

# Consumers in Vulnerable Circumstances

Guidance for members of Renewable Energy Consumer Code

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## 1. Introduction

Members of the Renewable Energy Consumer Code (“the Code”), are expected to provide the best possible service to consumers. This is particularly important for Code members that sell products and services in consumers’ homes. The purpose of this document is to provide Code members with guidance on meeting their obligations under the Code when dealing with consumers who may be in vulnerable circumstances or have additional needs.

The key objectives of this guidance are to ensure that:

- consumers who may be in vulnerable circumstances or have additional needs are safeguarded throughout their interactions with Code members;
- consumers are not taken advantage of; and
- products and services provided to consumers are accessible and tailored to their needs.

## 2. Member obligations

To ensure consumers in vulnerable circumstances or with additional needs are treated fairly and have the same experience as other consumers, members of the Code must:

- make sure they have the right skills and capability to identify and respond to the needs of the consumer;
- understand the needs of the consumer and pro-actively suggest measures which will help the consumer, including at all stages of the product design process, and to make informed choices;
- take steps to make sure that the consumer understands key documents such as the quotation and the contract;
- continually assess at different stages whether a consumer’s circumstances have changed and whether they are meeting and responding to their needs and make improvements where this is not happening; and
- Code members also have obligations under the Equality Act 2010. This legally protects people from discrimination in the workplace and wider society. It provides protection for people discriminated against because they are perceived to have, or are associated with someone who has, a protected characteristic. This protection extends to a duty to make ‘reasonable adjustments’ to their premises or the way service is provided for consumers who are disabled. Under the Equality Act, Code members must not wait until a disabled person wants to use a service before making those reasonable adjustments.



### 3. Defining consumers in vulnerable circumstances

According to the Chartered Trading Standards Institute's Business in Focus Consumer Vulnerability guide, a consumer may be in vulnerable circumstance if they are 'unable to engage fully or effectively in a market and as a result, is at an increased risk of not getting a good deal. The consumer may not be able to protect themselves from harm'.<sup>1</sup>

### 4. Types of vulnerable circumstances

Consumer vulnerability is fluid and dynamic, and consumers can move in and out of periods of vulnerability. The two main types of vulnerable circumstances which may affect consumers are situational vulnerability and market context vulnerability.<sup>2</sup>

#### Situational vulnerability

Situational vulnerability can be caused by the personal circumstances of a consumer. This vulnerability can come from a specific difficult period in a consumer's life, such as a period of ill health or bereavement, or from more enduring personal circumstances, such as physical, mental impairment or social isolation.

Code members should be mindful that situational vulnerability can be flexible. A consumer can find themselves in vulnerable circumstances or develop additional needs at different stages of their contact with the Code member. For example, a consumer may not be in vulnerable circumstances during the initial site survey or sales visit, but this may change during the installation of the system. Please refer to section 6 for guidance on this.

#### Examples of situational vulnerability you may encounter



**Bereavement:** A consumer would like to book an appointment with you for a site survey with a view to having a solar PV system installed. During a telephone call to book the appointment, they inform you that their partner passed away the previous week after a short period of illness.



**Ill health due to major surgery:** A consumer has signed a contract for an air source heat pump but has been reluctant to arrange an installation date. You called them last week because you are hoping to complete the installation as soon as possible. They explain that they returned home from hospital last week after having a hip operation and are finding it difficult to move around the house. They are concerned that having the installation now will cause disruption around the property which could affect their recovery.

## Market context vulnerability

Market context vulnerability can be caused by having to make decisions based on information which is inadequate or having no experience or knowledge when accessing a new market, or by the way consumers are expected to contact or communicate with a business.

### Examples of market context vulnerability you may encounter



**Lack of market knowledge or experience:** A consumer is concerned about the increase in the cost of electricity and the impact it is having on annual bills. They have heard anecdotally that having a solar PV system and battery storage unit installed might help to save money on their electricity bill. They do not know anything else about solar PV or renewable energy.



**Inadequate information:** A consumer had a sales appointment last week to discuss having an air source heat pump installed. When talking about the initial form of contact the consumer said that they were not very comfortable using the internet. They were left with a brochure about the heat pump to read in their own time but the brochure has limited information in it and directs the reader to third party websites if they want to learn more.



