

Fuel Poverty Action's Energy Bill of Rights

1. We all have the right to affordable energy to meet our basic needs.

Everyone should be able to cook food and keep warm when it's cold.

2. We all have the right to energy that does not harm us, the environment or the climate.

This means shifting from fossil fuels and nuclear power to renewable energy from the sun, wind, and waves.

3. We all have the right to energy that does not threaten health, safety, water, air or the local environment of a community.

This means no fracking and no unwanted oil and gas pipelines through communities.

4. We all have the right to a fair energy pricing system that does not penalise those who use less.

Standing charges should be abolished. People should not pay more per unit when they cut down the energy they use.

5. We all have the right to not be cut off from our energy supply.

We should not be disconnected because we cannot afford pay our bills or top up our meters.

6. We all have the right not to be forced to have a prepayment meter.

Energy companies should have no right to break into our homes to install them against anyone's will.

7. We all have the right to energy that is owned by us and run in our interests.

Energy should not be run in the interest of big business and shareholders. There is an important role for both local community ownership and democratic, public energy.

8. We all have the right to properly insulated, well-repaired housing that does not waste energy.

This must include protection for tenants who demand it from their landlords who may fear eviction if they approach their landlords in pursuit of this right.



In trouble with your energy company?

A MINI-GUIDE TO YOUR RIGHTS

by Fuel Poverty Action



2nd edition, Spring 2018

INTRODUCTION

We were inspired to write this simple guide to gas and electricity rights after a growing number of calls and emails from people struggling with fuel costs, fuel debt, damp homes, unwanted prepayment meters, and useless rip-off landlords.

Gas and electricity bills are too high, and if this leads to debt there are no ideal solutions. **However, there are ways you can stop the companies making things worse than they are already.** Above all, you want to **avoid getting disconnected. If you are, it will cost more to get reconnected, and you'll be in a worse position after that.** Good advice is available from many sources to help you stand up for your rights.

More and more, people are refusing to accept unacceptable fuel costs. Many people are challenging the energy companies over the size of their bills, the pressure they are put under, or the settings on their prepayment meters. Often, in addition to the high prices they charge, the companies manipulate things to their own advantage, bend the law, or make mistakes in their own favour. **If we all stand up to them together, we will be stronger. Make sure you share your experience through the Fuel Poverty Action website. This way you can let others know what you've suffered, what you are doing about it, and whatever you manage to win!** Remember – the hated Poll Tax was abolished in 1990, after thousands of people refused to pay unjust bills.



Photos taken at Fuel Poverty Action events and protests 2012-2018.

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Fuel Poverty Action, Fields of Light Photography, Simon King and Guy Bell

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Quite a bit of the advice in this Mini-Guide comes from the invaluable FUEL RIGHTS HANDBOOK (18th edition) published by Child Poverty Action Group. Readers should refer to the handbook itself for more detailed and more extensive information. Any inaccuracies in condensing the information are our own. Also, a lot of things are now changing. We will try to keep an online version of this Mini-Guide up to date, but you can also refer to the CITIZENS ADVICE WEBSITE "Your energy supply".

Please feel free to copy this guide in whole or in part. We just ask you to credit Fuel Poverty Action, and to let us know how you are using it.

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1: Your energy supplier has to talk to you.

Being in debt is scary but the first step is to negotiate with your energy supplier about how much you can pay. Be realistic, but remember that it's better to negotiate and pay a little than to do nothing. Please also see Section 3: 'Avoiding unwanted prepayment meters'. More information on the suggestions below and in Section 3 can be found in the Child Poverty Action Group's 'Fuel rights handbook'.

- **If you can pay for what you're using and can pay something, even a little, towards your arrears you should not be disconnected.**
- **No one has a right to force their way into your home without a warrant (see below, Section 5).**
- **If someone in your household is of pensionable age, disabled or chronically sick**, your supplier is generally not allowed to disconnect you in the winter (October-March). The Big Six and some other energy companies are also signed up to the Energy UK Safety Net, pledging to "never knowingly disconnect a **vulnerable** customer **at any time of year**" (see box on p.5.) There is specific protection for **households with children** especially if a child is five or younger.
- **A prepayment meter (see below) should always be offered as an alternative to disconnection.**

Each supplier has a procedure for dealing with customers in arrears. If they don't follow it, they can be referred to Ofgem (the energy regulator). **Usually disconnections only happen if you don't make contact with the supplier, so it's best to call them and let them know what you can afford to pay.** If you do, they have to consider your situation and look for an affordable plan.

- **Check whether you are legally liable for the bill.** Some or all of it may be the responsibility of someone else – e.g. it might be in the name of a partner who has left, a flat-sharer, your landlord, or someone who has died. Liability is a bit different for electricity and gas. Get expert advice or see Child Poverty Action Group’s ‘Fuel Rights Handbook’.

You can negotiate with your energy supplier to set the rate you’ll pay off your arrears.

- You should tell your supplier as soon as possible if your household has someone who is “**vulnerable**”. They should bear this in mind when setting your repayment rate.

- You could suggest around £3.70 per week, per meter, as this is the Fuel Direct pay back rate. But if you cannot afford that, ask for less!
- Make sure that your supplier doesn’t overestimate your ongoing consumption when they calculate how much you need to pay. Underestimates can also be a problem. Some people run up massive debts, which can become impossible to repay (see Section 3). If you don’t want to risk this, **read your meters regularly and inform your supplier.**

Need help to read your meter? Not sure how to do it?

See www.goo.gl/gGfkSj. You also have a right to have the meter located where you can easily access it.

- **You have a right to a choice of ways of paying your debt off, e.g. in weekly instalments or monthly instalments. You do not have to get a prepayment meter** (although it may be hard to avoid if you have already had a payment agreement and you haven’t been able to manage it.)
- **Staff are obliged to treat you sympathetically and help you to find the most suitable repayment method.** They should listen to what you have to say about your situation, including reasons why a previous arrangement may have broken down. (If not, you can complain – and tell Fuel Poverty Action.) **Remember their priority is making sure you pay for your current usage,** not getting the arrears paid off quickly.

