

## Communications Consumer Panel and ACOD's response to Ofcom's consultation on changes to the General Conditions for fixed, landline and mobile switching

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### About us

The Communications Consumer Panel, established by the Communications Act 2003, is a group of independent experts with direct sectoral experience. We ensure the citizen and consumer voice is represented in communications policy development.

The Panel's job is to ensure that the sector works for consumers, citizens and micro businesses - and in particular people who may be in a more vulnerable position in society. We carry out research, provide advice and encourage Ofcom, governments, the EU, industry and others to look at issues through the eyes of consumers, citizens and micro businesses.

The Panel pays particular attention to the needs of older people and people with disabilities, the needs of people in rural areas and people on low incomes, and the needs of micro businesses, which have many of the same problems as individual consumers.

Four members of the Panel also represent the interests of consumers in England, Northern Ireland, Scotland and Wales respectively. They liaise with the key stakeholders in the Nations to understand the perspectives of consumers in all parts of the UK and input these perspectives to the Panel's consideration of issues. Following the alignment of ACOD (the Advisory Committee for Older and Disabled people) with the Panel, the Panel is more alert than ever to the interests of older and disabled consumers and citizens.

### Our response in support of the changes

We welcome the opportunity to respond to Ofcom's consultation in support of changes to the General Conditions. As we have advised Ofcom previously, we support the implementation of a 'One Touch Switch' process.

As a safeguard for consumers using this process, we also support that the introduction of a formal requirement by Ofcom that the losing provider in the switch provides the switching consumer with information on the impact of the switch on other services held with that provider.

We believe that consumer protection is necessary to ensure that consumers can switch safely and without penalty and this includes clarity of information, protection from fraud, penalty-free switch-back for consumers where things go wrong and user testing to ensure processes are easy for *all* consumers.

### Previous advice from the Panel to Ofcom which supports changes to the switching process and welcomes a strengthening of Ofcom's formal rules for providers

The Panel previously responded to Ofcom's proposals for a new landline and broadband switching process and to improve information for mobile switching. In our response, we

outlined our strong support for the ‘One Touch Switch’ process, which will remove the onus on consumers to manage the switching process and potential barriers to switching.<sup>1</sup>

In particular, we highlighted that a ‘One Touch Switch’ process would need to be inclusively designed; ensure consumers make informed decisions; and deliver excellent customer service. In addition, it would secure greater consistency and clarity for consumers.

We support Ofcom’s proposed changes to the General Conditions (‘GCs’); and the various conditions that providers will be required to meet.

### **No financial or consumer effort penalty to switching**

- We strongly support Ofcom’s assertion that providers should not charge consumers for use of the ‘One Touch Switch’ process. Consumers may switch providers for a number of reasons, including affordability - it is vital that there is no financial barrier that prevents any consumer from switching provider. We have also previously advised Ofcom and industry that it should be made easier for consumers to downgrade their service with their current provider, if they should wish or need to.
- We agree that the GCs should outline actions that gaining or losing providers must not require of their customer during the switching process, including any obligation on the customer to contact the losing provider to initiate the switching process. Throughout the Covid-19 pandemic and since, we have heard, both from participants in our independent research<sup>2</sup> and from consumer stakeholders that consumers have been experiencing lengthy call waiting times when trying to contact their communications provider. Releasing consumers from the obligation to contact their provider to tell them they want to switch away removes what we believe is an unnecessary layer of bureaucracy, which currently only benefits losing providers. We support the simplicity of the new process, which will help to streamline consumers’ experiences and remove a burden from the ‘job’ of being a consumer.

### **Retaining consumer choice and engagement**

- We are also in support of consumer choice and are pleased that changes to the GCs will not take away consumers’ right to contact their current provider to discuss the possibility of switching, if they so wish. We recently held a consumer focus group and heard from some consumers that they feel comfortable to contact their provider to negotiate a better deal with their Retentions Team - and we believe that to restrict this engagement would be an unintended negative consequence of the change to a ‘One Stop’ process.

