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Consultation Response:

Dept for Business & Trade Smarter Regulation: Strengthening the economic regulation of the energy, water and telecoms sectors

Response by the Money Advice Trust

Date: January 2024

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About the Money Advice Trust

The Money Advice Trust is a charity founded in 1991 to help people across the UK tackle their debts and manage their money with confidence.

The Trust's main activities are giving advice, supporting advisers and improving the UK's money and debt environment.

In 2023, our National Debtline and Business Debtline advisers provided help to 127,390 people by phone, webchat and our digital advice tool with 2.44 million visits to our advice websites. In addition to these frontline services, our Wiseradviser service provides training to free-to-client advice organisations across the UK and in 2023 we delivered this free training to 800 organisations.

We use the intelligence and insight gained from these activities to improve the UK's money and debt environment by contributing to policy developments and public debate around these issues.

Find out more at www.moneyadvicetrust.org.

Public disclosure

Please note that we consent to public disclosure of this response.

Introductory comment

We welcome the opportunity to respond to this consultation on strengthening the economic regulation of the energy, water and telecoms sectors.

We have focused our response solely on the ‘Supporting Customers’ section (Questions 23 – 26).

Responses to individual questions

Chapter 3: Supporting Consumers

Question 23: What are your views on the creation of a single, multi-sector Priority Services Register?

As well as providing debt advice through National Debtline and Business Debtline, the Money Advice Trust also provides a training and consultancy service to help creditor organisations improve their identification and support of customers in vulnerable circumstances. Through this, we have worked with more than 400 firms and over 40,000 staff.

In partnership with UK Finance, we run the Vulnerability Academy (now in its 10th cohort), which provides a six-month skills and knowledge programme for senior staff who hold the strategic ‘tension’ for vulnerability in their organisation, as well as a Vulnerability Academy for similarly placed staff in regulatory organisations across the energy, water, financial services, data protection, and other sectors (now in its 2nd cohort).

This consultation response has been predominantly written by Dr Chris Fitch, who in his role as the Trust’s Lead Vulnerability Consultant, has drawn on two decades of experience working with firms across all regulated sectors, as well as a similar period of time in public health research with vulnerable people in the UK and world-wide (through projects with Imperial College, Royal College of Psychiatrists, WHO, UNAIDS, Medecins Sans Frontieres, and DFID).

Dr Fitch has also undertaken specific research with vulnerable consumers and essential service staff on encouraging and managing disclosure to essential service firms, resulting in collaboration with Money and Mental Health on a series of guides on disclosure,¹ and in partnership with the Personal Finance Research Centre at the

¹ See for e.g. Fitch C, Holloway D, D’Arcy C (2022) Disclosure Environments. Money Advice Trust and MMHPI.

University of Bristol on frontline and specialist staff responses to disclosure.² Most recently, over the last three years, Dr Fitch has worked with Experian to apply the findings from this research to the creation of a Tell Us Once platform for vulnerable and disabled consumers – ‘Support Hub’ (<https://supporthub.experian.co.uk/>). This has been successfully developed, built, tested, launched, and is currently running to allow real-time support need data sharing between these consumers and organisations such as Lloyds Bank, Ovo Energy, HSBC, Nationwide, and other essential service firms.

In our opinion, it is difficult to believe that any respondent to this consultation will not – overwhelmingly – welcome the principle of a single, multi-sector Priority Service Register (PSR).

One significant reason for this is that while existing PSR arrangements have improved in recent years (with a greater alignment between the energy and water sectors in terms of needs code definitions, as well as data-collection and sharing approaches), there is a broad consensus that the current system is:

- ✓ **practically unbalanced** (i.e. giving more attention to data on the ‘drivers’ of vulnerability such as cause or condition, and not enough to practical support needs that a consumer wants a firm to meet);
- ✓ **unclear and inaccessible to consumers** (i.e. with relatively little explanation given to consumers on what difference the PSR will make to their everyday use of a service, and questions remaining about the accessibility of PSR registration journeys given the consumers they are trying to reach);
- ✓ **partial and incomplete** (i.e. does not include the wider range of essential services or adjustments that disabled or vulnerable consumers require to function and contribute in their everyday lives).

However, a majority welcome to the principle of a single, multi-sector PSR should not preclude a critical examination of what the development and operation of different design options would mean for disabled or vulnerable customers.

This is because the term ‘**Tell Us Once**’ (**TUO**) is often used as though it has a single meaning or operational design, when the term ‘TUO’ has in fact been co-opted to describe a range of different approaches (including some ‘TUO’ systems that do require consumers to disclose multiple times).

Consequently, despite our welcome for its underlying principle, we need to remember that any ‘Tell Us Once’ system that is poorly defined, designed, or delivered, could create additional and avoidable consumer harm, rather than meeting existing need or support requirements.

² See, for example: Fitch C, Evans J, Trend C (2017) Vulnerability: a guide for debt collection. MAT/University of Bristol.

To help prevent this, we recommend that **six key principles** are embedded in any TUO exploration or scoping process that is undertaken. These are:

1. **Any TUO system should avoid repeating or reinforcing the known barriers to disclosure.** Overlooking these lessons from existing research and evidence will result in a TUO system that is not only ineffective and unsupported by consumer engagement but could also negatively affect wider consumer attitudes and behaviour towards disclosure.
2. **Any TUO designer should recognise a TUO system is fundamentally not a technical project or challenge – it is about solving a human problem.** If we do not understand the core problem that disabled or vulnerable consumers (rather than essential service organisations) currently have with making disclosures, then we will design a TUO that technically works for organisations and regulators, but not for the people we want to disclose.
3. **Any TUO discussion should remember that recording and sharing a consumer's 'actionable support needs' (i.e. what support is required) is critical (and arguably even more so than capturing the cause, condition, or driver of that support need).** Indeed, where any TUO system does not capture 'actionable support needs' we are then paradoxically left with an unhelpful 'Tell Us Many' system (as any consumer who takes the step to disclose will then have to be approached by each of their essential service organisations to explain what their support needs are).
4. **Any TUO Working Group must avoid assuming that disabled and vulnerable consumers are uninterested, unwilling, or unable to make decisions about how their information is used and shared** – while there will be situations where information may need to be shared 'for someone' in their 'best interests', (i) these need to be carefully defined and communicated and (ii) the working presumption should be that – until shown otherwise – that just like any other consumer, disabled or vulnerable consumers have the mental capacity, interest, and desire to control their own information.
5. **Any TUO Working Group (and indeed potential consumer) needs to remember that each organisation joining a TUO system will have a different purpose and use for the data shared within it.** These different 'purposes for processing' (and any controls a consumer may have over this) need to be clearly communicated to the consumer so they can decide whether or not to participate. This is also important if the TUO system grows beyond energy, water, and telecommunication and other organisations are invited to participate, as these additional bodies may (i) want to use data in different ways which consumers may not immediately expect or understand or (ii) new risks or impacts are introduced into data-sharing.

