



White paper

**Guidelines for call centres
dealing with vulnerable consumers**



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1. Introduction

At some time most companies and organisations will have telephone conversations with people who find it difficult to immediately make an informed decision about the choices offered to them – choices such as changing a utility supplier or making a charitable donation. For the purposes of this document the term ‘vulnerable consumers’ is used to describe people in these groups. Vulnerable consumers may include those who have a diagnosed condition like dementia; those who have an undiagnosed or temporary mental health condition such as severe anxiety; a recent bereavement; those with learning difficulties or literacy issues; or those who have problems understanding the language.

Historically organisations have had little understanding of how to pick up signs of a vulnerable consumer or how best to handle such situations with care and respect. Staff may not be equipped to deal with the situation, and there is often no policy for addressing any problems that may arise. This means that despite their best intentions, organisations may not give consistent quality service.

Ofcom research has found that disabled people have difficulty dealing with contact centres. Under the Equality Act 2010 (formally the Disability Discrimination Act) it is illegal to discriminate. This means that when a contact centre identifies that a consumer has a disability they must make reasonable adjustments to accommodate them – for example, pro-actively suggesting solutions that may help these consumers make informed choices, and taking steps to ensure that they fully understand key documents such as the quotation, the contract and the guarantee. Good service makes good business sense.

Contacting consumers by phone to sell, upsell, cross-sell products or offer new tariffs is important for both parties. The company wants to promote its products and the consumer wants to benefit from any improved offers. In the not-for-profit environment, charities will also contact donors and supporters to ask for financial gifts through telephone fundraising. It is important that vulnerable consumers are not locked out of these dialogues.

Normally in a commercial transaction there is the assumption that the buyer knows what they want and can make an informed choice about the most appropriate product or service. However, vulnerable consumers can be trusting and believe that a sales representative (whose motivation is to sell) is acting in their best interests in an advisory capacity – this leaves them at risk of being manipulated by unscrupulous operators. In a fundraising transaction vulnerable donors can be very susceptible to high pressure fundraising techniques.

These guidelines were produced in November 2012 and updated and reissued in August 2015 as a practical framework to help your organisation develop its own internal guidelines for dealing with the vulnerable consumers it speaks to over the telephone. The DMA encourages organisations to implement these guidelines: implementation may be dependent on the capability of internal systems and processes of the individual organisations. They complement DMA members’ obligations towards vulnerable consumers laid out in the [DMA Code](#).*

**For more information refer to the British Standard BS 18477:2010 ‘Inclusive Service Provision – Requirements for identifying and responding to consumer vulnerability’ and ‘Your call is important to us’ from the Business Disability Forum.*

2. Practical issues for frontline staff

2.1 Identifying vulnerable consumers

In order to address the needs of vulnerable consumers correctly it is important to be able to identify them. Risk factors can include bereavement, illiteracy, illness, disability or other impairment. In many cases more than one risk factor is present which increases the consumer's vulnerability.

Frontline staff need to be alert to the signs that the person they are talking to may not have the capacity, at that moment in time, to make an informed decision about the implications of the agreements that they are being asked to make. This is not a diagnosis of a condition. It is just an extension of contact centre staff's existing skill of listening, identifying needs and adjusting their approach accordingly.

The Mental Capacity Act 2005 says that a person is unable to make a specific decision if they cannot understand information about the decision to be made; cannot retain that information in their mind; cannot use or weigh up that information as part of the decision-making process or cannot communicate their decision.

Frontline staff should be alerted if the consumer:

- Asks the agent to speak up or speak more slowly
 - Can they hear the complete conversation or are they missing important information?
 - Do they understand what you are saying?
- Appears confused
 - Do they know what is being discussed?
 - Do they ask unrelated questions?
 - Do they keep wandering off the point in the discussion and talking about irrelevancies or things that don't make sense?
 - Do they keep repeating themselves?
 - Do they say 'Yes' in answer to a question when it is clear they haven't listened or understood?
- Becomes upset or distressed during the call
- Takes a long time to get to the phone and sound flustered or out of breath, indicating they may have a lack of mobility due to age or illness
- Takes a long time to answer questions. They may say "My son/daughter/wife/husband deals with these things for me"
- States that there is a language barrier and they do not fully understand what is being said to them
- States that they don't understand their bill, recall a previous phone conversation or recent correspondence

Front line staff should also listen for what is not being said e.g. absence of price or commitment questioning may be an indication that they are dealing with a vulnerable consumer.

