

Policy brief: ESRC Just Energy Workshop
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On 15 March 2019, the *justenergy* project [<https://esrcjustenergy.wordpress.com>] hosted a workshop to discuss energy poverty, vulnerability, and access to justice in the UK, France, Italy, and Catalonia. Attendees represented a range of different NGOs, local councils, national and EU funded initiatives and new business models. Each organisation shares the same goal of helping vulnerable energy consumers, while pursuing it differently, according to their local context and sector priorities. This policy brief provides a summary of the main issues identified at the discussion and offers recommendations.

The workshop provided a unique opportunity for exchange and discussion about how to help vulnerable energy consumers and ensure they can make use of their rights and access justice. Fighting energy poverty and vulnerability is a topic where many policy areas and academic inquiries intersect. The result is that the debate gets lost in silos and caught up in finding shared definitions and understanding. On the ground, the issues are complex and caused by a range and a fluctuation of technical, environmental, socio-economic and personal factors.

Identified issues across the countries were:

1. It is a continuous challenge to **define vulnerability** and energy poverty and to **identify vulnerable people and those needing special assistance**; only then can help be targeted and most effective.
2. **Change in the energy market is slow and often indifferent to the most vulnerable**, conflicts among political priorities are recurrent; cooperation and bottom-up approaches are the most effective.
3. Building a system of support and effective help for energy consumers in vulnerable circumstances requires a mix of **bottom-up and top-down initiatives**, and the creation of a stronger **dialogue** between **formal** institutions and interventions and more **informal, local** initiatives that are closer at hand to the everyday lives of consumers.
4. There is a **barrier to complaining and access to justice**, we need to ensure that access to justice is not a privilege; there is a need to think about how formal and informal sources of help and redress can work better together.

These issues have to be tackled in different ways in the respective jurisdictions. There are, however, shared recommendations.

Defining Vulnerability: Different types of vulnerability will demand different responses. Fixed definitions could be limiting and work to the exclusion of particular individuals and circumstances. Current definitions in France, for example, do not necessarily distinguish between energy poverty and vulnerability. For some, this distinction is relevant, however, for example, transience may be more common in energy poverty than in income poverty.

Recommendation 1: Definitions of energy poverty and vulnerability should be flexible enough to adapt to the wide variety of people's circumstances.

Identifying People in Vulnerable Circumstances: Developing and using partnerships with other organisations, especially those trusted at a local level is a key to identifying vulnerable people who have otherwise not been identified. Partnerships with groups as emergency services, firemen, GPs (for example) are helpful to spot potential signs of energy poverty within someone's home.

Those in risk of energy poverty in the future: can technology assist? Smart meters can provide granular detail on behaviour and activity that has previously been unavailable. This could be potentially significant for those who move in and out of poverty. However, the use of technology raises further problems in terms of data sharing and GDPR.

Recommendation 2: A variety of professional and technical channels are available to identify vulnerable audiences. Cross-referencing data makes it possible to provide a more appropriate service.

Unadapted support measures: The main criticism of social workers, activists and NGOs working on energy poverty lies in the mismatch between the needs of the vulnerable people and the rigidity of the support schemes, the criteria, and the definitions used. Benefits are usually calculated on the recipient previous years' income, and not on the state or quality of the dwelling or the current situation.

Recommendation 3: Adequate support measures are social, financial, technical and provide a short-term relief and respond to long-term needs. They take into consideration the income levels, the inadequate energy expenditures, the quality and the performance of the dwelling.

Slow changing energy markets and conflicting political priorities: European, national and regional strategic plans can favour a sector and be detrimental to another. There are often conflicts between housing, social, energy, health, mobility policies and stakeholders. Even public bodies and the different levels of administration can demonstrate diverging interests. Access to modern energy via connection to the grid, and the use of the electricity and gas networks, is still limited in some places and for some people who use instead solid fuels and

candles to light, cook and heat their homes (as in rural Bulgaria or Romania). The risk of disconnection due to non-payment is still substantial for certain deprived families despite winter truces (France) or specific policies (Catalonia).

Business models, the ownership of the distribution grid (such local grid networks) as well as the energy mix and the subsidies of certain types of energies (for instance, fossil fuels vs solar) can have a tremendous influence on bills. Poorly designed carbon-saving policies and energy transition taxes tend to be financially detrimental to the most vulnerable households, as the French Yellow Vest crisis underpinned.

Recommendation 4: Policy-making and regulations should take greater account of the risks of certain measures on already vulnerable groups.

Cooperation and bottom-up approaches are the best options: Social workers, activists and NGOs deplore a limited acknowledgement of their experience acquired on the field. It leads to a flawed interpretation of the situation and the priority actions needed at the very local level. Among the same country, the climate, history and structure of the dwellings, demographics and public health problems, as well as the purchasing power and level of employment, can be tremendously different between territories. For instance, the climate in the North of France is closer to the one in the UK, while in specific Mediterranean regions in the South, it is closer to Catalonia's (Spain) or Liguria's (Italy).

Recommendation 5: Flexible schemes adapted to the local level, sharing data, creating partnerships and cooperation among stakeholders from different fields and a bottom-up approach look the best way to build transversal and integrated policies.

Formality is a barrier to complaining and access to justice: as soon as a processes becomes even slightly formal, the most vulnerable consumers are put off taking a complaint further. Generally, consumers who experienced problems (especially acute ones around debt and energy poverty) felt guilty and blamed themselves; they were unaware that they had a right to access justice. Others were in denial that they had a problem and would feel ashamed to seek any kind of help. The language used by ombudsman and ADR schemes was too complex and systems were too formal. As a result, vulnerable consumers were only likely to be able to access these services with significant help and support.

Recommendation 6: To allow more people to a complain and access justice, ombudsmen and ADR providers should tailor their message to the people needing help, using natural language informal and intuitive procedures.

Access to justice: a privilege or a right? The current system works on the assumption that access to justice is a privilege and not a right and this is how things are perceived by consumers.

Despite being contained within the EU social justice pillar, energy is often seen as simply a consumer product rather than a right. The marketisation of energy provision and the conceptualisation of individuals as consumers rather than citizens masks the public nature of energy as an essential service. Competition is promoted at the expense of consumer protection. In Italy, for example, there had also been particular problems with malpractice and consumers being unfairly convinced to move from regulated tariffs onto more expensive alternatives. In France, meanwhile, the previous national supplier was subject to public service obligations but new retail energy providers were not; as a result, some consumers had less protection than others.

Recommendation 7: Strong government and regulator intervention is a very important part of helping ensure access to justice for vulnerable people, in particular by making sure energy providers apply the same standards of protection.

Advice and redress at the local level: rather than a remote, national organisation such as an ombudsman being important in providing access to justice, local solutions were more likely to be effective. In France, for example, the energy ombudsman (médiateur) was perceived to be dealing with privileged consumers, and vulnerable consumers were more likely to access help from their local council or city hall. Similarly, in Barcelona, local consumer advice was much more effective in reaching consumers.

Recommendation 8: Cooperation, training and building up the skills and capacity of the local stakeholders (social services, NGO etc.) is essential to provide specialist advice and to identify and account for vulnerability.