6. **Any TUO discussion should always recognise – in its planning, development, and design – just how significant a moment ‘disclosure’ can be for consumers, firms, and data-sharing arrangements alike.** Disclosure is where something often private or personal is shared about someone. It is a critical moment of trust and risk for the consumer, a significant moment of opportunity for firms to take the right action, and a vital moment for TUO schemes to create ‘disclosure environments’ where reassuring signals and evidence are provided to consumers to overcome any barriers of mistrust, doubt, and fear.

In the following section, we now explore these six principles in further detail.

Principle 1: Avoid repeating or reinforcing the already known barriers to disclosure.

In contrast to the academic literature (where relatively little has been published on disclosure), a larger number of policy studies have documented the known prevalence of disclosure to essential service organisations by disabled and vulnerable consumers, and the self-reported barriers to this disclosure.

This research has been concentrated among consumers with mental health problems, and has drawn on non-random samples (ranging in size from 30-1800 participants), meaning caution must be exercised in extrapolating the findings to other consumer groups. However, there are at least **three insights** from these studies that are potentially useful to those developing a TUO system.

a. Historic disclosure levels to essential service firms have been low

In the largest study conducted to date, the Money and Mental Health Policy Institute (MMHPI) found in 2021 that, among 5,000 survey respondents, only 11-14% reported ever disclosing their condition/support needs to an essential service organisation.³

Sector	Proportion of respondents who had disclosed their condition / support needs
Water	11%
Energy	12%
Telecoms	13%
Financial services	14%

This reflects findings from earlier research by MMHPI in 2016 (5,500 participants), Mind in 2011 (878 participants), and Mind in 2008 (1,804 participants), where consistently only a minority of respondents reported disclosing their mental health situation to essential service firms.

There are two important consequences of such historically low levels of disclosure.

³ Money and Mental Health Policy Institute (2021) [The State We're In](#)

- ✓ Designers of any TUO system should **grasp the repeatedly given reasons for non-disclosure** (see below) by disabled consumers and those in vulnerable situations and address each of these barriers in the design of any subsequent TUO platform/network.
- ✓ If a Universal PSR system to allow consumers to TUO does not address these barriers – and a system is created which is not transparent, does not offer controls, and inflates concerns about the negative consequences of data-sharing - it could negatively affect not just disclosure to the PSR itself, but also **wider consumer perceptions and behaviours towards disclosure to other firms and sectors**.

b. New barriers to disclosure will emerge, but the existing barriers are clear

Quantitative surveys from MMHPI and Mind have outlined these barriers clearly (these are listed below in approximate frequency order from high to low across the studies conducted):

- ✓ disclosure would make no difference;
- ✓ dislike of sharing details of condition;
- ✓ fear of not being treated sensitively;
- ✓ concern about how disclosed information would be used;
- ✓ worry about access to future services;
- ✓ thought they would not be believed;
- ✓ thought they would be treated unfairly;
- ✓ embarrassed to share;
- ✓ concerned about impact on benefits.

In addition, qualitative interview studies with people with mental health problems have provided further richer insights into the reasons for non-disclosure, with these including:

- ✓ fear of subsequent harm from disclosure;
- ✓ a lack of clear or accessible opportunities or ways to disclose;
- ✓ absence of controls over how disclosed information is used, recorded, shared by firms;
- ✓ anticipation of judgement, disbelief and pity;
- ✓ lack of organisational communications that encourage disclosure/reassure concerns;
- ✓ perception of disclosure making no practical difference to their situation.

Notably, among the reasons and incentives given for making a disclosure, securing **practical change and support** was identified as key,⁴ as well as having control over what disclosed data were recorded, and how these data were used and shared.⁵ Designers of TUO systems should take all these well-known factors into account.

⁴ See for e.g. Fitch C, Holloway D, D'Arcy C (2022) Recording Disclosure. Money Advice Trust and MMHPI.

⁵ Money and Mental Health Policy Institute (2023) [Too much information? Key considerations for vulnerability data-sharing.](#)

c. Historic disclosure levels have been low, but they do not have to remain this way

The Money Advice Trust believes that with the current interest in TUO systems – not just in relation to the PSR, but in financial services and other sectors – **we have a once-in-25-years opportunity** to work together to create a piece of everyday infrastructure to make the consumer lives and experiences of disabled and vulnerable customers easier, fairer, and far less detrimental.

This will require a collaborative project, rather than a collection of competing products, and a recognition that collaboratively solving the consumer problem (rather than the technical challenge alone) is our driving ambition.

This sense of potential may also be beginning to emerge among some consumers. Again, with caveats about generalisation to any wider population, the most recent small-scale survey research (from MMHPI in late 2023 with 178 participants) found:

- ✓ 47-73% would consider disclosure to an *individual* essential service firm in the future;⁶
- ✓ in terms of *data-sharing and TUO initiatives*, MMHPI also found that participants considering using such a system identified (as their top priorities):
 - knowing how their information would be stored and protected (28%);
 - the strong regulation of how any information were collected and shared (18%);
 - a focus on the disclosure of needs rather than condition (12%);
 - controlling which organisations information was/was not shared with (12%).

This potential interest in disclosing to TUO systems that are designed in line with consumer priorities and principles should be key to any design brief for a Universal PSR.

Principle 2: This is not a technical project – it is a human problem.