### **Protection from fraud**

- We support Ofcom’s proposed changes to the way in which a customer requests and is provided with switching information from their losing provider. We agree that allowing

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<sup>1</sup> [Communications Consumer Panel and ACOD’s response to Ofcom’s consultation on quick, easy and reliable switching](#)

<sup>2</sup> [Contacting your provider during the pandemic - what can we do when we can’t get through?](#)

consumers to provide new contact details to the gaining provider for switching details to be sent to them could result in a risk of information being shared with the wrong person and the process could be exploited by fraudsters. Therefore, we believe that Option C (the losing provider sends switching information to the customer's registered details) would add an extra layer of protection.

- We understand from some of our consumer stakeholders that some consumers are so afraid of being scammed that upon receiving an SMS (text) message from their provider, they will take no action. We believe that it is therefore important to consider the place text messages have in the switching process, to ensure that action required by a consumer during the switching process does not rely upon them clicking on a link in a text message that could put them at risk from smishing, or cause detriment to them if they fear to act.

### **Inclusive and clear communication about the switch**

We have urged providers to consider the needs of all consumers and to be open to the likelihood that consumers will have specific access requirements. We have advised the following:

- Providers should ensure that online services are accessible and usable by conducting regular testing with consumers with a range of access requirements. We encourage Ofcom to include a requirement for CPs to conduct regular user testing to ensure that the switching processes are accessible and usable to consumers with specific access requirements and to be guided by charities and consumer organisations on how best to do this.
- During the pandemic, some consumers may have switched for the first time to providers with online-only customer services and may wish to switch to a provider than offers face to face customer services now that retail stores have reopened. This group of consumers may find a 'One Touch Switch' highly beneficial, but for consumers who are struggling to engage with an online-only provider it is vital that any information about the switch that the losing provider is required to supply to them is easily accessible to them.
- To ensure that each consumer who embarks on a switch is fully aware of any impacts of the switch, we support Ofcom's proposals to include a requirement for losing providers to ensure that switching information is provided in clear, comprehensible and neutral terms, and on a durable medium. We would advise that the medium chosen is guided by the consumer's personal requirements and communications preferences, which the provider should have noted on the consumer's record already.
- We believe it is vital that consumers with specific access requirements fully understand the impact of switching providers on any assistive services they may use, otherwise the switch may not benefit them. There are common obligations on all providers to ensure equivalent access to telecoms services to consumers who have particular access requirements (such as text relay, as an example). Therefore, we urge Ofcom to safeguard consumers in two ways: first, by ensuring that all such services are promoted to all consumers by each provider, so that consumers are not deterred from switching and second, by enabling a consumer who uses those services to switch back to their losing provider easily, the same day, without financial penalty if the services are less

well-managed by their gaining provider (including no increase in tariff by the losing provider when switching back).

- We support Ofcom's proposed requirements that the losing provider should outline any steps required by the consumer to switch bundled services. The Panel has continuously raised concerns that non-coterminous linked contracts act as barrier to switching. Non-coterminous contracts can lead to what is known in the financial services sector as a 'confusopolopoly', creating consumer inertia. We believe that if clear information is not provided upfront or fully understood, then the consumer should be able to switch back to the losing provider without financial penalty on either side.
- A consumer may not be able to discern the impact of a switch until receiving their next set of bills. If a consumer has not been provided with full, clear information, in a format they can use, by their provider (intentionally or otherwise), it will be necessary that they are able to switch back without penalty beyond any standard 14-day 'cooling off' period.

### **Summary**

- We support the changes to the GCs to enable initiation of a 'One Touch Switch'
- We support the additional condition that providers send information to consumers on the implications of the switch
- We recommend putting in place consumer protection measures and monitoring to ensure that consumers are treated fairly and inclusively and protected from harm such as fraud, throughout the switching process.