where relevant, to health and social care professionals and practitioners.

## 5.6 Billing

**5.6.1** The design and layout of bills shall conform to 3.6, but the following information shall be prominently and clearly set out on the billing document.

- a) How to obtain the bill or document in the accessible format desired by the consumer.
- b) Contact details for third party bodies that can provide independent help and advice or resolve outstanding disputes when the organization cannot deal with a complaint to the satisfaction of the consumer.
- c) Signposting to further information in the form of websites and leaflets or contact details for other organizations who might be able to provide relevant help or advice, e.g. entitlement to benefits, debt problems, grant applications and energy efficiency.

**5.6.2** The organization shall establish a policy for researching consumer experience to test the layout of bills for comprehensibility and clarity, and monitor feedback on the design of billing documents from consumers (see also BS 8463).

## 5.7 Provision of information

**5.7.1** The organization shall, as a minimum, make the following information available in readily accessible and understandable formats (see 3.6), free from jargon, that meet the needs of consumers.

- a) The suitability of goods and services and, where relevant, substitutes and complements, to satisfy consumers' specific needs or desires.
- b) A clear description of the service levels that consumers can expect to receive, based on the organization's informed understanding of consumers' expectations and priorities.
- c) The terms and conditions of purchase and use, including any restrictions or important technical information.
- d) The prices and discounts of relevant goods and services, including any alternative options.

- e) Billing and payment arrangements.
- f) Contact information and arrangements for dispute resolution.
- g) Particular services or assistance available for consumers with specific needs.

*NOTE* Where the nature of the service requires detailed or complex information to be provided, the organization should consider adopting a more visual means of representation, e.g. a traffic light system. Ideally, information should be produced in a format that allows others to produce accessible formats. Information should be made available in text format wherever possible, in addition to other forms, to facilitate recognition and translation into speech and other languages for those who have trouble seeing, recognizing or deciphering non-text information presentations. Any printed instructions should use short sentences of simple, straightforward and non-technical language and may include simple illustrations.

Where instructions are to be provided in more than one language, written information in each language should be presented in separate sections of a manual rather than interleaved on a page; spoken information should be preceded by a clear statement in the language to be used.

**5.7.2** Reasonable steps shall be taken to ensure that consumers have received and understood the information provided and to notify consumers of changes to information previously provided.

**5.7.3** The organization shall implement policies to ensure that its website meets the needs of disabled people, follows the recommendations of the World Wide Web Consortium (<http://www.w3.org/standards/webdesign/accessibility>), particularly Web Content Accessibility Guidelines version 2, and employs appropriate tonal contrast so that disabled users have access to the best advice and information available, including how to use hardware and software designed to facilitate their use.

*NOTE* Guidance on website development is given in BS 8878. Disabled users with a range of sensory, cognitive and dexterity impairments should be involved in the design and testing of the website. Features which can improve accessibility include:

- a) for blind people, text as an alternative to images for translation into audible or legible words by screen reading devices;
- b) for partially sighted people, large format text, images and appropriate colour contrast;
- c) for people with dyslexia or cognitive impairments, simpler English, alternative text formats and clear page layouts; and
- d) for people with manual dexterity impairments, an option to navigate sites with a keyboard rather than a mouse.

**5.7.4** The organization shall implement policies to ensure that its systems are designed in the first instance to be accessible to the broadest range of consumers and are also compatible with assistive products.

*NOTE* This may be achieved by conformity with the applicable standards, such as BS EN ISO 9241-171 for the accessibility of software accessibility; ISO/FDIS 9241-129 on software individualization; ISO/FDIS 9241-143 on forms-based dialogues.

## 5.8 Promotions and marketing

**5.8.1** The organization shall ensure that advertisements and sales and promotional literature:

- a) contain information which is easily legible (or clearly audible) and is not liable to mislead in any way;
- b) do not target or directly market to consumers whose purchasing history indicates are vulnerable, using the risk factors in Clause 4;
- c) give clear information about a consumer's right to cancel or change their mind (see 5.10.3); and
- d) use images which are not stereotypical of particular groups of people, and promote the view that consumers of all types want to buy the product or access the service.

**5.8.2** The organization shall ensure that its marketing procedures do not impose unfair contractual terms or access arrangements that could disadvantage consumers through:

- a) higher charges which consumers cannot avoid paying due to their personal circumstances;
- b) bundled packages or minimum purchase quantities which require consumers to purchase products or services that they do not need;
- c) long duration lock-in periods in contracts, exit penalties or other barriers to switching which prevent consumers from benefiting from lower priced deals offered by the organization or its competitors;
- d) rigid procedures which fail to take account of consumers' circumstances or exclude access to the cheapest products [see the National Consumer Council Report, *Why do poor people pay more?* (<http://www.cpag.org.uk/info/Povertyarticles/Poverty120/utilities.htm#more>)].

