



making communications work
for everyone

Helping consumers to engage in communications markets

Call for Inputs

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About this document

Communications markets offer consumers a wide and expanding array of products and services. We want consumers to be empowered to take full advantage of the choice available, to shop around with confidence, and ultimately secure the best deals for their needs – whether that means negotiating with their current provider or moving to a new deal elsewhere.

Ofcom is seeking views from interested parties about how we can further empower consumers and help them to better engage in communications markets. We want to understand why some consumers are not shopping around for better deals and what we, or industry, can do to address this.

Responses are invited by Friday 15th September 2017.

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Section 1

Executive summary

- 1.1 Communications markets offer consumers a wide and expanding array of products and services. We want consumers to be empowered to take full advantage of the choice available, to shop around with confidence, and ultimately secure the best deals for their needs – whether that means agreeing a new deal with their current provider or moving to a new deal with a new provider.
- 1.2 Many consumers benefit from the available choice by engaging with the market in this way, but a significant number do not. They may lack the confidence or ability to identify the best deals for their needs, or be deterred from taking these deals up. As our Pricing Trends for Communications Services report¹ recently noted, less-engaged consumers may face higher prices, as providers target their best offers at more active or engaged consumers.
- 1.3 This Call for Inputs begins a programme of work to:
 - help us better understand how and why some consumers may face difficulties engaging in communications markets; and
 - help us identify, develop and implement solutions that enable consumers to engage.
- 1.4 We have identified, in broad terms, three potential reasons as to why some consumers may not currently engage, along with some possible solutions.
- 1.5 First, consumers do not always know **when they should be reviewing their existing deal** and shopping around for a new one. For example, many consumers allow their contracts to ‘roll over’ after the expiry of the minimum contractual term, when at that point many could switch to a better deal with another supplier or renegotiate their contract with their existing provider. One possible solution we are considering is an end of contract notification – whereby providers would proactively inform customers when they are approaching or are at the end of their contract.
- 1.6 Second, some consumers may have difficulties understanding their own needs and usage requirements or may struggle to understand or navigate the range and complexity of prices and other information for the array of services on offer. Consequently, they may not be confident to **identify a deal or package which is well-suited to their needs**. They may end up paying for more than they need, or may overpay if they underestimate their usage and, for example, exceed their monthly voice or data allowance. We are considering whether providing consumers with data on the current services they purchase and their personal usage, in a standard format, would help them to more easily assess available offers. We are also considering whether we can provide consumers with easily comparable pricing information.
- 1.7 Third, there may be aspects of the terms and conditions of consumers’ contracts, or certain industry practices, that may **impede consumers from leaving their current service in order to move to a better deal**. Specifically, we have considered issues

¹ Ofcom, *Pricing trends for communications services in the UK*, March 2017, pp. 36-42:
https://www.ofcom.org.uk/_data/assets/pdf_file/0028/98605/Pricing-report-2017.pdf

with different contract end-dates for services with the same provider and the practice of locking mobile handsets to a particular mobile provider. Possible solutions we have identified include the provision of clearer information to consumers when entering or amending contracts, as well as ensuring that all elements of a bundle are subject to the same contract end date.

- 1.8 We intend to conduct further consumer research to broaden our understanding of these and possible other barriers to engagement. This research will also help us to identify and develop any possible solutions. Additionally, we consider it important to trial and test possible solutions with consumers to ensure their effectiveness in leading to better consumer outcomes.
- 1.9 We invite views and comments from all interested parties on the matters set out in this Call for Inputs, by Friday 15th September. Following consideration of responses, and further consumer research, we aim to publish a further document progressing our work in spring 2018.

Section 2

Background and introduction

Introduction

- 2.1 In our 2016 Strategic Review of Digital Communications (DCR),² we noted that competition is generally the best way to deliver good outcomes for consumers, but that for consumers to gain the benefits of competition they need to be able to engage with the market and exercise informed choice. There are typically many good deals on offer but all too often consumers do not take advantage of the choice available to them. Instead, they may continue with the same service with the same provider for a long period of time. Our research, as set out below, suggests that a substantial number of consumers are not strongly 'engaged' with communications markets - for example that they have not shopped around recently (in the last two years).
- 2.2 Our recent Pricing Trends for Communications Services report³ highlighted that consumers who are unable to engage actively or effectively may face higher prices than more active consumers, as providers tend to target better offers and introductory discounts to new customers, or 'retention'/'loyalty' discounts to existing customers who negotiate or threaten to leave. The difference between list prices and promotional offers also appears to be increasing.⁴ This means that the cost to consumers of not engaging with the market is increasing, and the benefits of competition are focused on a subset of engaged consumers.
- 2.3 In initiating our work on consumer engagement, our aim is to ensure that more consumers can seek out and obtain the best offers and deals available, whether this means purchasing an alternative tariff or package from another provider, or negotiating better rates or services with their current provider.

Current consumer context

- 2.4 We first set out our framework and consideration of levels of engagement. We then consider developments or industry practices we observe in the market which provide important context when considering potential barriers that may prevent or hinder consumers from engaging in these markets.

Engagement levels

- 2.5 In order to frame our assessment, we have considered a notional 'consumer journey' that begins with a decision to participate in a market, and ends with the act of purchasing a new service or switching provider.

² Ofcom, *Making communications work for everyone: Initial conclusions from the Strategic Review of Digital Communications*, February 2016:

https://www.ofcom.org.uk/_data/assets/pdf_file/0016/50416/dcr-statement.pdf

³ Ofcom, *Pricing trends for communications services in the UK*, March 2017:

https://www.ofcom.org.uk/_data/assets/pdf_file/0028/98605/Pricing-report-2017.pdf

⁴ The average promotional depth (the value of the discount as a proportion of the total standard or list price of the service over its minimum contractual term) for dual play plans increased from 10% to 23% between in Q1 2013 and Q3 2016 while it increased from 5% to 19% for triple play bundles. See *Pricing trends for communications services in the UK*, p. 41, Figure 1.28

- 2.6 The UK Regulators' Network (UKRN) has characterised this consumer journey as a framework comprising a three-stage decision making process:⁵

1. Engage

The consumer becomes aware they have a choice of product, service and provider and is willing to consider the alternatives available.