Energy UK (the body which represents the Big Six energy companies) has stated that it is the industry’s intention to protect all those who are vulnerable and at risk from disconnection. **They define “vulnerability” in the following way:**

“...a customer is vulnerable if for reasons of **age, health, disability or severe financial insecurity** they are unable to safeguard their personal welfare or the personal welfare of other members of the household”.

So as well as personal situations which may make heating or electric power particularly important for you, your supplier should take account of poverty: “severe financial insecurity”, which **can include being on benefits.**



Keep track of all correspondence between you and your supplier.

If you are negotiating with your supplier, **always do it in writing and keep a copy. Save and file all emails.** If you make a phone call write down the name of the person you have spoken to, a direct line number for them, what you told them, what they have said, and the time and date of the conversation. If they agree to something, confirm it with them in writing. If they don't reply, record that too.

- Gas and electricity suppliers have to operate within certain legally enforceable conditions, the **Standard Licence Conditions (SLCs)**. SLC 27 says, among other things, that they must take all reasonable steps to ascertain what you are able to pay and must take this into account when calculating how fast you have to pay off your arrears. They must also offer you options on how you will pay – by instalments, through a prepayment meter, or through deductions from benefits. You may want to remind them of this.



- If you aren't getting anywhere with the call centre advisers **try the customer services department or the legal department of the company, or make a formal complaint to the company's complaints department instead** (you can detail how you have been trying hard to sort your situation and how you have been let down, tell them any other problems you have had, and say you want someone to contact you as soon as possible to help you resolve the situation). Make sure you are clear about your situation, outline any attempts to negotiate, and **give a date** that you want a response by (e.g. 14 days time). If this fails and the complaints procedure has been exhausted, try the **Energy Ombudsman** (see Section 12).
- You may find it worth **getting help from a group or even a friend, especially if English is not your first language, or if you are not confident in dealing with pushy companies on your own.** Unfairly, you are likely to be treated more respectfully that way. Some agencies that can help are listed in Section 12.
- The government has given **Citizens Advice** the job of helping people with fuel debts. (For contact information see Section 12). If you are "vulnerable" or at risk of disconnection, they can refer you to their Extra Help Unit. And if you explain the emergency, Citizens Advice may be able to help **prevent you being disconnected**. Fuel arrears are **priority debts**, like rent – they take precedence over many other debts like water rates, credit card debts, and catalogues. For negotiating with your supplier, see Citizens Advice on this page: <https://goo.gl/jgKyML> and click "What to say when you contact a priority debt creditor". You may also want to look at sample letters to non-priority creditors, asking them to wait, or to write off debts, here: <https://goo.gl/VYyVcz>.
- **You can also consider contacting your local MP who may well be willing to help.** You can find out who your MP is and how to contact them at www.theyworkforyou.com.

Remember that you are not to blame for arrears, and you are certainly not alone. The Financial Conduct Authority has found that half of the UK's population is financially vulnerable, and over four million are already in serious difficulty, falling behind with bills and credit card payments. House of Commons statistics say **nearly 1/3 of children are living in poverty.**

2. Prepayment Meters

Companies usually jump to give you a prepayment meter, with a key or a card. This can prevent you running up any further debt, but that's because when you can't feed the meter, you end up in the dark and the cold – they make you in effect disconnect yourself whatever the season, and however it might affect you.

Some people prefer prepayment meters, and others hate them – you should have a choice!

If you are thinking about asking to get a prepayment meter installed, or if your energy supplier is trying to force you to accept one, it is worth reading the following information.

Prepayment meters and the Standard Variable Tariff

Tariffs can be high whether you pay by a key meter or by a monthly or quarterly bill, using a “credit meter”. The Competition and Markets Authority announced in 2016 that domestic customers have been paying around £1.4 billion per year more than if the market were functioning as it should. Many people who pay by a bill are on a “**Standard Variable Tariff**” – a tariff that you get put on by default if you don't choose a cheaper fixed deal from your supplier. Typically, this could lose you around £300 a year. You also pay more if you're not in a position to pay by direct debit or online.

Standard Variable Tariffs (SVTs) and other “default” tariffs are now being capped by the regulatory body Ofgem, after years of delay (the head of Ofgem has given up his bonus as an apology!). The amount the cap will save you depends on wholesale fuel prices – it was intended to save about £120 a year – more, if you use a lot of fuel, then that went down to £66. But in any case the cap **is only applied if you receive Warm Home Discount** (see Section 7). It is supposed to be extended to other low income households by winter 2018-19, and the government has promised legislation to make a cap apply across the board, to everyone on a default tariff, but as we go to press this change is still in the pipeline. As things stand now, some people would

qualify to have their prices capped if they have a prepayment meter, but would miss out on the cap if they have a “credit” meter. So the bottom line is that you need to look carefully or get advice to see what is best for YOU.



How prepayment meters work

Even if your tariff is similar to what you would pay with a credit meter, you don't have the same access to cheaper fixed price deals, or to the better tariffs for people who pay online or by direct debit from a bank. You may have your electricity or gas clicking off when you most need them. You may also need to travel to get top-ups from a shop.

Standing Charge

If you go away for a few days or you do not top up, your meter will continue charging you the “**Standing Charge**” which you must continue to pay even when you are not using the fuel. It is typically a charge of about £4 per week (but may be more or less, depending on who your energy supplier is), which will be taken off of any money you top up. If you have not topped up your meter for a while, you may need to pay off all of the standing charge before you can use any fuel.

For example, if you have not topped up your gas meter at all for 20 weeks over the summer you will need to put in (£4 per week x 20 weeks =) £80 before your supplier will give you credit which you can then spend on fuel. If you are paying off a debt via the meter, the accumulated debt repayments, for the weeks you were not using fuel, may also be taken off your credit when you do top up in the end. Some meters are more flexible, or can be adjusted.

