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BS 18477:2010



BSI Standards Publication

Inclusive service provision – Requirements for identifying and responding to consumer vulnerability

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Publishing information

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Information about this document

This British Standard is intended to complement:

- BS 8477, *Code of practice for customer service*
- BS 8463, *Specification for customer billing practice*
- BS 8878, *Guide to good practice in commissioning accessible websites*
- BS ISO 10001, *Quality management – Customer satisfaction – Guidelines for codes of conduct for organizations*
- BS ISO 10002, *Quality management – Customer satisfaction – Guidelines for complaints handling in organizations*
- BS ISO 10003, *Quality management – Customer satisfaction – Guidelines for dispute resolution external to organizations*

While these standards set benchmarks and essential requirements for dealing with customers, this British Standard has been designed specifically to help organizations identify consumers who could be vulnerable or disadvantaged and to adapt their service to be inclusive and accessible to all.

The standard also complements Office of Fair Trading (OFT) guidance, *Consumer Protection from Unfair Trading* [1].

Presentational conventions

The provisions of this standard are presented in roman (i.e. upright) type. Requirements are expressed in sentences in which the principal auxiliary verb is "shall".

Commentary, explanation and general informative material is presented in smaller italic type, and does not constitute a normative element.

The word "should" is used to express recommendations of this standard. The word "may" is used in the text to express permissibility, e.g. as an alternative to the primary recommendation of the clause. The word "can" is used to express possibility, e.g. a consequence of an action or an event.

Notes and commentaries are provided throughout the text of this standard. Notes give references and additional information that are important but do not form part of the recommendations. Commentaries give background information.

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This publication does not purport to include all the necessary provisions of a contract. Users are responsible for its correct application.

Compliance with a British Standard cannot confer immunity from legal obligations.

In particular, attention is drawn to the following:

- The European Unfair Commercial Practices Directive (UCPD) 2005 [2]
- The Disability Discrimination Act 2005 [3]
- The Equality Act 2010 [4]
- The Data Protection Act 1998 [5]
- The Freedom of Information Act 2000 [6]
- The Consumer Credit Act 1974, as amended [7]
- The Consumer Protection from Unfair Trading Regulations 2008 (CPR) [8]
- The Privacy and Electronic Communications Regulations 2003 [9]
- The Electronic Commerce (EC Directive) Regulations 2002 [10]
- The Cancellation of Contracts made in a Consumer's home or place of work etc. Regulations (the "Doorstep Selling Regulations") 2008 [11]
- The United Nations Convention on the Rights of Persons with Disabilities [12]

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All consumers are different, with a wide range of needs, abilities and personal circumstances. These differences can put some consumers in a position of vulnerability or disadvantage during certain transactions and communications, potentially putting them at risk from financial loss, exploitation or other detriment. Organizations and markets also differ in the way that they provide services and interact with consumers, and organizations' policies and processes can contribute to, or increase the risk of, consumer vulnerability.

Consumer vulnerability is relative and dynamic, and a consumer's needs and abilities can change with time or circumstance, especially if the consumer is faced with a particularly urgent or complex issue. Consumer vulnerability can be caused by a range of factors, including mental health issues, illness, limited knowledge or awareness of products or markets, or a change in personal circumstances, such as bereavement or unemployment.

Some groups, such as older people and disabled people, are often assumed to be vulnerable, but it ought not to be assumed that, by virtue of their being older or disabled, they are automatically vulnerable. Consumers can be put in a vulnerable position by an organization's failure to provide an inclusive service.

For this reason it is important that consumer-facing organizations provide a flexible and inclusive service which meets the needs of all consumers, regardless of their personal circumstances. For consumers in a vulnerable position this can reduce the risk of detriment, making it easier for them to obtain information, access a service and understand terms and conditions. It can also increase their ability to choose suitable services, and to seek effective resolution with an organization if things go wrong.

By providing a flexible and inclusive service, organizations can make their services accessible to a larger number of consumers, giving them confidence that their needs can be met. By recognizing signs of vulnerability and dealing with them appropriately, service organizations can increase satisfaction and build confidence in their brand.

With the introduction of new legislation to protect "vulnerable consumers" the provision of inclusive services and the ability to recognize the varying needs of consumers and deal with them appropriately is increasingly important. In May 2008, the European Unfair Commercial Practices Directive (UCPD) [2] was implemented in the UK by the Consumer Protection from Unfair Trading Regulations 2008 (CPR) [8] to protect "vulnerable consumers". It is the first time that provision for "vulnerable consumers" has been included in the structure of UK consumer protection legislation.

The UCPD [2] places a general prohibition on "traders" treating consumers unfairly. Reflecting the provisions of the UCPD [2], the Regulations define the typical consumer by reference to concepts of the "average" consumer, the "average member" of a targeted group of consumers, and the "average member" of a vulnerable group of consumers.

This British Standard gives the organization clear guidance on how to recognize consumers who could be vulnerable, and how to provide inclusive services so that they are able to meet the needs of all consumers and are also in a stronger position to comply with the

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Disability Discrimination Act [3] and equality and human rights laws.

As any consumer can experience vulnerability at any time, this standard is not limited to organizations providing services targeted at stereotypically "vulnerable" groups, such as older or disabled people. It applies to all organizations regardless of type, size and the services provided.

This British Standard is not a customer service standard. It assumes that the organization already has customer service frameworks in place, whether bespoke or based on a British Standard, such as BS 8477, and it is intended to complement and build upon existing frameworks.

Customer service standards focus mainly on how to treat customers who have direct contact with an organization. However, this standard gives guidance on how the organization can interact with all consumers; not just existing customers, but anyone who could have contact with the organization, directly or indirectly, or has the potential to become a customer. It focuses specifically on how to make a service accessible to all, so that no one is inappropriately excluded from a service that they wish to consume. It also helps the organization to identify and assist those consumers who could be vulnerable or at risk of disadvantage.

The standard is intended to:

- encourage the adoption of fair, ethical and inclusive practices;
- demonstrate best practice for organizations in the identification and treatment of vulnerable consumers in relation to the UCPD [2] and other relevant legislation;
- assist organizations to understand what consumers have a right to expect from them;
- improve accessibility to services for all; and
- increase consumer confidence.

1 Scope

This British Standard specifies procedures for ensuring that services are available and made accessible to all consumers equally, regardless of their personal circumstances.

It is applicable to any organization dealing with the public, regardless of type, size, sector and service provided, though not all of the requirements are relevant to all organizations [for example, the sub-clauses on promotions and marketing (5.8) and contracts and sales documentation (5.10)], while some of the examples provided relate to specific sectors or services.

NOTE 1 The term "services" describes the provision of any service to consumers, including advice, utilities, goods and products, e.g. financial services, communications, energy, retail (both online and on the high street) and trade. Organizations include consumer groups, debt assistance organizations, social services, government agencies, local authorities, charities, voluntary organizations, legal firms, marketing (PR)/advertising professionals and ombudsmen services.

NOTE 2 The requirements of this British Standard are additional to those for customer service generally. For recommendations on customer service, see BS 8477.