Based on RECC's extensive experience within the renewable energy sector and analysis of data, consumers may experience situational and/or market context vulnerability for several reasons. The most common, include:

**Disability:** Under the Equality Act, a person may be considered disabled if they have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities. A 'substantial' disability is one that is more than minor or trivial which means that it would take much longer than usual to complete daily routine tasks. A 'long-term' disability is one which lasts for 12 months or more, for example breathing condition that develops as a result of a lung infection. People with progressive conditions can also be classed as disabled and those diagnosed with certain illness such as cancer are automatically classed as disabled.<sup>3</sup>

A physical impairment can affect a person's mobility, vision, and hearing. These can include chronic pain, arthritis and partial or full loss of vision or hearing. A mental impairment can affect a person's ability to understand and includes learning difficulties and dementia.

**Physical health:** age-related conditions, injury, and major surgery.

**Life events:** bereavement, social isolation, relationship breakdown and loneliness as well as caring responsibilities.

**Others:** low financial awareness or income, illiteracy and a consumer who does not speak English as a first language and may have difficulty with understanding as a result.

These reasons do not necessarily mean that the consumer is in a position of vulnerability; however, they indicate that they could be.

<sup>3</sup> GOV.UK, Reasonable adjustments for workers with disabilities or health conditions, website accessed on 21 March 2022  
<https://www.gov.uk/reasonable-adjustments-for-disabled-workers>



## 5. Identifying vulnerable circumstances

Code members have an obligation to identify whether a consumer has any additional needs or who, by way of their circumstances, may be potentially vulnerable. They must put in place a process and appropriate training for all employees, including those working on their behalf, on how to safeguard consumers who have been identified as being in vulnerable circumstances. As part of the process of identifying a consumer who may be in vulnerable circumstances, Code members should take the 'CARE' factors<sup>4</sup> into consideration:

### Comprehend

Is the consumer able to understand the subject of the discussion?

### Assess

Is the consumer able to consider carefully what is being said in order to make a judgment?

### Retain

Is the consumer able to retain the information given to them? Has the information been repeated several times?

### Evaluate

Is the consumer able to coherently communicate their views or decisions about the product or service being offered? Is the consumer genuinely contributing to the discussion or merely agreeing with what has been said?

These factors should be taken into consideration during contact with consumers, such as telephone calls and written correspondence including emails, text messages and WhatsApp. Depending on the type of contact with consumers, more specific factors to take into consideration are whether the consumer:<sup>5</sup>

- states that they are stressed or under a lot of pressure in their personal life;
- appears to be agitated, confused or upset;
- comments or answers questions in an inconsistent manner;
- writes in a disjointed way; and
- mentions medication and/or illness.

These factors do not necessarily mean that the consumer is in a position of vulnerability; however, they indicate that they could be.

<sup>4</sup> National Trading Standards Scams Team – Identifying Vulnerable Consumers Presentation 21 April 2021

<sup>5</sup> Aviva – A guide to identifying vulnerable customers. Best guide for insurance brokers June 2021.

## A FOCUS ON...

# Appointed persons acting on behalf of a consumer

Code members may come across a scenario where a consumer has an appointed person acting on their behalf to, for example, manage their affairs in some or all areas of their lives. A consumer may choose to appoint a person because of poor physical health, disability or an inability to make decisions for themselves for various reasons. Code members may come across the following:

1. **A letter or third-party mandate for an appointed person to temporarily operate a consumer's bank account.**
2. **Power of attorney - when someone makes a power of attorney, they appoint a person to act on their behalf. This gives them the legal authority to deal with third parties such as banks. There are two types of power of attorney: ordinary power of attorney and lasting power of attorney.**



### Ordinary power of attorney

An appointed person who looks after the consumer's financial affairs for a temporary period of time. A consumer may want to give someone ordinary power of attorney if, for example, they are unwell.



### Lasting power of attorney (LPA)

An appointed person who looks after the consumer's affairs on a long-term basis. The person has legal authority to deal with third parties such as banks. An LPA may give a person authority to deal with and make decisions about a consumer's property and financial affairs or their health and welfare, or both.

Where you encounter a person who purports to have ordinary or lasting power of attorney for a consumer you are working with, you should request evidence of the arrangement and check the type of authority it provides before allowing the person to make a purchasing decision on behalf of the consumer.