Not-for-profit energy supplier **Ebico** don't have a Standing Charge, and they also charge prepayment meter customers the same rate as everyone else. If you use a low amount of energy, you may save money by moving to Ebico. But NB they cannot now offer the Warm Home Discount, which may make them more expensive if you qualify for that. There are many other **new energy providers**, with different policies and tariffs. If you can look at them carefully it could save you a lot. See Section 8 for more about switching suppliers.

Emergency credit

Most energy suppliers will give you £5 to £7 "emergency credit" on your meter. This means if you run out of money/credit on your meter, you can use up to another £5 to £7 worth of "emergency" credit before you are then cut off from your gas or electricity. This has to be paid back however, as "emergency credit" is "just like an overdraft from the bank". The next time you go to the shop to top up, your supplier will then take the emergency credit you owe back off you before you can use your energy again. Don't forget, they will also take money off for the Standing Charge.

For example, if you top up £10 after having used £5 of your emergency credit, you will be left with £5 to use on energy (and less after your Standing Charge has been taken off).



Rights on a prepayment meter

In the next section we will say how you can avoid having a prepayment meter installed. But even if you end up having one, you still have rights.

- **There should now be no charge for installation** in most cases, except warrant charges if the meter is imposed through a court (see Section 6). The regulator Ofgem has imposed a cap of £150 on the warrant charges, and has banned these charges altogether for the most vulnerable customers.
- **You have a right to have the meter located in a place that's easy for you to reach and use**, especially if you are elderly or disabled. There is no charge for this. (And it applies to other kinds of meters too). If this isn't the case, **phone your energy provider and let them know that you want it moved.**
- You have a right to have the **meter set to collect arrears at a rate you can afford.** Don't let them tell you the setting can't be changed – it can.
- **No night time switch-offs!** Companies are, generally, not supposed to switch you off at night. If you are running out, you may want to time your usage so that you've still got some credit in the meter in the evening and then it will last through the night. All the big energy providers have "friendly" times when they should not cut you off.
- **If you move into a property with a prepayment meter with debt on it you should not have to pay the debt.** We have heard several reports of people being forced by their energy supplier to pay off the debt of the person who lived there before them, sometimes with promises that the supplier will "pay them back". The safest thing is to **call the energy supplier when you first move in to inform them that you are a new resident in the building and give them a meter reading.** Your meter may need to be reset. Then make certain that you are not repaying someone else's debt when you top up your meter.
- The supplier **cannot insist on a security deposit** or part-payment of a debt if you are getting a prepayment meter.

Switching supplier when on a prepayment meter

If you owe money to your energy supplier you will not be allowed to switch supplier until your arrears are less than £500 (per meter). **The Debt Assignment Protocol** is a process which allows you to switch to a cheaper prepayment meter deal so that you can pay off your debts more easily. In theory this sounds like it could help, but in practice it seems that successful switching is rare.

You need your landlord's permission to switch.

Changing back to a credit meter

If you are able to pay off your arrears you can request to have a credit meter back. However, you will have to pass credit checks and be willing to set up a fixed direct debit for future payment.

An example of getting an unwanted meter removed

Residents of a shared rented house had a meter installed without their consent. The residents repeatedly called and wrote to their energy supplier (E.ON) to ask to get it removed but were told they owed a debt they were not aware of. They were losing about £6 of every top up for 4-5 months before they enlisted the help of a community lawyer who wrote to the supplier requesting the meter was removed. The energy company subsequently removed the meter and reimbursed the residents before sending them a bill detailing their actual arrears.

3. Avoiding unwanted prepayment meters

More information on the suggestions below can be found in the Child Poverty Action Group's 'Fuel rights handbook', and from Citizens Advice at www.goo.gl/26N24g.

Is your energy company pressuring you to get a prepayment meter against your will? You don't have to get one.

Prepayment meters are energy companies' preferred way to reclaim any money you might owe them. In 2015 a Freedom of Information request found there had been half a million prepayment energy meters forcibly installed in people's homes over the past six years.

If you don't want a meter here are some steps you can take. See also Section 5 on meters imposed by warrants.

Your rights

In some situations, you are in an especially strong position to refuse.

- If you are considered "vulnerable" (elderly, disabled, ill, with very young children) your energy company should offer you a range of options to find the best debt repayment solution for you, they should not force a prepayment meter on you, and if your supplier comes under the Energy UK's "Safety Net" policy then you cannot be disconnected at any time of the year (see Section 1). **When talking to the company, make sure they know if anyone in your household could be considered vulnerable, this may mean they will not press you to accept a prepayment meter.** If a prepayment meter is not safe or practical for you, and they try to force you, contact us or Citizens Advice (see Section 12).

- Where the suppliers are at fault for not billing you, they should not send a bill which includes unbilled energy consumed more than one year before the bill is issued. **If they continue to demand the money from you and use this as the reason to install a prepayment meter, remind them about the “back billing clause”** and get in touch with us if you want further support to push your case.
- Companies **cannot make you pay for fuel used more than six years ago**, if you have not acknowledged that debt in the meantime.
- Sometimes a supplier will accept a lump sum for part of a disputed amount of arrears, to avoid court action or a complaint against them. Make sure you get in writing that it is full and final settlement. However, they **cannot** demand part payment as a condition of giving you a prepayment meter instead of disconnecting you.
- It may help if you can show that you have been able to manage paying instalments on other bills or purchases. This may help you avoid giving the supplier a security deposit or getting a prepayment meter.
- But even if none of these apply to you, you still have a right to **make your own payment plan** with the fuel company (see Section 1 above: ‘Your energy supplier has to talk to you’).
- Check your supplier’s own code of practice (on their website) about payment of bills and prepayment meters.



