



Harmonised European numbers for services of social value

Adding two new numbers to the 116 number range in
the UK including proposed modification to the National
Telephone Numbering Plan

Consultation

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Section 1

Summary

- 1.1 The European Commission ('the Commission') has reserved two new harmonised European numbers for services of social value:
- 116006 for a 'Helpline for victims of crime' service; and
 - 116117 for a 'Non-emergency medical on-call service'.
- Ofcom is consequently consulting on making these numbers available for allocation in the UK by adding them to the National Telephone Numbering Plan ('the Numbering Plan') and consulting on the numbers' charging arrangements.
- 1.2 Our February 2009 statement on allocation and charging arrangements for '116' numbers ('the 116 Statement')¹ set out the process for administering '116' numbers in the UK, including the framework for proposing the most appropriate charging arrangement on a service-by-service basis. We do not propose any changes to this framework for the two new '116' numbers.
- 1.3 '116' numbers are an initiative of the Commission. The aim is for the same short memorable phone numbers to be available across all Member States making it easier for citizens to access certain services of social value. To achieve this goal of 'same number – same service', the Commission requires harmonisation of the '116' 6-digit range of national telephone numbers for certain services of social value reserved by the Commission.
- 1.4 The first three '116' numbers reserved were 116000 for a 'hotline for missing children' service; 116111 for a 'child helplines' service; and 116123 for an 'emotional support helplines' service. We have already made these numbers available in the UK and, having considered the nature of the associated services, designated them as 'free to caller'. Following a selection process, we chose the organisations to provide services on these numbers in October 2009.
- 1.5 The Commission subsequently reserved two additional numbers - 116006 and 116117. This consultation proposes to make these numbers available for allocation in the UK and to set conditions of use for the numbers, including the following charging arrangements:
- 116006 'Helpline for victims of crime' as a 'freephone' number; and
 - 116117 'Non-emergency medical on-call service' as a 'free to caller' number.
- 1.6 The selection process for allocation of the numbers to the most suitable service providers and their chosen communications provider will take place subsequent to the addition of the numbers to the Numbering Plan and is not the subject of this consultation.
- 1.7 We welcome responses to the specific questions in this document and general comments on our proposals by **5pm on 18 May 2010**. See Annex 1 for an explanation of how to respond and Annex 2 on how Ofcom consults.

¹ <http://www.ofcom.org.uk/consult/condocs/116/116statement/>.

Section 2

'116' numbers

Background

2.1 This section provides general information on '116' numbers, including the Commission's management of the numbers at the European level and our policy framework for administering the numbers in the UK. These matters have already been decided at Community level or when setting the general '116' number policy in the 116 Statement² and are not the subject of this consultation.

'116' numbering policy at European Community level

2.2 Following public consultation, the Commission published a decision on 15 February 2007 ('the Decision')³ requiring the reservation of the national numbering range beginning with '116' for 'harmonised numbers for harmonised services of social value' in all Member States.

2.3 The Decision defines a harmonised service of social value in Article 2 as-

“a service meeting a common description to be accessed by individuals via a freephone number, which is potentially of value to visitors from other countries and which answers a specific social need, in particular which contributes to the well-being or safety of citizens, or particular groups of citizens, or helps citizens in difficulty”.

2.4 All services on '116' numbers must adhere to the following conditions listed in the Decision in Article 4. We refer to these as 'General Service Conditions':

- (i) the service provides information or assistance or a reporting tool to citizens, or any combination thereof;
- (ii) the service is open to all citizens without any requirement of prior registration;
- (iii) the service is not time-limited;⁴
- (iv) there is no payment, or payment commitment as a pre-requisite for using the service; and
- (v) the following activities are excluded during a call: advertisement; entertainment; marketing and selling; using the call for the future selling of commercial services.

2.5 In addition to the General Service Conditions, the Commission may also set specific conditions when it reserves a '116' number to control the nature of that particular

² *Harmonised European numbers for services of social value: allocation and charging arrangements for 116 numbers in the UK*, published 20 February 2009

<http://www.ofcom.org.uk/consult/condocs/116/116statement/>.

³ Commission Decision of 15 February 2007

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/l_049/l_04920070217en00300033.pdf.