2. Assess

The consumer assesses which product, service or provider best satisfies their needs. For this they need access to trusted and comprehensive information, an understanding of their own likely consumption pattern, and the ability to make comparisons.

3. Act

The consumer exercises their choice, purchasing the product or service which they have assessed as best satisfying their needs.

- 2.7 While the first stage is explicitly about the consumer starting to 'engage', we consider all stages up to the final act of switching are relevant, in that barriers may arise at later stages which ultimately frustrate the consumer's progress through this journey (and may make them unwilling to 'engage' again in future).
- 2.8 We have measured the extent to which a consumer may be regarded as 'engaged' on the basis of how active a consumer has been and continues to be across one or more of these stages. This includes the extent to which a consumer has stayed informed, is aware of changes in the market and/or has switched provider. On the basis of our consumer research, for each communications service we have classified consumers into one of four engagement segments:⁶
- 'Inactive': consumers least likely to have had past involvement (i.e. may have switched, considered or negotiated but not in the past 2 years). This group tends to state 'no interest in changing provider'.
 - 'Passive': more likely than 'inactive' consumers to have participated in the past (i.e. switched, considered or negotiated, but not in the past 2 years), and indicate some current interest in the market (e.g. state they are 'open to the idea of a new provider').

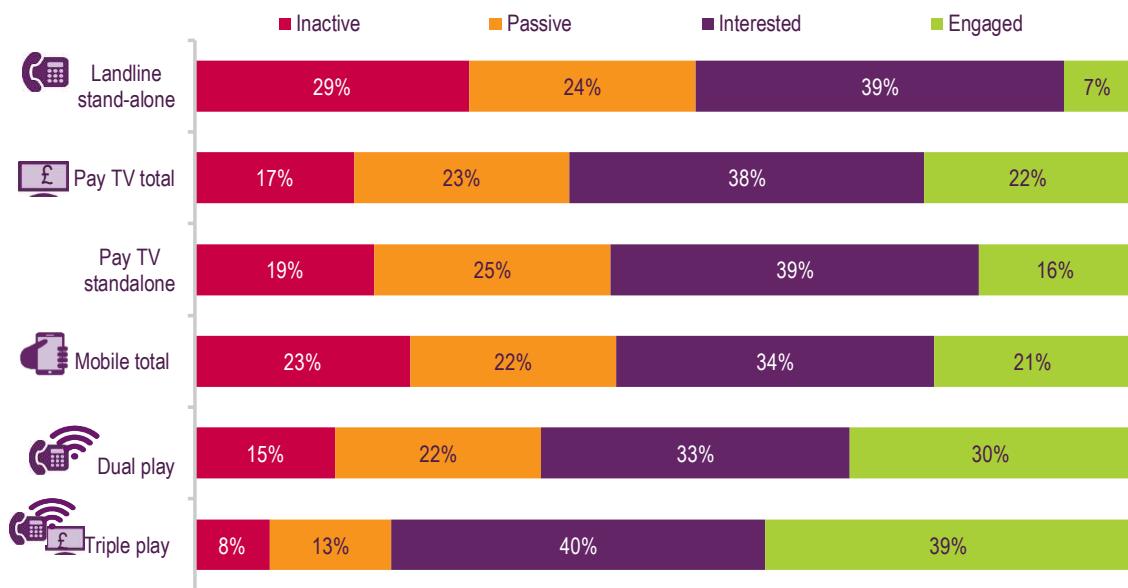
⁵ UK Regulators' Network (UKRN), *Consumer engagement and switching*, December 2014: <http://www.ukrn.org.uk/wp-content/uploads/2016/07/20141217ConsumerEngSwitch.pdf>

⁶ For explanation of our engagement categorisation methodology, see Ofcom, *Access and Inclusion in 2016: Research annex*, March 2017, pp. 165-167: https://www.ofcom.org.uk/_data/assets/pdf_file/0029/98615/access-inclusion-research-annex.pdf

- ‘Interested’: broadly similar to ‘passive’ in terms of past behaviour although they may have shopped around previously. This group is more likely than ‘passive’ to ‘be open to the idea of a new provider’.
- ‘Engaged’: most active group in terms of past behaviour (i.e. switching, considering and shopping around, negotiating in the last 2 years), and current interest (e.g. actively looking/open to the idea of a new provider).

2.9 Our consumer research suggests that engagement levels vary across communications markets. For example, around only 7% of consumers taking landline phone services on a standalone basis are ‘engaged’, compared to around 39% for consumers taking triple play services.⁷ Consistent with the lower ‘engagement’ among standalone landline customers, this market also reports the highest proportion of ‘inactive consumers’ (29%). Interested consumers account for between 33%-40% of consumers across markets. Figure 1 illustrates our findings across several different communications services.

Figure 1 – Levels of engagement by services



Source: Ofcom Switching Tracker carried out by Saville Rossiter-Base in July to August 2016
 Base: All adults aged 16+ who are the decision-maker
 For landline as a standalone service (316) mobile total (2265), Pay TV total (1087), Pay TV as a standalone service (258), bundle of services (dual 479, triple 691), base excludes those who do not know the provider for one or more services

2.10 While engagement levels vary across different markets, this suggests that there is room to improve engagement levels in general. In particular, a significant proportion (up to a quarter in some cases) are ‘passive’, and between a third and 40% of consumers are ‘interested’ – showing some current interest, but generally without consumers following through to making changes to the services they purchase. If we can identify what is preventing these consumers from engaging more actively, we may be able to help more consumers into becoming ‘interested’ and ‘engaged’.