## 5.9 Sales activities

**5.9.1** The organization shall establish and publish policies, procedures and a consumer code for the activities of staff and sales and other agents, either directly employed by the organization or otherwise utilized by the organization (e.g. self-employed or employed by third parties working for the organization), covering:

- a) recruitment (including checks on suitability), training, accreditation and registration;
- b) required performance standards;
- c) regular assessment;
- d) the operation and audit of the accreditation process; and
- e) withdrawal of accreditation if required competence and performance are not met.

*NOTE As a minimum, agents should receive training and information on the organization, the product specification, terms and conditions, consumer rights, sales techniques, customer service skills, complaints processes and compensation.*

**5.9.2** The organization shall produce a written code of conduct, to be circulated to its sales agents and notified and made available to its consumers, requiring that its sales agents:

- a) do not make calls or visits at unsocial times (e.g. early morning, late evening and public holidays), except at the request of the consumer;
- b) clearly identify their name, organization name and purpose of any call or visit to the consumer and get their permission to proceed with the call;
- c) make an assessment of whether it is appropriate to provide a service to a particular consumer(s);
- d) make sure consumers understand any agreements made (see also 5.10.1);
- e) co-operate fully with individuals or other bodies representing the consumer (such as Citizens Advice Bureaux, carers, advocates and support workers) (see 5.5.2.4 and 5.10.3);
- f) contact the “warden” or key worker before approaching residents in sheltered or supported accommodation;
- g) never exploit a consumer’s inexperience or vulnerability;
- h) clearly explain any cooling-off periods and rights to cancellation (see 5.10.3); and
- i) keep a record of all sales calls or visits with the consumer’s name, date of contact, etc., so that the sales agent can be identified in case of query or complaint.

*NOTE* The organization is required to ensure that its agents cease contact when it is inconvenient, unwelcome or inappropriate.

**5.9.3** The organization shall conduct regular audits of systems, procedures and documentation to ensure compliance with the written code of conduct (see 5.9.2) and appropriate responses to breaches of the code. Sales staff shall be monitored, using complaints data, mystery shopping and other market research, to ensure that they comply with the code of conduct.

## 5.10 Contracts and sales documentation

### 5.10.1 Responsibilities of sales agents

The organization shall ensure that, before entering into a contract, each sales agent:

- a) takes appropriate steps to satisfy themselves that the consumer is able to take responsibility for the contract [see 5.8.1c) and 5.10.3];
- b) explains the nature and all the essential provisions of the contract so as to ensure as far as possible that the consumer understands what they are committing themselves to;
- c) takes all reasonable steps to ensure that the consumer has understood:
  - 1) that they are entering into a contract;
  - 2) the price;
  - 3) the existence of any right of cancellation; and
  - 4) the actions necessary to cancel or terminate the contract, including any charges or benefits foregone.

*NOTE 1 In many cases this is covered by consumer protection legislation such as the Doorstep Selling Regulations [11]. Even where these Regulations do not apply, the organization should still apply their requirements to grant a cancellation or cooling-off period and to provide the consumer with a clear written notice of the consumer's rights.*

*NOTE 2 See also 5.7 for the suitability of accessible formats.*

### 5.10.2 Contract forms

The organization shall design and use contract forms that are clear to consumers (see 3.6) and contain a statement of their status immediately adjacent to where the consumer signs, so that the word "contract" cannot be obscured or concealed.

### 5.10.3 Right to cancel and acknowledgement of cancellation

The organization shall ensure that the exercise of cancellation rights can be accepted by any medium, e.g. telephone, letter or other format suitable to the consumer (see notes to 2.2 and 5.7.1), and that confirmation of cancellation is provided in writing to the consumer or individuals or other bodies representing the consumer (see 5.5.2.4). Confirmation of cancellation should be provided to the consumer in a format that is permanent so that there is proof of cancellation which can be referred to in the future if necessary.

### 5.10.4 "Safety net" procedures and acting responsibly to non-payment

**5.10.4.1** The organization shall develop procedures to ensure that the supply of a service to consumers in vulnerable circumstances is not knowingly withdrawn, unless the organization has been unable to communicate with consumers and a rigorous process has been followed which confirms that consumers are deliberately withholding payment. These procedures shall be such as to ensure:

- a) continued provision of, for example, an energy supply during the winter months;
- b) continued provision of the service until any outstanding dispute has been resolved;
- c) clear communications with consumers to warn them of the need to contact the organization regarding outstanding bills and to provide details of the organization's dispute resolution process and a helpline number which can be called free of charge or at low cost;
- d) alternative payment options are offered which reflect the consumers' ability to pay;
- e) at least two separate attempts are made by different media (see notes to 2.2 and 5.7.1) to contact individual consumers by telephone, by correspondence or/and by personal visit;
- f) reasonable attempts are made to investigate the circumstances of non-payments and contact is made with other bodies that might be able to assist consumers; and
- g) any charges imposed in response to non-payment do not unreasonably increase consumers' level of debt.