Where you come across a consumer who has appointed a person to act on their behalf, you should identify who they have appointed and ensure they are involved in all contacts and decisions throughout the contractual journey, particularly in relation to payments due under the terms of the contract. If they are not present during your first visit with the consumer, the visit should be ended and rearranged for a time convenient for the consumer and appointed person.





## 6. Taking appropriate measures

Whilst it is important to not make assumptions about a consumer, if they do show any signs of situational and/or market context vulnerability, Code members must consider what measures they should take to support them, and all information provided to the consumer should be tailored to their needs.

Where appropriate Code members should ask the consumer what they need and how they can help them better. The measures to support the consumer can be upfront and where necessary, Code members should provide ongoing support until completion of the contract and afterwards if required.

### Communication with consumers

Code members should check at the earliest opportunity whether a consumer would find a particular means of communication more useful. Where a consumer has indicated their preference, it should be followed consistently in all contact. For example, communication by electronic means such as emails, text messages and instant messages may be more suitable for some consumers. Alternatively, some consumers may find more traditional means of communication such as telephone calls and letters by post more appropriate. If in doubt, Code members should contact the consumer to check which method of communication is suitable.

When providing consumers with key documentation, for example a quotation or contract, as far as possible Code members should ensure that they are issued to consumers in a format which is tailored to their communication needs.

Where external documents from third parties are issued to consumers, where possible it should also reflect the consumer's communication needs.

Overall, Code members should have a progressive approach when it comes to communication with consumers in vulnerable circumstances. Code members are encouraged to talk to their consumers to determine what they would find useful and the steps which can be taken to make the consumer's journey as easy and straightforward as possible.

### Considerations during visits to the consumer's home

Before visiting a consumer's home or when scheduling installation dates, check with the consumer what dates and times would work best for them, and whether there are other considerations to be made. For example, certain things may have an impact on time such as scheduled medication or the attendance of carers. Consumers should be given a clear indication of how long a visit will last.

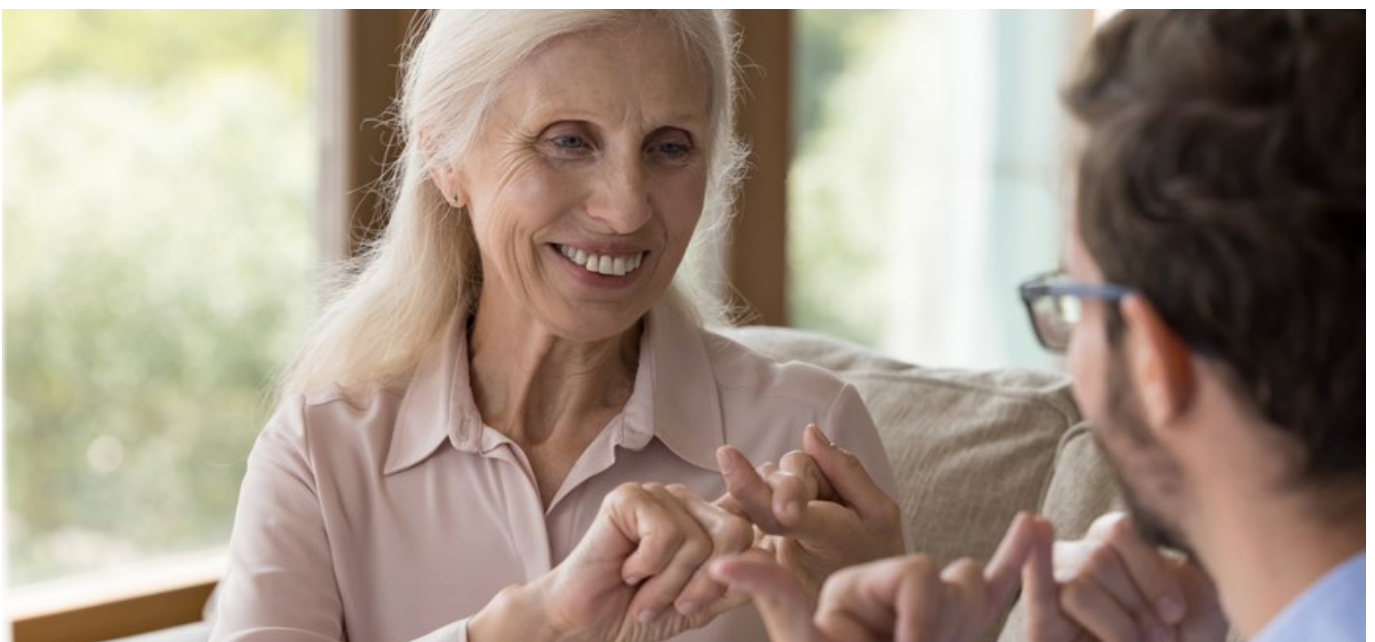
When visiting a consumer's home, for example during a sales or site visit, Code members should ensure that information is presented in a format which is suitable to that consumer, whether on an electronic device or other means.