⁷ Ibid, p. 155

Increasing use of introductory offers and discounting

- 2.11 Ofcom's Pricing Trends for Communications Services report finds that the importance of standard or 'list' prices in driving competition is declining, particularly for bundled services, as providers target new customers with discounts, and offer retention discounts to existing customers. Unengaged consumers do not benefit from such discounts, and typically pay higher prices than new customers. Consumers outside their minimum contract period need to be willing and able to engage with their provider, or other providers, if they are to find cheaper options.⁸
- 2.12 Additionally, Ofcom research suggests that 6% (around a million) UK pay-monthly mobile customers who purchase a handset bundled with their service plan continue to pay their full monthly charge after the end of their minimum contractual term, rather than switching to a cheaper SIM-only service. In order to be able to avoid doing this, consumers need to be aware of the status of their mobile contract and the options available to them when this ends.⁹

Price and service complexity

- 2.13 The communications sector offers a wide and ever-changing range of products and services to consumers. Many consumers buy telecoms and TV services together in bundles, as this can offer convenience, choice and value. However, it also results in an increasing range of tariffs and tariff permutations. The availability of promotional discounts, time-limited offers, usage-based pricing and service 'add-ons' (such as call bundles and additional TV channels) may make it difficult for some consumers to compare the overall price of different services. While some consumers are able to navigate the market with ease, others may struggle to find the deal that best suits their needs, or stick with their current services regardless of whether they deliver good value. Consumers who find it difficult to navigate the market may disengage - shopping around and changing deals or provider less frequently or not at all.
- 2.14 Increasing complexity in communications markets may particularly affect consumers who are vulnerable. For example, those who rely on family or friends to engage on their behalf, or those who have difficulty understanding their household needs or navigating the range of tariffs/deals, may be less likely to identify or use the deals that best suit their needs.
- 2.15 There are a number of relevant observations from our report on Pricing Trends for Communications Services:
- some out-of-bundle call prices are increasing, making it important that consumers understand their usage and select services that suit their needs;
 - tariffs are becoming increasingly complex, potentially making it more difficult for consumers to determine and compare the overall cost of taking services, preventing them from engaging effectively in the market; and

⁸ We recognise that the ability to offer discounts may allow firms to compete more aggressively. We also recognise that offers currently available on the market reflect current levels of consumer engagement, and could change if more customers became engaged. However, overall we would expect a higher level of consumer engagement to have a positive effect on competition and benefits to consumers.

⁹ *Pricing trends for communications services in the UK*, pp. 25-26

- the sophisticated use of price discounting may compound issues around price complexity.

Other issues

- 2.16 Stakeholders have raised with us other issues that they consider could be harming consumers by affecting consumers' ability to shop around for better deals, such as the practice of having different contract end dates for different communications services that are all purchased from the same provider. Another possible issue is consumers having to unlock their mobile handset at the end of their contract if they wish to move to another provider's network.
- 2.17 These issues could make it harder for consumers to switch their services to other providers. For example, having contracts which end on different dates may mean consumers need to pay an early termination charge to exit one of their services in order to switch, or delay switching until the later contract ends (potentially paying a higher price for the other service(s) in the meantime). The time and effort (and in some cases, charges) to unlock handsets may dissuade or delay consumers from changing their mobile provider.

Current Ofcom work

- 2.18 We are already pursuing a number of initiatives aimed at enabling consumers to understand and engage better with communications markets. Our initiatives include:
- **Switching:** We have already taken steps to simplify and improve the process for switching landline and broadband services within the Openreach and KCOM networks. We have also set out proposals to improve mobile switching processes.¹⁰
 - **Comparing Service Quality Report:** We publish an annual 'Comparing Service Quality' report which consumers can use to compare suppliers on a range of metrics such as satisfaction with complaints handling and time taken to install new services.¹¹
 - **Coverage information:** We provide apps that allow consumers to check broadband and mobile coverage.¹² Ofcom is now working with the major broadband providers, including BT and Virgin Media, to make address-level broadband speeds information more widely available to relevant organisations, such as price comparison (see below) and home-mover websites.¹³ Broadband and mobile coverage information helps consumers to compare providers and make effective choices. The availability of this information on additional sites will

¹⁰ Ofcom, *Consumer switching: Proposals to reform switching of mobile communications services*, May 2017: https://www.ofcom.org.uk/_data/assets/pdf_file/0013/102037/Proposals-to-reform-switching-of-mobile-communications-services.pdf

¹¹ Ofcom, *Comparing Service Quality: The performance of broadband, landline and mobile providers in 2016*, April 2017: https://www.ofcom.org.uk/_data/assets/pdf_file/0012/100605/comparing-service-quality-report.pdf

¹² <https://www.ofcom.org.uk/phones-telecoms-and-internet/advice-for-consumers/advice/ofcom-checker>

¹³ We are currently inviting these, or similar sites, to contact us at connectednationsreport@ofcom.org.uk to register their interest in receiving this data. See <https://www.ofcom.org.uk/research-and-data/multi-sector-research/infrastructure-research/connected-nations-2016/improving-quality-coverage-information>

improve the accessibility of this information when consumers are looking to change supplier or move home.

- **Mobile performance information:** We are also in the process of undertaking research to measure consumer experiences of using mobile services across the UK.¹⁴ The initial results of this research have been published, presenting a high-level picture of the consumer experience of using mobile services,¹⁵ with future reports intended to include comparisons by mobile network operator and location.
- **Broadband pricing and speeds:**
 - Under our Broadband Speeds Voluntary Code of Practice, communications providers who have signed up must provide accurate and transparent speed information at point of sale, help their customers with speed issues, and provide a right to exit the contract free of charge if customers' speeds fall and remain below a minimum threshold. The Committee of Advertising Practice (CAP) and Broadcast Committee of Advertising Practice (BCAP) are also consulting on proposals to introduce new guidance on speed claims in broadband advertising.¹⁶
 - Following joint work with Ofcom, the Advertising Standards Authority (ASA) strengthened rules to make the advertising of broadband prices clearer in October 2016.^{17, 18}
- **Price Comparison Websites:** We currently have a voluntary Price Accreditation Scheme for price comparison websites. The scheme aims to help consumers make better-informed choices about the communications services they use by providing them with assurance that the accredited sites are accessible, accurate, up to date, transparent and comprehensive.