At what rate will you pay off arrears?

To negotiate how quickly you pay your arrears:

- You will need to **show them your income and your outgoing money, including money owing for other debts. Then they are supposed to fix repayment at a rate you can afford:** fuel debts should not take priority over buying food or paying your rent.
- The over-riding principle is that **the method and rate of repayment should take account of your ability to pay.** You will need to work out your income and your essential expenditure and other debts. Money Advice Trust have a sheet to help with this, available from most local advice centres. Don’t let them talk you into agreeing to more than you can afford. **Fuel Direct** is where money is taken from benefit payments. The maximum rate of deduction is £7.40 per week for both fuels, or £3.70 for one, potentially from more than one benefit. But you may be able to negotiate for less. The maximum rate is 5% if you are on Universal Credit. **Where Fuel Direct is an option, suppliers are expected to offer it, under the regulations, but they often don’t.**
- **Fuel Direct rates are often taken as a basis** if you are negotiating to pay yourself (that is, not through benefits), but your rate can be lower if your income is lower than income support, or if you have very high costs e.g. for childcare or a mortgage.
- Other debts, benefit reductions, or childcare costs **should all be taken into consideration.**
- **The rate can be adjusted if it’s wrong or if things change** – but you need to renegotiate, not just get behind on the plan. If you miss one payment they are likely to take you to court to try to fit a prepayment meter instead.
- **There is no obligation** to pay off the arrears within a set time, e.g. a year.
- **Make sure your current consumption** is estimated correctly.
- If you use Economy 7, Economy 10, or another “**off-peak tariff**” meter, make sure the clock is set correctly – some are faulty.

4. Paying less – emergency financial help

If there's no way you are going to be able to pay the arrears, it is sometimes possible to reduce the total you have to pay, or get help with it.

- **Apply to an energy company Trust Fund to pay off your debt.** The Big Six energy companies have pots of money, Trust Funds, which you can apply to. Some are specific to just customers of that company, but some Trust Funds can be applied to from customers of any supplier. See the end of this section for more information.
- **Appeal to the company's CEO (Chief Executive Officer)**
You can find the names of the CEO/Director of the various utility companies and also debt collectors and payday lenders, via this website: www.ceoemail.com.
Write to them, explain your situation and appeal to their better nature to sort out the issue for you. Usually this will be passed on to the CEO complaints team. Remember though, that ultimately THEY have the final say on whether you will be going to court or not. Appeal to them right up until the day of the summons, if you have to.
- Sometimes you can find a **charity to help with fuel or reconnection costs**, particularly when "vulnerable" people have been disconnected. Many advice agencies can help with applications. Check with them whether the payment could affect your welfare benefits.
- **Social services** can help you negotiate with a supplier. The supplier should not cut you off at least for a couple of weeks if you tell them you are trying to get help from social services. And in extreme circumstances social services can also – if pressed effectively – give cash to help pay off a bill. They may also make a referral to a charity for you. However, some mothers have expressed concern about the risks involved in bringing in social services.

- **Administration order:** If you have several debts and there's been a court judgment against you, you can sometimes get a court to take over forwarding the right proportion to all the people you owe money to. And sometimes they can reduce the total, so if you owe £4,000 you could end up only paying back £1,000.
- If you have debts you really can't repay, you *may* qualify for a **debt relief order**, which will freeze – and then after one year clear – your fuel debt. You will need a debt adviser to help you apply. And obviously, **none of these solutions do wonders for your credit rating.**

A rough guide to the Big Six energy company trust funds:

British Gas Energy Trust – applications can be made by customers of any supplier who are facing hardship, particularly in relation to fuel debt. 01733 421060 / bget@charisgrants.com

EDF Energy Trust – any EDF customer can apply, to clear debt and meet essential household costs. 01733 421060 / edfet@charisgrants.com

E.ON Energy Fund – applications can be made by customers of any supplier who need help paying off their energy bill or need to replace white goods and boilers. 03303 801090 / www.goo.gl/hgHVcX

Npower Energy Fund – Npower customers facing hardship can apply for a grant to clear debt. 01733 421 060 / <https://goo.gl/gcL1Ve> email npef@charisgrants.com stating the name and full address to send the form to. There is special help for people living with cancer, in partnership with Macmillan.

OVO has an "Energy Fund" to help its own customers who meet certain conditions. www.goo.gl/4A8PAS

Scottish Power has a "Hardship Fund" for their own customers (<https://goo.gl/F12jQR>) that you must first contact through National Debtline: www.nationaldebtline.org or call free on 0808 808 4000.

SSE – Priority Assistance Fund for SSE customers: tel. 0800 300 111

The charity **Charis Grants** (www.charisgrants.com/contact) can help you with the application. Alternatively you can get help from an adviser at Citizens Advice see www.goo.gl/zWPzL5 or call the consumer helpline: 03454 04 05 06.

The **energy companies need evidence and a well filled-out application so get help with it if you can.** They like you to have got financial advice from others before coming to them, but they can also offer or point you towards this advice themselves.

If you get this help, you then need to keep up with paying for what you use as you go along, or you could get landed with the old debt again.

To be successful with your application you must:

- demonstrate a “good” reason why debt arose – e.g. lost job, someone got ill **and**
- that you are trying to meet your current energy bills.

We could help with your application but you must sign and send it off yourself.



5. It should be your choice. No illegal break-ins!



Energy companies don't have any right to force entry into your home to recover money. They can only get in to disconnect supplies or put in a prepayment meter, not to seize your possessions, and they **can only get in with your permission or a warrant from a magistrate's court.** (If your meter is outside, however, this won't help.)

They **should not be sending bailiffs** (“enforcement agents”) – if they do, don't let them in. Bailiffs are not allowed to force their way in. And they won't solve your problem. **Don't negotiate with the bailiffs – negotiate with the supplier itself.**

Enforcement agents should withdraw, and inform the supplier, if they can see that you are “vulnerable” or if there is only a child under 16 or a “vulnerable” person at your home when they arrive.