**5.10.4.2** Where the provision of a service to a vulnerable consumer is temporarily suspended due to an operational problem, the organization shall make all reasonable endeavours to:

- a) contact the consumer and make them aware of the problem, including the likely period that the service will not be available;
- b) offer alternative arrangements to ensure that the consumer is not unduly disadvantaged during the period that the service is temporarily unavailable (e.g. access to clean water or provision of alternative heating or cooking facilities); and
- c) keep the consumer informed until the service is fully restored.

**5.10.4.3** The organization shall have policies and procedures in place for the effective assistance of consumers who are in temporary or permanent financial hardship. These policies shall be clearly communicated to those consumers who might need to take advantage of them, and shall include arrangements for signposting of consumers to organizations that might be able to offer assistance or direct referrals if this is the consumers' preference.

**5.10.4.4** Where a consumer is experiencing financial hardship and is unable to pay the outstanding balance in full, the organization shall offer reasonable and flexible terms for repayment of the outstanding balance over an extended period which reflects the consumer's ability to pay (see also 5.5.2.4). If debt collection is subcontracted the organization shall itself continue to act responsibly to vulnerable consumers and ensure that any debt collection agency used also follows the requirements of this standard and is not unreasonably adding to the debt.

*NOTE* The credit product in some cases is a "one-off" loan, but in other circumstances is ongoing (e.g. credit card). Therefore the effect on individual consumers of "withdrawing" the service/facility (5.10.4.1) will vary considerably depending upon circumstances, but is arguably very likely to put the consumer into further financial difficulty (see the OFT irresponsible lending guidelines at [http://www.ofg.gov.uk/shared\\_ofg/business\\_leaflets/generaloft1107.pdf](http://www.ofg.gov.uk/shared_ofg/business_leaflets/generaloft1107.pdf)) and OFT debt management guidance at [http://www.ofg.gov.uk/shared\\_ofg/business\\_leaflets/credit\\_licencesoft366.pdf](http://www.ofg.gov.uk/shared_ofg/business_leaflets/credit_licencesoft366.pdf)). See The Common Financial Statement (CFS) [13] used by advice agencies and other third party organizations to make debt repayment offers to creditors on behalf of clients (a free user license to access full CFS details and expenditure guidelines is available at <http://www.cfs.moneyadvicetrust.org>).

## 5.11 Customer satisfaction, enquiries and complaints

### 5.11.1 Performance indicators of customer satisfaction

**5.11.1.1** As part of its regular arrangements for assessing customer satisfaction, the organization shall target a sample of consumers it has identified as vulnerable to seek their feedback on the service they have received, with particular reference to any additional assistance or care given.

*NOTE* Satisfaction with each element of the service should be assessed, including delivery, timeliness, information, access and quality of service.

**5.11.1.2** The organization shall put in place a process to analyse, review and act on the findings from its satisfaction surveys and to address any aspects of the service where performance is below target.

*NOTE Results of satisfaction surveys should be published (e.g. on the organization's website) to allow consumers to review this information before deciding to make a purchase from the organization.*

## **5.11.2 Enquiries and complaints**

**5.11.2.1** The organization shall establish, and make publicly available, documented processes (see, for example, BS ISO 10002) for dealing with complaints or enquiries from consumers, including target timescales for responding to consumers.

**5.11.2.2** The organization shall offer a choice of free or low-cost, easy-to-access contact channels for use by consumers, ideally including a telephone number. If an electronic address is used instead of a telephone number, a postal address shall also be provided. Any call charges that are in excess of the standard local call tariff shall be explained on the bill and other materials.

*NOTE Alternative options should be provided where consumers could experience difficulty in using standard service options such as voice-activated telephony systems, interactive telephone menus and automated self-service systems.*

**5.11.2.3** The organization shall ensure that sufficiently informed staff are trained, empowered and authorized to resolve, when possible, consumer issues at the first point of contact. The organization shall, where first time resolution is not possible:

- a) ensure that it obtains all of the information required to enable it, as far as possible, to resolve the matter without the need to contact the consumer again;
- b) inform the consumer of when it expects to resolve the issue;
- c) advise the consumer if resolution is further delayed; and
- d) contact the consumer when the matter is resolved to advise them of the outcome and check that any specific requirements have been met satisfactorily.

**5.11.2.4** The organization shall ensure that, where reasonably practicable, its public areas, buildings, furniture and equipment meet the access requirements of all consumers (see, for example, BS 8300).

## **5.11.3 Problem resolution**

For consumers in vulnerable circumstances, speedy resolution of problems is likely to be particularly important, so the organization shall ensure that relevant staff are empowered to use their initiative to resolve consumers' problems. In addition, information on complaint-handling processes should be easily accessible and consumers should have access to any necessary advice and support.



