

**To:** Sam Hughes  
**Subject:** RE: Fair Treatment Guidance consultation

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**From:** Sam Hughes <sam.hughes@citizensadvice.org.uk>  
**Sent:** 14 April 2021 10:57  
**To:** Rebecca Pickett <Rebecca.Pickett@ofgem.gov.uk>  
**Subject:** Re: Fair Treatment Guidance consultation [OFFICIAL ]

Dear Rebecca,

We welcome the opportunity to provide feedback on the proposed draft of the Fair Treatment Guidance for the Gas Distribution Networks (GDNs) to assist them in ensuring that GDNs and their representatives treat each customer fairly according to Standard Special Condition (SSC) D21. We welcome the introduction of the new principle-based licence condition.

The following numbers in bold relate to the paragraph numbers in the governance document and comments relate specifically to that paragraph unless otherwise stated.

**1.7 - 1.10** - We welcome the explicit references drawn out from the SSC D21 on consumer vulnerability, however paragraph 1.8 would particularly benefit from an additional reference to Ofgem's consumer vulnerability strategy 2025 and any future revisions. GDNs consumer vulnerability strategies could also be referenced here. Both represent the practical steps both Ofgem and GDNs take in meeting these expectations and the licence condition.

**3.1** - We welcome the language that ensures that all activities involving or relating to domestic customers are captured within SSC D21. We recognise that the examples which have been used strongly correlate with what might be considered a GDN's core functions. We would welcome clarity in the text on whether the principle also extends to partnerships, projects and other customer outreach work that may not be related directly to a core function, with appropriate examples to demonstrate this.

**4.3** - We welcome that the presentation of the customer objective examples is in a familiar format to the guidance for energy suppliers. However, there are a number of areas where we think changes could be made to ensure they are as relevant to GDNs as possible:

- Firstly, it is unclear whether the implications of not meeting the 'limbs' of the standards and/or the consumer outcomes would be considered in breach of the licence condition, or would require investigation. As an example, would Ofgem consider it a risk of breach or warranting investigation if a consumer did not have a positive experience when dealing with their GDN and were put off future engagement? We agree that the consumer outcomes row of the table is broadly right, but it is not clear what the implications are if the outcomes are not met.
- We note that the drafting of the table's contents would apply in many of the interactions that a GDN or their representatives would have with customers. However, the text may not apply in some circumstances, for example where environmental or noise impact is the issue or where there are consequential impacts for communities affected by an issue. In these instances it is unclear whether the text in the table would apply in these circumstances, but could have arisen as a result of customers not being treated fairly. Worst served customers might be an additional example where activity which could be deemed unfair by Ofgem and results in negative consumer outcomes and experiences does not necessarily fit within the framework provided by the table. We recommend that Ofgem considers the wide range of GDN activity and impact to ensure that as far as is reasonably practicable the circumstances fit within this guidance.

- We welcome the requirement that GDNs must provide information. We would, however, recommend that adding in “timely” to this requirement would be a useful addition.

**5.2** - We note that chapter 5 usefully sets out the actions and process that Ofgem would follow in the event of an investigation. However, we would welcome more information about how Ofgem would monitor the activity of a GDN or any other methods by which an investigation could be triggered. The number and nature of touchpoints that consumers are likely to have with a GDN differs significantly from the relationship between consumers and suppliers. We therefore expect that the visibility when issues arise may also be different. We would welcome clarity on how Ofgem foresees being made aware of potential issues or breaches of licence, beyond GDN self-referral.

We understand that Ofgem receives complaints data in reporting but stating in the guidance any specific monitoring activities, like spot checks or auditing of GDN complaints data for example, may be a way to build in greater transparency and provide clear direction to GDNs on ensuring they treat customers fairly and how issues will be identified. Similarly, the monitoring of Guarantees Standards of Performance (GSOPs) may be another way to identify licence breaches. If this is an activity Ofgem intends to take it may be beneficial to state this in the guidance.

Further comments

We note that the guidance document does not make any specific references to equality, diversity and inclusion (EDI). We understand that while this may be intended and inherent in the language used, Ofgem should consider drawing this out explicitly.

The document makes specific reference only to treating domestic customers fairly. Customers in vulnerable circumstances can also encompass small businesses and microbusinesses especially where a property is mixed use. We would welcome clarity on how the scope of this guidance could ensure all customers in vulnerable circumstances are covered by the licence condition even where they are not domestic customers.

If you have any questions or anything on this you'd like to discuss to just let me know.

All the best,

Sam

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**Sam Hughes**

**Senior Policy Researcher / Uwch Ymchwilydd Polisi**

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