The company must not force-fit a meter with a warrant **if this could lead to severe trauma**. This new prohibition is intended to help people who would find the experience especially traumatic “due to their mental capacity and/or psychological state”.

If the company do go to court and do get a warrant, or if they disconnect you from the mains in the road, this will normally cost you extra, and it can also cost a lot to get re-connected later. **The costs of executing a warrant to disconnect are now capped at £150**. However, you should not have to pay this if you are in severe financial hardship. You also should not have to pay if you are “vulnerable” and this prevented you from coming to an agreement before it got this far.

Refusing to let them in is a way to buy time so you can negotiate some way to pay at a rate a bit nearer to what you can afford. Phone the supplier right away. Some codes of practice allow for disconnection to be delayed by a week or two if you tell them you are contacting the DWP or social services for help with the bill.

If they get in, even with a warrant, they **have to leave your home as secure as they found it**, and compensate you for any damage caused.

We are working towards building a network of people prepared to help each other prevent disconnections, or unwanted prepayment meters being imposed. If you need help on the doorstep please get in touch with Fuel Poverty Action.

6. Going to court

Notification from your energy company

You should receive a letter from your energy company informing you (often in small print) that it is applying to the court for a warrant to enter your home. They should tell you when and where the court hearing will take place. You can attend court to make your case against a warrant being issued – contact us if you would like us to try and find someone who can come along with you for support. **Never ignore a summons to the court – you could lose out badly.**

Remember: they cannot legally disconnect you without first offering a chance to pay off your arrears by means of fuel direct (see Section 1), payment by instalments at a rate that takes account of your ability to pay, or a prepayment meter. All of these are preferable to disconnection!

If you have a **smart meter**, your supply could be disconnected remotely without anyone entering your home. The supplier does not need a warrant but they have to first offer you a plan to pay off your arrears and must visit you to see if you are “vulnerable”.

Contacting them before court

When you receive the letter there may still be time to avoid having to go to court. You or a representative should contact the supplier in writing and try to negotiate a deal. Using fax or email, contact the most senior person in the energy company you have details for, or contact the legal department. Inform them that you intend to attend court and challenge the application. Include an outline of the issues of your situation. Let them know of any vulnerability you may have – you can refer to the National Standards and Enforcement Agents guidance on “vulnerable situations” (standards that enforcement agents and bailiffs are supposed to uphold, which can be found online). In these circumstances, suppliers sometimes withdraw their application for a warrant, and the hearing is cancelled.

In your letter, also refer to **Standard Licence Condition 27** which states that **energy companies must investigate a customer's circumstances and offer a range of alternatives to disconnection**. SLC 27 also states that energy companies should not disconnect households during winter (1 October - 31 March) where the customer is of pensionable age and there is no adult in the household who is under pensionable age.

Going to court

Try to **get to the court in good time** for the hearing. This time will allow you to speak with the energy company representative, inform the usher that you are there for the case, speak with a duty solicitor, and read over any notes you've made that you would like to present to the magistrates.

At the court you may be able to **speak with the energy company's representative** before you go into the court room. They **may agree to withdraw** the application for a warrant and make some other arrangement with you instead. Simply being there and being prepared to contest the warrant may lead the supplier to drop the application for a warrant.



You can **represent yourself in court, or be represented by a lawyer** (there may be a duty solicitor at the court who can give you legal advice and maybe represent you). If you represent yourself you are allowed a **McKenzie friend** – a friend who comes into court with you to take notes and to quietly give you advice and moral support.

Prepare notes beforehand and take them in with you. There may be reasons that you would like to tell the magistrates about why you should not be disconnected - for example if you could not afford the amount the supplier is asking for each month, or the supplier has not given you the chance to explain why you are having trouble paying. You may want to highlight any vulnerabilities you or people in your household have that would make prepayment meters or disconnection inappropriate and harmful to you.

Prepare a financial statement which details your income each week or month and how much you spend on your rent or mortgage and other bills. Also provide details of other people in your home, for example children or anyone with disabilities who may be affected.

Disconnection should absolutely be a last resort. Under Standard License Condition **SLC 27** the supplier must **ensure that you are offered alternatives to disconnection** (fuel direct, instalments and a prepayment meter), and must take **all reasonable steps** to recover the debt by one of these alternatives – **but you may need to remind the court of this**. If you turn up to court and are ready to accept a prepayment meter you should NOT be disconnected.

The magistrates will consider any evidence you and the supplier have given, before making a decision about granting a warrant.

Under the Electricity Act 1989, a warrant of entry remains in force for 28 days. If they don't try to gain entry within this period, the warrant lapses.

Fuel Poverty Action may be able to find someone to support you in court as a "McKenzie friend" or give you some advice and support in advance of the hearing. Court can be really intimidating but with support – either from a friend or family member or supportive organisation – the whole experience can feel less threatening. Remember, you are not alone, a thousand people in the UK every day are in exactly the same position as you.

7. Benefits, grants and financial help with fuel bills

Section 4 lists some emergency funding you might be able to use if you are in trouble. But it helps to also, always, make sure you get any **grants, discounts or other help** that is available to help pay fuel bills (as well as other benefits that you may be entitled to!). Below is a rough guide. There is more detail about the government help schemes here: www.gov.uk/guidance/energy-help

- **If you get pension credit, or if you are at risk of fuel poverty and on certain benefits, you may be able to get the Warm Home Discount which is currently £140 a year** from your electricity bill. Not all suppliers offer this discount (see Section 8 'Switching supplier'). Pensioners who qualify should be given it automatically, but other people need to apply for it and even if you qualify, it is **first come first served**. Be sure to tell them any information that makes you "vulnerable" – e.g. children aged five or younger, or if you or someone in your household has a disability.
- **Cold Weather Payments:** You may get a Cold Weather Payment if you're getting **certain benefits**. Payments are made when your local weather is recorded as, or is forecast to be, an average of zero degrees Celsius or below over seven consecutive days. These payments are worth £25 for each seven-day period of very cold weather between 1 November and 31 March: www.gov.uk/cold-weather-payment/overview.