## 5.12 Resources (including training)

### 5.12.1 Determine resources needed

The organization shall determine and make available the resources needed to implement the processes specified in 5.2 to 5.11, including personnel, training, procedures, documentation, specialist support, materials and equipment, facilities, computer hardware and software, and finance.

### 5.12.2 Training

#### 5.12.2.1 Training plans

The organization shall develop and implement plans to ensure that all staff receive sufficient and appropriate training to enable them to deliver an inclusive service. The plans shall cover:

- a) preparation of comprehensive training materials;
- b) designating and deploying suitably competent trainers;
- c) scheduling sufficient training sessions to allow staff to acquire the required knowledge and competencies, including in problem resolution and investigating non-payment (see 5.10.4); and
- d) operating an ongoing assessment process to ensure that staff are performing effectively and to identify any gaps in knowledge which need to be addressed.

#### 5.12.2.2 Provision of training

All staff dealing with consumers should receive training in:

- a) the requirements of the relevant legislation, e.g. the CPR [8], the Disability Discrimination Act 2005 [3] and the Equality Act 2010 [4];
- b) common risk factors indicating vulnerability, recognizing that there are many risk factors giving rise to vulnerability and that some situations are permanent and some are temporary;
- c) recognizing signs of vulnerability, including signs of new or emerging vulnerability (see Clause 4);
- d) obtaining relevant and proportionate information from consumers without being intrusive (see Clause 4);
- e) the assistance the organization can offer to consumers in certain circumstances or with specific needs, e.g. bills in large print or Braille, payment holidays, and the need to be able to offer such assistance without being asked for it specifically;
- f) awareness of other organizations to whom consumers could be referred for assistance with specific issues, e.g. citizens advice and debt resolution; and
- g) the importance of confidentiality: knowledge of data protection law and the need to keep personal information safe and for relevant purposes only.

*NOTE Training may be provided on case studies based upon real complaints received, so that staff can learn from these.*

## 6 Compliance, evaluation and improvement

### 6.1 Commitment

The organization shall take a constructive approach to providing an inclusive service, particularly to consumers in vulnerable circumstances. A commitment to this shall be clearly reflected in the organization's policies and processes, underpinned by awareness training where appropriate.

### 6.2 Responsiveness

The organization shall ensure that appropriate policies and practices are employed so that consumers who have particular needs relating to their vulnerability are not disadvantaged further by the organization's actions or omissions. The organization shall ensure that these policies and practices are operated fairly.

### 6.3 Proactive approach

The organization shall put in place and support consumer-oriented policies and processes which do not simply respond retroactively to consumers' problems related to how it carries out its commercial activities, but which proactively seek to meet these consumers' needs as effectively as possible (see 5.7.4). Thus, for example, when a new system and/or website is being designed, an inclusive design process shall be adopted from the beginning to ensure that consumer needs are met.

### 6.4 Foresight

The organization shall put in place and support consumer-oriented policies and processes which proactively seek to meet consumers' needs as effectively as possible (see 5.7.4), and anticipate common problems (for example, commercial practices that are detrimental to consumers' interests) and prevent them from occurring, rather than simply responding retroactively to consumers' problems as they arise. Thus, for example, when a new system and/or website is being designed, an inclusive design process shall be adopted from the beginning to ensure that consumer needs are met.

### 6.5 Monitoring

The organization shall regularly and systematically:

- a) collect information needed for the effective and efficient evaluation of its procedures for identifying and managing the needs of consumers in vulnerable circumstances;
- b) evaluate the effectiveness of its procedures; and
- c) classify and analyse enquiries and complaints to identify systemic, recurring and single-incident problems and trends to be fed into the processes specified in 6.6 and 6.7.

## 6.6 Review of policies and procedures

The organization shall review its performance on a regular and systematic basis, where possible adopting a service user-led approach, in order to:

- a) maintain the suitability, adequacy, effectiveness and efficiency of its processes;
- b) address significant instances of non-compliance;
- c) assess the need and opportunities for improvement; and
- d) provide for related decisions and actions as appropriate.

## 6.7 Continual improvement

The organization shall:

- a) continually improve the effectiveness and efficiency of the process, using such means as preventive and corrective actions and innovative improvements;
- b) take action to eliminate the underlying causes of existing and potential problems leading to complaints to prevent recurrence and occurrence, respectively;
- c) explore, identify and apply best practices in the process;
- d) foster a consumer-focused approach within the organization;
- e) encourage innovation in the development of products, services and procedures;
- f) recognize examples of outstanding performance and practices related to the process; and
- g) engage with organizations which represent the needs of vulnerable consumers to promote inclusion.

*NOTE* Guidance on continual improvement is given in BS EN ISO 9004: 2009, Clause 9.