It would be easy for those involved in overseeing a new TUO project to focus on the many operational, legal, and regulatory challenges to overcome to make consumer vulnerability data sharing possible.

However, while these are indeed challenges, they are not the central problem we need to solve. Instead, the problem we need to solve (and organise around) is an essentially human one that involves recognising that on a day-to-day basis, millions of disabled and vulnerable consumers:

- a. rely on multiple organisations to provide them with services that are essential to their lives;

⁶ Money and Mental Health Policy Institute (2023) [Too much information? Key considerations for vulnerability data-sharing](#)

- b. but will not – as disabled or vulnerable people - have the resources, energy, time, and levels of trust to repeatedly disclose their support needs to these multiple organisations (which often require disabled or vulnerable people to expend resources they do not have);
- c. and consequently, disabled and vulnerable consumers simply do not end-up making or completing such disclosures to their essential service firms;
- d. and these consumers therefore receive a service – either in periods of emergency interruption or everyday provision - that is often sub-optimal, inaccessible, and unusable, and which may result in other forms of more personal detriment, disadvantage, or loss.

Such a constellation of human challenges can be difficult to see when we think about just individual firms and how they might work to encourage disclosure or support consumers. However, as Box 1 below illustrates (*“every repeated disclosure steals a week of my life”*), when we consider the manifold network of organisations that make up our lives as consumers, the impossibility of sharing and managing our support needs with these becomes crystal-clear.

Box 1: Case study – “Every repeated disclosure steals a week of my life”

Taken from: Money Advice Trust and Money and Mental Health Policy Institute (2022)

[Disclosure environments Encouraging consumers to disclose a mental health problem](#)

I have bipolar disorder and ADHD. This means there are things I find very hard or impossible that others find inconvenient, or at worst, just don't notice.

Two of these things are phone calls and task sequencing. This makes it almost impossible for me to access many essential services where the default communication is by telephone, or I have to use multi-factor authentication to access vital documents or account details.

Many people on the other end of an email or webchat, or in a store, simply don't understand. So, I have to spend a huge amount of time explaining. Other people think they do understand because they find these things “a bit inconvenient.” And you can feel the judgement, of them thinking, sometimes saying “why can't you just cope with it like everyone else does”.

Trying to interact with services that most people take for granted means having to make this kind of disclosure. Every time. That could be trying to access my GP or getting vaccinated; arranging delivery for something I've ordered online; trying to communicate with my electricity provider. And it's not just the experience itself, which is often traumatising, reminding me of being bullied or denied access in the past; making me give intimate medical information just to do something many do without thinking.

As well as that, every time I do this I have to prepare myself in advance so I can cope with that trauma. I need to do research to find out how I can make arrangements to ask for something accessible. I have to run through the scripts in my head to deal with replies from people who don't get it or don't believe me. And afterwards I feel distressed and exhausted. Not "tired." But unable to function. Sometimes for days. Every repeated disclosure steals a week of my life doing this.

And of course, if I need to interact with two firms that week, one of them has to get ignored. So, bills will go unpaid. Or I will buy something more expensive from a different firm. If something is broken, I don't return it. And I never get to switch providers. This makes a huge financial impact. But it also means I miss out on doing the things other people get to do. The things that give their life meaning. Because I'm too busy preparing for or recovering from another disclosure.

Consequently, we must define our purpose and develop our design for data-sharing not only with our operational, legal, and regulatory specialists, but alongside the very consumers who are experiencing the social problem and harm we are trying to address.

If we do not, we may successfully share vulnerable consumers' data over firms and sectors. However, it may not be the right data, shared in the right way, for the outcomes needed.

It is therefore critical to involve people with lived experience, and this requires more than consultation, or representation of their views through consumer or specialist charities but **embedding people with this lived experience within the core design team**. This ensures – in addition to the skills that individuals bring - that the central design problem to address is not overlooked, and that there is always lived experience in project discussions alongside technical, legal, and regulatory expertise.

Principle 3: Actionable support needs are critical to avoid a 'Tell Us Many' system.

An understandable first question that essential service organisations often have in relation to vulnerability or disability is 'what type of vulnerability/disability is involved?'. However, an arguably more effective principle for any TUO system design is the question 'what is the consumer vulnerable to?'.

The reason for this is that while we might know a consumer has, for example, a physical disability or health problem (a 'general support flag') **this tells us nothing** about the type of support, reasonable adjustment, or change to service provision that this consumer might needs in either an emergency situation or in their everyday use of a service.

While some commentators (and at least one current TUO system in operation) do argue that if a 'general support flag' such as mental or physical health were set like this, then the consumer could simply be asked by an organisation to explain their support need.

However, **this goes against the central principle of a TUO system**, as it requires:

- ✓ each organisation that the consumer uses then has to contact the consumer in turn (which, if a consumer has N relationships with N organisations, will involve the consumer receiving multiple contacts: telephone calls, emails, SMS, letters etc);
- ✓ the consumer then has to explain their support needs N times to every organisation that contacts them (requiring multiple re-disclosures which takes time for the consumer, and is a service cost for organisations);
- ✓ the consumer – in situations where they couldn't explain their support need due to limited resources, unavailability, or just being over-run by the multiple contacts – not receiving the service that should have (which could result to multiple forms of detriment).

Consequently, platforms that rely on general high-level flags (rather than actionable support needs where an organisation knows what support to provide without the need for further customer contact or disclosure) are not TUO systems (and instead, they can perhaps more accurately be described as 'Tell Us Many' systems).

Finally, it is worth noting - as MMHPI research cited earlier in this response found for consumers with mental health problems – that some disabled and vulnerable consumers report preferring that *only* their support needs are recorded and shared (rather than a health condition or broad situation).

We recognise that there may be circumstances (particularly where there are multiple needs or complex situations) when wider cause or condition information may also need to be recorded for practical or regulatory purposes, but this emphasis on 'actionable support needs' is a key one.

Historically, taxonomies or lists of such support needs, reasonable adjustments, or changes to service provision have not been widely or easily available. However, projects such as **WhatWeNeed.Support** and Experian's Support Hub have worked to define these both with consumers and essential service firms (to ensure relevance and operational feasibility) and also to make these publicly available as open-source resources to anyone who wishes to use them.⁷

Examples of such actionable support needs (taken as screenshots from Experian's Support Hub) are provided in Box 2 below.