If a consumer is on their own, or concerns develop at any point during the visit, Code members should ask open ended questions to gain a better understanding of the consumer's overall objective in having the energy generator installed. Where appropriate, the appointment should be rearranged to a time and date convenient for the consumer, when a trusted friend or relative is available to be present during the visit.

If a consumer does not have a trusted friend or relative who can be physically available during a visit, Code members should ascertain whether they can join the visit via telephone, video call (e.g., Facetime, WhatsApp) or video conferencing platforms such as Zoom, Microsoft Teams or Google Meet. If the consumer does not have anyone available to join in person or remotely, Code members should provide all the relevant information including the proposal and quotation and suggest that the consumer discusses it with a trusted person or a local Citizens Advice Bureau in their own time.

A follow up appointment can be made at a convenient time to go over anything the consumer needs to discuss once they have looked at the information provided. For good practice, a record of the visit should be made with details of the reasons for concern, the questions and answers discussed, what information was issued and what 'next steps' were agreed.

Careful consideration should be given to how the consumer may use the proposed system and what needs to be considered when designing it for them and their own home. This should be discussed with the consumer to ensure they understand how a system will impact their home and how they would be required to access, read and operate a system.



### Installing a system at the consumer's home

On arrival at the consumer's property, Code members should endeavour to make the installation process as straightforward and considerate as possible for the consumer. To achieve this, Code members should note the following:

- all members of staff working on site should be introduced to the consumer
- consumers should be given a realistic estimate of how long the installation will take and reminded of any disruptions which will be caused to their home during the process, particularly to areas where the consumer requires routine access
- the location of the energy generator and control panels should be accessed, read and operated easily by the consumer and this should be re-checked on the day of installation - this should have been discussed with and approved by the consumer during the design process
- after the installation, a thorough handover should be completed with the consumer, including making them aware of any key changes in the home and how to operate the system.



## Examples of measures to be taken

We have worked with the West of England Centre for Inclusive Living, an organisation dedicated to supporting independent living, to identify types of vulnerable circumstances and help Code members understand how to support consumers in these circumstances. Whilst this is not exhaustive, it covers a wide range of circumstances and could help identify the best approach to other, similar circumstances.



### Visually impaired

#### Do:

- ✓ Identify preferred communication style for written information and documents and use this consistently throughout contacts with the consumer.
- ✓ Carefully consider the location of installation, importantly the control panels for the system (e.g., generation meter for solar PV, thermostat and programmer for heat pumps), and consider that consumer's access to these components and how the installation may affect the consumer's use of and movement around the home.
- ✓ Consider whether the consumer will be able to operate the controls of the product. Walk and talk the consumer through the changes in the home and how to work controls and understand what extra measures will need to be taken, for example:
  - are user guides in Braille/Large print available?
  - does the consumer have the technology to read user guides electronically?
  - is the consumer able to operate a touch screen and can such controls link to assistive technology the consumer already uses if not?
- ✓ Introduce all staff working on site to the consumer and ensure they are aware and mindful of the impact they have on the consumer's environment. For example, if something is moved, they should ensure that it is put back exactly as they found it.
- ✓ Ensure all documents that contain images or diagrams have alt-text (descriptions) and videos have audio descriptions.

#### Do not:

- ✗ Do not offer assistance in the consumer's home unless they request such help.
- ✗ Do not leave tools in walkways/blocking entrances or access to rooms/cupboards etc. if the consumer needs access to these spaces.
- ✗ Do not leave anything that could be a trip hazard or harm to someone who cannot see.
- ✗ If the consumer uses a sighted guide or personal assistant/carer, do not direct conversations or questions to them. Always talk directly with the consumer.



