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As you know, in October, I wrote to the Chief Executives of the UK's six leading Internet Service Providers (ISPs) about the increasing consumer concern over the differences between the advertised "up to" broadband speeds and the actual, lower speeds experienced by many subscribers.

After reflecting on the discussions I have held with the top six ISPs I am now writing to you about the ways in which we suggest Ofcom can take a lead on this issue. We think that consumers need to be provided with better and more concise information which will enable them to choose and use broadband products and services effectively. Consumers also need more flexibility to alter their broadband package based on speeds they actually receive, or in certain circumstances be allowed to walk away from the contract completely.

The Consumer Panel thinks that Ofcom should work with industry to produce an enforceable code of practice that would be mandatory for ISPs; and that Ofcom should also make additional information available itself to help consumers make their choices.

Enforceable code of practice

We would like to see Ofcom leading discussions with industry to produce an enforceable code of practice that would be mandatory for ISPs. This code would establish agreed processes to give customers the best information during and after the sales process, and to give them flexibility to move freely to different packages that reflect the actual speeds with which their ISPs are able to provide them.

The code of practice should include the following commitments from ISPs:

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During the sales process

- ISPs should inform the customer of the theoretical maximum line speed supported by their line.
- ISPs should provide clear information of the factors that can affect the line speeds experienced by the customer, such as traffic management policies and contention ratios.
- ISPs should use plain English as much as possible during the sales process, and in written contractual information, with important information provided up front, not in the small print.

After the sales process

- ISPs should contact the customer two weeks after installation about the actual (rather than estimated) maximum line speed that can be supported by their line.
- At this point customers should have the penalty-free choice to move to another speed package based on the information provided.
- If the actual maximum line speed is significantly lower than the package to which they have signed up, the customer should also have the penalty-free option to terminate the contract and move to another broadband provider. We understand from our discussions with ISPs that many companies would find this difficult because of the cost of customer acquisition, but we think this is the right approach, in the interests of fair dealing with customers.

Information that Ofcom should provide to consumers

Additionally, we would like Ofcom itself to make information publicly available to consumers on its website. This information would help consumers understand the technical issues affecting their broadband speeds, and those over which they have control. It would also provide “quality of service” information to assist in their decision over which ISP to opt for.

- Ofcom to devise and promote a set of “Quality of Service” indicators which can assist consumers in their decision over which ISP to opt for.
- Ofcom to provide information to consumers on how the set-up of broadband within their home can influence the speed they actually receive.

This information would take the form of a checklist of the problems within the consumer's home - such as wireless networks, low quality wiring, interference from electric appliances, and the speed and health of their own computer - that can slow down their broadband speeds. The checklist would explain these factors and inform consumers of how they can check against them and make any necessary changes to improve their broadband speeds. The checklist would be clearly written and well-signposted on Ofcom's website.

Separately, we also think that the advertising of broadband speeds needs to be tightened up. We are therefore today writing to the Advertising Standards Authority and the Broadcasting Committee of Advertising Practice to request that they, working with the industry, consider how the range of factors affecting broadband speeds can be given much greater prominence in advertising material. We believe that clearer information in advertising of broadband speeds and the associated packages would greatly increase customer satisfaction.

A handwritten signature in black ink that reads "Colette Bowe". The signature is written in a cursive style with a small flourish at the end.

COLETTE BOWE
Chairman, Ofcom Consumer Panel