Our work on consumer engagement

- 2.19 We are now seeking to explore in more detail potential barriers to engagement and identify ways to help consumers shop around and ultimately secure the best deal for their needs that are not already being addressed by our current work programme. Our DCR commitments included pursuing a range of measures to help inform consumers about the price and quality of communications services, and identifying what can additionally be done for consumers who do not respond to this information, for example through stronger triggers to consider other deals when their contracts expire.
- 2.20 We intend to focus and structure our work as follows:
- to gain a comprehensive understanding of the different types of barriers to engagement in communications markets and the impact they may be having on

¹⁴ <https://www.ofcom.org.uk/phones-telecoms-and-internet/coverage/ofcom-mobile-research-app>

¹⁵ Ofcom, *The consumer mobile experience: Measuring consumer experience of using mobile services*, June 2017: https://www.ofcom.org.uk/_data/assets/pdf_file/0005/103010/Consumer-mobile-experience.pdf

¹⁶ <https://www.asa.org.uk/resource/consultation-on-speed-claims-in-broadband-advertising.html>

¹⁷ Ofcom and the ASA, *Fixed broadband advertising of prices*, November 2015: https://www.ofcom.org.uk/_data/assets/pdf_file/0031/98077/Ofcom-Fixed-BB-Advertising-of-prices-Report-2015.pdf

¹⁸ <https://www.asa.org.uk/news/changes-to-broadband-price-claims-in-ads-comes-into-force-today.html>

consumer inertia. Responses to this CFI and new market research will help to inform this.

- to identify possible solutions to overcome any barriers to engagement, with the aim of empowering consumers and enabling greater participation and engagement in the communications market.
- to test/trial these possible solutions, for example through focus groups, internet-based testing by a group of individuals (laboratory testing), or randomised control trials¹⁹ where appropriate. This is important to ensure that any proposed solutions work effectively in practice.
- to implement any solutions identified. This could involve voluntary industry initiatives, in collaboration with Ofcom. If necessary, we will also consider (and consult on) whether it is appropriate and proportionate to put in place regulation such as using General Conditions to implement solutions.

Scope

- 2.21 The scope of communications services we intend to cover includes landline phone, fixed broadband, pay TV and mobile phone services, and bundles of these services (i.e. when these services are purchased from the same provider).
- 2.22 We believe there are barriers that may also reduce engagement by small businesses ('SMEs')²⁰ and micro businesses²¹, as they are likely to face similar difficulties in understanding and navigating the pricing and product complexities of communication markets as residential consumers. We consider, as a starting point, that our work should include SMEs' experiences of engagement and will consider whether possible solutions to improve engagement for residential consumers might also be applicable to SMEs.

Question 1: Do you agree that we should include SMEs in the scope of our work?

This document

- 2.23 The rest of this document is set out as follows:
- Section 3 identifies three potential barriers to consumer engagement and sets out our initial thinking about how these might be addressed.
 - Section 4 sets out the consumer research that we plan to undertake and also the need to test or trial any potential solutions we identify.

¹⁹ This is where different versions of a potential solution are trialled in the real world to see the difference in response rate compared to those not provided with a potential solution.

²⁰ Small and Medium Enterprises i.e. businesses with up to 250 employees.

²¹ Businesses with 9 employees or fewer.

Section 3

Barriers to consumer engagement

- 3.1 In this section, we identify three potential barriers to consumer engagement that are not being addressed by our existing work programme and that we intend to consider further. We also set out our initial thinking about how these barriers might be addressed to improve outcomes for consumers.
- 3.2 Our initial assessment in this Call for Inputs has been informed by the following pieces of evidence:
 - Access and Inclusion in 2016 research annex, March 2017;²²
 - Pricing Trends for Communications Services in the UK, research document, March 2017;²³
 - End of contract notification research, October 2015;²⁴
 - Switching Tracker, 2016;²⁵
 - Mobile switching research, 2015;²⁶
 - Technology Tracker, 2017;²⁷
 - SME experience of communications services report, 2016.²⁸
- 3.3 As explained in section 4, we intend to carry out a programme of consumer research to further our understanding of consumer engagement between the summer 2017 and early 2018, exploring in more detail the reasons why consumers may be facing difficulties and potential options on how these might be addressed.

²² Ofcom, *Access and Inclusion in 2016: Research annex*, March 2017:

https://www.ofcom.org.uk/_data/assets/pdf_file/0029/98615/access-inclusion-research-annex.pdf

²³ Ofcom, *Pricing trends for communications services in the UK*, March 2017:

https://www.ofcom.org.uk/_data/assets/pdf_file/0028/98605/Pricing-report-2017.pdf

²⁴ Ofcom, *End of Contract Notification: Presentation of Research Results*, October 2015:

https://www.ofcom.org.uk/_data/assets/pdf_file/0024/74715/end-of-contract-notification-research.pdf

²⁵ Ofcom, *Switching Tracker 2016*:

https://www.ofcom.org.uk/_data/assets/pdf_file/0029/92729/Switching-Tracker-2016-updatedindex-data-tables_061216.pdf

²⁶ Ofcom, *Mobile Switching quantitative research*, September 2016:

https://www.ofcom.org.uk/_data/assets/pdf_file/0024/82635/Ofcom-Switching-Mobile-Provider-Quantitative-Research-Report_2016.pdf

²⁷ See: Ofcom, *Technology Tracker 2017*:

https://www.ofcom.org.uk/_data/assets/pdf_file/0032/93596/Ofcom-Technology-Tracker-H2-2016.pdf

²⁸ Jigsaw Research, *The SME experience of communications services: research report*, January

2017: https://www.ofcom.org.uk/_data/assets/pdf_file/0030/96348/Ofcom-SME-consumer-experience-research-2016-Report.pdf

Potential barrier to engagement 1: Knowing when to look for better offers

Issue

- 3.4 Some consumers may not know when it is best to start looking for better offers and deals. As a consequence, they may pay more than they need to for their services or take services that are no longer best suited to their needs. Such consumers may be interested in finding new offers, but are unsure whether they are still 'locked in' to an existing contract, while others may not be actively thinking about their communications services, but may be encouraged to do so if reminded that there may be other options that suit their needs better.
- 3.5 A typical example is where a consumer signs up for a dual play contract (phone and broadband) that is discounted for the full 12-month minimum contractual term, and after 12 months, the service reverts to its undiscounted price. The consumer may then end up paying more than they need to than if they had kept track of when the minimum term ended and, at that point, had shopped around and either agreed a new (and better) deal with their existing provider, or switched to a new provider.