## Annex A (informative) Potential effects of consumer vulnerability

### A.1 General

People can be in a vulnerable situation and more at risk because of factors in their personal situation, such as low income, disability, cognitive impairment, mental health issues or major caring responsibilities. Others might be coping but an unexpected change in their circumstances, such as loss of income or the onset of medical problems, could lead to serious problems or even a crisis.

Consumer vulnerability can be two-dimensional in nature as consumers' own circumstances, skills and abilities are only part of the picture. The way that many modern markets, service sectors and organizations work can cause or contribute to consumer vulnerability and place consumers at a disadvantage in accessing and using products and services, and in seeking redress.

Vulnerability is dynamic and relative. It might only affect someone for a limited period of time or in certain types of transactions.

An approach based on looking at "risk factors", rather than categories of people, can help in understanding and addressing the needs of consumers in vulnerable circumstances. This approach acknowledges that factors such as physical disability or low income could put a consumer at a disadvantage in relation to many markets. But it also recognizes that consumers' circumstances can give rise to particular risks of vulnerability.

**A.2 to A.11** discuss some risk factors. This is not intended to be a comprehensive list or to imply that some risk factors are more important than others. The intention is to help convey the possible extent and nature of consumer vulnerability, and how this can affect people's interactions with organizations.

*NOTE* The statistics set out in the following sub-clauses were collated from a range of sources and were the latest available at the time of publication. They relate to different years and will also be subject to change over time. The general purpose is to indicate the potential scale and likelihood of consumer vulnerability. The number of people affected might be higher than indicated by the statistics.

### A.2 Age

Risk factors such as poor health, disability or other potential forms of vulnerability are correlated with being older: a third of people in Britain aged 65 to 74, and almost half of those aged 75 or over, have a long-standing illness or impairment. Older people form the majority of those who are registered as blind or partially sighted and those with hearing impairments ([www.poverty.org.uk](http://www.poverty.org.uk)).

There were nearly 12 million people of state pension age in the UK population in 2009 (almost 1 in 5 of the total population), and the proportion is forecast to increase to over 23% by 2034 (Office for National Statistics).

Approximately 19% of pensioners in the UK lived in low-income households in 2008/9 (Department for Work and Pensions).

### Potential effects

Many modern “interfaces” with organizations more or less demand of the consumer that they are able to interact in particular ways, and this might not be possible or easy for some older consumers, particularly if their previous life experiences have not equipped them to do so. Older people can also suffer direct age-related discrimination, as well as indirect discrimination caused by poor design of services and goods.

## A.3 Disability

Estimates of numbers of disabled people vary according to which definitions of “disability” are used. The term covers a large number and wide variety of conditions and circumstances, and includes some people with a disability, long-term health condition or impairment who might not be categorized as disabled under current disability discrimination legislation but who still face substantial difficulties.

Disabled people are around twice as likely to live in poverty as non-disabled people; and disabled people face extra costs that are, on average, around a quarter above normal expenditure compared to non-disabled people (Leonard Cheshire Disability).

Estimates of numbers of disabled people in the UK range from 10 million to 11 million.

23% of individuals in families with at least one disabled member were living in relative income poverty in 2008/9, compared to 16% of individuals in families with no disabled members (Department for Work and Pensions).

Amongst the common causes of disability: around nine million people have arthritis, and a similar number have bowel and/or bladder problems. Just under 9 million people have a significant degree of hearing loss. About 2 million people have sight problems, and this number is set to double over the next 25 years due to demographic changes and an increase in sight-related conditions such as Type 2 diabetes.

1.5 million children and adults have a learning disability (as estimated by MENCAP). This is often associated with physical disabilities, and the number is increasing. Some within this count are on the autistic spectrum, which is estimated to account for about half a million people (The National Autistic Society).

There are numerous other, often less well-recognized, conditions or circumstances. For instance, at least 542 000 people in the UK have a significant disfigurement to their face, often making people feel uncomfortable in certain situations (according to research for Changing Faces). Every year over 150 000 people have a stroke (The Stroke Association). 10% of the population has dyslexia, though only about 2% are substantially affected (British Dyslexia Association). Dyspraxia, which usually affects dexterity and motor functioning, and speech and language abilities, are estimated to affect up to 10% of the population, and up to another 2% severely (Dyspraxia Foundation). There is also a growing number of families whose children have severe and complex needs, often as a result of a congenital or developmental disorder or condition.

### Potential effects

Physical impairments, including sensory impairments and learning disabilities, are often correlated with low disposable incomes (for instance, as a result of discrimination in labour markets and the additional costs of disability). Service organizations can make it much easier for those with mobility problems to “shop around” (by no means all shopping can be arranged via the phone or the Internet, and around a third of households do not have Internet access) and, for example, consumers with arthritis might find it difficult to “key in” fast enough or accurately enough to interact with an organization’s automated telephone system.

## A.4 Mental health

Depression and anxiety states are among the most common mental health issues experienced by people, and can be long-term, episodic or short-term. Disorders such as obsessive compulsive disorder and phobias are the next most common. Diagnosed mental illnesses like schizophrenia or bipolar affective disorder are less common.