Winter Fuel Discount You could get between **£100 and £300** tax-free to help pay your heating bills if you were **born on or before 5 August 1953** (for winter 2017 to 2018 - this date changes every year). This is known as a "Winter Fuel Payment". Most payments are made automatically between November and December. You should get your money by Christmas. You usually get a Winter Fuel Payment automatically if you get the State Pension or another social security benefit (not Housing Benefit, Council Tax Reduction or Child Benefit). **If you qualify but don't get paid automatically, you'll need to make a claim.**



Check out what benefits, grant or discounts you may be entitled to on the Turn2Us benefit calculator: www.bit.ly/1yJUhb5 or call 0808 802 2000.

For other benefits that are not fuel-related, and for information on help with energy saving measures, see Section 11 'For the long term' below.

8. Switching supplier

On benefits, low income and thinking about switching? Read this first:

The government tells us that switching is the solution to not being able to afford our bills. It's no solution and it can be quite a lot of work, but sometimes there's no way to avoid it if you want to make sure you are on the best tariff available for people in your situation.

If you want to stay with your present company, a phone call to them (you could even tell them you are planning to switch to another provider) might help uncover a better tariff. British Gas have been reducing bills by 15% when people threaten to switch. (But beware if your supplier wants to come talk to you – they might try to charge you for the visit!) Fixed price tariffs are often less expensive than the “Standard Variable Tariff” that you get put on by default if you do nothing.

If you do want to switch, there are advice centres, and organisations that can help you do this, and many local authorities have their own schemes.

Make sure you look into publicly-owned companies like Robin Hood Energy (owned by Nottingham Council) which have been set up to tackle fuel poverty & offer cheaper bills. Also many of the smaller companies offer better value and better customer services than the Big Six. Ecotricity and Good Energy are probably the “greenest”, and Ovo often has some of the lowest tariffs. Ebico has no standing charges – and they don't charge a higher rate for the first units used – which is a kind of hidden standing charge that many companies use. This can make a huge difference if your consumption is low. Ebico also charge prepayment meter customers and direct debit customers the same rate, which is fairer. But they do not offer the Warm Home Discount. Check out Which? (www.which.co.uk) to find out which is the best and worst energy company for customer service and price – there are many new suppliers to choose from now.

There are also loads of switching websites, but **they may be very misleading**. Two points of caution:

1. **Whilst you might save money from switching, this is not always the case**, no matter what the price comparison site says. One big question is whether you could gain, or lose, the Warm Home Discount.

The **Warm Home Discount** of £140 is given out by the Big Six and some other energy companies **to people who are on a low income and/or on benefits**. **The rules for who can get this Discount vary**. If you are a pensioner and receive the guarantee credit element of pension credit, you qualify automatically, if you are with one of the big suppliers. But if you are on Disability Living Allowance or Job Seekers Allowance or on a low income, it depends on the supplier. **If you get the discount with your present supplier, don't switch to another supplier without checking you will get it with them also. It may well not be worth switching at all. You could also lose out on a possible cap on a Standard Variable Tariff (or another tariff that you are on by default). Combined with the Warm Home Discount, that means you could lose about £200 or more a year, and even a lower tariff may not make up for that.**

On the other hand, it may be worth switching to a supplier that will give you the discount, if your present supplier won't.

Some switching websites don't include the Warm Home Discount or other discounts in their price quote. (Citizens Advice have their own price comparison tool, which does include it, and they also have a tool for comparing suppliers' customer service.)

The smaller suppliers are not obliged to offer the Warm Home Discount and not all of them do so. Ovo and Bristol Energy do. Ebico, Robin Hood Energy, Good Energy, and Ecotricity do not. (Ecotricity say the way the scheme works, it would lead to them subsidising the Big Six with money that could be invested in renewable energy). If this discount affects you, and you want to switch to a smaller supplier, be sure to check this out.

2. **Be careful about what time of year you switch.**

Unless you qualify automatically, your right to the Warm Home Discount may depend on what time of year you switch. E.g. to get the discount for the winter of 2017/2018, you must have been with your same energy supplier on 9 July 2017 (this date changes from year to year).

9. Landlords, fuel, repairs and improvements

Many tenants don't report problems, request improvements, or even question bills, **for fear of eviction**. If you have a genuine complaint which has been verified by the local authority, and the landlord has failed to respond, it is now illegal – in theory – for landlords to use the “no-fault eviction” procedure against you. Eviction also requires a court order. However, you must know your rights and be able to defend them or you could be out on the street, especially if you have a private or insecure tenancy.

Moreover, some tenants can face increased rents after “improvements”. So it is important to get help and advice on this.

Tenants and residents associations and housing rights groups are usually the best way to deal with landlords. If you are on an estate, and don't have a functional residents association, try talking to your neighbours, and contact outside help. You can also try to get support from an advice agency and your MP. In London, the London Renters Union is helping to develop local support networks that may be able to help, alongside other groups mentioned below, and the Radical Housing Network may be able to put you in touch with local housing action groups. Fuel Poverty Action may be able to help find people to support you. You should always consider alternatives and organise outside support before challenging a landlord, especially a private one.

There is a network of people prepared to help each other **prevent evictions**. If you need help on the doorstep, or are ready to help others in that situation, please get in touch with Radical Housing Network (London), Hands off Our Homes (Leeds), Digs (Hackney), Housing Action Southwark and Lambeth, Focus E15, London Renters Union.