Current evidence

- 3.6 The Pricing Trends for Communications Services report shows that 87% of landline-only consumers, 78% of pay-TV-only consumers, 42% of dual play consumers, and 43% of triple play consumers were outside their minimum contract period.²⁹ These consumers have allowed their contract to 'roll over' and continue beyond the minimum period specified by their provider, typically 12 or 18 months.³⁰
- 3.7 Consumers who do not switch, or otherwise engage with their provider, after the expiry of their minimum term typically pay more than those who do. For example, in-contract dual play consumers spend about 13% less than out-of-contract dual play consumers. In-contract standalone pay TV consumers pay about a quarter less than those who are out of contract.³¹
- 3.8 Our research suggests that this may at least partly be due to consumers not always knowing the status of their contract. For example, 2015 research suggested that around two-fifths of consumers taking dual or triple play services are in a contract, but do not know when this ends or if it already has.³²
- 3.9 Consumers, however, appear to be relatively knowledgeable about their mobile phone contract end dates, with only 21% not knowing when their contract ends or if it already has.³³ A distinctive feature of mobile service provision is that cheaper tariffs are typically available at the end of the initial term of the contract, as the tariff in the initial term often includes payment for a handset (this is in contrast to the time-limited discounts offered for dual-play and triple-play services). But, a lack of engagement at the end of a mobile contract that includes a handset payment can result in the consumer paying more than they need to. Research conducted in 2016 suggests 6% of mobile consumers who entered into this type of contract are continuing to pay the

²⁹ *Pricing trends for communications services in the UK*; data as of Q2 2016

³⁰ Ibid, p. 44, Figure 1.32

³¹ Ibid, p. 45, Figure 1.33

³² *End of Contract Notification: Presentation of Research Results*, p. 12

³³ Ibid, p. 12

handset charge after the initial term, rather than switching to a cheaper SIM only service, or getting a new handset.³⁴ This equates to more than a million mobile customers and indicates that UK mobile consumers could be overpaying by around £130 million per year.³⁵

Question 2: What are your views on whether consumers not knowing when to engage is a barrier to their engagement? What impact do you think this has on them and to competition in the various communications markets?

Please provide evidence supporting your views, including any research you have conducted or have access to.

Possible solutions

- 3.10 Our initial thinking is that engagement levels could be improved by providing consumers with reminders about their contract term and prompts to consider engaging at particular points in time. Such prompts are common in other markets, such as car and home insurance, where consumers are reminded their cover needs to be renewed.
- 3.11 These prompts might include:
- End of contract notifications – whereby providers would proactively inform customers when they are approaching or are at the end of their contract; and
 - Notifications or additional prompts to consumers whose contracts have already expired and who are taking services on a ‘roll over’ basis – consumers are reminded that they are out of contract at regular intervals, perhaps annually, following the expiry of any minimum term.
- 3.12 We would need to consider the effectiveness of any such prompts as part of our work and, if appropriate, the form they might take. For example email communication for those consumers with online accounts or mobile SMS text messages for mobile consumers.

Question 3: What are your views on the suggested possible solutions to help address consumers not knowing when to engage? What could be their positive or negative effects? What other possible solutions might there be?

Further research

- 3.13 We intend to conduct further research to understand the following:
- The extent to which consumers understand whether they are in contract and when their minimum contract period expires.
 - Why consumers who roll over their contracts do not engage/shop around.

³⁴ *Pricing trends for communications services in the UK*, pp. 25-26

³⁵ Ibid, p. 26 sets out the basis for this calculation, which is based on a typical handset payment of £11 per month.

- What information might help consumers to engage and the impact of any prompts, such as end of contract notifications.

Potential barrier to engagement 2: Finding the right offers to meet needs

Issue

- 3.14 When consumers choose to shop around and compare products or services on offer, they may not understand their own needs or they may have difficulty navigating the information available. Consequently, they may not find the best deal or package suited to their needs.
- 3.15 This may be because the set of parameters that define any one product or bundle of products is extensive. These can include:
- **Prices:** Communications products and services typically involve adding together individual prices for each element of a service that a consumer wants. Mobile services for example are generally subject to a core monthly price, but with additional prices for out-of-bundle use and add-on services. Further, the availability of promotional discounts, time-limited offers and service 'add-ons' (such as call bundles and additional TV channels) is increasing, and adds to complexity. For example, on average, 94% of all dual play plans and 97% of triple play plans offered by the UK's largest residential fixed telecoms providers had some element of discount in Q3 2016.³⁶
 - **Product features:** Contracts for a mobile phone typically include a voice, text and data allowance and there may be options for additional features such as for discounted international calls. Fixed broadband services often offer a choice of broadband speeds and inclusive data allowances. Traditional pay-TV services typically involve a choice of channels, and possible add-on features such as 'multi-room' functionality. While such features may well be of value to many customers, they can make it more difficult for consumers to compare different offers.
 - **Quality of service:** For mobile services, the quality and extent of coverage offered by different providers varies. More generally, different providers may offer different minimum quality of service guarantees. Consumers may face uncertainty in trading off quality of service, price, and product features, and when considering a new provider, they may be discouraged by the risk of poor service.
- 3.16 This complexity may be exacerbated where the best decision for a consumer depends on their own individual circumstances. These may not be well understood by the consumer or may vary over time. For example, mobile and broadband contracts tend to be structured around an inclusive data allowance, requiring consumers to have some understanding of their usage needs and how this translates into the allowance available. The type of services or applications the consumer wants to use (and, in the case of mobile, where they want to use them) may also have an effect on the consumer's best decision. For example, a consumer choosing between broadband packages would also need to understand the difference between the

³⁶ Ibid, p. 41

different speeds available and how this might relate to the online services they want to use.

