

# Consultation response

## Review of the General Conditions of Entitlement Ofcom March 2017

### About us

Action on Hearing Loss is the charity formerly known as RNID. Our vision is of a world where deafness, hearing loss and tinnitus do not limit or label people and where people value and look after their hearing. We help people confronting deafness, tinnitus and hearing loss to live the life they choose. We enable them to take control of their lives and remove the barriers in their way. We give people support and care, develop technology and treatments and campaign for equality.

Our response will focus on key issues that relate to people with hearing loss. Throughout this response we use the term 'people with hearing loss' to refer to people with all levels of hearing loss, including people who are profoundly deaf. We are happy for the details of this response to be made public.

### Introduction

Action on Hearing Loss welcomes the opportunity to comment on Ofcom's consultation on the general conditions relating to consumer protection.

We are particularly interested in changes being proposed which require communications providers to adopt certain measures for end-users with disabilities, and have provided specific comments on these proposals below.

We note that there are a number of proposals in the consultation which are aimed at simplifying general conditions around the provision of consumer information across a number of areas. This includes contract requirements, product details, billing information and complaint handling.

We welcome Ofcom's proposals which are intended to improve the provision of information for consumers. Communications providers should ensure that all customers are able to access clear and accurate information about products and services. For people with hearing loss, accessible information is vital to ensure that people are empowered to

make informed choices about which products and services best suit their needs.

We therefore welcome proposals in the consultation which aim to make regulation requirements clearer and in turn make it easier for providers to distribute information to consumers.

We also welcome the changes in which Ofcom propose to broaden the scope of regulation beyond telephone services, to incorporate other electronic services and ensure consistency across services. In a world of increasingly fast paced technological evolution, it is vital that regulation is effective and future-proof, as far as possible, to ensure that people with hearing loss benefit from advances in communication and are not left behind.

**Question 14: Do you agree with our proposals to introduce a new requirement for communications providers to take account of, and have procedures to meet, the needs of consumers whose circumstances may make them vulnerable?**

We agree with Ofcom's proposal to include a new requirement for communications providers to put in place a policy in relation to vulnerable users, building on current measures that apply in relation to end-users with disabilities. The introduction of this policy will encourage providers to think about how they engage with customers who have specific access requirements, including people with hearing loss.

We note that the consultation refers to a number of circumstances that could make consumers vulnerable, including disability and communications difficulties.

While we agree with the principle that certain characteristics could help to identify vulnerable consumers, we would urge Ofcom to consider how they promote the introduction of this policy to providers and consumers and whether the terminology of 'vulnerable consumers' is always appropriate.

People with hearing loss may not necessarily identify themselves as having a disability, or being vulnerable, although they may have specific access requirements and could benefit from policies which are intended to identify customers with specific needs, such as preferred methods of communication when engaging with providers. We urge Ofcom to

consider the implications of using specific terms, such as ‘vulnerable’ or ‘disabled’ when identifying customer groups and to mitigate the risk of excluding those customers who may need extra support but who would not identify themselves as part of these groups.

We note that the minimum requirements include how information about consumer needs will be recorded. We urge Ofcom to consider including in the minimum specifications a requirement for communications providers to identify and record a customer’s preferred communication method.

People with hearing loss must be empowered to contact the communications provider in their preferred method. Empowering individuals to do so could also mitigate risks associated with data protection which can arise when a customer must ask a friend or family member to make contact with service providers on their behalf.

Given the sensitivity with which personal data must be handled, and the additional sensitivity of personal data related to health conditions, disability, and or vulnerability, we urge Ofcom to consider reviewing the additional importance of security when communications providers record customer details to this effect. For instance, it may not be necessary for all staff within a communications provider to have access to all parts of a customer’s records, and details related to health or vulnerability should not be shared internally or externally without prior consideration.

We agree with Ofcom’s proposal to specify that such policies and procedures must include certain minimum requirements. This will help to ensure there is some consistency in how providers enact this policy.

We welcome that the minimum requirements include how the impact and effectiveness of the policies and procedures will be monitored and evaluated. This is important to ensure that such policies are enacted by communications providers, and not just documented for regulatory requirements. If used effectively, monitoring can be used to drive improvements and to ensure that policies are effective and appropriate.

**Question 15: Do you agree with our proposals to update regulation by extending the current protections for end-users with disabilities, which currently apply only in relation to telephony services, to cover all public electronic communications services?**

We agree with Ofcom's proposal to extend current protection for end-users with disabilities beyond telephony services to all public electronic communications services. We agree with the rationale that these specific measures help to secure equivalence of access and choice for people with disabilities.

We welcome the extension to all public electronic communications services and agree with Ofcom's assessment that internet access can be an essential service for people with disabilities. People with hearing loss may prefer to contact and access services online; therefore, we welcome the additional protections that will be in place for consumers by extending these regulations.

### **Contact details**

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**From:** do\_not\_reply@squiz.net  
**Sent:** 14 March 2017 14:42  
**To:** Selene Rosso  
**Subject:** EXTERNAL: Consultation response: Review of the General Conditions of Entitlement  
Consultation on the general conditions relating to consumer protection

Response:

**Your details**

Full name: Laura Arrowsmith  
Representing: Organisation  
Contact phone number: [REDACTED]  
Organisation (Optional): Action on Hearing Loss  
Email address: [REDACTED]

Confirmation:

I confirm that the correspondence supplied with this form is a formal consultation response. It can be published in full on Ofcom's website, unless otherwise specified below, and I authorise Ofcom to make use of the information in this response to meet its legal requirements.