Landlords are not allowed to profit from supplying energy, including by prepayment meters. The maximum charge allowed for them to sell on gas or electricity is the same as the amount they pay the energy company. **However, they are allowed to recover charges for maintenance and upkeep of supply**

and for admin e.g. reading meters, and this is not covered by the maximum resale price. You, or a tenants association, can ask for a breakdown of the costs or even to see the bills they pay. If there's more than one tenant in a property, they have to explain how the individual costs are calculated, including for common areas as well.

Draughty or damp rented home? What are your rights?

“Improvements”

In theory, landlords are obliged to make “repairs” to the structure of the building (roof, floors, walls, plumbing, gas and electric appliances). However energy efficiency measures like more insulation, draughtproofing, ventilation, double glazing and sometimes a better boiler are classed as “improvements” not “repairs”. Landlords have to get **“improvements”** done in the following situations:

- If the property's Energy Efficiency Performance is extremely poor (EPC Band F or G) – but there are loopholes, and cost limits on what they would have to pay.
- If the local authority has served a notice on a private landlord or Housing Association because of a hazard to health, e.g. from cold or severe damp and mould. This includes damp and mould due to condensation, which is NOT the tenant's fault, whatever you have been told! If the landlord or Housing Association don't do the work on time, as ordered, the Council can prosecute them, or can do the work themselves and take the landlord to court for the costs. Of course with cuts in Council funding this often doesn't happen. However if there is judged to be a “Category 1” hazard the Council is legally obliged to act.

New legislation is likely to be passed in 2018: the Homes (Fitness for Human Habitation) Bill. If passed, this will **change landlord obligations** towards problems which arise due to inherent defects in a property, such as inadequate ventilation which causes **damp**. It would also mean tenants can **take their landlord to court directly** if the property does not meet minimum standards.

Private renters in England and Wales can carry out energy efficiency improvements themselves, with a landlord's permission, and the landlord can't unreasonably refuse. But you must organize funding yourself (see Section 11).

As case law stands at the moment, a council cannot serve a notice on itself. And most Council Environmental Health Officers do not inspect Council homes. However **Council tenants and leaseholders are entitled to the same rights** under the law as anyone else. The 2004 Housing Act allows you to go to a magistrate, who can order an Environmental Health assessment. This can be a very useful tactic for a tenants association campaigning for improvements on estates. Again, if you want to know more, get advice!

“Repairs”

If it is **“repairs” you need**, there are a number of paths you could try, but for all of them, get support and advice!

Repairing obligations that the landlord will not respond to can be enforced through the county court against both public and private landlords. There are laws against negligence, and “statutory nuisance” (which can include severe damp or condensation). There is a right to do repairs yourself and withhold rent to cover the costs, if you have informed the landlord that you plan to do this. And for social landlords, and some private landlords, you can make a complaint to the Housing Ombudsman. Medical evidence of how your health has been affected can be a help, for these options. For further information on them, see the Child Poverty Action Group’s Fuel Rights Handbook, or get advice.

For sources of free legal help and advice see Appendix A **“Getting legal help with housing issues”** in NEA’s Fuel Poverty Action Guide (edition 14): www.goo.gl/SXTkig.

If you think the condition of your home is affecting your health (for example having lots of colds or flu or making you stressed or depressed) you could try to get help from your **Local Authority’s environmental health team**.

For some types of accommodation, private landlords have to get a licence from the Council. This applies for example to places where several households share things like kitchens and bathrooms, and some Councils have brought in “Additional” or “Selective” Licensing schemes which cover more types of housing. For details of the schemes in your area contact the Council or get advice. Two important points: If you live in a home which should have a licence you can claim back up to 12 months rent. And, without the licence some eviction notices can be invalid.

10. District heating

There have always been some homes where heat is piped in from an outside source which serves a whole building, estate or area, and more and more new homes are using this system, for example in regeneration areas. Such “District Heating” Heat Networks vary a lot. Many residents have problems with **billing and metering** in the newer networks, even though this is subject to regulation. Other than that, District Heating is presently unregulated, and there can be serious problems e.g. with **outages, water temperature, costs, overheating and customer service**. Officially, many suppliers claim there will be “no customer detriment”, from having District Heating instead of a gas boiler, but in practice the formula used to set charges can leave you much worse off.

Heat Networks do have potential to offer great savings in cost and in carbon emissions. Many suppliers belong to the Heat Trust, which has rules similar to gas and electricity licence conditions, including protections for vulnerable customers. If your supplier is a member (listed on the Heat Trust website) you can take unresolved complaints against your supplier to the Energy Ombudsman. **But if you are having major trouble with your heat network, contact Fuel Poverty Action.** We are in touch with many other residents in this situation, and all will be stronger together. There is also an active District Heating Stakeholders group where residents consult each other on Facebook, here: www.goo.gl/mQ9BZ4. And Citizens Advice can help with Heat Network problems.

New estates may be a mixture of **council or housing association tenants, leaseholders, and even freeholders**, who all have different rights and different options, but it is possible to come together in residents associations and use the strengths of all the residents who share a District Heating network.

11. For the long term



This mini-guide is about how to deal with debts and meters, but your bills will stay high without longer term solutions.

Energy saving measures can be a lifesaver for everyone, **from people renting a small flat, to homeowners.**

Some solutions might be:

- **A new boiler**, and more efficient appliances. Many areas have schemes to help replace old inefficient gas boilers. This can sometimes be done for free for homeowners or private tenants, through your energy supplier as part of the ECO scheme (Energy Company Obligation) or through your local authority.
- **Insulation and draughtproofing.** A massive proportion of the energy we pay for is wasted through poor insulation, and draughty windows, doors, floorboards and chimneys.
- **Many websites**, including our own, have tips on how to save energy and money even without making big changes.
- Local “transition towns” or sustainability groups can often help with **draughtproofing and other simple measures, like reflective panels behind radiators.**

