

## Guaranteed Standards: OFGEM Guidance and Proposals on Best Practice - Electricity Distribution

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### Overview:

This document and the associated reporting template are to be used by all electricity distributors when providing their annual returns on standards of performance. Unless and until revised this document applies for the regulatory reporting periods commencing on 1 April 2005 onwards.

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**Target Audience:** Electricity distributors and other interested parties

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## Context

This document provides guidance and proposals on best practice following the introduction of revised electricity guaranteed standards of performance.

## Associated Documents

- Statutory Instrument 2005 No. 1019 The Electricity (Standards of Performance) Regulations 2005  
<http://www.opsi.gov.uk/si/si2005/20051019.htm>

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## Summary

The Electricity (Standards of Performance) Regulations 2005 set out the guaranteed standards in place for all electricity distributors in Great Britain. This document provides guidance for electricity distributors and any other interested parties on what each standard is, when it applies and the exemptions that may be applied.

## 1. Background

### Introduction

**1.1.** This document updates the earlier "Performance Standards, Ofgem Guidance and Proposals on Best Practice, Electricity Distribution, October 2002" (which was last updated in July 2003), following the introduction of revised electricity standards of performance (guaranteed standards) as set out in the Electricity (Standards of Performance) Regulations 2005<sup>1</sup> ("the Regulations") and the revocation of the overall standards of performance.

**1.2.** It also gives brief guidance on the interpretation of certain Codes of Practice reporting requirements relating to the provision of services for vulnerable customer groups.

**1.3.** Distributors should note that this guidance note is a live document and that amendments may be published from time to time to reflect changes in policy or statutory provisions.

**1.4.** This document is a guideline and in the event of any dispute as to the application of the guaranteed standards, the Regulations will be the definitive point of reference.

### The scope of the present standards

**1.5.** The standards have been amended as part of the fourth distribution price control review (DPCR4).

**1.6.** On 1 April 2005, the Regulations came into force and provide for guaranteed standards in electricity distribution and supply (amongst other things). When the Regulations were introduced, the overall standards were revoked, and, consequently, this guidance only refers to the guaranteed standards.

**1.7.** To facilitate reporting, each electricity distribution guaranteed standard (EGS) has been given a reference number, for example, Regulation 5 (duty to reconnect supply within 18 hours following a fault – under normal conditions) will be reported upon as EGS2.

**1.8.** The new range of EGSs' and reporting code numbers is summarised in the table on the following page.

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<sup>1</sup> SI 2005 No. 1019 The Electricity (Standards of Performance) Regulations 2005

### Guaranteed Standards - Electricity Distribution

Regulation	Activity	Reporting code
10	Responding to operation of distributor's fuse	EGS1
5	Supply restoration – normal conditions	EGS2
9	Supply restoration - multiple interruptions	EGS2A
11	Estimating charges for connection	EGS3
12	Notice of planned interruption to supply	EGS4
13	Investigation of voltage complaints	EGS5
17	Making and keeping appointments	EGS8
19	Notification of payments owed under the guaranteed standards	EGS9
6	Supply restoration – category 1 severe weather conditions	EGS11A
6	Supply restoration – category 2 severe weather conditions	EGS11B
6	Supply restoration – category 3 severe weather conditions	EGS11C
7	Supply restoration – Highlands and Islands	EGS12

## 2. General Guidance and Interpretation

### Chapter Summary

This chapter sets out each of the guaranteed standards and the specific and general exemptions to the guaranteed standards.

### Introduction

**2.1.** This section is intended to provide guidance to those who have to apply the guaranteed standards on a day-to-day basis and to assist in ensuring greater consistency in the application of the guaranteed standards by the distributors. The current versions of the guaranteed standards are those established by the Regulations. The Regulations remain the authoritative source and are not replaced by this guidance. Independent legal advice should be sought wherever appropriate.

**2.2.** If distributors publish guidance on the guaranteed standards, or give guidance to individual customers, that guidance should reflect the contents of this document or subsequent versions of it. The Notice of Rights<sup>2</sup> that each distributor is required to provide for the benefit of customers should also be consistent with this document.

**2.3.** Any disagreement with the guidance should be taken up with Ofgem. Changes or additions, which may be made from time to time, will be published by Ofgem. Distributors will be consulted on any proposed changes. Changes made to guaranteed standards will be published as Statutory Instruments by HMSO.

**2.4.** The remainder of this guidance deals with eight subject areas:

#### **General points**

#### **Guaranteed standards – electricity distribution**

#### **General exemptions**

#### **Arrangements for payment**

#### **Notice of rights**

#### **The reporting system**

#### **Best practice standards**

#### **Codes of practice reporting**

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<sup>2</sup> Regulation 22 of SI 2005/1019 The Electricity (Standards of Performance) Regulations 2005

## General points

### The role of agents and contractors

**2.5.** The distributor may contract out work which is covered by the guaranteed standards. If it does so, it should be aware that it is still liable to meet penalty payments, report failures etc as it would have had the work been allocated to its own permanent staff.

### Customer notifications and contact

**2.6.** It is for the distributor to decide which of its premises are appropriate for the receipt of notifications under the guaranteed standards. However:

- these premises, their opening hours and their telephone numbers where appropriate, must be clearly listed on all relevant publications of the distributor; and
- callers who contact “inappropriate” premises must be advised by the distributor’s staff at those premises of the appropriate address and telephone number.

**2.7.** It would be helpful if, where a customer contacts inappropriate premises, the distributor’s staff contact their appropriate colleagues on behalf of the customer. The distributor should aim to ensure that such contacts are made promptly so as to enable the relevant guaranteed standard to be met within the specified time.

**2.8.** Where a call is received outside normal working hours, and where the distributor will treat this as having been received at the start of business on the following working day, the distributor should ensure that this practice is mentioned in its Notice of Rights.

**2.9.** There is no requirement on customers to mention the guaranteed standards when (where relevant) they make a claim. Companies should adopt a common-sense view on what constitutes a complaint, and should not insist on a formal claim. Claims should be accepted via any of the usual media, for example, by letter, e-mail, telephone or personal call.

**2.10.** The distributor should keep a record of contacts it receives from customers on matters that fall within the scope of the guaranteed standards. It may happen, however, that the distributor will not have a record of each and every such contact. In any case in which no record exists, the distributor must not conclude, for that reason alone, that no contact has been made and that the request for payment should be rejected. The distributor must treat each case on its merits and give full consideration to any evidence from a customer that a contact was made. The distributor must determine on a balance of probabilities whether a contact was received. Ofgem will adopt the same approach if called upon to determine a dispute.

**2.11.** Distributors may in some circumstances seek specific and detailed information before establishing that a payment is properly due to the customer. Nevertheless, the effective date of a claim for payment will still be that upon which the initial contact is made.



**2.12.** Customers and distributors can communicate directly in order to progress claims and wherever possible distributors are encouraged to resolve disputes; where suppliers have been involved they may wish to be informed of the outcome. After opportunity to resolve a complaint is unsuccessful customers should be advised to refer any disputes to energywatch who will endeavour to resolve matters – if energywatch are unable to do so the customer may refer the dispute (or ask energywatch to refer the dispute) to Ofgem for determination.

**2.13.** A “substantive” reply must answer clearly and in full all the points raised by the customer, which are covered by the guaranteed standards. Where to do so would not be possible within the prescribed period, a reply will nonetheless be “substantive” if it provides as detailed a response to each point as is possible together with good reasons why a full reply cannot be given.

## **Guaranteed standards – electricity distribution**

### **EGS1 (Regulation 10) Relevant Distributor’s Fuse**

**2.14.** Where a distributor is notified by a telephone call, made by a customer whose premises are directly connected to that distributor’s distribution system, of an actual or apparent operation of its fuse so as to disconnect the supply to those premises, and the notification is received during working hours, it is required to send an appropriate person to replace or reinstate the fuse and restore supply within 3 hours on working days and within 4 hours on any other day. If it fails to attend within these times, the distributor has to make payment of £20 to the customer (domestic and non-domestic customers).

**2.15.** The working hours are specified in part II of schedule 1 to the Regulations as being between 7am and 7pm on working days and between 9am and 5pm on any other day. Where the distributor is notified outside these hours, the distributor must take the required action as though it received the notice the following day at the start of working hours.

### **Exemptions specific to EGS1**

**2.16.** The following specific exemptions may apply to EGS1:

- The customer requested the distributor not to restore the supply.
- The fuse has not, in fact, operated so as to disconnect the supply.
- See paragraph 2.91 for the general exemptions.

### **EGS2 (Regulation 5) Supply Restoration – Normal Conditions**

**2.17.** In the event of the supply to a customer’s premises during normal conditions being discontinued as a result of a failure of, or a fault in or damage to, the distribution system (but not the distributor’s fuse), the distributor must restore supply to the customer’s premises within 18 hours of the time from which it was (or should reasonably have been) aware of the fault. If it fails to achieve this, it must,

on receipt of a claim from a customer, pay £50 for domestic customers or £100 for non-domestic customers, and a further £25 for each additional period of 12 hours in which supply is not restored. There is no cap on the amount of compensation. Note that the key point is whether or not the system has failed for 18 hours. The overall system failure could be attributable to more than one fault. If the total period of non-supply exceeds 18 hours, then a payment is due, whether or not any single contributory fault has been remedied.