A simple assessment checklist for frontline staff includes questions such as:

- Are they able to understand the discussion you are having?
- Are they able to weigh up the information you have presented to make a decision?
- Are they able to retain the information you have provided?
- Are they able to communicate their decision?

2.2 Practical tips when talking to vulnerable consumers

Be transparent from the outset about the purpose of your call.

Do not make assumptions:

- That you know what the consumer needs
- That the person you are talking to is sighted. They may be unable to read serial numbers or statement details. Consider other formats that the consumer may require e.g. braille, large print or audio
- That the person you are talking to can hear everything you are saying – they may have a hearing impairment

Be respectful:

- Be patient - give people the time they need to obtain details or documents
- Clarify understanding at every point posing the question “is there anything you’d like me to explain?”
- Give the consumer time to explain fully – don’t interrupt, show impatience or finish a statement
- Ask the consumer to explain their understanding of the agreement

Consider Tone:

- Speak clearly and enunciate - don’t shout and be conscious of the pitch and tone of your voice
- Speak at a relaxed pace – do not rush a consumer who may be slow to respond or explain what they need

Keep control of the call:

- Set clear expectations for the call at the outset. Outline the information that will be required (e.g. account numbers)
- Explain how long the call is likely to last
- Guide the call to keep it ‘on topic’

Offer alternative means of communication:

- Offer alternatives to dealing with things by phone – maybe they would prefer to transact the business by post or email
- Ask if there is a better time to call – e.g. some people will function better in afternoons than mornings
- Ask whether there is anyone else they want, or need, to talk to before making the decision

2.3 Before concluding the transaction

- Consider honestly whether a “yes” is real agreement or just submission
- Consider whether the consumer demonstrates that they have a general understanding of what decision they need to make and why they need to make it. Do they understand the consequences of making, or not making, this decision? Can they understand and process information about the decision? And can they use it to help them make a decision?
- Make sure that the consumer is not flustered, agitated or in an emotional state when they make a decision
- Be careful to distinguish between verbal cues and agreement e.g. “oh yes” could mean “I’m listening” rather than “I’d like to go ahead”
- Don’t assume that they fully understand all the implications of the offer/agreement. Explicitly and clearly confirm all the important information

- Ask the following questions:
 - Do you need to discuss this with anyone else?
 - Would you like me to explain any part of this call again?
 - Did you want to think about this before making a decision?
 - Is there anything we can do to help you deal with us in the future?

- If they say something that suggests they don't fully understand what you have said be prepared to repeat or paraphrase to clarify understanding

If you suspect you are talking to a vulnerable person run through a simple objective checklist to help you to determine how to proceed:

- Ask the consumer to confirm their name and full address
- Ask the consumer who will make the final decision about making a purchase or donation
- Ask the consumer to confirm the offer, price and contract terms in their own words

If there is any hesitation or confusion with answering these questions you can trigger an alternative handling process, for example:

- Suggest that they talk it through with someone else and offer to ring them back. Where appropriate, suggest that a guardian or carer could be present on the call
- Ask if they would like details of the offer sent in the post or by email for them to consider, what format does the consumer require e.g. braille, large print or audio?
- Offer to patch-in a trusted third-party carer or family member, to the call if this would help

3. Issues for companies looking to follow best practice guidelines

3.1 Senior management sponsorship

- Gain an understanding of how many calls your organisation handles with vulnerable consumers
- Take this issue to senior management and try to get a board level sponsor who will back your project and sign your declaration of compliance
- An implementation team, involving all stakeholders, should be created to ensure that measures put in place are achievable and measurable
- Get a nominated person in your compliance team to be involved in the project
- Allocate a single operational manager who will be responsible for overseeing the process, managing complaints from/about vulnerable consumers and reporting on progress
- When outsourcing contact centre work only use service providers who have signed up to these guidelines

3.2 Procedures

Take our general guidelines and develop your own in-house vulnerability guidelines that are specific to your business:

- Think about your procedures and processes and see where they need to be changed to accommodate the needs of vulnerable consumers
- Don't penalise agents for spending a long time on the call, or ending a call the moment a vulnerable consumer says that they are not interested – rather, give positive recognition for handling these difficult calls sensitively
- Legally your processes should allow the cancellation of a contract if a product/service has been mis-sold or sold without the account holder's authority. Each case should be managed individually without discrimination.
- If, despite your best endeavours, it becomes apparent that a vulnerable consumer has consented to a sale without full understanding then procedures should be in place to allow the contract to be terminated. This may be beyond an organisation's strict legal obligations
- When planning marketing campaigns be aware of the needs of your vulnerable consumers and consider whether the campaign is appropriate. It may be more appropriate, for example, to make the offer by mail rather than telephone. Note that you have to be careful that you are not offering people who are disabled a less favourable service - even if it's done with best intentions it could still be unlawful discrimination
- Do not reward staff for using inappropriate pressure tactics, but on satisfactory completion of orders
- Ensure that staff who do not follow these guidelines are disciplined appropriately
- Consider setting up a specialist team to handle the call once a vulnerable consumer has been identified. Consider as well implementing a verification system so that agents who have any doubts about a particular transaction can pass it on to a supervisor at the end of a call. This will allow for verification that to verify that the consumer is fully aware of what they have agreed to or it could trigger an alternative way of handling the interaction
- Have a complaints procedure and make sure everyone understands and complies with it
- If a consumer doesn't want to be called again offer to put them on the in-house do-not-call list. Advise them about the Telephone Preference Service (TPS). Inform them that TPS will block cold calls but not prevent calls from organisations they have a pre-existing relationship with

- When a problem occurs put systems in place to track back and listen to calls to find out where the misunderstanding took place and what procedural changes or additional training are required to prevent it happening again
- Where there is a language barrier consider employing multi-lingual agents, or using services such as LanguageLine
- In some cases vulnerable consumers will not have the capacity to make the decisions that are required to administer their account. In this situation some companies erect huge hurdles for family members and carers because they refuse to speak to anyone other than the account holder. Consider storing the names of other individuals who are authorised to act on behalf of the account holder in your database
- Ensure that consumers and or their representatives know what is expected of them
- Have dedicated literature explaining your terms and conditions in straightforward, open and easy-to-read fashion. Consider font type and size, use of visual images or voice aided documents. There are a variety of accessible tools to support this. One good example is the PDF “read out loud” functionality which is easy to activate with some simple guidance from the agent
- Client companies should put in place controls to ensure that no consumer is signed up for the same service multiple times – for example multiple subscriptions for the same magazine, multiple memberships of the same motoring organisation. If they identify a consumer with dementia, unscrupulous sales agents have been known to call them multiple times to make multiple sales of the same product

3.3 Staff training

- Train your staff in these new procedures. Consider whether it would be appropriate to include disability awareness training or engage local charities
- Use the training materials provided by the DMA. [Access them here](#).
- Use the decision making matrix as part of your training session
- Make sure all staff have a copy of your own vulnerability guidelines and complaints procedures
- Make sure staff are aware that they will get credit for handling calls sensitively
- Make sure agents are aware of the text relay service for the deaf and hard of hearing

If you have a text phone make sure agents know how to operate it

- Ensure training is reviewed and staff are re-trained at regular intervals

3.4 Logging detail of a consumer’s communication needs on your database

If we don’t record anywhere that the consumer has particular needs then we can’t ensure that future communications to that consumer are tailored to these needs. In effect, the contact centre has to identify the consumer’s needs and vulnerabilities each time they are spoken to. These may be spotted on some occasions, but not others, so the quality of service offered could be inconsistent.

Some needs are clear – you can flag if the consumer prefers to be communicated with in a different language, or prefers to be communicated with by mail or email rather than telephone – other needs are less easy to handle.

Note that the Data Protection Act (DPA) 1998 requires that any information stored must be recorded with the full knowledge and consent of the consumer, and must be kept accurate and up to date. If the communication needs of an individual are due to a disability, e.g. needs to be contacted by telephone only as blind, care must be taken about the recording of any medical data as it is classed as sensitive personal data and must be checked for accuracy, should be relevant and not excessive. This data must be deleted when the relationship no longer exists between the company and the consumer.

We recommend that two new elements are built into your communications strategy:

3.5 Post-call communications quality assessment

Once you have identified that a consumer does have particular communication needs you will want to store this information so that future contacts are handled appropriately. For example, you may want to direct calls from that particular consumer to a special team of agents dedicated to looking after vulnerable consumers.

You may like to consider a way of rating each of your calls. Give the contact centre advisor the opportunity to classify the quality of communication they felt that they had achieved during the call. This may be done with a simple drop-down menu list of options ranging from "I felt that the consumer completely understood everything that we discussed today" through to "I felt that the consumer did not understand some key aspects of our conversation today". Note that this rating is not an assessment of the consumer's condition. It is just a record of the advisor's view of the quality of communication they achieved on that particular occasion.

Note that under the DPA there is the requirement to provide data subjects, detailing all the data held on consumers as part of the Data Subject Access Request. Companies would therefore need to ensure they are comfortable providing the consumer (as part of the request) with any recording or assessment.

