

Utilities Compliance Assurance Body (UCAB)

Code of Conduct for Water Retailers

Code owner: tbc
Date: tbc

Note: This is an initial working draft document proposed by the Energy Managers Association. The document will be subject to edits based on the feedback from the Utilities Compliance Assurance Body members.

The draft of the Code of Conduct for Water Retailers has been adapted from a draft of the Code of Practice for Non-domestic Third Party Intermediaries that has been prepared by the Ofgem working group.

Content	
1. Definitions	2
2. Scope of the Code	2
3. Objective of the Code	2
4. Content of the Code	2-3
5. Relevant regulation and industry commitments	4
6. Associated documents	4

1. Definitions

Code of Conduct - an outline of best practice compliance
Water Wholesaler – water licence holder and supplier of water
Water Retailer – an intermediary engaged in direct or indirect activities between a non-domestic Consumer and a Water Wholesaler
Utilities Compliance Assurance Body (UCAB) – EMA initiative assuring transparency and compliance in water trading
Compliant Organisation – an organisation meeting objectives outlined in the UCAB Code of Conduct
Compliance Officer – Employee responsible for his/her organisation’s compliance with the UCAB Code of Conduct
Water Retailer Compliance Register – Register of organizations compliant with the UCAB Code of Conduct
Compliance Officer Register – Register of Officers responsible for his/her organisation’s compliance with the UCAB Code of Conduct

2. Scope of the code

2.1. This Code of Conduct (‘the Code’) applies to Water Retailers. For the purpose of this Code, a Water Retailer is an intermediary engaged in direct or indirect activities between a non-domestic Consumer (the ‘consumer’) and a Water Wholesaler (the ‘supplier’).

3. Objective of the Code

3.1. The objective of this Code (the ‘Objective’) is to:

- protect the interests of non-domestic consumers and, in particular, their interests in having the confidence that when using a Water Retailer, the Water Retailer acts in a fair, honest, appropriate and transparent manner and effectively assists them with their water supply needs.
- assure consumers that Water Retailers, who are on the Water Retailer Compliance Register of the Utilities Compliance Assurance Body (UCAB), are operating in the spirit of the code and are bound by conditions set out in this document.

3.2. The UCAB Code member shall take all reasonable steps to:

- secure the achievement of the Objective; and
- avoid doing anything which jeopardises its ability to achieve the Objective.

3.3. Compliance:

All Water Retailers who sign up to this Code of Conduct agree to take all reasonable steps to interpret and apply the Contents of the Code in a manner consistent with the Objective as outlined in chapter 4.

4. Content of the Code

4.1. Training

4.1.1. It is each member’s responsibility to ensure training of their compliance officer(s), sales representative(s) and those working on their behalf. This is to ensure that the aforementioned groups are appropriately competent, knowledgeable and have understanding of the requirements of the Code and adhere to their legal obligations to consumers, including relevant regulations and legislation (including, but not limited to the regulations set out in section 5).

4.1.2 All fully trained compliance officer(s), sales representative(s) and those working on their behalf will be listed on the Compliance Officer Register administrated by UCAB.

4.2. Clear and truthful selling, marketing and advertising

4.2.1. It is each member’s responsibility to ensure that all forms of communications relating to sales, marketing and advertising:

- i. are compliant with all relevant legislation and regulations. This includes, but is not limited to, the 'Business Protection from Misleading Marketing Regulations' (BPMMRs); 1 Business Protection from Misleading Marketing Regulations (BPMMRs) to be found [here](#).
- ii. must be open and honest at all times and desist from giving or advertising false or misleading information. They will base all claims on relevant evidence.

4.2.2. In particular, they must ensure they are clear and truthful and must not mislead the consumer about:

- i. their identity, including who they are, who they work for and/or represent. This includes the nature of their relationships with suppliers and how many suppliers they compare;
- ii. their purpose whenever interacting with a consumer; not limited to, but including, direct contacts and indirect contacts.
- iii. the characteristics of the water supplier's product(s) offered to the consumer, including how those compare with other products in the market;
- iv. how suitable the product is for the customer, always considering the request(s) of the consumer and their best interests, if known.

4.3. Protect consumers from high pressure selling techniques

4.3.1. It is each signatory's responsibility to ensure that the process they use to secure a contract does not include high-pressure selling techniques aimed at, or having the effect of, forcing or pressurising a consumer into agreeing a contract or otherwise seeking to secure the consumers agreement on the basis of incorrect information or without the consumer having the opportunity to make an informed decision, or as a result of harassment, including telephone harassment.

4.3.2. In addition, the Water Retailer must take extra care when discussing offers and products when interacting with consumers more at risk of being misled, due to their specific circumstances.

4.4. Commission and Fees

4.4.1. Prior to providing any product or service, the member must make the consumer aware that there is a charge or fee associated with their services. This includes any payment the consumer may make either directly to the Water Retailer or indirectly through another, named, mechanism, for example where the Water Retailer receives payment from or through a supplier.

4.4.2. In addition, the member must make consumers aware that they can be given detailed information on the charges or fees for the product or service upon request. This information must be set out in clear and intelligible language.

4.5. Complete and accurate pre contractual information

4.5.1. It is each member's responsibility to ensure that the consumer receives easily comparable information about the Principal Terms of the product(s) being offered and/or compared or discussed pre contract.

4.5.2. They must ensure that they provide this information in plain and intelligible language.

4.6. Complete and accurate notification of contract terms

4.6.1. Once the consumer has selected a preferred contract but before the consumer enters into the contract the member:

- i. must take all reasonable steps to bring to the attention of the consumer the Principal Terms and Conditions of the proposed contract and ensure that the information is communicated in plain and intelligible language;
- ii. must take all reasonable steps to ensure that the consumer is aware that they are entering into a legally binding contract, in particular but not limited to, when entering into contracts over the telephone.

4.6.2. Once the contract is agreed, the member:

- i. must take all reasonable steps to ensure that all the express terms and conditions of the contract are set out in writing and are made available to the consumer as soon as is reasonably practicable;
- ii. must ensure that the consumer is aware of what responsibilities will lie with each party (consumer, Water Retailer and supplier).
- iii. must ensure the consumer is given clear information about who they should contact in the event of an issue or concern, including any relevant contact details.

4.7. Dispute Resolution

4.7.1. A member must have in place at all times a standardized complaints handling procedure. The complaints handling procedure should be made available and easily accessible to all consumers. This can be in the form of a Written or Electronic communication. It must include:

- i. a description of the steps they will take to investigate and resolve a consumer complaint and the likely timescales for each of those steps;
- ii. information about the names and contact details of the main sources of independent help, advice and information that is available to them. For these purposes the independent body such as UCAB will be a source of help, advice and information.
- iii. if the consumer complaint is not resolved following the steps above, the member must ensure that the consumer is aware of the opportunity to resolve the complaint via further recourse.

4.7.2. The member must follow their internal complaints handling procedures to ensure the complaint is resolved to the customer's satisfaction, within the time scales set out in the procedures.

4.7.3. The consumer must be able to be contact the member easily and must be able to register a complaint easily.

4.8. Monitoring

4.8.1. Member will be subject to UCAB's monitoring of the complaints procedure.

4.9. Enforcement

4.9.1. Breaking the Code may lead to members and/or their compliance officers being removed from the appropriate Register.

4.9.2 UCAB will work with its Members to resolve complains before undertaking removal of a Water Retailer or its compliance officer from the Register.

4.9.3 UCAB Members will have right to appeal against removal from the Register to the UCAB Advisory Board.

5. Relevant regulation and industry commitments

5.1. (to be completed)

6. Associated documents

6.1. (to be completed)