**2.18.** An additional 12 hours' grace is given if the fault has occurred to an underground line with a nominal voltage of 20kV.

**2.19.** Where ice accretion, flooding or snow affect the part of the network to which the customer was connected prior to the interruption and prevent work to restore the customer's supply, then the start time for calculating compensation will be when such effects no longer prevent restoration work.

**2.20.** Where distributors use recorded messages to convey information concerning supply interruptions, those messages:

- should provide customers with accurate and up-to-date information about supply interruptions and likely restoration times; and
- should not deliberately deter customers from subsequently contacting the distributor if they are off supply for more than 18 hours.

### **Exemptions specific to EGS2**

**2.21.** The following specific exemptions may apply to EGS2:

- Where the supply to the customer's premises is interrupted as a result of a failure of, fault in or damage to the relevant electricity distributor's system resulting from category 1, 2, or 3 severe weather conditions.
- This guaranteed standard does not apply in any part of the Highlands and Islands.

### **Exemptions specific to EGS2 and EGS11A, EGS11B, EGS11C**

**2.22.** The following specific exemptions may apply to EGS2 and EGS11A, EGS11B, EGS11C:

- It was not reasonable to expect the distributor to know that the supply had not been restored.
- Where the supply is to an island via an underwater cable, where the failure, fault or damage occurred in the part of the cable situated below the high water mark of spring tides and there is no alternative means normally available to the distributor to supply premises on that island.
- The distributor to whose network the customer is connected has not received a claim for compensation within 3 months of the supply being restored.

- The customer informs the distributor before the contravention time not to take any action, or any further action.
- If the customer agrees with the distributor that any action taken by the distributor within the contravention period, (or a promise of action made within that time and subsequently fulfilled by the distributor) is sufficient to honour the distributor's obligation.
- The failure, fault in or damage to the distributor's distribution system and/or the failure to meet the contravention time was the result of an event for which emergency regulations under Part 2 of the Civil Contingencies Act 2004 apply.
- It was not reasonably practicable for the distributor to have taken action before the contravention time because of:
  - industrial action by the distributor's employees;
  - an action or default by someone other than the distributor's or other distributor's employee, officer or agent, or someone acting on behalf of an agent;
  - an inability to gain necessary access to relevant premises;
  - the likelihood that the distributor would break the law if he complied; or
  - other exceptional circumstances beyond the control of the distributor (other than severe weather or the effects of severe weather),

and the distributor had taken all reasonable steps both to prevent the circumstances from occurring and from having that effect.

- Where the interruption of supply only occurred due to failure of, fault in or damage to the distribution system of another distributor.
- It was reasonable for the distributor to regard information from the customer as being frivolous or vexatious.
- The customer had committed an offence under the Electricity Act 1989<sup>3</sup>.

### **EGS2A (Regulation 9) Supply Restoration Multiple Interruptions**

**2.23.** This Regulation applies where the customer's supply is interrupted for 4 or more periods each of not less than 3 hours during any period of 12 months commencing in each case on 1 April. The period of an interruption is deemed to start at the first time the distributor is informed by a customer or another person that the supply to a customer's premises has been interrupted, or is made aware by the operation of any automatic system operated by the distributor of circumstances in which the supply to the customer has been or may reasonably be expected to have

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<sup>3</sup> The customer committed an offence under paragraph 6 of schedule 6 of the Electricity Act 1989

been interrupted.

**2.24.** Any temporary restoration of supply which does not exceed 3 minutes must be ignored and the interruption must be treated as continuous.

**2.25.** The interruptions have to be experienced by the same customer at the same premises.

**2.26.** If such a pattern of interruptions occurs the distributor is required to make a payment of £50 to the customer (domestic and non-domestic customers) providing that the customer makes a claim for payment within 3 months of the end of the period referred to above.

**2.27.** In order to verify any claims for payment under this guaranteed standard, distributors will need to know the identity of the premises in question (address or MPAN<sup>4</sup>), and the dates upon which the relevant interruptions occurred. It would be helpful if the Notices of Rights were to cover this point.

**2.28.** Any interruption arising in the following circumstances does not count as a valid interruption for the purposes of the guaranteed standard:

- if the customer informed the distributor not to take any action or any further action within the period of three hours after the interruption began;
- if the customer agrees that any action taken by the distributor within the 3 hour period referred to above, (or a promise of action made within that time and subsequently fulfilled by the distributor) is sufficient to honour the distributor's obligation;
- if the actions which might otherwise have been taken by the distributor to deal with the interruption within the 3 hour period referred to above would have led to a breach of an enactment;
- if the distributor has given the customer prior notice of its or any other distributor's intention to interrupt the supply;
- if the interruption arose out of a failure, fault in or damage to either the transmission system to which the distributor's system or another distributor's system is connected or to a generating station connected to that transmission system;
- if the interruption arose out of a failure, fault in or damage to a generating station connected to the distributor's system or another distributor's system;
- if it is an interruption to which EGS1, EGS2, EGS11A, EGS11B, EGS11C or EGS12 applies;

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<sup>4</sup> Metering Point Administration Number

- if the interruption arose as a result of an act or default of the supplier to the premises concerned, or of the customer;
- if the interruption arose out of an event resulting in interruption of supply for more than 500,000 customers in Great Britain; or
- if the interruption and/or the failure to restore supply within 3 hours was the result of an event for which emergency regulations under Part 2 of the Civil Contingencies Act 2004 apply.

### **Exemptions specific to EGS2A**

**2.29.** The following specific exemptions may apply to EGS2A:

- The distributor has not received a claim for compensation from the customer within 3 months of the end of the relevant year.
- The interruptions do not all apply to the same premises and the same customer.

**2.30.** Note that the provisions of Regulation 20<sup>5</sup> cannot be invoked in relation to this guaranteed standard.

### **EGS3 (Regulation 11) Estimating Charges for Connection**

**2.31.** This guaranteed standard covers the provision of an estimate for the installation of a distributor's fuse and a service line for the delivery of a low voltage supply to a single customer once the customer has:

- given notice under section 16A(1) of the Electricity Act 1989<sup>6</sup>;
- requested the estimate; and
- given all information (which does not have to be in writing) which could reasonably be said to be within the knowledge of the customer and is required by the distributor for him to provide the required estimate.

**2.32.** The distributor then has to:

- provide an estimate to the customer within 5 working days from the notice and the necessary information having been given, where there is no need for significant additional work other than the provision of a service line and distributor's fuse to enable the connection to be given; or

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<sup>5</sup> SI 2005/1019 The Electricity (Standards of Performance) Regulations 2005

<sup>6</sup> Under section 16(A)1 of the Electricity Act 1989 a person requiring a connection must give a notice to the distributor specifying relevant details, for example, the premises to be connected, the date when the connection is required and the maximum power to be provided through the connection and any other information the distributor may reasonably request.

- provide such an estimate within 15 days where significant work is required in addition to that mentioned above.

**2.33.** If the distributor fails to do so it must make an automatic payment of £40 to the customer (domestic and non-domestic customers).

**2.34.** The distributor may reserve the right to vary the amount shown in the estimate if the estimate sets out the matters that may bring about a significant variation. The estimate must set out the terms for the payment of the amount shown on it and any variation to that amount.

**2.35.** If the distributor requires more information from a customer to provide an estimate, it should:

- notify the customer as soon as possible (and certainly within what would be the prescribed period for providing an estimate) of this requirement;
- specify what additional information it requires in a form that the customer could reasonably be expected to understand; and
- if the distributor needs to visit the premises to obtain information, it should endeavour to do this in reasonable time, and to provide the estimate within the prescribed period once the information is received.

**2.36.** If a distributor considers that (in addition to the provision of a service line and a distributor's fuse) "significant work" is required to meet the customer's request, it should be willing to explain to the customer exactly what this work comprises. Advice to customers about this service must state, where applicable, that it will be necessary to move an existing meter or fit a new meter in a new position.

**2.37.** The customer should be advised that the moving of the meter is a supplier responsibility and that distributors may only do the work if the supplier has contracted with them to do so.

**2.38.** The distributor must define in forms or other guidance which it publishes, and which it makes available to customers requiring the service, what information it will normally need to provide the service. If it does not already do so, it may wish to introduce a proforma as a means of obtaining all necessary information from customers who require this service. The distributor is entitled to require the customer to provide reasonable information.

**2.39.** The elapsed time should start to be measured once all such information is provided.

**2.40.** Where a visit is requested by the customer and the distributor has a good reason to believe that the customer has information which will affect the estimate, he may consider that up to that point the information has been insufficient and that the clock may not have started.

**2.41.** The distributor should make it clear in its Notice of Rights on the guaranteed standards whether it is willing to accept oral requests for estimates. If it is willing, it

should accept that such requests are covered by the guaranteed standard. This should be made clear in literature issued by the distributor and in its discussions with customers requesting the service.

### **Exemptions specific to EGS3**

**2.42.** The following specific exemptions may apply to EGS3:

- Only in the circumstances described in point two of paragraph 2.32 if the distributor reasonably believes that the customer's premises will form part of a development scheme comprising five or more premises.
- See paragraph 2.91 for the general exemptions.

### **EGS4 (Regulation 12) Notice of Planned Interruption to Supply**

**2.43.** The distributor is required to give its customers at least two days' notice in writing, when it discontinues supply for an authorised purpose, stating the day of the interruption.