- 3.17 The number of possible packages that a consumer could choose from to meet their individual needs is increasing. In Q1 2013, there were 208 ‘core packages’ for triple play (i.e. the basic package without optional add-on services or features) on offer in the market. This had increased to 398 by Q3 2016.³⁷ The inclusion of just one additional paid-for service ‘add-on’ dramatically increases the number of package combinations that are available, resulting in an average of 3,413 triple play services available, up from 1,850 in Q1 2013.³⁸

Current evidence

- 3.18 The DCR sets out our concerns that prices for communications services are being structured and presented in such a way that consumers do not find it easy to compare overall prices. We noted concerns about misleading broadband pricing³⁹ but also flagged other examples of complex tariffs that can make it difficult for consumers to compare prices across providers. These included prices of calls outside the call allowance bundle and call prices which are difficult to calculate and compare as they include both per minute and call set-up charges.
- 3.19 More recent research suggests that some consumers find it difficult to compare services on the basis of price or quality of service, for example:
- **Mobile services:** 16% of ‘engaged’ mobile consumers said they think it is, or might be ‘very’ or ‘fairly’ difficult to make cost comparisons.⁴⁰ While three in ten ‘engaged’ mobile consumers said that they think it is or might be ‘very’ or ‘fairly’ difficult to make coverage comparisons (in terms of network availability and signal strength) between mobile phone network suppliers.⁴¹
 - **Bundles:** 18% of ‘engaged’ consumers taking bundled products said they think it is, or might be ‘very’ or ‘fairly’ difficult to make cost comparisons.⁴² While a fifth of ‘engaged’ consumers with broadband, (either purchased

³⁷ Ibid p. 36, Figure 1.23

³⁸ Ibid p. 36

³⁹ Ofcom, *Making communications work for everyone: Initial conclusions from the Strategic Review of Digital Communications*, February 2016, p. 82, Para 7.21:

https://www.ofcom.org.uk/_data/assets/pdf_file/0016/50416/dcr-statement.pdf noted joint research by Ofcom and the ASA finding that, although all the relevant information was available to consumers regarding the price of broadband services, just over 80% of consumers were not able to identify correctly, on the basis of the presentation of information in an advertisement, the total cost of the contract. Following on from this research, the ASA published new guidance on broadband pricing, which took effect on 31 October 2016. Among other things, this means that broadband ads should stop separating out line rental from broadband prices, and instead show all-inclusive up-front and monthly costs. See Ofcom and the ASA, *Fixed broadband advertising of prices*, November 2015: https://www.ofcom.org.uk/_data/assets/pdf_file/0031/98077/Ofcom-Fixed-BB-Advertising-of-prices-Report-2015.pdf

⁴⁰ *Switching Tracker 2016*, Table 100. We focus on engaged consumers as this group is most likely to have experienced trying to make such comparisons.

⁴¹ Ibid, Table 101

⁴² Ibid, Table 212. Note: this research does not take account of the changes made to advertising of dual packages.

individually or as part of a bundle) think it is, or might be, difficult to make speed comparisons.⁴³

- **SMEs:** The proportion of SMEs agreeing with the statement ‘It is difficult to make comparisons between providers on price’ was 49% (landline), 52% (internet), and 43% (mobile).⁴⁴

Question 4: What are your views on whether consumers not understanding their own needs, or having difficulties navigating available information, is a barrier to their engagement? What impact do you think this has on them and on competition in the various communications markets?

Please provide evidence supporting your views, including any research you have conducted or have access to.

Possible solutions

3.20 Consumers who understand their needs, and are easily able to compare services and packages, are better placed to engage and effectively choose the right deal. In the event consumers are unable to do either, or both, possible solutions to address this might involve:

- Providing consumers with data on the current services they purchase and their personal usage, in a standard format, that would enable them to more easily assess the offers available that would meet their needs. Depending on what consumers currently find difficult, such information could include the following:
 - For **landline phone**, their monthly average spend on peak time, evening and weekend calls;
 - For **broadband**, their monthly average spend, average speed of their current connection, and their average monthly data consumption;
 - For **pay TV**, information on which channel packages they take, and their average monthly spend with a breakdown of any pay-per-view spending; and
 - For **mobile**, their monthly average spend along with their usage of calls, texts and data.
- Providing consumers with information on the tools or services available to help them understand and navigate the market, such as price comparison websites, which can help consumers navigate complex choices of price and non-price features. If standard information is provided to consumers, as suggested above, these tools or services could be adapted to allow consumers to easily input this information and search for appropriate offers.
- Providing consumers with easily comparable information at point of sale, such as clearly identifiable total average price of the core elements of a service over the

⁴³ Ibid, Table 148

⁴⁴ *The SME experience of communications services: research report*, Figures 68, 80, 94. Analysis of ‘engaged’ SMEs is not possible.

contract period or other standard cost comparison measures, so they can more accurately compare different offers from different providers.

- 3.21 We need to explore whether consumers have difficulty understanding their needs and navigating the information available. We also need to explore whether these types of solutions would help consumers and, if so, the best way for this information to be presented to consumers.

Question 5: What are your views on the suggested possible solutions to help consumers understand their own needs, and navigate available information? What could be their positive or negative effects? What other possible solutions might there be, and what might be their effects?

Further research

- 3.22 We intend to conduct further research to understand the following:
- The extent to which consumers are easily able to access, understand and use information on their usage to make an informed choice;
 - What impedes consumers from understanding offers, including the role of tariff complexity or any lack of understanding of their own usage needs;
 - Whether vulnerable consumers face different or additional issues when engaging in and navigating markets;
 - The role of available tools such as price comparison websites in enabling consumers to understand and navigate markets; and
 - What information might help consumers to engage, including data on the current services they purchase and their personal usage.

Potential barrier to engagement 3: Ease of leaving your current service

Issue

- 3.23 There may be other barriers which are linked to the terms and conditions of consumers' contracts or are linked to certain industry practices that may impede consumers from leaving their current service. Customers who bundle their communications services, for example, may have different contractual terms for each of the services provided e.g. different minimum contract periods or expiry dates. We describe these as non-coterminous contracts. For example, a consumer may have an 18-month line rental contract but a 12-month broadband contract, with the discounted price of the broadband component dependent on taking landline rental from the same provider.
- 3.24 Such contracts may impede consumers from switching, as at the end of the shorter contract (and the discounted price), the consumer may be unable to switch both services to a new provider without incurring an early termination charge to end the longer contract. If the consumer decided not to incur such a charge, they would have to pay the non-discounted price (for the service on the shorter contract) and delay switching until the longer contract ended.

- 3.25 There may be other potential barriers to engagement, such as the locking of mobile handsets to a particular provider. Some providers ‘lock’ the mobile handset when the consumer purchases a contract for both a mobile service and a handset. The locked handset cannot be used to connect to another provider’s network and consumers may have to pay their provider a fee for the handset to be unlocked. Since late 2016, under a voluntary agreement with Government some providers have now stopped charging consumers who have reached the end of their minimum contract term,⁴⁵ however, the time and effort required to unlock their handset may deter consumers from switching provider if they want to retain their existing device.
- 3.26 We would particularly welcome stakeholders’ views on these potential barriers, including the scale of them and whether we should consider them further. We also would welcome stakeholders’ views on whether there are other potential barriers we should be considering.