Cognitive impairment, whilst not a mental health issue, can affect a wide range of processes and abilities, such as memory, planning and organizing tasks and thoughts, and prioritizing actions. There are many causes, including strokes, certain infectious diseases and accidents. Each year an estimated 1 million people attend hospital as a result of a head injury and there are around 500 000 people living with long term disabilities as a result of traumatic brain injury in the UK (Headway).

One in four adults in Britain experience at least one diagnosable mental health issue in any one year, and one in six experiences this at any given time (The Mental Health Foundation and MIND).

About half of those with common mental health issues are no longer affected after 18 months, but poorer people, those with long-term medical conditions and unemployed people are more likely to remain affected than the general population.

### Potential effects

People with mental health issues might fear discrimination or stigmatization if they disclose their condition.

## A.5 Low income

Consumers are likely to be at a higher risk of being disadvantaged if they are living on a low income, especially if they have little or no savings. 48% of households have negligible savings, defined as less than £1 500, and 28% have no savings at all (Financial Inclusion Centre). Carers are more likely to face risks of financial difficulties and poor health than people without caring responsibilities (Carers UK).

Health inequalities are strongly associated with poverty or low income. Premature death, limiting long-standing illness and mental illness figure prominently among the factors that affect poorer households more than those that are better-off.

It is important to note that the extent and nature of poverty can be difficult to assess because of the ways in which it is measured. Analyses of poverty rates are commonly made at particular points in time, rather than tracking the experiences of the same households over a

period of time. This can present an artificial picture and imply there is a fixed population of households in poverty. But poverty and low income are not necessarily fixed states and people can move in and out of this situation over time, depending on changes in circumstances.

The most commonly used threshold for low income is a household income of 60% or less of the average (median) household income in that year. (The figures given in the following paragraphs are shown after housing costs are taken into account.)

In 2008/9, 13.4 million people in the UK were living in low income households. More than half of working-age adults on low income were living in families where someone is in paid work, including 5.8 million adults in work. There were 3.9 million children living in low-income households in 2008/9 (Department for Work and Pensions).

#### **Potential effects**

Choice of products and services is likely to be limited for people with poor financial resources, and they could be paying more than other consumers, for example, through having to use pre-payment meters for fuel supplies, or because they cannot pay for goods or services by direct debit. For example, 1.6 million adults were without access to a bank account in 2009 (Financial Inclusion Taskforce).

### **A.6 Basic skills**

Literacy and numeracy are not necessarily hard and fast concepts. Many people who have difficulties in these areas are likely to have some level of reading or writing skills, and different strengths or weaknesses. Consequently, some people who appear to be functioning well in some respects might, for example, find it very difficult or impossible to read or understand instructions on how to operate a domestic appliance or piece of equipment. While a consumer might be able to read reasonably well, they could find it almost impossible to compose a written communication.

Based on estimates of people's abilities, a national survey in 2003 found that:

- around 5 million people in England lacked functional literacy; and
- around 7 million people in England lacked functional numeracy.

These were considered to be the levels that represent the best approximation to what constitutes functional competence for everyday living (Department for Education and Skills [14]).

#### **Potential effects**

Poor skills in reading, writing and numeracy can make it much harder for people to cope with tasks such as understanding and comparing prices and deals, understanding and paying bills, filling out forms, and making sense of consumer information, and put people at greater risk of vulnerability. Consumers might be fearful of revealing their lack of basic skills, and often use mechanisms to cope or to avoid being found out. Information is often filtered to them by others, which can limit their understanding of situations and increase their risk of vulnerability.

People who do not have English as their first language can similarly be placed at a disadvantage. Some people with mental health issues or those with learning disabilities are especially vulnerable to high-pressure selling or find it difficult to cope with personal finances.



### A.7 Inexperience

Inexperience or lack of familiarity in dealing with particular services, products or markets can be a factor in placing consumers in a vulnerable situation, for example, when opening a bank account for the first time. In addition, children and young people can be more vulnerable to advertising and misselling, and the pressures on them to consume have vastly increased over the last few years, especially through communications technologies.

### A.8 Sudden changes in circumstance

Sudden changes in circumstance can be very significant and place almost anyone in a vulnerable situation. Some people are potentially vulnerable but able to cope until an unexpected change, such as loss of employment or other income, bereavement, divorce, or sudden onset of illness or impairment, causes serious difficulties. For instance, every day another 6 000 people take on a caring responsibility (Carers UK).

### A.9 Complexity and confusion

The complexity of comparing offers and deals can place consumers at a disadvantage, especially when products and prices are bundled together. If sales information and contracts are not written clearly and/or are difficult to access, this can cause consumers to be more vulnerable to misselling or place them at risk of making the wrong choice. The risk of vulnerability is also increased where the consumer has to resolve an issue urgently or is pressurized to do so as they are more likely to make the wrong decision.