⁷ See the website (full URL as follows): [WhatWeNeed.Support](https://www.whatweneed.support)

Box 2

Examples of actionable support needs: Experian Support Hub

(<https://supporthub.experian.co.uk>)

When organisations write to me

- ☐ I cannot reply in writing to letters or post ⓘ
- ☐ Send in a format I can listen to (audio CD) ⓘ
- ☐ Send in Braille Grade 1 ⓘ
- ☐ Send in Braille Grade 2 ⓘ
- ☐ Send in large print (18-20 point) ⓘ
- ☐ Send in giant print (20-32 point) ⓘ
- ☐ Use a light pastel coloured paper to reduce colour contrast ⓘ

Meeting me in Person

- ☐ I cannot attend meetings in person ⓘ
- ☐ I prefer to meet or wait in a quiet space (if available) ⓘ
- ☐ I prefer to meet or wait in an open area with people around (if available) ⓘ
- ☐ I require a hearing loop ⓘ
- ☐ I need to see your face when you speak- it helps me to understand ⓘ
- ☐ I find social interaction difficult - please take this into account
- ☐ My movement may be affected (including repetitive or noticeable body movements). Please ignore this and do not draw attention
- ☐ I require mobility support - please ask what I need. ⓘ
- ☐ I have someone that will accompany me to provide support - please take this into account ⓘ

Speaking to me on the phone

- ☐ I cannot speak on the phone - do not call me ⓘ
- ☐ I use text-to-speech software to communicate - please take this into account ⓘ
- ☐ When calling me use Relay UK ⓘ
- ☐ When I call you I need to use Relay UK - please take this into account ⓘ
- ☐ Where possible, only phone me between 8am to noon.
- ☐ Where possible, only phone me between noon to 5pm

Principle 4: Avoid assuming disabled and vulnerable consumers are uninterested, unwilling, or unable to make decisions about how their information is used and shared.

Clearly, one primary driver for a consumer disclosing and sharing a support need is to receive support and experience a positive change in the way in which their essential services work for them.

However, it would be unhelpful to assume that all disabled or vulnerable customers want to ‘disclose then delegate’ to TUO systems (and their participating organisations) any further decisions about how their information is used and shared.

There are **three main reasons** why such an assumption should be avoided.

- a. Control and autonomy** – as evidenced earlier, concern about how disclosed information about disability or vulnerability may be used (including its sharing) represents a key barrier to consumer disclosure and engagement. Consequently, alongside transparency (see below), having a range of controls over their disclosed information is important for consumers. Some (but not all) consumers may wish to ‘disclose and delegate’ any future decisions about how their information is used/who it is shared with to the TUO system to decide. However, this decision represents a form of choice and control in its own right, rather than an immediate assumption that firms should make on behalf of individual consumers or groups of consumers with a shared characteristic. Where possible consumers should be able to decide who can use their data and with whom it is shared, and they should be able to revise and retract this information at any point. Clearly, there will be exceptional circumstances that arise where this is not possible so identifiable harm to that consumer can be prevented or managed. Furthermore, some essential service organisations in a TUO network may not want or need to (under a suitable Data Protection lawful processing base) to confirm every decision about data usage or sharing with a consumer (citing this as not reasonable or necessary). However, organisations taking this approach should still be (i) clear when and in what specific circumstances sharing would take place without a consumer having a role in this choice, and (ii) communicate these broad situations in advance to the consumer (for transparency and clarity). While these principles may appear to be burdensome for firms, they are important and valued by consumers, and if not attended to, could act as barriers to disclosure. Additionally, thinking through such circumstance in advance can be critically important in terms of identifying situations where a lack of consumer control or input (over who their data are shared with) could lead to harm and detriment (**Box 3**).

Box 3

Who sees my data? How do I change what I've shared?

Seeing: there will be circumstances where a consumer may want *many organisations* to know about their support needs or situation. An example of this (taken from the financial services sector), may be a consumer with a gambling addiction who wants every creditor organisation to automatically block their applications for credit (including firms that they are not already a customer of, as well as firms where they are).

However, consumers may more often want to control which organisations see their data (and which do not), or to be given the ability to 'opt-out' of data-sharing if this is not possible. Without such an option, situations may occur where personal or special category data are shared with an organisation that a **consumer did not anticipate or wish to see this**.

For example, take a potentially future scenario where energy firms and Local Authorities are part of an expanded PSR/TUO network, and where this network automatically shares disclosed data about vulnerability/disability among relevant participating organisations.

Here a number of customers in an energy firm's customer base could potentially also be employees of one of these Local Authority organisations, creating a situation where either (a) an employer organisation could receive sensitive information that had not been consciously/otherwise disclosed to them by an employee (which could result in unintended consequences/actions); and/or (b) an awareness of the likelihood of this happening stops individuals from either disclosing their support needs to the original energy firm, or participating in the wider TUO network.

Changing: a consumer's support needs and circumstances can change over time. Consequently, consumers need to be able to revise and revoke their support needs across a selection or all of the essential service organisations participating in a TUO system.

We are aware, however, of current data-sharing arrangements where:

- ✓ an organisation that receives an original consumer disclosure can easily share and cascade this information with external health and emergency service organisations in the wider TUO network to better support the customer (meeting the TUO principle);
- ✓ but where the same organisation **cannot** help consumers to revise, update, or remove this information across the wider TUO network, and where the consumer has to then **manually contact every one of the organisations it was shared with**.

This underlines the importance of not treating disclosure as a single action – some consumers will need to disclose multiple times to ensure the data that an organisation holds is **accurate, relevant and timely** (to better meet support needs, and the requirements of the ICO).

b. transparency in its operation – as noted under ‘control and autonomy’, a clear and accessible explanation to consumers of how any disclosed data will be used and shared (including with whom and for what purposes) is essential. These explanations need to be:

- ✓ **given in written documentation** (such as Data Protection Privacy Notices);
- ✓ with **accessible formats of these explanations** being provided (as it is highly likely given the TUO network under discussion that many disabled and vulnerable consumers will require an accessible format/reasonably adjusted explanation);
- ✓ and at the **operational point** where a consumer gives consent/is allowed to object (depending on the lawful processing base used) to their disclosed data being recorded and shared – rather than being only found in wider policy documents).