- Information on **grants for major energy saving measures**, or for using **renewable energy**, is available from the Energy Saving Advice Service on 0300 123 1234 (for England, Wales and Northern Ireland) or from Home Energy Scotland on 0808 808 2282.
- Many areas of the UK have their own **local schemes** for helping you access funds to improve your home’s energy efficiency. Your local library should have information. And your local Home Improvement Agency (find them through 0300 1240 315) may be able to help with advice or practical support.
- **In London, the GLA Warmer Homes scheme** offers new boilers, insulation, double glazing and more, for homeowners on benefits and some other homeowners. This is first come first served. See www.goo.gl/cfy7Y4.
- **The Health Through Warmth scheme**, for people in England or Wales with a long-term illness, offers financial help with repairs, insulation and heating. It is run by Npower but **is open to customers of any company.** Call 0800 022 220 or email: healththroughwarmth@npower.com
- Even using energy-efficient appliances, and making sure to **switch things off (not on standby)** can make a significant difference. So can getting to grips with your **heating controls** – timers can be tricky at first but if so try to find someone to help you practice – it’s worth it! Similarly, if your thermostat or radiator valves are not working right, it is worth the effort to try to get them fixed.

These long-term solutions can make more difference to your bills than tariff-switching. **They will also help fight climate change**, with all its costs and dangers.

Benefits – get what’s yours!

Make sure you are getting **all the welfare benefits that you are entitled to.** For help, see below for advice including on bedroom tax, council tax, debt advice and sickness and disability benefits ESA, DLA and PIP. Lots of people have been put off by government propaganda portraying people who claim benefits as scroungers. In fact, bringing up children, living with a disability, or just surviving when you’re unemployed are really hard work. The real scroungers are the energy companies who are robbing all of us – and even causing deaths while they rake in massive profits. You and your family are entitled to a warm home.

12. Getting help

Some of the information in this rights sheet comes from the **Fuel Rights Handbook**, published by **Child Poverty Action Group**, 18th edition. Much more detail is in this book. An updated edition is now available at www.shop.cpag.org.uk/fuel-rights-handbook-19th-edition. There is also a wealth of advice, in leaflets and videos, on the **National Energy Action** website, at www.nea.org.uk/advice.

Citizens Advice now has responsibility for helping people with energy bill problems. Go to your local centre or check out their information online (www.citizensadvice.org.uk/consumer/energy/energy-supply). You can write to them, call 03454 04 05 06, or use their web-chat service (10–4 Monday–Friday), which will get back to you within three days (usually two). Average waiting times on the phone are 3 minutes, although it can be a lot longer. Their Extra Help Unit can help vulnerable people who are at risk of disconnection or inappropriate installation of a prepayment meter, or who have been disconnected; these calls are prioritised. Calls are charged at your normal phone rate (it's not a premium rate line).

If you have a **complaint against your energy supplier**, and have exhausted their complaints procedure, try the **Energy Ombudsman**, PO Box 966, Warrington, WA4 9DF, Email: osenquiries@os-energy.org, tel: 0330 440 1624.

Stepchange (tel. 0800 138 1111) are a **debt advice** charity. The **Money Advice Trust** have a self-help guide for dealing with multiple debts, available free from local advice centres.

For **benefits** advice and support to get your rights, **Turn2Us** have a benefits calculator, forms to see if you're entitled to grants, etc. Specific advice on fuel poverty is on their website here: www.goo.gl/qzzRAU. Or phone 0808 802 2000.

Especially but not only if you have a **disability**, see **Disabled People Against Cuts's** "Guides" webpage here: dpac.uk.net/guides/, or **WinVisible: Women with visible and invisible disabilities**, here: winvisibleblog.wordpress.com.

In London, **Zacchaeus 2000 Trust (Z2K)** can help with disability benefits, homelessness, council tax support and housing benefit.

For advice on housing matters or anything to do with your landlord, London Renters Union are developing mutual support for private renters, for secure homes for all. See www.londonrentersunion.org, Email hello@londonrentersunion.org.

Advice4Renters provide specific advice for private renters. Legal advice is on their website at www.goo.gl/bRJZYu. You can contact them via an online form at www.goo.gl/sbHBAv or call 020 7624 4327.

For social housing the **Radical Housing Network**, info@radicalhousingnetwork.org, may be able to put you in touch with local housing action groups.

Shelter housing and homelessness charity lay out **rights to adequate heating and repairs** on their website www.goo.gl/gr7p6y, and **debt advice** at www.goo.gl/32GVsd. You can contact their helpline (open every day) on 0808 800 4444 or chat online with a Shelter advisor.

You can go to your local MP for help.

You can find out who your local MP is at: www.theyworkforyou.com.

More official and specialist organisations are listed in Child Poverty Action Group's **Fuel Rights Handbook**.

Fuel Poverty Action are not experts on these rights, but we would like to hear from you about what you are facing and how, and will offer as much support as we are able. We can also put you in touch with others in the same situation so the energy companies and landlords (social or private) can't pick us off one by one. In the meantime we are doing all we can to confront the companies, to press for a switch to clean, sustainable, and cheaper renewable energy, and warm, dry homes, and to end the Great Fuel Robbery that is wrecking so many lives.

Web: fuelpovertyaction.org.uk
Email: fuelpovertyaction@gmail.com
Twitter: [@fuelpovaction](https://twitter.com/fuelpovaction)



In 2016/2017 over 11,000 people died from cold homes. Millions more of us struggled to pay our bills, top up our prepayment meters, or were bullied by our energy companies because we owed them money we couldn't pay. For many people this resulted in being without heating or hot water during the winter, or it meant having our homes entered, without permission, by energy companies to install prepayment meters.

We want people to feel confident to take on their energy company and win. We don't need to have this energy system where a few companies make billions and everyone else suffers. Another energy system is possible!

We declared our Energy Bill of Rights in May 2014. We want this Bill of Rights to give us all the confidence to fight for that fairer, affordable, sustainable energy system.

If you or your group wants to endorse the Bill or let us know why you support it, please email us: fuelpovertyaction@gmail.com