

Draft Vulnerability Guidance – A PhonepayPlus Consultation Document

Buongiorno UK Limited (**B!**) does understand that some people from time to time can experience detrimental changing needs throughout their lives and therefore that vulnerability is not just about people with disability. B! therefore commends PhonepayPlus (**PPP**) for acknowledging this and providing a helpful framework for providers to enable them to consider this factor and thereby make good and responsible decisions and try to provide all consumers with fair and flexible services. At a roundtable discussion, B! considered the proposed guidance carefully and answered the following questions:

Question 1: Do you consider the proposed vulnerability guidance helpful and effective in supporting providers meet Rule 2.3.10 of the Code? Please provide an explanation to support your response.

Yes, on the whole, the vulnerability guidance is effective in helping providers identify and respond to consumer vulnerability. However, B! feels that the element of reasonable foresight is still open to interpretation and it would be very helpful if PPP could provide some more guidance, by way of examples, on how providers can ensure that they do not inadvertently fall short of PPP's expectations of providers. B! has covered this further in answering question 4 below.

Question 2: Do you consider the proposed vulnerability guidance to be fair and proportionate? Please provide an explanation to support your response.

Yes, the vulnerability guidance is fair and proportionate, however, B! still has a number of concerns and would like to request further clarification from PPP on the points mentioned below.

Question 3: Is our definition of a vulnerable consumer clear? Please provide an explanation to support your response.

Yes, the definition is clear.

Question 4: Does the explanation of unfair advantage and reasonable foresight clarify our expectations of providers? Please provide an explanation to support your response.

Yes, the expectations are clear, however, further guidance is needed from PPP to ensure that providers are able to take appropriate action in circumstances where there is a risk that the service may take advantage of vulnerable consumers. Namely, some of the actions which providers are required to take are ambiguous, the following questions from the guidance ask providers to consider:

- Is my complaint handling sufficiently sensitive to the needs of vulnerable consumers?

B!'s response in September 2015 to the PPP consultation document raised the question of how providers can verify circumstantial vulnerability of consumers. B!'s customer care is a diverse team with a wide variety of life experiences enabling B! to connect with people going through significant life experiences. However, there may be instances when consumers are reluctant or completely

abstain from indicating that they need help due to difficult circumstances and it is also important to note that a consumer's circumstances may range over time. There are times when the providers may need to obtain evidence of a consumer's circumstances in order to properly address the impact of any changes on consumer circumstances, whilst at the same time being able to authenticate a consumer's present circumstances. If providers are unable to verify this, how can they realistically have a process which accommodates the needs of ALL vulnerable consumers?

B! would like to recommend that PPP make it a requirement within the policy that consumers must, in the first instance, notify their Mobile Network Providers about any difficult circumstances they may be facing and that if requested, must provide adequate evidence of this notification to the provider when assessing their complaint and/or refund request.

B! feel that this will place an element of responsibility on the consumer to be proactive in preventing escalating costs and will deter those from claiming circumstantial vulnerability merely to obtain a refund without good cause. It will also aid the provider in ensuring they have a sufficient complaints process in place to effectively manage complaints of this nature while instilling confidence that they are fulfilling the requirements of this policy.

In considering the above, B! respectfully asks that PPP recognise the expectation they are placing on providers in implementing this policy and that very few industries would willingly provide refunds to consumers based on PPP's interpretation of what constitutes a vulnerable consumer.

If PPP are not able to consider the above as a proposed resolution, please could PPP provide some examples of how providers can overcome the above to ensure they meet PPP's expectations of a sufficiently sensitive complaints process.

- Are there patterns in my complaints? Do a number involve, for example, children (or some other vulnerable group)?

Again, this will depend on a provider's ability to verify a consumer's circumstances. If B! receives 10 complaints each month from consumers who have all stated that they have lost their job, this would effectively constitute a pattern, however, in the same way that PPP log their complaints, B! can only rely on what the consumer has advised, which does not necessarily make it factually accurate. Furthermore, some customers could convey several reasons so it would be incorrect to log all as appearing as individual matters, so how would one pick/choose which reason best to log?

Can PPP please explain, when assessing or investigating a service, how they would distinguish between a genuine pattern of vulnerable consumers and those who may be claiming that they are facing difficult circumstances merely in order to obtain a refund?

- Are consumers knowingly and willingly engaging in my services?

Some consumers may claim they never knowingly or willingly engaged in a service, even when provided with clear evidence to the contrary. Therefore, unless a provider is intentionally targeting or misleading vulnerable consumers, why would this be a consideration?

If a service is fully compliant with PPP's Code of Practice, taking into consideration that the above is the biggest complaint driver across the industry, what else would PPP consider and suggest in order to firmly establish and evidence the above?