**2.44.** The distributor is required to give another distributor at least five days' notice in writing, when it discontinues supply to customers connected to that distributor's distribution system for an authorised purpose, stating the day of the interruption.

**2.45.** Where a distributor is notified by another distributor of a planned interruption to supply, the distributor to whose network the customers are connected is required to give its customers at least two days' notice in writing, stating the day of the interruption.

**2.46.** An "authorised purpose" is testing or any other activity which the distributor is authorised by his licence to carry on in relation to his electric lines or electrical plant (other than the distributor's fuse)<sup>7</sup>.

**2.47.** If the distributor fails to give the required notice, or if the supply is interrupted on a different day from that notified, it must, on receipt of a qualifying claim, make a payment of £20 to a domestic customer, or £40 to a non-domestic customer<sup>8</sup>. Claims must be made within one month of the day on which the interruption occurred.

**2.48.** The purpose of Regulation 12 is to minimise the inconvenience to customers of necessary interruptions to their electricity supply. The minimum period of notice specified for each distributor seeks to strike a balance between providing adequate notice to customers while not imposing unreasonable costs on the distributors while doing so. It follows that distributors should give customers as much notice as they can of interruptions even where the amount of notice is less than that required in the standard. In such circumstances, although the standard will have been breached the inconvenience to customers will have been minimised. The distributor should state in its Notice of Rights that it intends to follow this approach.

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<sup>7</sup> Regulation 12(8), SI 2005/1019 The Electricity (Standards of Performance) Regulations 2005

<sup>8</sup> It was the intention, prior to the Regulations being made, that the prescribed sum for non-domestic customers be £40

**2.49.** The distributor's Notice of Rights should also advise customers that they are entitled to a payment if the notified interruption takes place on a different day from that specified in the supply interruption notice (unless a further notice was given).

#### **Exemptions specific to EGS4**

**2.50.** Only sub-paragraphs (3), (6) and (7) of Regulation 20<sup>9</sup> may be invoked by the distributor providing this service.

**2.51.** The distributor has not received a claim for compensation under this guaranteed standard from the customer, whose premises are directly connected to the distributor's distribution system, within one month from the applicable date.

**2.52.** Note, however, that Regulation 20(8) may not be invoked. That is, the distributor cannot be exempt from the obligations imposed by EGS4 where it is exercising its rights to disconnect the supply because of damage to electrical plant, interference with meters or for debt.

**2.53.** The distributor does not have to comply with the requirements of this guaranteed standard if its action to discontinue the supply is solely associated with work on the distributor's fuse at the premises.

#### **EGS5 (Regulation 13) Voltage Complaints**

**2.54.** This guaranteed standard applies where a customer either has reported that he believes that the supply is or has been outside the permitted voltage range or reports an event which might reasonably lead the distributor to believe that a supply is outside the permitted voltage range. In these circumstances, the distributor must either:

- where a visit is deemed to be necessary, within 7 working days of having received the report referred to above, make an offer to visit the customer's premises during a specified time within that same 7 working day period; or
- if a visit is deemed not to be necessary, dispatch a written explanation within 5 working days of receipt of the report.

**2.55.** If the distributor fails to offer the visit or dispatch a written explanation within the prescribed periods, a payment of £20 must be made to the customer (domestic and non-domestic customers).

**2.56.** If the distributor fails to attend the customer's premises at the specified time a payment of £20 must be made to the customer (domestic and non-domestic customers).

**2.57.** It is likely that, from time to time, the same fault will be reported by more than one customer. Each report must be dealt with separately and any action taken will in each case be subject to the guaranteed standards. If the distributor needs to

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<sup>9</sup> SI 2005/1019 The Electricity (Standards of Performance) Regulations 2005



visit the first customer who has made a report, he may consider that in doing so he will be able to provide an explanation to all the customers concerned, without visits to them. If this is the case, he should consider the application of Regulation 20(3)<sup>10</sup>.

**2.58.** The distributor must not count investigations which it carries out on its own initiative as services under this guaranteed standard. Only those investigations initiated as a result of a customer contact should be counted.

**2.59.** If the distributor cannot contact a customer to agree an appointment to investigate, it should write, within the prescribed period, to offer (at least) a morning or afternoon appointment to visit.

### **Exemptions specific to EGS5**

**2.60.** If there are exceptional circumstances covered by Regulation 20(6)<sup>11</sup> (see the fourth bullet point of paragraph 2.91 of this guidance) which mean that it is not reasonably practicable for the distributor to keep the appointment, the distributor must inform the customer at least one working day before the appointment, unless it is not reasonably practicable for it to do so.

### **EGS8 (Regulation 17) Making and Keeping Appointments**

**2.61.** This guaranteed standard applies where the distributor informs the customer that it wishes to visit the customer's premises, or where a customer asks the distributor to visit his premises.

**2.62.** The distributor must, within a reasonable period from the applicable date, offer a timed appointment. The appointment offered must itself be within a reasonable period from the date when the request for the visit is made. It must be:

- during a specified period up to 1.00 pm (the starting time of this period should also be notified to the customer) on a specified day;
- during a specified period after 12 noon (the boundaries of this period must be notified to the consumer) on a specified day; or
- during a specified period not exceeding two hours in length on a specified day.

**2.63.** If a customer requests an appointment at a particular time on a particular day, the distributor must not unreasonably withhold its agreement to such a request. Although it may choose to do so, it is not obliged to agree to a period of less than two hours' duration.

**2.64.** If the distributor fails, within a reasonable period, to offer an appointment or fails to keep an appointment, a payment of £20 must be made to the customer

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<sup>10</sup> Regulation 20(3) of SI 2005/1019 The Electricity (Standards of Performance) Regulations 2005 provides that the relevant distributor may be exempt from complying with the guaranteed standard if the customer agrees that any action taken by the distributor within the contravention period, (or a promise of action made within that time and subsequently fulfilled by the distributor) is sufficient to honour the distributor's obligation.

<sup>11</sup> SI 2005/1019 The Electricity (Standards of Performance) Regulations 2005.

(domestic and non-domestic customers).

**2.65.** Given the range of distributor's activities it is not generally possible to define what is or is not a "reasonable period". It will be for the distributor to assess this on a case-by-case basis.

**2.66.** Any agreed appointment must be kept unless the relevant customer agrees that the service is no longer required (for example, because an outgoing customer received a similar service to that agreed for an incoming customer).

**2.67.** Appointments agreed for days other than "normal working days" must be counted as services and failures must be similarly recorded.

**2.68.** The Notice of Rights published by the distributor should specify its usual start time for am appointments and finish time for pm appointments. The guaranteed standard allows the distributor to offer an appointment at an agreed, precise time. If the distributor offers such an appointment it becomes a guaranteed appointment.

**2.69.** Ofgem considers that an appointment is "kept" only where:

- an appropriate member of staff to undertake the task in question arrives at the appointed time or within the prescribed period. He must also have reasonable time to complete the task; and
- the member of staff has all equipment which could reasonably be expected to be needed to complete the relevant task.

### **Exemptions specific to EGS8**

**2.70.** The following specific exemptions may apply to EGS8:

- If there are exceptional circumstances covered by the Regulation 20(6)<sup>12</sup> (see point 4 of paragraph 2.91 of this guidance) which mean that it is not reasonably practicable for the distributor to keep the appointment, (but it must inform the customer at least one working day before the appointment, unless the circumstances referred to in that paragraph occur at a time when it is not reasonably practicable for it to do so).
- If the visit is in response to information or requests under EGS1 or EGS5.
- If the visit is in connection with cutting off the customer's electricity supply under schedule 6 of the Electricity Act 1989.

### **EGS9 (Regulation 19) Payments owed under the guaranteed standards**

**2.71.** EGS9 deals with those situations where the distributor has to make payments to its own customers, where it has to make payments to customers of another distributor under the guaranteed standards and where it receives payment from another distributor for onward transmission to its customers.

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<sup>12</sup> SI 2005/1019 The Electricity (Standards of Performance) Regulations 2005

**2.72.** In the event that a distributor is obliged to make a payment to one of its customers under any of the guaranteed standards in this guidance it must make the payment to its customer or its customer's supplier within 10 working days from the date when the obligation to make the payment arises. Where a payment is due under EGS11A, EGS11B or EGS11C the distributor should make the payment as soon as is reasonably practicable. If a distributor fails to make a payment within the timeframe specified in this paragraph a payment of £20 must be made to the customer (domestic and non-domestic customers).

**2.73.** Where a distributor receives a payment from another distributor for onward payment to one of its customers, the distributor to whose network the customer is connected must make the payment to its customer or its customer's supplier within 10 working days from the date when it received the payment from the other distributor. If a distributor fails to make a payment within the timeframe specified in this paragraph a payment of £20 must be made to the customer (domestic and non-domestic customers).

**2.74.** Where a distributor is obliged to make a payment under any of the following standards, EGS2, EGS4, EGS11A, EGS11B, EGS11C and EGS12, to a customer of another distributor, the distributor must make the payment to the other distributor for onward transmission within 10 working days from the date when the obligation to make the payment arises. If a distributor fails to make a payment within the timeframe specified in this paragraph a payment of £20 must be made to the customer (domestic and non-domestic customers).

### **Exemptions specific to EGS9**

**2.75.** If there is a genuine dispute between the customer and the distributor as to whether a payment is due under the guaranteed standards.

- See paragraph 2.91 for the general exemptions.