Automated call centres can present barriers for people to access information and products, and rigid scripts and procedures might fail to take account of individual needs. Many people are especially vulnerable in these circumstances, for instance, those with speech impediments or poor dexterity, or in a stressful situation.

Having to remember different passwords and account and security numbers in order to access financial services and other products can place consumers at a disadvantage, especially if they are not supposed to write them down. This can be difficult for anyone, but is likely to present particular problems for people with risk factors such as cognitive impairments or basic skills difficulties.

### A.10 Balance of power

Consumers are frequently required to fit in with the way that organizations or markets operate. If, for example, there is a lack of effective competition and choice in a market, consumers are likely to be placed at a disadvantage. Organizations' processes or requirements can also increase the risk of consumer vulnerability, for example, if consumers are forced into long-term contracts which prevent them from switching to better deals without financial penalties, or if they are not informed about changes in terms, such as lower interest rates on older savings accounts. Some cheaper deals, especially in financial services, are restricted to new customers, placing existing customers



at a disadvantage, or offers might only be available online, thereby denying access to people without internet access.

- 27% of UK households did not have Internet access in 2010.
- In 2010, over 9 million adults in the UK had never used the Internet. (Office for National Statistics).

### A.11 Caring responsibilities

Carers face significant risks of vulnerability, including potential poverty, isolation and physical and mental ill-health. According to Carers UK:

- over 6 million people in the UK, or 1 in 8 adults, have substantial caring responsibilities for a relative, partner or friend;
- carers are twice as likely to experience poor health compared to people without caring responsibilities;
- many of those who care for other people have disabilities themselves;
- around 72% of carers have become worse off since they started caring;
- 30% cut back on food to make ends meet.

## Annex B (informative) Scenarios

The following examples or scenarios are intended to help illustrate the factors which can result in consumer vulnerability. The purpose of the suggestions on what should have happened is solely to provide guidance on how the organization in each scenario could have handled the situation better.

### Mrs L

Mrs L, who is in her forties, ordered two blouses from a mail-order catalogue at a cost £26, but they were a poor fit. Unfortunately, two days after receiving the blouses, Mrs L was involved in a car accident and admitted to hospital. It was some while before she was able to return home, and several weeks before she was well enough to start dealing with her correspondence.

She realized that she had never returned the blouses. After parcelling them up with a note apologizing for the delay, a neighbour posted them back to the catalogue company. By then the company had registered the £26 as an "unpaid debt" and had sold it on to a debt-collecting business.

Mrs L was very alarmed to receive a letter from the debt-collector saying that she now owed nearly £250 because interest and charges had been added to her debt. Mrs L contacted the debt-collector right away. She said there must have been some mistake, as she had returned the blouses and did not think she now owed anything. She received a reply insisting that she owed nearly £250.

Mrs L then got in touch with a consumer advice centre, which helped her to bring a complaint to the Financial Ombudsman.

### **How the organization should have acted**

The debt collecting business should have attempted to check whether Mrs L had returned the blouses to the catalogue company before applying interest and charges and adding the debt to Mrs L's credit reference file.

### **John**

#### **The problem**

John, who is sixty-two and in reasonably good health, readily admits that his wife, Eileen, was the smart one of the two; she made all of the important financial decisions because he had always found it difficult to understand figures, nor was he much of a reader. Since Eileen died unexpectedly a few months ago he has been struggling to understand and keep up with the bills, partly because he is heartbroken and bereft, and finds it even more difficult to cope.

John was telephoned a few weeks ago by a debt collection agency, demanding that he clear £7 000 still owing on a bill incurred when he and Eileen had a new kitchen installed earlier in the year. Although he hasn't admitted this to anyone, since Eileen's death he has been putting bills, especially those in red, into a drawer. Last week he received a summons, threatening him with legal action unless he complied. He phoned the debt collection agency to say that things were in a bit of a muddle right now and to ask if they could wait a little while for him to sort his affairs out. He thinks he got through to them, but he is not sure, nor can he quite remember what they said. He has now decided not to answer the phone any more, and has started to put all the post straight into the dustbin.

It is likely that the kitchen installation company would not have known at the time when the contract was signed that such a problem might arise. Similarly, the debt collection company would not know about John's situation. Obviously, John is now in a very vulnerable position and this event could easily help to trigger clinical depression.