⁴ There is an expectation that the service is to be provided for the foreseeable future. Services of a temporary nature, for instance services associated with a single event, are excluded.

service and ensure pan-European harmonisation. We refer to these as ‘Specific Service Conditions’.

- 2.6 There is some limited scope for Member States to attach additional conditions to the right of use provided that such conditions do not hinder the harmonising effect of the Decision or create a barrier to the development of pan-European services. Any ‘Additional Specific Service Conditions’ should follow the rules of the European regulatory framework.⁵ Furthermore, such conditions must be objectively justified, non-discriminatory, proportionate and transparent in what they are intended to achieve.

Duties of the Member States

- 2.7 The Decision sets out a number of measures that National Regulatory Authorities (‘NRAs’) responsible for administering telephone numbers must take to implement the Decision. These duties fall to Ofcom in the UK and cover:
- (i) taking all necessary measures to ensure that ‘116’ numbers reserved by the Commission can be allocated in the UK;
 - (ii) making known when a new ‘116’ number is available for the provision of the associated service and the process for applying for the allocation of the number;
 - (iii) ensuring that ‘116’ numbers reserved by the Commission are only used for the specified service and that ‘116’ numbers not reserved by the Commission are not used; and
 - (iv) keeping a publicly available register of ‘116’ numbers available in the UK and reporting on service availability periodically to the Commission.
- 2.8 For the avoidance of doubt, the Decision confirms that the reservation of a ‘116’ number for a specified service does not carry an obligation for Member States to ensure that the service in question is provided within their territory.

Reservation of ‘116’ numbers for services of social value

- 2.9 The reservation of ‘116’ numbers for specified services is carried out at the European level by the Commission. To reserve a ‘116’ number, the Commission amends the Decision to include the number, the name of the service, the service description and any Specific Service Conditions. These are not open to further consultation in Member States. The amending decision includes a timeframe for when Member States should take the necessary action to be able to allocate the new ‘116’ numbers.
- 2.10 The Commission has reserved five ‘116’ numbers to date. The initial three numbers were 116000 for a ‘hotline for missing children’ service⁶; 116111 for a ‘child helplines’ service; and 116123 for an ‘emotional support helplines’ service.⁷ The Commission

⁵ In particular, Additional Specific Service Conditions should follow the rules in Article 6 of the Authorisation Directive and Part C of its Annex, which sets out the type of conditions which may be attached to rights of use of telephone numbers (see paragraphs A5.7 and A5.8 of this document).

⁶ 116000 was reserved in the Decision published 15 February 2007.

⁷ 116111 and 116123 were reserved in the Commission’s amending decision published 29 October 2007 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:284:0031:0032:EN:PDF>.

reserved a further two '116' numbers in its amending decision of 30 November 2009 ('the Amending Decision').⁸

'116' numbers in the UK

- 2.11 The 116 Statement set out our approach to the administration of '116' numbers in the UK. We do not propose any changes to that framework in this consultation.
- 2.12 In summary, following the Commission's reservation of a new '116' number through the publication of an amending decision, we consult on adding the number to the Numbering Plan⁹ to make it available for allocation in the UK, including consultation on our proposed charging arrangement for the number. Subsequently, we launch a selection process to decide the most appropriate service provider(s) / communications provider partnership to be allocated the number.
- 2.13 We have already made the initial three '116' numbers available in the UK and, having considered the nature of these services, designated them as 'free to caller' numbers.¹⁰ Following a selection process, we chose the organisations to provide services on the initial three numbers in October 2009.¹¹ These were Missing People for the 116000 'hotline for missing children' service; the NSPCC for the 116111 'child helplines' service; and Samaritans for the 116123 'emotional support helpline' service.
- 2.14 The purpose of this consultation is to make the two new '116' numbers reserved in the Amending Decision available for allocation in the UK by adding them to the Numbering Plan and to set the appropriate charging arrangement for the numbers.

Charging arrangements in the UK – general criteria

- 2.15 In the 116 Statement, we decided that '116' numbers in the UK could be either 'freephone' or 'free to caller'. The key characteristic of these charging arrangements is that consumers are encouraged to contact the service by making the call free. The cost of conveyance and supply of information is covered by the provider of the service. Provision may be subsidised by the communications provider terminating the call, although communications providers are not obliged to carry calls to '116' numbers at their own expense.
- 2.16 Charging arrangements form part of each '116' number's service designation¹² in the Numbering Plan and are attached as rights of use of the number in the form of Additional Specific Service Conditions. This ensures that the service providers(s) operating the number and originating communications providers must comply with the charging designation.¹³

⁸ Commission Amending Decision of 30 November 2009

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:317:0046:0047:EN:PDF>.