When the consumer calls in or is next called the ratings from the last few calls can be displayed so that the advisor who is about to deal with them is more alert to their particular needs. These ratings could also be used across your wider organisation in deciding how to contact specific consumers.

3.6 Personal declaration

Consumers should be allowed to make a personal declaration about their capabilities and communication needs and have this stored on the company's database. This can be shown when their database record is accessed in the contact centre or during a face-to-face transaction. For example:

"I am Joan, I am in the early stages of dementia. On some days I will understand what you are saying, but on other days I won't understand and may repeat myself. Please will you take this into account and call me back another day. I will also find it difficult to understand you if you speak quickly or rush me."

"I, John Smith, wish anyone working in this organisation to be aware that I currently have mental health problems which might affect my ability to make decisions. Please give me some time to think about the decision and call me back at a later date before continuing with any sale."

This may be written by the consumer or another authorised party – for example the carer or family member – and should be date stamped on the database (as dementia is a progressive condition).

It may be possible for the contact centre agent to gain information from a consumer during a call. If, for example, the consumer says that they find something difficult to understand, the contact centre agent could say "Would you like me to make a note of that on your file so that if we contact you again the advisor you speak to will be aware of this?"

NOTE: All above points in sections 3.4 and 3.5 should be considered and applied to this section.

3.7 Third-party authorisation

Some vulnerable consumers may need to have some of their commercial transactions conducted by an advisor or intermediary e.g. a friend, a family member, a care worker, a legal advisor. If the advisor or intermediary can correctly answer security questions they should be enabled to conduct the call on the consumer’s behalf.

A common sense approach should prevail. For example, a request of “How many minutes credit does Mary have on her mobile phone?” is pretty innocuous, as is “Mum’s got dementia – please don’t call her to offer her different services”.

The request “Mary has asked me to ask you to close her account and transfer the balance to my account” is much more serious and you may require a more formal authorisation such as a Power of Attorney. Consumer-facing staff confronted with this situation should be encouraged to question irregular patterns of activity and to report suspicions of fraud or financial abuse by authorised third parties for appropriate investigation.

Company guidelines and training should be available for staff so that they are able to make an informed decision about whether to transact business with or through a third party.

Remember that:

- Any third-party arrangements will need to incorporate and not undermine a company’s existing validation processes to ensure that there is no fraud or deliberate misuse of any individual who is representing the consumer
- When storing the representative’s contact numbers and names there has to be explicit consent from both the individual representing the consumer and the consumer. This information should have controls to ensure it remains accurate and up to date. See example below which has been taken from BT Protected Service Scheme

Tear along perforation

Protected Services Scheme application form

Please fill in this application form and send it to us. You don’t need a stamp.

Part A.

To be filled in by the BT account holder

Name:
Phone Number:
BT account number:
Email address:
Mobile phone number:

I want to join the Protected Services Scheme. I understand how the scheme works and that my nominee may ask for details of my bill. I agree to let BT know if my choice of nominee, circumstances or contact details change. The information I’ve given is true.

Signature:
Date:

Part B.

To be filled in by the nominee

Title (Mr, Mrs, Ms, Dr) and full name:
Daytime phone number:
Mobile phone number:
Email address:
Address and postcode:

I agree to act as nominee for the person named in Part A and certify that the details in Part A are correct to the best of my knowledge. I understand how the scheme works and that I won’t personally have to pay, or be liable for, the account holder’s BT bills.

Signature:
Date:



Tear along perforation

NOTE: as members of the DMA a positive consumer experience is at the heart of all communication. For more information on member’s obligations towards ‘vulnerable consumers’ see the [DMA Code](#).

Appendix 1

Legal, Regulatory & Practice Frameworks

In addition to the positive customer service and ethical aspects of treating consumers fairly and equally, there are important legal and good practice considerations to bear in mind.

4.1 Equality Act 2010

Under the Equality Act 2010 (formerly the Disability Discrimination Act) it is illegal to discriminate. When you provide services over the telephone you must not discriminate against, harass or victimise people because of a “protected characteristic”. Protected characteristics are:

- disability
- gender reassignment
- pregnancy and maternity (which includes breastfeeding)
- race
- religion or belief
- sex
- sexual orientation

Certain “protected characteristics” are closely related to the needs for care and support, or vulnerable circumstances, set out above. By ensuring that we treat all consumers fairly, and taking a broad definition of those who may need care and support or be in vulnerable circumstances, the risk of non-compliance with the Act is reduced.

