



White paper
Guidelines for call centres
dealing with vulnerable consumers



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1. Introduction

At some time most companies will have telephone conversations with people who find it difficult to make an informed decision about the choices offered to them – choices such as changing a utility supplier or making a charitable donation. This may be those who have a diagnosed condition like dementia; those who have an undiagnosed or temporary mental health condition such as severe anxiety; those with learning difficulties or literacy issues; or those who have problems understanding the language*.

Organisations have 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 call centres. Under the Equality Act 2010 (formally the Disability Discrimination Act) it is illegal to discriminate. This means that when a call centre identifies that a consumer has a disability they must make reasonable adjustments to accommodate them – for example, proactively 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. 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.

These guidelines have been prepared 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 Appendix 6 of the DM Code of Practice 4th edition. 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.

* In this document we use the term 'vulnerable consumers' to describe the people in these groups, and we use this term to cover a wide variation of different relationships with a company - customers, prospective customers, donors, etc.

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 call centre staff's existing skill of listening, identifying needs, and adjusting their approach accordingly.

The Mental Capacity Act 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 that information as part of the decision-making process, or cannot communicate their decision.

Frontline staff should be alert for signs such as:

- They ask you to speak up or speak more slowly
 - Can they hear the complete conversation or are they missing important bits?
 - Do they understand what you are saying?
- They appear 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?
- They take 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
- They take a long time to answer questions. They say "My son/daughter/wife/husband deals with these things for me"
- Where there is a language barrier they are vulnerable as they may not fully understand what is being said to them
- They say that they don't understand their bill, a previous phone conversation or recent correspondence.

2.2 Practical tips when talking to vulnerable consumers

- Speak clearly and enunciate
- Set expectations for the call – outline all the information that will be required – account numbers, personal details, etc – and how long the call is likely to last
- Be patient / empathise
- Don't rush them – if they need to put the phone down to find account details it could take them some time
- Guide the call to keep it 'on topic' – agents need to be coached on how to do this
- Don't assume that you know what the consumer needs – it's easy to rush through if the consumer is slow or not able to explain what they need
- Clarify understanding at every point posing the question "is there anything you'd like me to explain?"

- Ask the consumer to explain to you what they understand the agreement to be
- Offer alternatives to dealing with things by phone – maybe they would prefer to transact the business by post or email
- Don't assume that the person you are talking to is sighted – they may be unable to read serial numbers or statement details
- Don't assume that the person you are talking to can hear everything you are saying – they may have a hearing impairment
- Remember that vulnerable consumers can sometimes be forgetful or overly trusting
- Give the consumer time to explain fully – don't interrupt or show impatience
- Listen for what isn't being said, not just what is – e.g. absence of price, commitment, timing type questions on the part of the person receiving the call should ring alarm bells
- 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 need to talk to before making the decision.

2.3 Before making a sale

- Ask yourself honestly whether a 'yes' is real agreement or just submission
- Staff should consider whether the customer 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?
- Be careful to distinguish between verbal cues and agreement e.g. 'oh yes' could mean 'I'm listening' not 'I'd like to go ahead'
- 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"
- If they say something that suggests they don't fully understand what you have said, be prepared to repeat or paraphrase to clarify understanding
- Don't assume that they fully understand all the implications of the offer/agreement. Explicitly and clearly confirm all the important information
- Make sure that the consumer is not flustered, agitated or in an emotional state when they make a decision
- 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
- Can you send details of the offer 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

- 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
- Get a nominated person in your compliance team to be involved in the project
- Allocate a single operational manager who will be responsible for managing complaints from/about vulnerable customers
- When outsourcing call 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 and each case should be managed individually without discrimination. If, despite your best endeavours, 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
- 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, or 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 to verify that the consumer is fully aware of what they have agreed to
- Have a complaints procedure and make sure everyone understands it
- If a consumer doesn't want to be called again offer to put them on the in-house do-not-call list, and advise them about the Telephone Preference Service
- 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 is required to prevent it happening again
- Where there is a language barrier consider employing multi-lingual agents, or look at services such as Language line
- 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 (perhaps with easy read) explaining your terms and conditions in simple easy to read language
- Client companies should put in place controls to ensure that no customer 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
- 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.

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 call 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 eg 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 has to be checked for accuracy, should be relevant and not excessive. Furthermore, this data must be deleted when the relationship no longer exists between the company and the customer.

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 customer 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 customer 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 – giving the call 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 customers as part of something called a Data Subject Access Request. Companies would therefore need to ensure they are comfortable providing the customer (as part of the request) with any recording or assessment.

When the customer 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 call 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 call centre agent to gain information from a customer during a call. If, for example, the customer says that they find something difficult to understand, the call 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 customers 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 customer's behalf.

A common sense approach should prevail e.g. 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. Customer 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.

- 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 customer
- When storing the representative's contact numbers and names there has to be explicit consent from both the individual representing the customer and the customer. 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

About the DMA

The Direct Marketing Association (DMA) is Europe's largest professional body representing the direct marketing industry. With a large in-house team of specialists offering everything from free legal advice and government lobbying on direct marketing issues to research papers and best practice, it is always at the forefront of developments in the industry.

The DMA protects the direct marketing industry and consumers. It promotes the highest standards through self-regulation and lobbies against over-regulation. The DM Code of Practice sits at the heart of everything we do – and all members are required to adhere to it. It sets out the industry's standards of ethical conduct and best practice.

Our 16 DMA Councils/Board Committees cover the whole marketing spectrum – from the digital world of social media and mobile marketing to the 'real' world channels of door drops and inserts. The Councils are made up of DMA members and regularly produce best practice and how to guides for our members.

We also have a packed calendar of conferences, workshops and discussions on the latest topics and best practice, and 80% of them are free for members and their staff.

As the industry moves on so do we, which is why we've recently launched a number of new services for our members – a VAT helpline, a Social Media Helpdesk and an IP Protection Service.

Visit www.dma.org.uk regularly to keep up to date with all our services.





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