## Deaf, deafened and hard of hearing

### Do:

- ✓ Identify preferred communication style and use this consistently throughout all contact with the consumer.
- ✓ Ask whether the consumer needs a BSL interpreter to attend any meetings and, if so, ensure that an interpreter will be available through all contact with the consumer, including during the installation.
- ✓ Confirm whether they are a lip reader or whether they use voice to text software.
- ✓ Remind staff that when talking to a lip-reading consumer, they should ensure that their faces can be seen clearly.
- ✓ If consumers are being shown videos make sure subtitles are available.
- ✓ If the energy generator has a sound alarm, check that there is an alternative warning signal, such as flashing light, and make the consumer aware of what to look out for.

### Do not:

- ✗ Don't assume that written English is the first language of BSL users.
- ✗ When talking to lip-readers, staff members should not have their faces in the shadow.
- ✗ If an interpreter is in attendance, do not direct the conversation to them, always talk directly to the consumer.
- ✗ Do not use jargon and abbreviations where possible (explain what something means if it is used).
- ✗ Do not shout or talk louder when communicating with the consumer unless they have requested this approach.



## Learning impairment or difficulty

### Do:

- ✓ Identify preferred communication style for written information and documents and use this consistently throughout contact with the consumer
- ✓ Ensure that documents and the information provided is in an easy read format and written in plain English.
- ✓ Allow extra time for the consumer to process the information. Be patient and give them time to ask questions about anything they do not understand.

### Do not:

- ✗ Do not use jargon



## Autism

### Do:

- ✓ Identify preferred communication style for written information and documents and use this consistently throughout all contact with the consumer.
- ✓ Be aware that the consumer may struggle to make eye contact.
- ✓ Provide clear information both verbally and in writing.
- ✓ Allow extra time for the consumer to process the information you are providing.

### Do not:

- ✗ Try not to miss appointment/calls/communication or being late for appointments because it can cause stress and anxiety..
- ✗ Do not misunderstand or misread the situation if the consumer has a lot of questions or asks for a lot of clarification on what is being said. Be patient as this will be how they process information.



## Mental health condition including ADHD, depression, anxiety and stress

### Do:

- ✓ Identify preferred communication style for written information and documents and use this consistently throughout all contact with the consumer.
- ✓ Provide appointment reminders.
- ✓ Reschedule appointment if the consumer is in a period of poor mental health.
- ✓ Allow extra time for the consumer to process any information you are providing and provide plenty of opportunities for them to ask questions.





### Physical impairment including wheelchair users and consumers with upper body impairments

#### Do:

- ✓ Carefully consider the location of proposed installation and the relevant control panels for the system (e.g., generation meter for solar PV and thermostat and programmer for heat pump) to ensure it is suitable for the consumer's usage.
- ✓ Consider how the consumer will access these controls, e.g., can the consumer reach and / or operate the controls, and how the installation may affect the consumer in the home. Walk and talk the consumer through the changes in the home and how to work controls and understand what extra measures will need to be taken.
- ✓ Introduce all staff working on site to the consumer and ensure they are aware and mindful of the impact they have on the consumer's environment. For example, if something is moved, they should ensure that it is put back exactly as they found it.
- ✓ If installation takes longer than a day, ensure the consumer is walked through the space.