### **EGS11A (Regulation 6) Supply Restoration: Category 1 Severe Weather Conditions<sup>13</sup>**

**2.76.** In the event of the supply to a customer's premises during category 1 severe weather conditions being discontinued as a result of a failure of, or a fault in or damage to, the distribution system (but not the distributor's fuse), the distributor must restore supply to the customer within 24 hours of the time from which it was (or should reasonably have been) aware of the fault. If it fails to achieve this, it must, on receipt of a claim from a customer, pay £25 to the customer (domestic and non-domestic customers) and a further £25 for each additional period of 12 hours in which supply is not restored, up to a cap of £200 in total.

**2.77.** An additional 12 hours' grace is given if the fault has occurred to an underground line with a nominal voltage of 20kV. This guaranteed standard does not apply in any part of the Highlands or Islands.

**2.78.** Where ice accretion, flooding or snow affect the part of the distributor's distribution system which was being used to distribute electricity to the customer's

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<sup>13</sup> See Appendix 1 for the severe weather category boundaries.

premises prior to the interruption and prevent work to restore the customer's premises, then the start time for calculating compensation will be when such effects no longer prevent restoration work.

### **Exemptions specific to EGS11A**

**2.79.** The following specific exemptions may apply to EGS11A:

- Where the supply to the customer's premises is interrupted as a result of a failure of, fault in or damage to the relevant electricity distributor's system resulting from normal weather conditions or category 2 or 3 severe weather conditions.
- Exemptions listed under paragraph 2.22 of this guidance.

### **EGS11B (Regulation 6) Supply Restoration: Category 2 Severe Weather Conditions<sup>14</sup>**

**2.80.** In the event of the supply to a customer's premises during category 2 severe weather conditions being discontinued as a result of a failure of, or a fault in or damage to, the distribution system (but not the distributor's fuse), the distributor must restore supply to the customer within 48 hours of the time from which it was (or should reasonably have been) aware of the fault. If it fails to achieve this, it must, on receipt of a claim from a customer, pay £25 to the customer (domestic and non-domestic customers) and a further £25 for each additional period of 12 hours in which supply is not restored, up to a cap of £200 in total.

**2.81.** An additional 12 hours' grace is given if the fault has occurred to an underground line with a nominal voltage of 20kV. This guaranteed standard does not apply in any part of the Highlands or Islands.

**2.82.** Where ice accretion, flooding or snow affect the part of the distributor's distribution system which was being used to distribute electricity to the customer's premises prior to the interruption and prevent work to restore the customer's premises, then the start time for calculating compensation will be when such effects no longer prevent restoration work.

### **Exemptions specific to EGS11B**

**2.83.** The following specific exemptions may apply to EGS11B:

- Where the supply to the customer's premises is interrupted as a result of a failure of, fault in or damage to the relevant electricity distributor's system resulting from normal weather conditions or category 1 or 3 severe weather conditions.
- Exemptions listed under paragraph 2.22 of this guidance.

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<sup>14</sup> See Appendix 1 for the severe weather category boundaries.

### EGS11C (Regulation 6) Supply Restoration: Category 3 Severe Weather Conditions<sup>15</sup>

**2.84.** In the event of the supply to a customer's premises during category 3 severe weather conditions being discontinued as a result of a failure of, or a fault in or damage to, the distribution system (but not the distributor's fuse), the distributor must restore supply to the customer within X hours of the time from which it was (or should reasonably have been) aware of the fault, where X is derived from the formula below. If it fails to achieve this, it must, on receipt of a claim from a customer, pay £25 (domestic and non-domestic customers) and a further £25 for each additional period of 12 hours in which supply is not restored, up to a cap of £200 in total.

$$X = 48 \times \left( \frac{\text{total number of customers interrupted}}{\text{category 3 threshold number of customers}} \right)^2$$

**2.85.** An additional 12 hours' grace is given if the fault has occurred to an underground line with a nominal voltage of 20kV. This guaranteed standard does not apply in any part of the Highlands or Islands.

**2.86.** Where ice accretion, flooding or snow affect the part of the distributor's distribution system which was being used to distribute electricity to the customer's premises prior to the interruption and prevent work to restore the customer's premises, then the start time for calculating compensation will be when such effects no longer prevent restoration work.

#### Exemptions specific to EGS11C

**2.87.** The following specific exemptions may apply to EGS11C:

- Where the supply to the customer's premises is interrupted as a result of a failure of, fault in or damage to the relevant electricity distributor's system resulting from normal weather conditions or category 1 or 2 severe weather conditions.
- Where any designated electricity distributor experiences category 3 severe weather conditions in which the total number of customers interrupted is equal to or greater than the upper threshold number of customers due to the same weather event.
- Exemptions listed under paragraph 2.22 of this guidance.

### EGS12 (Regulation 7) Supply Restoration: Highlands and Islands

**2.88.** In the event of the supply to a customer's premises in the Highlands and Islands being discontinued as a result of a failure of, or a fault in or damage to, the distribution system (but not the distributor's fuse), the distributor must restore supply to the customer within 18 hours of the time from which it was (or should reasonably have been) aware of the fault. If it fails to achieve this, it must, on

<sup>15</sup> See Appendix 1 for the severe weather category boundaries.

receipt of a claim from a customer, pay £50 for domestic customers and £100 for non-domestic customers and a further £25 for each additional period of 12 hours in which supply is not restored. There is no cap on the amount of compensation.

**2.89.** An additional 12 hours' grace is given if the fault has occurred to an underground line with a nominal voltage of 20kV.

### **Exemptions specific to EGS12**

**2.90.** The following specific exemptions may apply to EGS12:

- It was not reasonable in all the circumstances to expect the distributor to know that the supply had not been restored.
- Where the supply is to an island via an underwater cable, where the failure, fault or damage occurred in the part of the cable situated below the high water mark of spring tides and there is no alternative means normally available to the distributor to supply premises on that island.
- The distributor to whose network the customer is connected has not received a claim for compensation within 3 months of the supply being restored.
- Where the interruption only occurred due to failure of, fault in or damage to the distribution system of another electricity distributor.

### **General exemptions from the guaranteed standards**

**2.91.** Certain general exemptions (set out in Regulation 20<sup>16</sup>) apply to all of the guaranteed standards, with the exceptions of EGS2, EGS2A, EGS11A, EGS11B and EGS11C. Note, however, that the general exemptions are modified by particular provisions attaching to EGS4 and EGS5, and detailed in earlier paragraphs. They should not therefore be read in isolation from the specific regulation which is being considered.

The general exemptions are as follows:

- If the customer informs the distributor before the guaranteed standard contravention time that he does not want the distributor to take any action or any further action.
- If the customer agrees that action already taken by the distributor meets the requirement of the guaranteed standard. But where the distributor has promised to take further action, that action must be taken without undue delay if this exemption is to be invoked.
- If, in order to meet the guaranteed standard, information is required to be given by the customer to the distributor and the customer either sends the information to an address or telephones a number other than the one which the distributor has indicated, or (in the case of investigating voltage complaints) telephones with

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<sup>16</sup> Regulation 20 of SI 2005/1019 The Electricity (Standards of Performance) Regulations 2005

the information at a time outside reasonable hours as notified by the distributor.

- It was not reasonably practicable for the distributor to have complied with the requirements because of:
  - severe weather;
  - industrial action by the distributor's employees;
  - an action or default by someone other than the distributor's employee, agent or officer or a person acting on behalf of the agent;
  - an inability to gain necessary access to relevant premises;
  - the likelihood that the distributor would break the law if he complied;
  - the effects of an event for which emergency regulations have been made under Part 2 of the Civil Contingencies Act 2004; or
  - other exceptional circumstances beyond the control of the distributor,

and the distributor had in each case taken all reasonable steps both to prevent the circumstances from occurring and from having that effect.

- It was reasonable for the distributor to regard information from the customer as being frivolous or vexatious.
- The customer had either committed an offence under the Electricity Act 1989<sup>17</sup> or had failed to pay charges due after receiving a disconnection notice<sup>18</sup>.

## Application of the general exemptions

**2.92.** Regulation 20(3)<sup>19</sup> provides for exemption from guaranteed standards where:

“The customer agrees with the relevant operator that the action taken by the relevant operator before the contravention time shall be treated as the taking by the relevant operator of the action required by the regulation and, where the action taken by the relevant operator includes a promise to perform any action (whether before or after the contravention time), the relevant operator duly performs that promise.”

**2.93.** When invoking this exemption, the distributor must ensure that the customer is fully aware that, in agreeing, he could be waiving his right to payment under the relevant guaranteed standard. The distributor should also impose on itself a strict

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<sup>17</sup> The customer committed an offence under paragraph 6 of schedule 6 or paragraph 11 of schedule 7 to the Electricity Act 1989.

<sup>18</sup> Disconnection notice under sub-paragraph 2(2) of schedule 6 to the Electricity Act 1989.

<sup>19</sup> Regulation 20 of SI 2005/1019 The Electricity (Standards of Performance) Regulations 2005

definition of “duly performs”. It should consider that it has failed the guaranteed standard unless it fulfils any promise associated with meeting the guaranteed standard requirement within a specific time from giving its promise to the customer. Unless otherwise agreed with Ofgem, the time for carrying out any such promised actions should be the “prescribed period” under the particular guaranteed standard.