Under the Act, organisations that provide goods and services to the public must make reasonable adjustments for disabled people who would otherwise face barriers to accessing the service. If it is a reasonable adjustment to provide the service in a different way, that would reduce those barriers, then you must do it. Adjustments must be made proactively, without waiting until a disabled person wants to use your services. You must think about what adjustments people might reasonably need in advance.

It is not just how you personally behave that matters when you are running an organisation providing goods, facilities or services to the public. If another person who is employed by you, or carrying out your instructions (an agent) does something that is unlawful discrimination, harassment or victimisation, you can be held legally responsible for what they have done.

4.2 The Mental Capacity Act (2005)

Mental capacity is the ability to make a decision. This includes everyday decisions, such as what to wear or eat, through to more serious or significant decisions that may have legal consequences. Many people who have problems with decision-making will be able to make some everyday decisions (sometimes with support) but may be unable to make more complex decisions.

The Mental Capacity Act puts a framework in place to protect people (over 16) who are unable to make their own decisions.

The Act is based on five principles:

1. Everybody is presumed to have mental capacity *unless proved otherwise*
2. Individuals must be supported to make their own decisions. They must be given all appropriate information before it is decided they do not have capacity
3. People have the right to make decisions others may see as eccentric or unwise
4. Anything done for someone without capacity must be in their best interests
5. Anything done for someone without capacity must be the least restrictive of their basic rights and freedoms

4.3 Mental Capacity Act and the buying of goods and services.

Because it involves making decisions, both small and large, the buying of goods and services has a direct relationship with the Mental Capacity Act.

Specifically, Section 7 of the Mental Capacity Act revises aspects of the Sale of Goods Act 1979, relating to people who lack capacity to contract. It asserts, in general terms, that a contract entered into by a person who lacks capacity to contract is voidable if the other person knew or must have known of the lack of capacity.¹

However this does not apply if “necessaries” are supplied. In those circumstances, the person lacking capacity must still pay a reasonable price. “Necessary” is defined as being suitable to a person’s condition in life and to their actual requirements at the time when the goods or services are supplied. For example, if the milkman carries on delivering milk to the house of someone who has a progressive dementia, he can expect to be paid. If, however, a roofer puts a completely unnecessary new roof on to that person’s house, when all that was required was a minor repair, then the rule will operate to prevent the roofer from being able to recover his charges.

For this reason you should always consider the following, to establish, as far as is possible, that the person you are speaking with has the ability to make a decision regarding a purchase.

Are they able to:

- Understand the information relevant to the decision?
- Retain that information?
- Use or weigh-up that information as part of the decision-making process?
- Communicate the decision in whatever way is appropriate for that person?

Some people will have formal arrangements in place for another person to manage their finances and/or health and welfare decisions. Further information about these arrangements can be found in sections 6.2. and 6.4 below.

4.4 Distance Selling and E-Commerce Regulations (DSRs and ECRs)

These allow the cancellation of a contract if a product/service has been mis-sold or sold without the account holder’s authority and each case should be managed individually, without discrimination. If it becomes apparent that a vulnerable consumer has been sold a product without their full consent then procedures should be in place to allow the contract to be terminated. This may be beyond an organisation’s strict legal obligations, but we believe that it is the right thing to do, and will also minimise reputational risks to your organisation.

Contracts relating to financial services may not be subject to DSRs; however these services are likely to be subject to requirements to provide information and rights of cancellation contained in the Financial Services (Distance Marketing) Regulations 2004.

If you have any doubt about any of these issues you should consult your internal guidance and discuss the issue with a manager.

1. [Mental Capacity Act explanatory notes](#)

4.5 Further guidance

The DMA sets out member's obligations towards vulnerable consumers in the [DMA Code](#).

Further guidance can also be found in the British Standard BS 18477:2010 "[Inclusive Service Provision – Requirements for identifying and responding to consumer vulnerability](#)".

Practical information about improving contact centre services for disabled people can be found in "[Your call is important to us](#)" from the Business Disability Forum.

About the DMA

The DMA is the professional association representing companies working in the UK's multi-billion pound data-driven marketing industry. Its vision is to create a vibrant future for Britain by putting 1-to-1-to-millions communication at the heart of business, even society: promoting organisation-customer relationships that are genuine, in touch with the individual's needs, inspiring, helpful and mutually beneficial. It provides members with the strongest framework for driving success: the [DMA code](#), unlimited legal advice, political lobbying, business-critical research, educational and networking events, niche tools and resources, the latest and most creative thinking and the greatest community of digital and direct marketing experts, leaders, shapers and creators to support and inspire.

For further information: www.dma.org.uk





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