Current evidence

- 3.27 Ofcom research suggests that 6% of bundle customers (5% dual play and 6% triple play) have different contractual periods for the services in their package i.e. 2% say all services have different contract periods and 4% say some services in their ‘package’ are a mixture of in contract/in different contract periods/outside of contract.⁴⁶ For those with mobile services in their package the proportion citing their contracts are not aligned is higher at 14%.
- 3.28 There is some evidence that handset unlocking may be a cause of concern for consumers.⁴⁷ Research suggests three in ten (29%) mobile switchers had difficulty getting their handset unlocked (8% cited this as a major difficulty). Further, it appears handset unlocking has the potential to impact consumers’ decisions on whether to switch or not. While only a small proportion (1%) cited this as the main factor affecting a decision not to switch, around one in ten (12%) said it was a major factor for them.⁴⁸
- 3.29 Handset unlocking can cause unnecessary restrictions on consumers and costs, as they have to go through a provider’s handset unlocking process in order to change provider or sell or pass on the handset.⁴⁹ As noted above, since 2016 providers have agreed, on a voluntary basis, not to charge to unlock mobile handsets once the consumer has reached the end of their minimum contract term;⁵⁰ however, it is not

⁴⁵ <http://www.moneysavingexpert.com/news/phones/2016/10/pay-monthly-mobile-customers-to-benefit-from-free-unlocking>

⁴⁶ *Switching Tracker 2016*, Table 197

⁴⁷ A significant proportion of consumers take SIM only contracts, suggesting that consumers are keeping hold of their handsets for longer. Data collected from MNOs and leading MVNOs suggests that 34% of existing post-pay connections were SIM-only in Q2 2016 (data collected from EE, Vodafone, H3G, O2, BT, Tesco Mobile, Virgin Mobile and TalkTalk in December 2016 and January 2017 in response to section 135/136 requests). There are some indications this sector is growing in importance. See Ofcom, *Award of the 2.3 and 3.4 GHz spectrum bands: Annexes to the statement*, July 2017, pp. 21-22, para A1.83:

https://www.ofcom.org.uk/_data/assets/pdf_file/0013/104305/Statement-annexes-Award-of-the-2.3-and-3.4-GHz-spectrum-bands.pdf.

⁴⁸ *Mobile Switching quantitative research*, pp. 32, 34, 92

⁴⁹ 77% of consumers found it frustrating that handsets needed be unlocked to use on a different network- Which? Consumer Survey, May 2014: <https://press.which.co.uk/whichpressreleases/mobile-phone-companies-must-unlock-better-deals-for-their-customers/>

⁵⁰ <http://www.moneysavingexpert.com/news/phones/2016/10/pay-monthly-mobile-customers-to-benefit-from-free-unlocking>

clear to what extent consumers are aware of this or that this has alleviated their concerns. Some providers still charge for unlocking pay as you go customers and those within their minimum contract period.

Question 6: What are your views on whether these (or other) particular contract terms and conditions, or industry practices, are a barrier to consumer engagement? What impact do you think this has on them and on competition in the various communications markets?

Please provide evidence supporting your views, including any research you have conducted or have access to.

Possible solutions

- 3.30 Our initial thinking is that consumers who have non-coterminous contract end dates for different services within a bundle, could better engage with communications markets where they understand and can manage the contract exit terms they are subject to.
- 3.31 We are interested in gathering views from stakeholders as to how we can improve such understanding and contract management. This could include the provision of clearer information to consumers when entering or amending contracts. An alternative could be to ensure that all elements of a bundle are subject to the same contract end date, including where consumers add, subtract or change service elements from their bundle during the course of the contract. We will also consider if there are solutions that could make handset unlocking simpler for consumers.

Question 7: What are your views on the suggested possible solutions to help address the impact on consumer engagement of particular contract terms and conditions, or industry practices? What could be their positive or negative effects? What other possible solutions might there be, and what might be their effects?

Question 8: Are there other barriers to engagement that you think our work should seek to address? What impact do you think these have on consumers and on competition in the various communications markets? What possible solutions might there be to these barriers, and what might be their effects?

Please provide evidence supporting your views, including any research you have conducted or have access to.

Further research⁵¹

- 3.32 We intend to conduct further research to:
- Update our evidence on the extent that mobile handset unlocking is causing difficulty for consumers or impacting their decisions or ability to engage.
 - Understand whether there are any other barriers that may impede consumer engagement.

⁵¹ While it is not clear we need to obtain further consumer research on non-coterminous contracts, we are likely to request further information from providers.

Section 4

Research and next steps

Consumer research

- 4.1 As part of this project, we want to broaden our understanding of consumer engagement issues, focusing particularly on identifying possible barriers to engagement and how these might be addressed. This will include developing an understanding of how different consumer groups, including consumers in vulnerable circumstances, might face or manage barriers to engagement.
- 4.2 We have therefore initiated a programme of consumer research, involving a combination of primary qualitative and quantitative research. This research aims to:
 - provide a detailed understanding of consumer attitudes and experiences in relation to engaging with communications markets;
 - highlight and measure any difficulties consumers have when seeking to engage;
 - inform the scoping of possible solutions to help or support engagement; and
 - help us understand the impact of any proposed solutions.

Solution trialling and testing

- 4.3 Following this research, and the identification of any significant barriers to engagement, we will identify potential solutions to the issues that have been highlighted. We consider that, where relevant, it is likely to be important to trial and test any solutions. Depending on the outcome of our consumer research, these solutions could include those we have outlined above in section 3, or others identified as part of our work.
- 4.4 The aim of trialling and testing would be to ensure that any potential solutions we might pursue would have a positive impact on the way consumers behave. Remedies of this nature can sometimes have little or no impact on consumer behaviour, and therefore results of such testing can be used to evaluate the effectiveness of any possible remedies and refine them if necessary. Recent regulatory practice in this area has emphasised the importance of systematically testing, trialling, evaluating and refining potential engagement solutions and strategies.⁵²
- 4.5 We envisage that trialling and testing of potential solutions might include randomised control trials in a market-based context, or road testing solutions with particular consumer groups or samples using a controlled setting (for example using consumer focus groups, or internet-based laboratory testing with a group of individuals). We would also be looking to communications providers to work with us to design and test solutions with their customers. We would welcome initial views from providers on

⁵² For example, the Financial Conduct Authority regularly trials remedies before implementation. The Competition and Markets Authority's recommendations in banking and energy also emphasise the importance of trials to gather evidence on the effectiveness of engagement remedies before implementation. The Behavioural Insights Team has also carried out a range of trials across sectors.

participating in such trials, including what information they would be able to provide as part of this.