**Confidentiality**

We will keep your contact number and email address confidential. Are there any additional details you want to keep confidential? (Optional): None

If you want part of your response kept confidential, which parts? (Optional):

Confidential Responses Only:

Ofcom may publish non-confidential responses on receipt: Ofcom may publish non-confidential responses on receipt

**Your response**

Question 1: Do you agree with our overall approach to this review of the general conditions as set out in sections 2 and 3 of this consultation? Please give reasons for your views.:

Question 2: Do you agree with our proposed implementation period for the revised general conditions of 3 to 6 months following publication of our final statement? If you think a longer implementation period is necessary, please explain why, giving reasons for your views.:

Question 3: Do you agree with our proposals in relation to contract requirements? If you consider that we should retain the regime applying to

contracts concluded before 26 May 2011, please explain why, giving reasons for your views.:

Question 4: Are there any other modifications to the proposed revised condition in relation to contracts requirements that you consider would be appropriate?:

Question 5: Do you agree with our proposals in relation to information publication and transparency requirements, including removing the separate condition relating to publication of quality of service information?:

Question 6: Do you agree with our proposal to replace the existing detailed requirements in relation to small businesses with a general obligation to ensure price transparency and to notify small business customers where the terms and conditions that apply to them differ from those that providers are required to comply with in relation to consumers?:

Question 7: Are there any other modifications to the conditions relating to information publication and transparency requirements that you consider would be appropriate?:

Question 8: Do you agree with our proposals for updating the current conditions that relate to billing? In particular, do you agree with our proposals to extend the current protections for end-users in relation to billing so that they would apply, more generally, to fixed and mobile voice call and data services?:

Question 9: Do you agree with our provisional assessment that our proposals to extend the regulatory requirements for billing to fixed and mobile voice call and data services does not impose a disproportionate burden on industry? Do you have any further information on the likely costs of these proposals?:

Question 10: Are there any other modifications to the billing conditions that you consider would be appropriate?:

Question 11: Do you consider that our proposed revised condition for complaints handling and access to alternative dispute resolution, together with our proposed revised code of practice on complaints

handling, will improve the transparency, accessibility and effectiveness of communications providers' complaints handling procedures, and improve access to alternative dispute resolution? If not, please give reasons, including alternative suggestions.:

Question 12: Do you have any other comments on our proposals in relation to complaints handling and access to alternative dispute resolution?:

Question 13: Do you agree with our proposals in relation to the codes of practice that communications providers are currently required to establish, maintain and comply with – including replacing these with direct obligations to make information available, where appropriate?:

Question 14: Do you agree with our proposals to introduce a new requirement for communications providers to take account of, and have procedures to meet, the needs of consumers whose circumstances may make them vulnerable?:

Question 15: Do you agree with our proposals to update regulation by extending the current protections for end-users with disabilities, which currently apply only in relation to telephony services, to cover all public electronic communications services?:

Question 16: Are there any other modifications to the proposed revised condition on measures to meet the needs of vulnerable consumers and end-users with

Please see full response (emailed) for further details • We agree with this proposal but urge Ofcom to consider whether the terminology of 'vulnerable consumers' is always appropriate. • People with hearing loss may not identify themselves as having a disability, or being vulnerable. We urge Ofcom to consider the implications of using specific terms and to mitigate the risk of excluding customers who may need extra support but who would not identify themselves as part of these groups. • We urge Ofcom to consider including in the minimum specifications a requirement for communications providers to identify and record a customer's preferred communication method. • We urge Ofcom to consider reviewing the additional importance of security when communications providers record customer details related to health conditions, disability and/or vulnerability. • We agree with proposal to specify minimum requirements, including how the impact and effectiveness of the policies will be monitored

• We agree with Ofcom's proposal to extend current protection for end-users with disabilities beyond telephony services to all public electronic communications services. We agree with the rationale that these specific measures help to secure equivalence of access and choice for people with disabilities. • We welcome the extension to all public electronic communications services and agree with Ofcom's assessment that internet access can be an essential service for people with disabilities. People with hearing loss may prefer to contact and access services online; therefore, we welcome the additional protections that will be in place for consumers by extending these regulations.

disabilities that you consider would be appropriate?:

Question 17: Do you agree with our proposal to remove the condition relating to the provision of tone-dialling? Please give reasons for your views.:

Question 18: Do you agree with the changes we are proposing to make in relation to the provision of calling line identification facilities, including the new requirements we are proposing to add? Please give reasons for your views.:

Question 19: Do you have any comments on our proposals in relation to the proposed revised general condition on switching?:

Question 20: Do you agree with our proposal to remove the current provision which expressly prohibits so-called 'reactive save' activity (in GC 22.15)?:

Question 21: Do you agree with our proposal to replace the current mis-selling provisions with rules that focus on the information that communications providers give to customers when selling or marketing fixed-line or mobile communications services? Please give reasons for your views.:

Question 22: Do you have any comments on the consequential changes we are proposing to make to the national telephone numbering plan, the premium rate services condition or the metering and billing direction?:

Question 23: Do you have any comments on our equality impact assessment?:

Question 24: Do you have any other comments on the matters raised by this consultation?:

• We note that a number of proposals are aimed at simplifying general conditions around the provision of consumer information across a number of areas. • We welcome proposals which are intended to improve the provision of information for consumers. Communications providers should ensure that all customers are able to access clear and accurate information about products and services. For people with hearing loss, accessible information is vital to ensure that people are empowered to make informed choices about which products and services best suit their needs. • We therefore welcome proposals in the consultation which aim to make regulation requirements clearer. • We welcome the changes which propose to broaden the scope of regulation beyond telephone services, to ensure consistency across services. In a world of technological evolution, it is vital that regulation is effective and future-proof, to ensure that people with hearing loss benefit from advances in communication.