Critically, in all of this, it should be transparent to the consumer (and in wider public explanations) what the purpose of the TUO system is, including a clear statement of how disclosed data will (and will not) be used, and which organisations will have access.

Taking this step will involve time and care. However, it is a worthwhile investment. For example, research by Barclays Bank in 2019 with a general population sample of approximately 1000 UK adults asked participants whether they supported banks using transactional data to identify and respond to potential consumer vulnerability. Barclays found that without a clear explanation of the circumstances in which this would take place, 11% of participants reported this should never happen, and 58% said it should happen in selected cases. However, after participants were given a clear explanation of the narrow range of scenarios in which this action would occur, ‘never’ opposition to this fell to 7%, and ‘support in selected situations’ rose to 66%.⁸ **This illustrates – in conjunction with choice – the importance of transparency for gaining consumer support and engagement.**

c. third parties – there will be circumstances where a consumer wishes for a known and trusted third-party (such as friends, families, or wider support workers), as well as those with a mandate of authority to act on a person’s behalf, to be involved in making decisions about their data-sharing. This third-party access will need to be factored into the design of any TUO system, with a particular awareness of the different levels of delegated decision-making that a consumer may wish to give to any third-party.

⁸ Barclays (2018) *Consumer attitudes to identifying vulnerability through the use of data*.

Principle 5: Each organisation in a TUO system will have a different use for the data.

Even though ‘improving support to consumers’ may be a common objective across those organisations in a TUO system, in practice each organisation will probably need to use the available data about vulnerability, disability, and support needs in different ways to take different actions.

At the outset, with water, energy, and telecoms companies providing an initial focus for TUO system development, this may not cause difficulties in explaining to consumers what these purposes are (as consumers may reasonably expect, and understand, this).

However, it is important to recognise that TUO systems are not set in stone – they will need to evolve, change, and improve over time to meet the different support needs and situations that disabled and vulnerable customers will face. This includes the fact that new organisations – perhaps not originally included in earlier stages of the TUO system’s evolution – may join the TUO ‘network’, while existing organisational members in the data-sharing system may wish to expand their remit and involvement.

In such situations, it may not (i) be as immediately to consumers how their data might be used with these new organisations, and (ii) it needs to be carefully defined how any new organisations might wish to ‘onward share’ this now accessible information with their own partners. Take for example the situation again where Local Authorities joined an existing and functioning TUO platform. This brings many potential advantages, but (as Local Authorities can be large organisations with many departments) it could mean that disclosed data could be potentially shared with divisions such as Adult/Child Social Services or Council Tax collection departments. While there may ultimately be benefits in such data-sharing for the consumer (in terms of the support provided), these benefits may not be immediately clear or obvious to consumers. Equally, potential risk or harm may be perceived by consumers with this information being shared with these new additions, which could deter disclosure to the existing TUO members. In addition, organisations participating in the TUO platform may end-up ‘absorbing’ the shared data and using this for purposes that go beyond those originally expected by consumers or intended by those designing the TUO system.

This is simply an example, but it does illustrate the importance of ongoing transparency and consumer controls to be embedded within any TUO system. Further, it also underlines how – as each organisation or sector joins a TUO network/system – the need for these organisations to (i) publicly commit to only using the shared data for the purposes of clearly defined and agreed types of support, (ii) that this usage is monitored over time (by a central body), and (iii) it is made clear to consumers what these purposes are, and what controls they have over this data-sharing and processing.

Principle 6: Disclosure is a significant moment for consumers, firms, and data-sharing.

Disclosure is where something often private or personal is shared about someone. It is:

- a. **a critical moment of trust and risk for the consumer** - taking the step to share information about a disability or vulnerable situation is often accompanied by hope this will lead to a positive change in circumstance, support and outcomes, but also *fear* it may not be taken into account, not properly understood, or may even be used against them;
- b. **a significant reputational moment for firms** as consumers may disclose a situation just once, and firms therefore need to act in the right way when disclosure occurs (to avoid losing vital insights), and also record often difficult issues and circumstances with accuracy, respect, and line with commercial, legal, and regulatory aims;
- c. **a vital source and moment of future sustainability for data-sharing schemes** – disclosure is currently where much (but clearly not all) of our data and insight on disability and vulnerability comes from. We therefore need to ensure that any TUO system does not ‘turn off the tap’ or ‘reduce the flow’ of this disclosure through poor design, lack of consumer involvement, or inappropriate sharing or use of the data entrusted into any system. Consequently, any TUO system (and its participating firms) needs to communicate messages and signals that reassure consumers and encourage such disclosures to firms, and take actions that avoid (rather than foster) doubt, mistrust, or barriers to disclosure and engagement.

Question 24: What are the best data sources of vulnerability that the PSR should use? Who should be able to input data?

1. Models: recognising difference

Before we can consider the best data sources of vulnerability that a PSR might employ, we need to consider the design or model that might be put into place for data-sharing. This is for two reasons.

- ✓ The model employed may require different sources of data (vulnerability and non-vulnerability), as well as introduce different considerations for the degree of consumer involvement and control.
- ✓ The term ‘TUO system’ can have different meanings/manifestations, and while we may all welcome the underlying principle of ‘TUO’, the conceptual design and practical operationalisation of such systems can vary immensely in their delivery and impact.

Consequently, we offer commentary below on three different models (acknowledging that overlaps between these exist, as do other approaches and models) to emphasise why discussion about ‘TUO’ systems should always recognise the practical differences between them, and the importance of the choices we have to make about them.

First, we would identify TUO systems that adopt a consumer portal approach.