Question 9: What are your views on the need to trial or test potential solutions? To what extent might you be willing and able to participate in or facilitate field trials or other testing of possible solutions?

Next steps

- 4.6 Responses to this Call for Inputs are invited by Friday 15th September 2017. We are also open to discussion and dialogue with interested parties, as we progress our work.
- 4.7 We intend to conduct consumer research between the summer and early 2018 and will aim to publish a further document progressing our work in spring 2018.

Annex 1

Responding to this Call for Inputs

How to respond

- A1.1 Ofcom would like to receive views and comments on the issues raised in this document, **by 5pm on Friday 15th September**.
- A1.2 We strongly prefer to receive responses via the online form at <https://www.ofcom.org.uk/consultations-and-statements/category-2/helping-consumers-engage-communications-markets>. We also provide a cover sheet <https://www.ofcom.org.uk/consultations-and-statements/consultation-response-coversheet>) for responses sent by email or post; please fill this in, as it helps us to maintain your confidentiality, and speeds up our work. You do not need to do this if you respond using the online form.
- A1.3 If your response is a large file, or has supporting charts, tables or other data, please email it to improving.engagement@ofcom.org.uk, as an attachment in Microsoft Word format, together with the cover sheet (<https://www.ofcom.org.uk/consultations-and-statements/consultation-response-coversheet>).
- A1.4 Responses may alternatively be posted to the address below, marked with the title of the consultation.

Sukh Walia-Chahil
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA

- A1.5 If you would like to submit your response in an alternative format (e.g. a video or audio file), please contact Elizabeth Whitford on 0131 220 7320, or email improving.engagement@ofcom.org.uk
- A1.6 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt if your response is submitted via the online web form, but not otherwise.
- A1.7 You do not have to answer all the questions in the Call for Inputs if you do not have a view; a short response on just one point is fine. We also welcome joint responses.
- A1.8 It would be helpful if your response could include direct answers to the questions asked in the document. The questions are listed at Annex 3. It would also help if you could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.

If you want to discuss the issues and questions raised in this document please contact Elizabeth Whitford on 0131 220 7320, or by email to improving.engagement@ofcom.org.uk

Confidentiality

- A1.9 Call for Inputs are more effective if we publish the responses before the response period closes. In particular, this can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish all responses on our website, www.ofcom.org.uk, as soon as we receive them.
- A1.10 If you think your response should be kept confidential, please specify which part(s) this applies to, and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A1.11 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.12 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further at <https://www.ofcom.org.uk/about-ofcom/website/terms-of-use>.

Next steps

- A1.13 Ofcom plans to publish a further document progressing our work in spring 2018.
- A1.14 If you wish, you can register to receive mail updates alerting you to new Ofcom publications; for more details please see <https://www.ofcom.org.uk/about-ofcom/latest/email-updates>

Ofcom's consultation processes

- A1.15 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 2.
- A1.16 If you have any comments or suggestions on how we manage our consultations, please email us at consult@ofcom.org.uk. We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.

If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact Steve Gettings, Ofcom's consultation champion:

Steve Gettings
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

Email: corporationsecretary@ofcom.org.uk

Annex 2

Ofcom's consultation principles

Ofcom has seven principles that it follows for every public written consultation:

Before the consultation

- A2.1 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

During the consultation

- A2.2 We will be clear about whom we are consulting, why, on what questions and for how long.
- A2.3 We will make the consultation document as short and simple as possible, with a summary of no more than two pages. We will try to make it as easy as possible for people to give us a written response. If the consultation is complicated, we may provide a short Plain English / Cymraeg Clir guide, to help smaller organisations or individuals who would not otherwise be able to spare the time to share their views.
- A2.4 We will consult for up to ten weeks, depending on the potential impact of our proposals.
- A2.5 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
- A2.6 If we are not able to follow any of these seven principles, we will explain why.

After the consultation

- A2.7 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish all the responses on our website as soon as we receive them. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing

Name/contact details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts?

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

Annex 3

Call for Inputs questions

Question 1: Do you agree that we should include SMEs in the scope of our work?

Question 2: What are your views on whether consumers not knowing when to engage is a barrier to their engagement? What impact do you think this has on them and to competition in the various communications markets?

Please provide evidence supporting your views, including any research you have conducted or have access to.

Question 3: What are your views on the suggested possible solutions to help address consumers not knowing when to engage? What could be their positive or negative effects? What other possible solutions might there be?

Question 4: What are your views on whether consumers not understanding their own needs, or having difficulties navigating available information, is a barrier to their engagement? What impact do you think this has on them and on competition in the various communications markets?

Please provide evidence supporting your views, including any research you have conducted or have access to.

Question 5: What are your views on the suggested possible solutions to help consumers understand their own needs, and navigate available information? What could be their positive or negative effects? What other possible solutions might there be, and what might be their effects?

Question 6: What are your views on whether these (or other) particular contract terms and conditions, or industry practices, are a barrier to consumer engagement? What impact do you think this has on them and on competition in the various communications markets?

Please provide evidence supporting your views, including any research you have conducted or have access to.

Question 7: What are your views on the suggested possible solutions to help address the impact on consumer engagement of particular contract terms and conditions, or industry practices? What could be their positive or negative effects? What other possible solutions might there be, and what might be their effects?

Question 8: Are there other barriers to engagement that you think our work should seek to address? What impact do you think these have on consumers and on competition in the various communications markets? What possible solutions might there be to these barriers, and what might be their effects?

Please provide evidence supporting your views, including any research you have conducted or have access to.

Question 9: What are your views on the need to trial or test potential solutions? To what extent might you be willing and able to participate in or facilitate field trials or other testing of possible solutions?