### **How the organization should have acted**

John should have been contacted by the kitchen installation when he first had difficulties in making payments to discover why he was in sudden difficulties. The company should have tried to reach John by telephone when it received no response to correspondence, and should have made it clear that it was prepared to deal with his situation sympathetically and offered flexible repayment rates that he would be able to meet before resorting to a debt collection company. In addition, the company could have suggested that John contact a CAB or other local advice agency to help him handle his finances, and provided him with contact details for these

When John telephoned the debt collection company he should have been identified as a vulnerable debtor. His account should then have been marked as a sensitive case to distinguish it from standard debt collection accounts and handled by appropriately trained staff or a specialist team dealing with sensitive cases. If the debt collection agency was acting on behalf of the kitchen installation company, rather than pursuing a purchased debt, and had no standing instructions from the client about the handling of sensitive cases, it should have suspended collection activity whilst seeking specific instructions from its client on how to proceed given John's circumstances. The debt collection agency

could also have suggested that John contact a CAB or other local advice agency, and provided contact details for these.

## **Sandra**

### **The problem**

Sandra, who is in her late fifties, has always prided herself on her ability to be self-sufficient and well-organized. She has always held a responsible (office) job and, as the years have gone by, she has made sure that her mother, who is widowed and disabled, has had as much help and support as possible. But last year her mother suffered a stroke, and although Sandra did her utmost to get a stroke nurse to come around, and to get a home care assistant to help out, she was aware that this was not enough and, reluctantly, gave up her job to become a more-or-less full-time carer.

Like most people with substantial caring responsibilities Sandra's financial situation nosedived, though she continued to ensure that neither she nor her mother got into debt. Although her mother's medical condition stabilized, the stroke in effect led to a form of dementia, and to continence problems. Gradually, Sandra herself found that the stress and having to cope with far less money or time to herself made her continuously anxious. Sleepless nights became the norm, and she felt she was going around "in a fog" most of the time.

Despite, or because of, all of this Sandra paid quite a lot to a bathroom equipment and systems company to install an accessible shower unit and toilet with handrails in her mother's flat. She hoped these would make life easier for her mother and also reduce the stresses and strains she was feeling in her back when lifting her. It all worked well for a few weeks, but then the shower cubicle began to leak, and one of the rails became detached, showering both of them with broken, sharp-edged tiles. So began a long and sometimes upsetting period of repairs and replacements, with many arguments with the supplier over money and quality issues and who was responsible for the purchase as it was made in her mother's name.

### **How the organization should have acted**

The supplier should have accepted that Sandra was deemed to be the primary customer, and have taken responsibility for properly replacing the products speedily and making necessary repairs without subjecting Sandra or her mother to prolonged stress and difficulties. This should have happened in any situation. However, given the supplier's awareness of the circumstances, it should have ensured that its staff were responsive and sympathetic to the needs of someone with dementia and other impairments, and to her daughter who was dealing with the stress of being the carer.

## **Mr and Mrs Burns**

### **The problem**

Mr and Mrs Burns have two disabled children of school age: one attends a mainstream school, the other a specialist school for children with autistic spectrum disorders. Both children have some degree of sensory impairment, and one has mobility problems. Although both need some assistive equipment or aids, some are only available for use during school hours and school terms. Consequently, Mr and Mrs Burns are trying to find the money to pay for equipment for use at home, particularly an electronic communication aid for one of their children.

Eventually they found that they could buy this communication aid from the trading arm of a charity, although, as with a majority of families with disabled children, they were struggling financially. They asked the trader whether it would be possible to lease or hire the aid and were offered a contract to do this, but this would have cost them even more because of the level of repayment rates. It would also mean that they were locked into a long contract with financial penalties if they ended it earlier. It is becoming increasingly clear that the child's development is being affected by not being able to use the aid outside of the school setting.

#### **How the organization should have acted**

The trading arm of the charity had information about the family's circumstances and should have been aware of the high risk of vulnerability. The staff should have been trained to act sympathetically and flexibly in such situations. The trading arm of the charity should have ensured that leasing or hire arrangements were not priced exorbitantly and that people were allowed to end a contract before the due date without incurring financial penalties.

#### **Mrs Y**

##### **The problem**

Mrs Y has a 28-year-old daughter who has Asperger's. She has a bank account and is capable of managing her own finances but struggles with some of the sales tactics used by some bank staff. For example, every year since she was 16, someone from the bank has called her for a "review of her account" during which they attempt to sell her a more expensive package or insurance.

On more than one occasion, Mrs Y has been to the bank to explain that her daughter has Asperger's and to request that they cease to target her with this sort of marketing technique. Although she has received repeated assurances that they would do so, this information is not passed on to other members of staff. Consequently, her daughter is still subject to attempts to sell her more expensive products whenever she contacts the bank.

##### **How the organization should have acted**

There should have been a system in place to ensure that, once Mrs Y had made the bank aware of her daughter's diagnosis, this information was recorded and made available to other members of staff so that they would be aware of the situation and able to act accordingly in line with the Disability Discrimination Act [3].

This shows that sometimes what would seem to be entirely reasonable commercial behaviour (i.e. trying to sell consumers other products) can be extremely distressing and inappropriate for some vulnerable consumers. It usefully demonstrates that even a small adjustment can rectify the problem.

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