This is our **recommended foundational model** for any TUO approach, as it places the consumer at the centre of data-sharing decisions, allowing them to:

- ✓ identify which support needs – from a list of realistic options - they want organisations to meet;
- ✓ select which organisations - in the TUO system - they want to share these needs with;
- ✓ receive clear explanations of how these organisations will use their support need data;
- ✓ give their agreement for the data-sharing to take place on the basis of these explanations;
- ✓ receive updates – via the portal - when an organisation has received/acted-on their need;
- ✓ revise, update, change, delete, or revoke this information across their selected organisations.

Taking a consumer portal approach **puts the consumer in control of *their* data**. It also ensures transparency, as the consumer is aware at all times of who has access/use of these data, as well as providing the opportunity to keep any data on consumer support needs accurate and up-to-date. As we have discussed in the previous question, this is critical in terms of providing relevant support, as well as complying with ICO requirements on only holding accurate, relevant, and timely data. Importantly, adopting a consumer portal requires a **highly accessible design approach** that allows consumers who will naturally have a wide range of accessibility and engagement needs to complete any digital journey that is employed, as well as providing other channel options (such as email, post, or telephone) to allow disclosure where digital engagement is not possible.

Second, while there can be overlap, our next model are ‘data pooling’ or ‘firm driven’ systems. Under these systems, once a consumer shares their support needs:

- ✓ any organisation in the ‘data-sharing pool’ who can evidence that the individual is one of their consumers can access and view their support needs (the consumer cannot control this);

- ✓ any organisation who joins the 'pool' at a later point (potentially after a consumer has shared their information, and where they may not know this new organisation has joined the data-sharing pool), and can similarly evidence the individual is one of their consumers, can potentially also access these support needs;
- ✓ finally, as the system develops, organisations in the 'pool' may (potentially) be given the opportunity to share information between them (adding this to the 'pool') on disabled or vulnerable consumers who are known to have support needs. This raises questions about the situations where this might take place without a consumer being aware of this happening, or where the consumer isn't given a right to object to this processing/sharing;
- ✓ across all of this, such 'data pools' might incorporate a front-end consumer portal (to improve disclosure rates), but may rely more on data-sharing mechanisms between firms.

As it stands, we are not aware of such a model of operation occurring in the UK – however, we are aware that discussions about the potential for firms sharing 'books' of disabled or vulnerable customers will (at some point) inevitably enter the TUO discussion.

Therefore, what is of particular interest here is **to what degree firms in such a system should be allowed to make decision about (i) what data are shared, (ii) in what circumstances, and (iii) with what level of involvement and awareness on the part of the consumer.**

Third, our last model involves a distinction between **dynamic data-analysis models** (that can assist organisations in planning for/responses to geographic events, interruptions, and emergencies) and everyday servicing models (where we are using data to better meet customer needs in relation to tasks such as communications, servicing, and account management).

In terms of **dynamic data-analysis**, firms may wish to incorporate a range of non-vulnerability data sources into their analyses (such as flood warning, storm, or other event information), alongside disclosed data on known vulnerability. This can clearly help with resource allocation and triage, and where vulnerability to harm may be one consideration among many). For such analyses, there needs to be a clear explanation to consumers about how their data may be used for this purpose, and how this allows effective support to be given in such time-sensitive circumstances.

Models: summary

In summary, **we would recommend the consumer portal approach to TUO systems.**

However, whatever model (or hybrid) is considered during the exploration phase of a TUO system, it is important that we are clear with consumers and ourselves about this means in conceptualisation, design, and impact, rather than treating all TUO approaches as being broadly the same.

2. Data: range of sources

While distinct models of data-sharing may draw on a range of different information sources, we believe that good sources of data on vulnerability will include:

- a. the individual consumer
- b. third-parties known and trusted by the consumer
- c. organisations which already accurately record actionable support needs about the consumer
- d. other TUO systems outside of the PSR itself
- e. non-vulnerability data-sets (to aid dynamic analysis/responses to events).

In this section, we briefly examine each of these in turn.

(a) The individual

It should be clear that we believe that disabled and vulnerable consumers are usually best placed to know what support they need (either in a service interruption situation or energy, or in terms of everyday account access and management tasks).

However, this is not the same as an individual knowing what support a specific organisation can provide to them, or understanding the benefits or difference that such support could make to their lives. As it stands, one criticism of some existing PSR journeys is that this level of explanation is not present.

Consequently, every TUO system needs to have a clear set of communications that:

- ✓ explain what support is on offer;
- ✓ how the support would work in practice;
- ✓ what difference the support could make;
- ✓ how quickly that support would be enacted to assist with everyday service tasks;
- ✓ or, in what circumstances it would be put into place for emergencies or interruption to supply.

In addition, as they develop, TUO systems should also allow individuals to supply and update their most current contact details (information which can be difficult to obtain/keep updated, but which is critical for effective in-situ and other support).

(b) Third-parties

Third-parties that are both known and trusted by a disabled or vulnerable consumer and have a mandate/authority/permission to act on that consumer's behalf can be potentially good sources of data. These can include family and friends, as well as individuals in paid or professional roles (such as NHS, social care, or third-sector support workers).

Importantly, any TUO system will need to consider journey development that allows third-parties to share information about a disabled or vulnerable consumer. However, for some types of support provision or functionality (such as support needs related to economic or financial abuse which may be relevant in collection, communication activities, joint billing arrangements, or where account information needs to be updated to provide support) the incorporation of identification and verification processes to validate third-parties may be needed to prevent harm or detriment to the consumer.

(c) Organisations which already accurately record and meet actionable support needs

Organisations that already record actionable support needs (rather than only an underlying condition, situation, or driver of vulnerability) represent a good source of data. It should, however, be made clear to any organisation joining a TUO system (and also the consumers flagging support needs in such systems) that they are not necessarily expected to meet every support need listed. This is clearly the case for support needs linked to 'poor sense of smell' which are important for organisations working with gas, but not as relevant for electricity, water, or telecommunication organisations.

However, if a TUO system broadens the range of organisations participating, there will (i) be other needs which apply to some sectors/organisations, but not to others and (ii) some organisations in the same sector that can meet a wider range of needs (due to a different vulnerability strategy approach or development phase) than its counter-part organisations.