**2.94.** In order for the exemptions in Regulation 20(6)(a)-(g) to apply, the relevant circumstances must be both exceptional and beyond the distributor’s control. It must also take all such steps as it was reasonable to take, both to prevent the circumstances from occurring and to prevent them from causing a breach of the guaranteed standard.

**2.95.** It is also important to recognise that, if an exemption is to be invoked, the distributor must be able to demonstrate that the circumstances giving rise to the exemption applied in each relevant case. Whilst it may have been prevented from delivering a service in the generality of cases (for example, because of severe weather), the distributor must still be prepared to do so in any particular case where the circumstances do not prevent it.

**2.96.** If a distributor wishes to invoke an exemption under Regulation 20(6), therefore, it should be willing to explain the precise nature of the exceptional circumstances to any customer who is affected, and how they applied to that customer’s case. It is also not sufficient to refer to general exclusions such as “impracticable” or “uneconomical”.

**2.97.** Where the distributor claims an exemption from the requirements of the guaranteed standards the number of exemptions claimed will automatically be included in the distributor’s statistical returns via formulas embedded in the reporting spreadsheet. Formulas have been embedded to automatically populate values to reduce the reporting burden.

## Arrangements for payment and communication

**2.98.** Under the electricity distribution standard licence condition 20 (Payments in Relation to Standards of Performance), use of system agreements must provide that, in the event of a guaranteed standard service failure, the distributor must make the guaranteed standard payment directly to its customer, to the distributor to whose network the customer is connected or to the customer’s supplier for onward transmission to the customer.

**2.99.** The date on which the distributor sends payment to another distributor or the supplier (and notifies the other distributor or supplier of the payment) would decide whether the response time had been met for the purposes of EGS9.

**2.100.** The reporting of performance under the guaranteed standards must reflect the different customer categories covered by the guaranteed standards. Accordingly, the guaranteed standards reporting form provides where appropriate for separate reporting of distribution services provided by the distributors to domestic and non-domestic customers.



**2.101.** In many cases, consumers will not communicate with the distributor regarding the services that are covered by the guaranteed standards. In such cases, the supplier may contact the distributor on behalf of the customer. Regulation 3(4)(d)<sup>20</sup> provides that any person having apparent authority to represent the customer should be treated as if he or she were the customer for the purposes of the guaranteed standards. This should be taken to cover suppliers and other distributors acting on behalf of their customers.

**2.102.** In deciding when an obligation under the guaranteed standards towards a customer is triggered (the “commencement date” under the guaranteed standards), the principle is that in general it is only when the supplier or other distributor has given the distributor all of the information which would normally be required for it to perform a service under the guaranteed standards.

**2.103.** Suppliers are able to act for their customers not only in requesting services covered by the guaranteed standards but also in receiving services. For example, if an explanation in response to a voltage complaint (EGS5) made by a customer is sent by the distributor to the supplier to be relayed to the customer, the date when the distributor's response is sent to the supplier would decide whether the response time had been met.

### Notice of rights etc

**2.104.** Regulation 22<sup>21</sup> requires distributors from time to time to prepare a revised statement explaining the rights prescribed for the benefit of customers under the guaranteed standards. The Regulation requires electricity distributors to:

- provide copies of the statement, and revisions to them, to both Ofgem and energywatch before it is sent to electricity suppliers to issue to customers;
- send a copy at least once every 12 months to each electricity supplier that supplies electricity to customers connected to the relevant distributor's network;
- make available a copy of each statement in the current form available on its website and for inspection by anyone at any of the distributor's offices; and
- send a copy of the statement in its current form to anyone that requests it.

**2.105.** It is the responsibility of distributors to ensure that the Notice of Rights is issued to the suppliers so that the information contained in the Notice of Rights can be relayed to customers. Under Regulation 22 the Notice of Rights should explain the guaranteed standards and any exemptions that may apply. Ofgem also expects distributors to advise customers that performance against these guaranteed standards, including the levels of compensation that have been paid out, is published by energywatch and to provide the relevant contact details.

**2.106.** Distributors should take care to inform customers of those situations in which automatic payment will be made for breaches of guaranteed standards, and the

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<sup>20</sup> SI 2005/1019 The Electricity (Standards of Performance) Regulations 2005

<sup>21</sup> SI 2005/1019 The Electricity (Standards of Performance) Regulations 2005

procedures which customers need to follow in those cases where a claim is necessary.

**2.107.** It is the responsibility of suppliers to ensure that their customers are fully informed of the electricity distribution guaranteed standards of performance. When forwarding information on to consumers on behalf of the relevant distributor, a supplier is not compelled to issue copies of the distributor's document – the requirement is that they should issue the information on how the guaranteed standards work and apply. The format of these statements is a matter for suppliers to consider.

**2.108.** Distributors may provide separate statements for domestic and non-domestic customers if they consider this to be appropriate.

### Reporting performance to Ofgem

**2.109.** In addition to providing information to suppliers on guaranteed standards of performance, distributors are required to report performance against the guaranteed standards to Ofgem<sup>22</sup> on an annual basis (within 6 weeks of the end of the reporting year in question).

**2.110.** Appendix 2 contains a copy of the reporting spreadsheet that each distributor is required to complete.

**2.111.** The reporting spreadsheet includes a covering explanatory sheet and, where possible, formulas have been embedded to automatically populate values to reduce the reporting burden.

**2.112.** Ofgem will send electronic versions of the reporting spreadsheet to distributors in due course and, in any case, prior to the reporting date. Copies of the electronic version will also be placed on the Ofgem website.

**2.113.** energywatch is required under section 20 of the Utilities Act 2000 to report on the guaranteed standards of performance achieved by distributors. As such, Ofgem will provide annual data to energywatch regarding this performance by 30 June each year.

### Contact details

**2.114.** Electronic copies of the spreadsheets will be sent to all distributors in due course. These should be completed and returned electronically within 6 weeks of the end of the reporting year, to [dorothy.eke@ofgem.gov.uk](mailto:dorothy.eke@ofgem.gov.uk).

Dorothy Eke  
Quality of Service Assistant  
Ofgem  
9 Millbank  
London SW1P 3GE

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<sup>22</sup> Under electricity distribution standard licence condition 23 (Record of and Report on Performance)

Tel: 020 7901 7308  
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## 3. Best Practice Standards

### Chapter Summary

This chapter give guidance on the areas requiring systems for reporting reliable customer service standards information to Ofgem and the operation, testing and maintenance of such quality systems.

### Introduction

**3.1.** It is necessary to ensure that information provided to Ofgem on customer service standards is reliable and consistent over time and between companies. This section gives guidance on systems to achieve this aim. It covers:

- the general areas requiring quality systems; and
- the operation, testing and maintenance of such quality systems.

**3.2.** The requirements described are similar to those specified in the ISO 9000 family of standards. It is likely that they will all be met by a distributor which has, or whose systems could qualify for, relevant certification under the ISO 9000 series.

**3.3.** The following paragraphs are intended to set out options through which distributors may achieve the reliability and consistency described above. They also reflect the general approach which Ofgem would expect to see if and when checks are made on compliance with the guaranteed standards regime and the objectivity and accuracy of reporting. However, the guidance in this respect should not be regarded as prescriptive and distributors should consider adapting it to fit their organisational and managerial objectives where necessary.

### Use of quality systems to ensure consistent reporting

#### Data recording

**3.4.** The distributor must define the type of data, the sources and locations of data for reporting performance. These may be source documents, computer records, automatic recording systems or other appropriate arrangements. Where practicable, these details should be defined through the use of standard forms, prompts on screen etc.

**3.5.** Performance Standards Reporting Procedures (PSRPs) which incorporate flow-charts should make clear which staff have which responsibilities for recording data. The responsibilities for recording data should be defined in the PSRPs (including its entry onto any form of computer system) at each stage such as the start and finish of an incident.

**3.6.** These PSRPs should be provided to all relevant staff, together with record forms and any other material they may need. The content and format of the data to be recorded should be clearly defined, ideally in a handbook or manual. Where there is

a risk of inconsistent recording, copies of agreed definitions and instructions should be issued or included within the PSRPs. The interpretations in section two of this guidance document should be included. Any significant additions to these should be discussed with Ofgem before inclusion.

**3.7.** Methods and responsibilities for reviewing and approving raw data, if any, should be defined. Requirements to keep copies of recorded raw data, if any, should also be defined.

**3.8.** Computer systems used to support the collection and collation of data should be identified in PSRPs. The computer systems should be reviewed by suitably qualified personnel before they are brought into use and whenever changes are made, to ensure their systems provide the correct results. These should be made both initially and after any changes to the systems.

**3.9.** If any computer systems are found to produce erroneous results, the validity of previous data should be considered. Appropriate action must be taken to correct the error, the action should be recorded and Ofgem should be advised of the nature of the error and its effects.

**3.10.** Test and control software and hardware should be subject to appropriate backups and access controls.

### **Reporting of breaches of guaranteed standards**

**3.11.** Data on breaches should be recorded in accordance with process routes, responsibilities and methods defined in the PSRPs. Breaches should be recorded in such a way as to allow audits and reviews to be conducted.

**3.12.** The PSRPs should cover:

- how breaches will be identified;
- who should be responsible for recording and review of apparent breaches;
- the specific data which should be entered;
- the procedures for reviewing this data; and
- definitions and guaranteed standards.

