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Consumer Policy Manager, Sustainable Development
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Dear Bhavika,

Priority Services Register Review – Final Proposals

SSEPD welcome the opportunity to comment on Ofgem's final proposals for the Priority Services Register (PSR). Generally speaking, we are supportive of the final proposals and we will continue to work with the ENA Customer Safeguarding Working Group (CSWG) in order to achieve an agreed and suitable set of needs codes applicable across the industry.

We do have concerns regarding Ofgem's expected timescale of June 2016 for the implementation of the final proposals around data recording and sharing. This timescale is very tight when considering the need to agree and finalise the 'needs codes' which must be subject to a Privacy Impact Assessment, which in itself may take a number of months to complete, before then going through the industry codes change process. Also, when taking this into account along side the requirement for energy companies to implement IT changes in order to establish a secure two way data sharing process and the need to agree some industry wording for gaining the customer's explicit informed consent, we feel a more realistic implementation deadline would be June 2017. This would also ensure that there would be a coherent implementation across the whole of the energy industry rather than requiring a two phased approach for electricity and gas.

Our views and responses to the five main topics and questions set out in the consultations are outlined below:

Eligibility and customer identification

We agree that the current eligibility criteria for the PSR services should be amended to bring this more in line with Ofgem's CVS definition of vulnerability and we agree that a needs-based model is an appropriate way to identify and record customer vulnerability. Furthermore, we welcome Ofgem's decision to retain the core eligible groups for services provided by DNOs related to safety needs.

Question 1: Do you agree with our final proposals for enhancing eligibility and customer identification and the associated proposed licence conditions?

As outlined above, we agree with Ofgem's final proposals for enhancing eligibility and customer identification. Wherever possible, we would strongly encourage Ofgem to ensure that consistent obligations are introduced on all energy companies across the industry for establishing and maintaining a PSR. We do have a few comments which we would like to raise regarding the proposed changes and the draft licence conditions:

Although we support Ofgem's proposals to require licensees to proactively identify the appropriate customers for PSR services, it is important to note that although licensees can raise awareness of the PSR and promote its potential benefits, it is the customer's choice whether they join the register, or not. There will be some customers who will not want to be classified as vulnerable, despite falling into the core groups or having what could be classed as other vulnerabilities.

We understand the rationale for including families with children aged five years and under and that are in vulnerable situations to the core eligible groups of customers to whom certain safety-related services should be offered as a minimum. As we outlined in our previous consultation response¹, we already have a "young babies" PSR classification which we use, as in our experience it is generally those with younger children who require additional support during power cuts. However, our concerns remain on how this data will be shared between companies. In order to create a marker for this transient group we will need to receive the date of birth of the child (or children) to allow us to contact the customer to ensure it is appropriate for the marker to be removed from our systems once they reach the age of six and above. We would appreciate further discussion and clarification from Ofgem on this point.

We continue to work with the rest of the industry via the ENA CSWG in order to achieve an agreed and suitable set of 'needs codes' applicable across the industry. We acknowledge that the latest draft of the 'needs codes' is still a work in progress, however, we do have a couple of concerns regarding the draft 'needs codes' detailed in appendix 4 of the consultation document and these are outlined below:

- We question the need for two separate age related needs codes for both "Pensionable Age" and "75 and over". We believe that one 'need code' covering all customers of a pensionable age is sufficient and keeping this as pensionable age will ensure that it captures anyone who is retired and not restricting them due to not being over 75.
- "Hearing/Speech difficulties" – These two vulnerabilities are not necessarily related to each other and we do not believe that they should be combined into one 'need code'. We would offer different services to the customer depending on whether they have hearing problems or speech problems, for example we would offer someone with hearing problems the option to use our text talk service whilst this may not necessarily be a suitable service for a customer with speech difficulties.
- "Pregnancy/families with children <6" - As we have already outlined above, based on our experiences it is generally families with younger children who require additional support during power cuts. However, we support the agreed proposal made at the last ENA meeting to remove the 'pregnancy' code and to keep only "families with children < 6" as one need code.

¹ 2015-05-06 SSEPD's response to the Ofgem's Review of the Priority Services Register – Update and Next Steps

Services

Question 2: Do you agree with our final proposals for amending the PSR services and the associated proposed licence conditions?

Yes we agree with Ofgem's final proposals for amending the PSR services and the proposed licence conditions.

Data recording and sharing

Question 3: Do you agree with our final proposals for recording and sharing information about customers in vulnerable situations and the associated proposed licence conditions?

Generally speaking, we support a more joined up approach to sharing data consistently across industry and we agree with the final proposals to establish a common set of 'needs' codes and establishing a two way data transfer between suppliers and networks.

However, we have a number of comments on the final proposals for recording and sharing information about customers in vulnerable situations which must be addressed:

Needs Codes

Under the Data Protection Act 1998 (the 'DPA') we should only process data to the extent that it is necessary (Principle 3 of the DPA) and therefore it is important that each element of the 'Needs Code' is carefully scrutinised to ensure there is an identified legitimate need to share to enable a recipient licensee to provide priority services. Therefore we welcome the recent decision in the ENA CSWG to undertake a Privacy Impact Assessment on the needs codes. However, we do have concerns on meeting the implementation timescales of June 2016 for the reasons outlined above.

Provision of information to the relevant supplier

We support Ofgem's proposal to require informed consent before sharing the details of the customer with the Relevant Supplier as this enables us to both protect customers' data and comply with our legal obligations under the DPA. However, we must ensure that we are only sharing relevant data and in order for us to share any sensitive personal data we would require the explicit informed consent of the customer.

Data Sharing

Under principles 4 and 7 of the DPA, we must only process data that is accurate and up-to-date and also ensure that any personal information is kept or shared securely. Therefore, it is essential that any industry mechanisms established for the sharing of information include a common standard of data cleansing prior to any data being shared and ensures that any personal information is shared securely between parties with the consent of the customer.

A final point of clarification which we would welcome is around the transformation of the existing PSR provisions to the new PSR provisions. What is the expectation on energy companies for dealing with existing PSR customers who have not provided consent for their data to be shared with the relevant supplier?

Raising awareness of services and take-up

Question 4: Do you agree with our final proposals for raising awareness of the priority services, including any specific suggestions for energy companies to improve awareness?

We strongly recommend that a joined up industry approach should be taken to help raise awareness of the Priority Services. We do have slight concerns regarding Ofgem's final proposal for Third Party Advice providers to use materials developed jointly with Ofgem to provide information to customers on PSR provisions. We would welcome further clarification on how Third Party Advice providers plan to do this and would encourage any information material should be established in agreement with the Energy Companies who actually provide these services and support to customers. We would recommend that a more joined up industry approach to developing information material and thinking of more innovative ways to increase customer awareness and to promote take-up of PSR services would ensure a more successful approach and reduce the risk of potential customer confusion or mixed messages on the services available.

Compliance and performance monitoring

Question 5: Do you agree with our final proposals for the approach to monitoring energy company performance in this area?

We agree with Ofgem's final proposals in this section.

We would welcome the opportunity to discuss any of the points raised in our response in greater detail. Please do not hesitate to get in touch should you have any questions regarding any of the information provided within our response.

Yours sincerely,
(by email only)

Sam Torrance
Regulation, Networks