(d) Other TUO systems outside of the PSR

Outside of the PSR itself, there are currently a small number of TUO systems that might provide an additional source of data on consumer vulnerability. Three of these have been reviewed by Citizens Advice in their 2023 report *Closing the Gap: How to improve customer support in essential services* (see Figure 1 below).⁹

⁹ Citizens Advice (2023) *Closing the Gap: How to improve customer support in essential services*

Of the three TUO systems reviewed, based on the evaluation criteria used by Citizens Advice, we are aware that Support Hub by Experian is likely to be the organisation represented in the third column ('disclosure portal for support needs'), with Support Hub already working with significant financial service organisations (including Lloyds Banking Group, HSBC, Nationwide and others), as well as energy companies (such as Ovo Energy).

FIGURE 1

Tell us once systems – taken from Citizens Advice (2023) *Closing the Gap: How to improve customer support in essential services*

Where are we now?

Recent years have seen new products and services emerge for firms to help them improve the identification of and support provided to their customers. The examples below show how these products compare to the ideal customer journey.

High-level vulnerability flags

There are organisations that work to provide a central, independent register of vulnerable people that can be accessed by service providers.

- ✗ Available to use by all consumers across all essential services
- ✓ Highlights additional care is needed when interacting with consumers
- ✗ Consumer can view support available to them
- ✗ Single disclosure of needs can be shared with multiple service providers
- ✗ Consumer controls which firms can see their data
- ✗ Consumer can easily update their information if their circumstances change

Connecting services to consumers

There are organisations that offer tools for assessing the vulnerability of customers so service providers can offer them appropriate products and services

- ✗ Available to use by all consumers across all essential services
- ✓ Highlights additional care is needed when interacting with consumers
- ✓ Consumer, or the agent supporting them, can view support available to them
- ✗ Single disclosure of needs can be shared with multiple service providers
- ✗ Consumer controls which firms can see their data
- ✗ Consumer can easily update their information if their circumstances change

Disclosure portal for support needs

Consumer-facing platforms exist that allow consumers to share their support needs with multiple organisations at the same time.

- ✗ Available to use by all consumers across all essential services
- ✓ Highlights additional care is needed when interacting with consumers
- ✓ Consumer, or the agent supporting them, can view support available to them
- ✓ Single disclosure of needs can be shared with multiple service providers
- ✓ Consumer controls which firms can see their data
- ✓ Consumer can easily update their information if their circumstances change

Firms choose whether or not to invest in these services, resulting in a patchwork of different experiences for consumers. There is still no solution which meets every stage of the consumer journey.

Government leadership is needed to achieve a cross sector solution.

Importantly, 'disclosure portals' such as Support Hub that are designed in alignment with the key principles in this response can fulfil three important functions for the PSR and participating firms.

- ✓ Share support need data (with consumer permission) that **directly matches with/can populate the wider PSR categories**. This data could come from consumers who may have originally disclosed support needs to their banks or financial service providers using the TUO system, and who can now be helped to easily share these with energy, water, and telecommunications organisations. Notably, this would include simple matches that already existed between the PSR and the external TUO support need categories, and also the external TUO system collecting additional data from consumers to 'complete' the PSR categorisation/question-set.

- ✓ **Share data about consumer support needs that are *not* currently on the PSR with individual firms.** Again, with consumer permission, this would involve an external TUO system sharing data that is not currently recorded within the PSR. This data-sharing could be directly with individual firms in the PSR data-sharing arrangement and could supplement the information they hold about vulnerable and disabled customers. Critically, because the external TUO has received these data from consumer disclosures to its own platform/system, any updates/revisions to the support needs held on this could be automatically shared with individual firms open to receiving this (reducing costs on servicing and saving time on customer conversations/interactions).
- ✓ **Build a ‘data bridge’ rather than a ‘data chasm’ between the potential universal PSR sectors (energy, water, and telecommunications) and other sectors like financial services.** As noted at the start of this response, the ‘consumer problem’ that needs to be solved is how to help disabled and vulnerable consumers disclose to, and receive the support they need from, the multiple organisations in their lives. These organisations will include not only energy, water, and telecommunications, but also major consumer sectors like financial services. Consequently, it is important to avoid creating fragmentation and distance between a universal PSR and these wider sectors, and instead better to build ‘data bridges’ rather than ‘data chasms’, or silos.

(e) Non-vulnerability data-sets

This has been covered in Question 24, Section 1 on **dynamic data-analysis models** and their potential use of non-vulnerability data sources into their analyses (such as flood warning, storm, or other event information), alongside disclosed data on known vulnerability. For such analyses, there needs to be a clear explanation to consumers about how their data may be used for this purpose, and how this allows effective support to be given in such time-sensitive circumstances.

3. Who should be able to input data?

Again, we believe a consumer portal – where the consumer is at the centre of data-sharing input and decision-making – provides the most effective, transparent, and sustainable approach.

However, as noted in Sections 1 and 2 of Question 24 there will be circumstances where a universal TUO should draw on other data-sets in ways that are beneficial and clearly apparent to the consumer.

4. Data Protection/lawful processing bases: additional note

In any TUO system, careful attention needs to be paid to the Data Protection Act (2018) in relation to data-sharing. While some TUO systems will operate with organisations who *all share the same* Article 9 lawful base for processing special category data (e.g. Substantial Public Interest (SPI) or Explicit Consent (EC) base), in the real-world it is likely that participating organisations may use a *mixture of different lawful processing bases* (e.g. some may rely on SPI, while others use EC).

One perception of this might be that every organisation participating in a TUO system therefore needs to move to the same lawful processing base. However, we believe this is unrealistic (as some firms/sectors – and their consumers - may prefer a particular lawful processing base), resource-intensive (in terms of the time and costs to move multiple firms to the same processing approach), and perhaps even prohibitive in terms of the future development of a TUO system in the future (as it provides a barrier to engagement).

After consultation with the Information Commissioner's Office about this (in December 2023), the following has been made clear to us.