**3.13.** The recording, reporting and reviewing of breaches should be monitored by means of planned and recorded reviews.

**3.14.** The review of breaches of the guaranteed standards should consider:

- Was the data comprehensive and correctly recorded?
- Are there any inconsistencies in the data recorded?

- Was the breach allocated to the correct guaranteed standard?
- Are there any exemptions which would apply? If so, were these properly applied?
- What is the necessary follow-up action?

**3.15.** The results of the review should be documented.

**3.16.** Where an apparent breach is not confirmed because of the existence of a specific exemption, the nature of the exemption and the name of the person authorising it should be recorded in accordance with defined responsibilities.

**3.17.** The statistical annual report to Ofgem should be presented on behalf of the distributor under the signature of a nominated individual.

## Controlling the quality systems

### Organisation

**3.18.** The distributor should maintain charts showing the organisation and functional relationships for staff that are involved in the collection, processing, review and reporting of guaranteed standards and network performance data. Copies should be provided to Ofgem on request.

**3.19.** Job descriptions, covering responsibility and authority in relation to the guaranteed standards, should be maintained for all the staff covered by these organisation charts.

**3.20.** The distributor should ensure that sufficient resources are available to carry out the functions set out in this document and in PSRPs. Personnel should be suitably trained and qualified for the tasks they perform.

**3.21.** Each stage of managing the reporting system should be documented so as to include the methods appropriate, who has responsibilities and details of any further documentation that is necessary.

**3.22.** The distributor should nominate a person to be responsible for the operation of the Performance Standards System (referred to hereafter as the Performance Standards Representative; PSR). Deputies should also be nominated. If more than one PSR is nominated, their respective responsibilities in relation to the guaranteed standards should be clearly defined.

**3.23.** The PSR should have the necessary authority and responsibility to ensure the effective operation of the Performance Standards System, including ensuring that data are discussed and reviewed by the senior management of the distributor on a regular basis.

## Procedures

**3.24.** The PSR should ensure that all documentation necessary for the effective operation of the Performance Standards System is identified, compiled by a specified date and adequately maintained.

**3.25.** The procedures should address the four levels identified below (documentation may also be set out on these four levels):

- Level 1 – Performance Standards Manual that describes the principal requirements.
- Level 2 – Performance Standards Reporting Procedures that detail the organisation and responsibilities necessary to implement the functions set out in Level 1.
- Level 3 – Detailed instructions and other documentation relating to methods, techniques and processes.
- Level 4 – Records that provide evidence of the operation and audit of the systems.

**3.26.** The level of detail shown in these procedures should take into account the skills and training of the staff undertaking the various activities. In particular, evidence of appropriate training will have a major influence on the type of documentation required at Level 3.

## Changes in requirements

**3.27.** When changes are made in the Regulations, schedules or requirements set by Ofgem, the PSR should ensure that managers promptly review and amend procedures, that the amended procedures are distributed and that working instructions and practices are changed as appropriate.

## Control of Documentation

**3.28.** The Performance Standards Manual should be issued by the PSR. The approval, issue and amendment of all PSRPs and any level 3 documents by the distributor should be carried out in a manner which is defined in the documentation.

**3.29.** A list of all PSRPs used by the distributor should be compiled. The list should be provided to relevant staff and to Ofgem, if requested.

**3.30.** Master sets of all controlled documents that could affect the reporting of performance of the guaranteed standards should be kept, together with appropriate indices, amendment records and distribution lists. Appropriate document control methods should be applied to ensure the availability of relevant up-to-date documents where they are required.

**3.31.** Appropriate procedures should be used to control the configuration of computer systems so as to ensure that the status of systems in use at any time, and at each location, can be defined and configuration changes controlled.

#### **Data and Information on Electronic Media**

**3.32.** Document control principles should apply to computer systems, software and computer-based records. These should normally include the use of backups and passwords and other arrangements to ensure the integrity and availability of computerised records and documents.

#### **Non-conformance and corrective action**

**3.33.** Any non-conformance against the PSRPs or other parts of these systems must be recorded, reviewed and investigated in order to determine the causes. Appropriate corrective action must be implemented to forestall any recurrence, together with preventive measures to address any problems.

**3.34.** Non-conformance reviews should be recorded. Such reviews should consider processes, definitions, equipment, training and systems.

**3.35.** Where corrective or preventive action leads to changes in procedures and additional controls, the changes must be recorded and communicated to the appropriate staff.

**3.36.** Corrective and preventive actions must be reviewed to ensure that they have been correctly implemented and are effective.

#### **Maintenance of records**

**3.37.** The PSR has overall responsibility for identifying the records needed for the operation of the Performance Standards System and the periods for which they should be retained.

**3.38.** System records should be maintained, either in documentary form or on computer, to demonstrate accurate recording of data and the effective operation of the Performance Standards System.

**3.39.** They should be stored and maintained in such a way as to provide for ready access and retrieval; to ensure minimal deterioration or damage; and to prevent loss. Records of all types should be held for defined minimum periods.

**3.40.** After the minimum retention period records should be reviewed against stated criteria before disposal, archiving or retention.

### **Training**

**3.41.** Appropriate personnel should be instructed in the operation of the Performance Standards System and the principles embodied in the guaranteed standards.



**3.42.** Personnel who carry out activities in connection with the operation of the Performance Standards System must be suitably trained. Particular attention should be paid to ensuring that those, with whom customers make initial contact, either orally or in writing, have been trained in the identification of possible failures against the guaranteed standards.

**3.43.** The PSR should ensure that training effectiveness and training needs in respect of the guaranteed standards are regularly reviewed against set criteria. Records should be kept of these reviews and records should be maintained of the training provided to individual staff.

## Audits

### Internal audits

**3.44.** The PSR should ensure that internal audits of the operation of the guaranteed standards are conducted regularly by trained staff who have no role in performing any of the functions described in the PSRPs.

**3.45.** An audit schedule or plan must be maintained which ensures that all aspects of the Performance Standards System are audited across all departments of the distributor.

**3.46.** The frequency of such audits should be determined by the results of previous audits and the significance of the individual systems activities. In any event, all aspects of the Performance Standards System should be audited at least once per year.

**3.47.** Audits should examine the systems, documentation, equipment and activities and should evaluate their effectiveness in providing the appropriate data and reports.

**3.48.** Audits should confirm that Ofgem's guidance and proposals on best practice have been incorporated into the distributor's documented procedures and that its performance has been in accordance with these. Check lists may be used to identify key elements of the activity being audited. Findings must be documented.

**3.49.** The management responsible for the audited department should review the audit results and agree actions and timetables to correct any non-conformance. They should report annually to Ofgem on their conclusions and actions taken in light of these. These reports should be submitted to Ofgem at the same time as the distributor's performance returns for the financial year.

**3.50.** Management should use internal audit reports when reviewing the continuing effectiveness of the Performance Standard System.

### External audits

**3.51.** The distributor should commission an annual independent external audit to:

- confirm that Ofgem's guidance and proposals on best practice, and any subsequent changes to it, have been included in the distributor's documentation

and implemented in its working procedures; and

- audit its reporting systems.

Compliance with the relevant parts of the ISO 9000 series would be acceptable for demonstrating that the distributor met these requirements.

**3.52.** The distributor should supply copies of the audit report(s) to Ofgem together with the distributor's conclusions about content and proposals for any corrective actions.

**3.53.** Independent external auditors used to carry out the requirements should be registered assessors or lead assessors with the Institute of Quality Assurance or be employed as auditors by companies who have achieved national accreditation as a certification body by the United Kingdom Accreditation Service (UKAS).

#### **General note regarding audits**

**3.54.** The work of external service providers should be included within the scope of audits, insofar as that work is relevant to the standards of service obligations. It is for the distributor and the service provider to agree on how best to achieve this objective in consultation with the distributor's auditors.

## 4. Codes of Practice Reporting

**4.1.** For convenience, the reporting of activity under the following headings<sup>23</sup> has been incorporated into the guaranteed standards of performance reporting spreadsheet:

Standard licence condition 17(2)(a)	-	Number of customers registered for special services
Standard licence condition 17(2)(b)	-	Number of customers provided with additional help during supply interruptions
Standard licence condition 19	-	Number of customers registered for password schemes at the end of reporting period

### Customers registered for special services

**4.2.** The reporting regime requires that distributors make a simple return of the number of customers who are registered under standard licence condition 17(2)(a) at the end of each annual reporting period.

### Provision of additional help

**4.3.** In the event of supply interruptions, distributors are obliged to provide customers who are of pensionable age, disabled, or chronically sick and who are registered under standard licence condition 17(2)(a) with additional advice or information. The nature of the help and advice must be described in the code of practice.

**4.4.** Individual distributors will of course have developed their own approaches to compliance with condition 17(2)(b) and customers will receive varying advice and information.

**4.5.** Distributors are therefore asked to make a return showing the number of occasions on which help has been given rather than to specify the type of assistance involved.

### Use of password schemes

**4.6.** Standard licence condition 19 requires that distributors “use passwords provided for vulnerable customers”.

**4.7.** This does not, however, imply that distributors should keep a register or any other permanent record of passwords.

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<sup>23</sup> Electricity distribution standard licence condition 23 (Record of and Report on Performance) requires a licensee to keep a record of its general operation of the arrangements specified in standard licence conditions 17 to 22.