#### Do not:

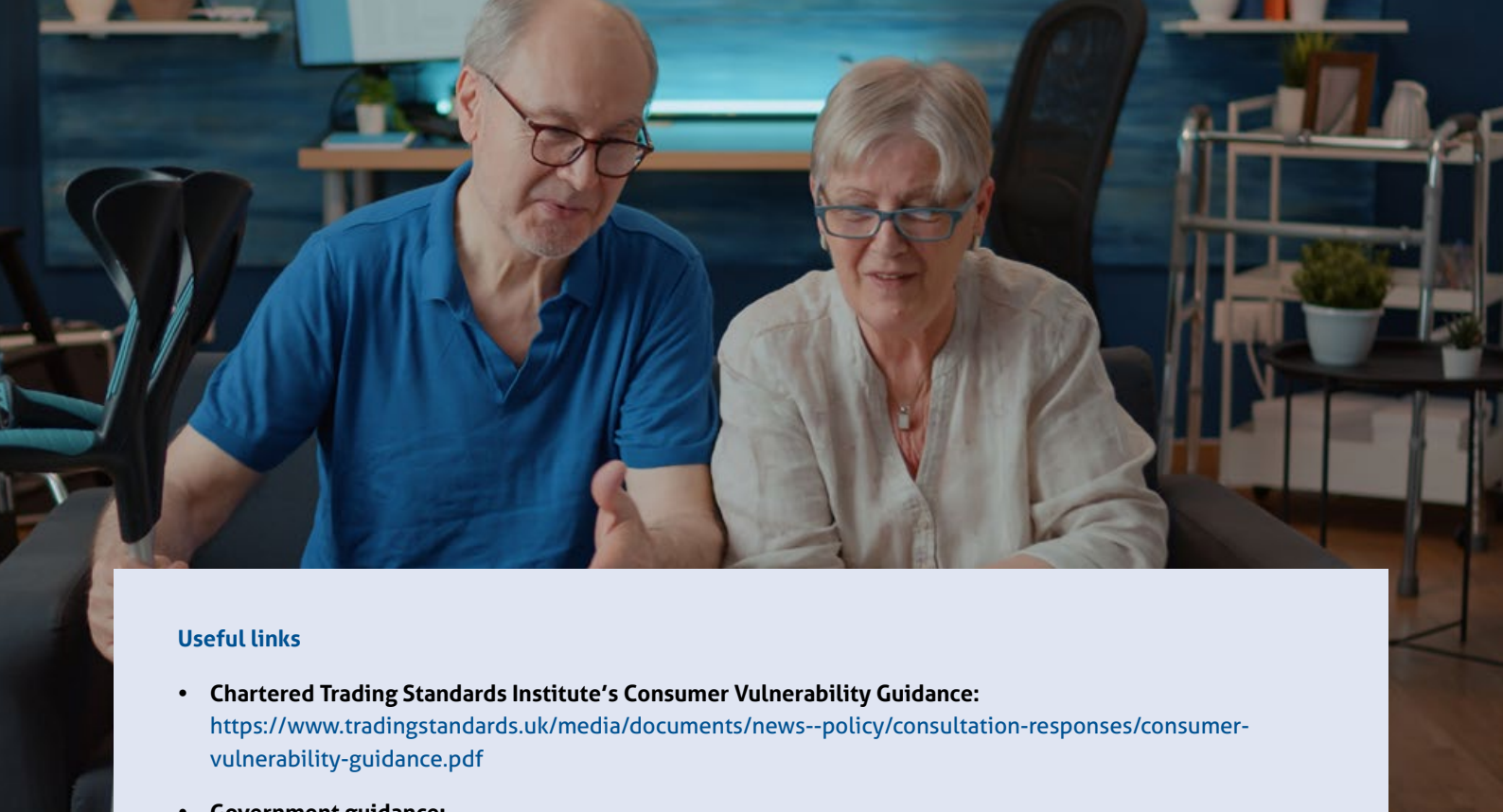
- ✗ Do not leave tools in walkways/blocking entrances or access to rooms/cupboards etc.
- ✗ Do not leave anything that could be a trip hazard or harm to someone who cannot see.



### Carers (children, disabled family members and disabled children)

#### Do:

- ✓ Take care to check that any appointment or installation times suit the consumer and be flexible in the face of any request for re-arrangements.
- ✓ Where made aware of such considerations, consider the impact of scheduled medication times, children's mealtimes/school runs etc. and ensure any delays are brought to the consumer's attention as quickly as possible.



### Useful links

- **Chartered Trading Standards Institute's Consumer Vulnerability Guidance:**  
<https://www.tradingstandards.uk/media/documents/news--policy/consultation-responses/consumer-vulnerability-guidance.pdf>
- **Government guidance:**  
<https://www.gov.uk/reasonable-adjustments-for-disabled-workers>
- **British Chamber of Commerce Guide for business:**  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/85008/business-quickstart.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/85008/business-quickstart.pdf)
- **Citizens Advice Information on someone who has been appointed to manage affairs:**  
<https://www.citizensadvice.org.uk/family/looking-after-people/managing-affairs-for-someone-else#:~:text=When%20someone%20makes%20a%20power,behalf%20is%20called%20an%20attorney>

### References

- **Chartered Trading Standards Institute, April 2021, Business in Focus Consumer Vulnerability:**  
<https://www.tradingstandards.uk/media/documents/news--policy/consultation-responses/consumer-vulnerability-guidance.pdf>
- **National Trading Standards Scams Team – Identifying Vulnerable Consumers Presentation 21 April 2021.**
- **Aviva – A guide to identifying vulnerable customers. Best guide for insurance brokers June 2021.**



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