- ✓ Individual organisations are not usually permitted to swap from one lawful processing base to another (e.g. a customer refuses an approach from an individual organisation for Explicit Consent to process their data, so the organisation decides to use Substantial Public Interest instead – this is not permitted).
- ✓ However, there is nothing within the DPA 2018 and legislation that says different organisations in a data-sharing situation have to rely on the same lawful processing basis.
- ✓ Instead, before sharing information, organisations must:
 - consider their overall compliance with DPA legislation (including fairness and transparency);
 - be mindful not to set unfair consumer expectations - in particular, the 'sharing' organisation needs to explain they are relying on, for example, Explicit Consent only to share the information concerned, and that once this is shared the 'receiving' organisation will be processing this using a different lawful base in order to provide the support need that has been disclosed (which could be achieved via clear explanation at the point of disclosure);
 - explain that if there were any consumer concerns about how their data were used by a 'receiving' organisation, then contact and dialogue would normally be with that receiving organisation (rather than the 'sharing' organisation);

- not only set up a data-sharing process but consider it good practice to have a written data-sharing agreement which explains the process itself, the benefits of this, the different processing bases used by different organisations, and other pieces of information required by data protection law.

In short, in situations where there is a ‘sharing organisation or central hub’ and ‘receiving organisations’ the ICO advice is that it is legally allowed for participating organisations in a TUO system to use different lawful processing bases.

Question 25: What vulnerabilities and services should the PSR cater for?

As discussed in Q23 and Q24, the PSR should:

- ✓ move towards actionable support needs (rather than broad condition/situation codes)
- ✓ expand its range of actionable support needs (to better reflect the profile and support needs of disabled and vulnerable consumers in the UK)
- ✓ distinguish between support needs (and the data-sources associated with these) that should be met to make everyday account management and communication tasks easier for disabled and vulnerable customers, and needs that are more aligned with emergency situations, interruptions to service, and emerging events
- ✓ deliver the overall aim of solving the fundamental consumer problem of how to help disabled and vulnerable consumers disclose to, and receive the support they need from, multiple organisations. These organisations will include energy, water, and telecommunications in the first instance, but as a TUO system evolves, it would be helpful to consider other sectors like financial services (potentially by building ‘data bridges’ with TUO systems already used in these sectors).

Question 26: How can existing affordability support be better communicated to increase customer awareness?

As the consultation paper acknowledges, there can be a number of barriers to people accessing the affordability support they are entitled to, including low awareness; inconsistency in support; lack of trust; and confusion about eligibility. To tackle these, there are a number of steps that government, regulators and industry could take.

Utilising data matching and auto-enrolment where possible: Many people do not realise they are eligible for support – exacerbated by complex eligibility criteria or differences in support depending on provider. Wherever possible, we would like to see firms using data matching or other measures to proactively and automatically enrol eligible customers in support.

While this might not always be possible where, for example, the service offered is of a different level (e.g. in broadband social tariffs), firms could still use data matching to proactively reach out to eligible customers about support available, with an easy opt-in process if people wish to switch to a social tariff.

Developing supportive communications: Lack of trust can be a barrier to people taking up support once they know about it. People may be concerned there is a ‘catch’ with the support, especially if their previous experience of engaging with their provider has been negative. We would encourage firms to continue to develop communications that are supportive in tone and emphasise the support available. This may not always result in someone immediately taking up support but a consistent shift in the tone and content of communications will build a culture where customers feel that their provider is supportive and on their side in trying to help them. This makes it much more likely that someone will reach out to their provider and take-up support they may be eligible for.

This is particularly important in a debt collection context, where an individual is in debt but could benefit significantly from accessing affordability support. It is not clear that all providers are using this as an opportunity to check the individual’s eligibility for support. We would urge government and regulators to consider how they can ensure, or require, firms to do so, given the benefits this has not just for the individual but also the provider in terms of reduced risk of future debt.

If communications lead on debt collection threats and demands for payments, the individual may be much less likely to trust, or engage with, information about support offers. Leading with the support offer – particularly if communications can be tailored to clearly highlight an individual’s eligibility for this - not only helps raise awareness of support but makes it more likely individuals will engage with their provider about their financial situation.

An inclusive design approach to communicating support: To help achieve the above, we think it is vital that providers take an inclusive design approach to developing information and communications about support schemes. Involving customers in the design of support, processes and communications can help ensure providers strike the right tone, and lead to better outcomes for providers in increased customer engagement. The Money Advice Trust, in partnership with Fair By Design, has developed two practical guides on Inclusive Design in Essential Services:

- [Inclusive Design in Essential Services: A practical guide for firm and suppliers](#)
- [Inclusive Design in Essential Services: A guide for regulators](#)

The guides – which include a practical toolkit – set out practical steps for how providers and regulators can use inclusive design in their work, in this case to better understand the needs of their customers and to co-design both support and communications to improve awareness and take-up.

We have been pleased to see regulators, including the FCA, Ofgem and Ofwat, increasingly referencing Inclusive Design in guidance on affordability and vulnerability, and encouraging firms to use this approach. As part of the actions following this consultation, the Department for Business and Trade could work with a regulator or group of providers to run an inclusive design project to develop communications on a specific element of support. This would enable them to test an inclusive design process, and look at the impact on the effectiveness of communications when designed in this way. This would then provide learning for other sectors, both in terms of communication design but also how to embed and use inclusive design approaches. We would be happy to discuss further how such a project could be put into practice.

Improving the consistency of support: Finally, we would highlight that the design of support itself can be a significant barrier to awareness and take-up. For example, while there have been welcome efforts by some water companies to coordinate support schemes and eligibility criteria, most companies still have individual schemes with varying eligibility criteria and types/ levels of support. This can make it confusing for customers, and also makes it harder for national advice agencies, like ourselves, to refer customers to support. We were very supportive of efforts to introduce a nationwide single social tariff for water, as recommended in the Independent Water Affordability Review,¹⁰ and are disappointed that plans for this were dropped by government. A similar situation exists for broadband social tariffs, with providers not mandated to provide these.

Finally, there is no social tariff for the energy sector, leaving people reliant on individual suppliers' support schemes. While it is right to leave space for energy suppliers (and firms more generally) to provide additional support to customers through their own specific schemes, this should be underpinned by a national social tariff to ensure that all low-income households receive support, regardless of who their supplier is.

¹⁰ [Independent water affordability review - CCW](#)

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