**4.8.** Standard licence condition 19 merely requires that distributors should offer to use passwords in appropriate cases. Companies are therefore asked to report upon the number of occasions upon which they or their agents have made arrangements with individual customers to use passwords.

**Systems for code of practice reporting**

**4.9.** Distributors should establish and maintain systems for the collation and reporting of codes of practice data using the same principles as those used for guaranteed standards of performance data.

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## Appendix 1 - Severe Weather Category Boundaries

Designated electricity distributor	Category 1 Eight times the mean daily faults at distribution higher voltage	Category 2 Thirteen times the mean daily faults at distribution higher voltage	Category 3 threshold number of customers	Upper threshold number of customers
Central Networks West plc	63	103	348,000	597,000
Central Networks East plc	58	95	410,000	703,000
United Utilities Electricity plc	47	77	262,000	449,000
Northern Electric Distribution Limited	36	59	218,000	374,000
Yorkshire Electricity Distribution plc	35	57	347,000	595,000
Western Power Distribution (South West) plc	54	88	270,000	463,000
Western Power Distribution (South Wales) plc	46	73	208,000	357,000
EDF Energy Networks (LPN) plc	10	17	331,000	567,000
EDF Energy Networks (SPN) plc	46	74	284,000	487,000
EDF Energy Networks (EPN) plc	72	117	484,000	830,000
SP Distribution Limited	79	129	226,000	387,000
SP Manweb plc	61	99	188,000	322,000
Scottish Hydro-Electric Power Distribution Limited	61	99	119,000	204,000
Southern Electric Power Distribution plc	62	101	417,000	715,000

**Appendix 2 - Guaranteed Standards Reporting Spreadsheet**

GUARANTEED STANDARDS OF PERFORMANCE - ELECTRICITY DISTRIBUTION			
STATISTICAL RETURN - YEAR ENDING	31/03/2006		
COMPANY NAME:			
EGS1 (Regulation 10) - Responding to Operation of Distributor's Fuse	All customers		
Number of reported distributors fuse failures (Reg 10(1))			
Number of valid claims under Reg 10			
Number of payments made under Reg 10(3)			
Total number of exemptions invoked under Reg 10(4)	0		
Compensation level	£20		
Total value of payments made under Reg 10	£0		
EGS2 (Regulation 5) - Supply Restoration Normal Conditions	All customers except customers in the Highlands and Islands		
Number of supply discontinuations (Reg 5(1))			
Number of premises affected by those discontinuations			
Number of failures to restore supply to premises within 18 hrs (Reg 5(2)(a))			
Number of subsequent failures to restore supply to premises within 12 hours (Reg 5(2)(b))			
	Domestic	Non-domestic	
Number of valid claims for payment under Reg 5(2)(a)			
Total number of exemptions invoked under Reg 5(3) (where Reg 5(2)(a) applies)	0	0	
Number of payments made in respect of those valid claims made under Reg 5(2)(a)			
Compensation level	£50	£ 100	
Total value of payments in respect of those valid claims made under Reg 5(2)(a)	£0	£0	
Number of valid claims for payment under Reg 5(2)(b)			
Total number of exemptions invoked under Reg 5(3) (where Reg 5(2)(b) applies)	0	0	
Number of payments made in respect of those valid claims made under Reg 5(2)(b)			
Compensation level	£25	£25	
Total value of payments in respect of those valid claims made under Reg 5(2)(b)	£0	£0	
Total value of payments made under Reg 5	£0	£0	

EGS2A (Regulation 9) - Supply Restoration Multiple interruptions	All customers
Total number of claims for payment under Reg 9	
Number of valid claims for payment made under Reg 9	
Total number of exemptions invoked under Reg 9(5)	0
Number of payments made in respect of those valid claims made under Reg 9	
Compensation level	£50
Total value of payments made under Reg 9(4)	£0
EGS3 (Regulation 11) - Estimate of Charges for Connection	All customers
Number of valid requests for estimates under Reg 11(1) (where Reg 11(4) does apply)	
Total number of exemptions invoked under Reg 11(2) (exemptions set out in Reg 20) (where Reg 11(4) does apply)	0
Number of payments made under Reg 11(2)	
Compensation level	£40
Total value of payments made under Reg 11 (where Reg 11(4) does apply)	£0
Number of valid requests for estimates under Reg 11(1) (where Reg 11(4) does not apply)	
Total number of exemptions invoked under Reg 11(5) (where Reg 11(4) does not apply)	0
Number of payments made under Reg 11(3)	
Compensation level	£40
Total value of payments made under Reg 11 (where Reg 11(4) does not apply)	£0
Total value of payments made under Reg 11	£0



EGS4 (Regulation 12) - Notice of Planned Interruption to Supply	Domestic	Non-domestic
Number of occasions where supply was interrupted for an authorised purpose of any duration (excluding emergencies (Reg 12(1)))		
Number of customers affected by these interruptions		
Number of valid claims for payment under Reg 12(4)		
Total number of exemptions invoked under Reg 12(7) (where Reg 12(4) applies)	0	0
Number of payments made under Reg 12(4)		
Compensation level	£20	£ 40
Total value of payments made under Reg 12(4)	£0	£0
Number of occasions where supply was interrupted for an authorised purpose of any duration (excluding emergencies (Reg 12(2)))		
Number of customers affected by these interruptions		
Number of valid claims for payment under Reg 12(5)		
Total number of exemptions invoked under Reg 12(7) (where Reg 12(5) applies)	0	0
Number of payments made under Reg 12(5)		
Compensation level	£20	£ 40
Total value of payments made under Reg 12(5)	£0	£0
Number of occasions where supply was interrupted for an authorised purpose of any duration (excluding emergencies (Reg 12(3)))		
Number of customers affected by these interruptions		
Number of valid claims for payment under Reg 12(6)		
Total number of exemptions invoked under Reg 12(7) (where Reg 12(6) applies)	0	0
Number of payments made under Reg 12(6)		
Compensation level	£20	£ 40
Total value of payments made under Reg 12(6)	£0	£0
Total value of payments made under Reg 12	£0	£0

EGS5 (Regulation 13) - Investigation of Voltage Complaints	All customers
Number of notifications of suspected voltage problems under Reg 13(1)	
Number of notifications where visit necessary	
Total number of exemptions invoked under Reg 13(5) (where Reg 13(2) applies)	0
Number of payments made under Reg 13(2)	
Compensation level	£20
Total value of payments made under Reg 13(2)	£0
Number of occasions where Reg 13(4)(a) applies	
Total number of exemptions invoked under Reg 13(5) (where Reg 13(4)(a) applies)	0
Number of payments made under Reg 13(4)(a)	
Compensation level	£20
Total value of payments made under Reg 13(4)(a)	£0
Number of notifications where visit unnecessary Reg 13(4)(b)	
Total number of exemptions invoked under Reg 13(5) (where Reg 13(4)(b) applies)	0
Number of payments made under Reg 13(4)(b)	
Compensation level	£20
Total value of payments made under Reg 13(4)(b)	£0
Total value of payments made under Reg 13	£0
EGS8 (Regulation 17) - Maintaining and Keeping Appointments	All customers
Number of visits requested under Reg 17(1)	
Number of valid requests where Reg 17(2) applies	
Total number of exemptions invoked under Reg 17(5) (where Reg 17(2) applies)	0
Number of payments made under Reg 17(2)	
Compensation level	£20
Total value of payments made under Reg 17(2)	£0
Number of valid requests where Reg 17(3) applies	
Total number of exemptions invoked under Reg 17(5) (where Reg 17(3) applies)	0
Number of payments made under Reg 17(3)	
Compensation level	£20
Total value of payments made under Reg 17(3)	£0
Total value of payments made under Reg 17	£0

EGS9 (Regulation 19) - Payments owed under the Guaranteed Standards	All customers
Number of payments due under Reg 19(1) [Regulations 5 - 7 & 12]	
Total number of exemptions invoked under Reg 19(7) (where Reg 19(1) applies)	0
Number of payments made under Reg 19(4)	
Compensation level	£20
Total value of payments made under Reg 19(4)	£0
Number of payments due under Reg 19(2)(a) [Regulations 5 - 7, 9 - 13 & 17] (payments to own customers due to own contraventions)	
Total number of exemptions invoked under Reg 19(7) (where Reg 19(2)(a) applies)	0
Number of payments made under Reg 19(5) (payments to own customers due to own contraventions)	
Compensation level	£20
Total value of payments made under Reg 19(5) (payments to own customers due to own contraventions)	£0
Number of onward payments due under Reg 19(2)(b) (payments to own customers due to contraventions by other distributors)	
Total number of exemptions invoked under Reg 19(7) (where Reg 19(2)(b) applies)	0
Number of payments made under Reg 19(5) (payments to own customers due to contraventions by other distributors)	
Compensation level	£20
Total value of payments made under Reg 19(5) (payments to own customers due to contraventions by other distributors)	£0
Total value of payments made under Reg 19	£0

EGS11A (Regulation 6(1)) - Supply Restoration Category 1 Severe Weather Conditions	All customers except customers in the Highlands and Islands
Number of supply discontinuations (Reg 6(1))	
Number of premises affected by those discontinuations	
Number of failures to restore supply to premises within 24 hrs (Reg 6(4)(a))	
Number of subsequent failures to restore supply to premises within 12 hours (Reg 6(4)(b))	
<b>All customers except customers in the Highlands and Islands</b>	
Number of valid claims for payment under Reg 6(4)(a)	
Total number of exemptions invoked under Reg 6(4) (exemptions set out in Reg 8) (where Reg 6(4)(a) applies)	0
Number of payments made in respect of those valid claims made under Reg 6(4)(a)	
Compensation level	£25
Total value of payments in respect of those valid claims made under Reg 6(4)(a)	£0
Number of valid claims for payment under Reg 6(4)(b)	
Total number of exemptions invoked under Reg 6(4) (exemptions set out in Reg 8) (where Reg 6(4)(b) applies)	0
Number of payments made in respect of those valid claims made under Reg 6(4)(b)	
Compensation level	£25
Total value of payments in respect of those valid claims made under Reg 6(4)(b)	£0
Total value of payments made under Reg 6(4)	£0

EGS11B (Regulation 6(2)) - Supply Restoration Category 2 Severe Weather Conditions	All customers except customers in the Highlands and Islands
Number of supply discontinuations (Reg 6(2))	
Number of premises affected by those discontinuations	
Number of failures to restore supply to premises within 48 hrs (Reg 6(5)(a))	
Number of subsequent failures to restore supply to premises within 12 hours (Reg 6(5)(b))	
<b>All customers except customers in the Highlands and Islands</b>	
Number of valid claims for payment under Reg 6(5)(a)	
Total number of exemptions invoked under Reg 6(5) (exemptions set out in Reg 8) (where Reg 6(5)(a) applies)	0
Number of payments made in respect of those valid claims made under Reg 6(5)(a)	
Compensation level	£25
Total value of payments in respect of those valid claims made under Reg 6(5)(a)	£0
Number of valid claims for payment under Reg 6(5)(b)	
Total number of exemptions invoked under Reg 6(5) (exemptions set out in Reg 8) (where Reg 6(5)(b) applies)	0
Number of payments made in respect of those valid claims made under Reg 6(5)(b)	
Compensation level	£25
Total value of payments in respect of those valid claims made under Reg 6(5)(b)	£0
Total value of payments made under Reg 6(5)	£0

EGS11C (Regulation 6(3)) - Supply Restoration Category 3 Severe Weather Conditions	All customers except customers in the Highlands and Islands
Number of supply discontinuations (Reg 6(3))	
Number of premises affected by those discontinuations	
Number of failures to restore supply to premises within X hrs (Reg 6(6)(a))	
Number of subsequent failures to restore supply to premises within 12 hours Reg 6(6)(b)	
	All customers except customers in the Highlands and Islands
Number of valid claims for payment under Reg 6(6)(a)	
Total number of exemptions invoked under Reg 6(6) (exemptions set out in Reg 8) (where Reg 6(6)(a) applies)	0
Number of payments made in respect of those valid claims made under Reg 6(6)(a)	
Compensation level	£25
Total value of payments in respect of those valid claims made under Reg 6(6)(a)	£0
Number of valid claims for payment under Reg 6(6)(b)	
Total number of exemptions invoked under Reg 6(6) (exemptions set out in Reg 8) (where Reg 6(6)(b) applies)	0
Number of payments made in respect of those valid claims made under Reg 6(6)(b)	
Compensation level	£25
Total value of payments in respect of those valid claims made under Reg 6(6)(b)	£0
Total value of payments made under Reg 6(6)	£0

EGS12 (Regulation 7) - Supply Restoration Highlands and Islands		All customers in Highlands and Islands	
Number of supply discontinuations (Reg 7(1))			
Number of premises affected by those discontinuations			
Number of failures to restore supply to premises within 18 hrs (Reg 7(2)(a))			
Number of subsequent failures to restore supply to premises within 12 hours (Reg 7(2)(b))			
		Domestic	Non-domestic
Number of valid claims for payment under Reg 7(2)(a)			
Total number of exemptions invoked under Reg 7(3) (where Reg 7(2)(a) applies)	0	0	0
Number of payments made in respect of those valid claims made under Reg 7(2)(a)			
Compensation level	£50	£	100
Total value of payments in respect of those valid claims made under Reg 7(2)(a)	£0	£0	£0
Number of valid claims for payment under Reg 7(2)(b)			
Total number of exemptions invoked under Reg 7(3) (where Reg 7(2)(b) applies)	0	0	0
Number of payments made in respect of those valid claims made under Reg 7(2)(b)			
Compensation level	£25	£25	£25
Total value of payments in respect of those valid claims made under Reg 7(2)(b)	£0	£0	£0
Total value of payments made under Reg 7	£0	£0	£0
<b>Codes of Practice Reporting - SLC 17(2)(a), SLC 17(2)(b) and SLC 19</b>			
Number of customers registered under SLC 17(2)(a) at end of reporting period			
Number of customers provided with additional help during supply interruptions under SLC 17(2)(b) at the end of the reporting period			
Number of occasions on which customers made use of passwords during the reporting period (SLC 19)			

## Appendix 3 - The Authority's Powers and Duties

1.1. Ofgem is the Office of Gas and Electricity Markets which supports the Gas and Electricity Markets Authority ("the Authority"), the regulator of the gas and electricity industries in Great Britain. This Appendix summarises the primary powers and duties of the Authority. It is not comprehensive and is not a substitute to reference to the relevant legal instruments (including, but not limited to, those referred to below).

1.2. The Authority's powers and duties are largely provided for in statute, principally the Gas Act 1986, the Electricity Act 1989, the Utilities Act 2000, the Competition Act 1998, the Enterprise Act 2002 and the Energy Act 2004, as well as arising from directly effective European Community legislation. References to the Gas Act and the Electricity Act in this Appendix are to Part 1 of each of those Acts.<sup>24</sup>

1.3. Duties and functions relating to gas are set out in the Gas Act and those relating to electricity are set out in the Electricity Act. This Appendix must be read accordingly<sup>25</sup>.

1.4. The Authority's principal objective when carrying out certain of its functions under each of the Gas Act and the Electricity Act is to protect the interests of consumers, present and future, wherever appropriate by promoting effective competition between persons engaged in, or in commercial activities connected with, the shipping, transportation or supply of gas conveyed through pipes, and the generation, transmission, distribution or supply of electricity or the provision or use of electricity interconnectors.

1.5. The Authority must when carrying out those functions have regard to:

- The need to secure that, so far as it is economical to meet them, all reasonable demands in Great Britain for gas conveyed through pipes are met;
- The need to secure that all reasonable demands for electricity are met;
- The need to secure that licence holders are able to finance the activities which are the subject of obligations on them<sup>26</sup>; and
- The interests of individuals who are disabled or chronically sick, of pensionable age, with low incomes, or residing in rural areas.<sup>27</sup>

1.6. Subject to the above, the Authority is required to carry out the functions referred to in the manner which it considers is best calculated to:

- Promote efficiency and economy on the part of those licensed<sup>28</sup> under the relevant Act and the efficient use of gas conveyed through pipes and electricity conveyed by distribution systems or transmission systems;

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<sup>24</sup> entitled "Gas Supply" and "Electricity Supply" respectively.

<sup>25</sup> However, in exercising a function under the Electricity Act the Authority may have regard to the interests of consumers in relation to gas conveyed through pipes and vice versa in the case of it exercising a function under the Gas Act.

<sup>26</sup> under the Gas Act and the Utilities Act, in the case of Gas Act functions, or the Electricity Act, the Utilities Act and certain parts of the Energy Act in the case of Electricity Act functions.

<sup>27</sup> The Authority may have regard to other descriptions of consumers.



- Protect the public from dangers arising from the conveyance of gas through pipes or the use of gas conveyed through pipes and from the generation, transmission, distribution or supply of electricity;
- Contribute to the achievement of sustainable development; and
- Secure a diverse and viable long-term energy supply.

1.7. In carrying out the functions referred to, the Authority must also have regard, to:

- The effect on the environment of activities connected with the conveyance of gas through pipes or with the generation, transmission, distribution or supply of electricity;
- The principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed and any other principles that appear to it to represent the best regulatory practice; and
- Certain statutory guidance on social and environmental matters issued by the Secretary of State.

1.8. The Authority has powers under the Competition Act to investigate suspected anti-competitive activity and take action for breaches of the prohibitions in the legislation in respect of the gas and electricity sectors in Great Britain and is a designated National Competition Authority under the EC Modernisation Regulation<sup>29</sup> and therefore part of the European Competition Network. The Authority also has concurrent powers with the Office of Fair Trading in respect of market investigation references to the Competition Commission.

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<sup>28</sup> or persons authorised by exemptions to carry on any activity.

<sup>29</sup> Council Regulation (EC) 1/2003

## Appendix 4 - Glossary

### D

#### DPCR4

Fourth distribution price control review

### E

#### EGS

Electricity guaranteed standard

### H

#### HMSO

Her Majesty's Stationery Office

#### Highlands and Islands

The following Scottish local authority areas: the Shetland Islands, the Orkney Islands, Eilean Siar (the Western Isles), the Highlands (consisting of Caithness, Sutherland, Ross and Cromarty, Inverness, Nairn, Badenoch and Strathspey, Skye and Lochalsh, and Lochaber), and Argyll and Bute.

### M

#### MPAN

Metering Point Administration Number

### P

#### PSRPs

Performance Standards Reporting Procedures

#### PSR

Performance Standards Representative

### S

SI

Statutory Instrument

**U**

UKAS

United Kingdom Accreditation Service