⁹ The Numbering Plan sets out numbers available for allocation and restrictions in their use. It can be viewed at <http://www.ofcom.org.uk/telecoms/ioi/numbers/numplan030809.pdf>.

¹⁰ The Numbering Plan was amended on 20 February 2009 to include 116000, 116111 and 116123 and the 'free to caller' charging arrangement following publication of the 116 Statement.

¹¹ See announcement of service provider selection at http://www.ofcom.org.uk/media/news/2009/10/nr_20091028.

¹² The service designation is Ofcom's description of the service in Part A1 of the Numbering Plan.

¹³ Compliance with the charging arrangement is a requirement in accordance with paragraph 17.12 of General Condition 17 on the Allocation, Adoption and Use of Telephone Numbers. General Condition 17 is available as an annex to the Numbering Plan.

Freephone numbers

2.17 A 'Freephone Number' is defined in the Numbering Plan as-

“a number that is reached free of charge to the Customer except where a charge is notified to the End-User at the start of the call”.

2.18 The definition of 'Freephone Number' allows for calls (both from landlines and mobiles) to be charged for provided there is a pre-call announcement informing the caller. This requirement is a consumer protection measure, as consumers are likely to assume that a number known as 'freephone' will be free to call.

2.19 At present, calling a freephone number from a landline is generally free. However, it is common for calls from mobiles to numbers in freephone ranges, such as 0800 and 0808 numbers, to be charged. The pre-call announcement must inform the caller that a charge will be applied, but does not provide information on the level of the charge. The actual price will depend on a number of elements, such as the caller's tariff plan, and provision of real time tariff information is problematic. Calls from mobile phones, in particular 'pay-as-you-go' mobiles, can attract an expensive pence-per-minute charge (typically between 10p and 25p per minute, sometimes up to 40p per minute and can be more expensive). This can lead to higher than expected bills for mobile contract customers or the unavailability of credit for mobile pre-pay customers.

2.20 It should be noted that where a number is designated as 'freephone', this does not prevent calls being free from any or all networks, including mobiles. Mobile providers may take independent commercial decisions not to charge for calls to all or specific freephone numbers. In particular for freephone '116' numbers, communications providers might consider the economic and social impact of charging for calls to the type of services provided on this number range and, taking wider social responsibility considerations into account, decide not to charge.

Free to caller numbers

2.21 A 'Free to caller Number' is defined in the Numbering Plan as -

“a number that is reached at no charge to the Customer and, in the case of a Pay Telephone, without having to use coins and cards”.

2.22 A 'free to caller' charging arrangement ensures that calls are always free regardless of how the call is made. This eliminates financial restrictions to calling a service and any confusion or distress that a pre-call charging announcement might cause.

2.23 While 'free to caller' furthers the interests of consumers in terms of call cost and tariff transparency, it represents a significant intervention in the market, in that it sets the absolute tariff at which originating communications providers must charge for calls. Such intervention must be proportionate to the level of consumer protection required.

2.24 A further consideration is the cost incurred in carrying calls. If the caller does not pay, these costs need to be recovered from elsewhere. Generally, the recipient of the free call, i.e. the service provider, pays to receive the call. Costs for receiving calls vary and depend on commercial arrangements, but may be higher when the call originates from a mobile phone. The upshot of this is that it is costly for service providers to offer 'freephone' services and even more costly to offer 'free to caller' services. Such financial burden may be prohibitive and result in no service provision.

How we reach a proposal on the appropriate charging arrangement for each '116' number

- 2.25 As current and future services on '116' numbers might address different levels of social need, we have kept the flexibility to make charging decisions on a service-by-service basis.
- 2.26 When determining the appropriate charging arrangements, we consider that our duty to further the interests of citizens and consumers in relation to communications matters¹⁴ is particularly relevant. When setting the '116' number policy we decided that the best way to achieve this was to remove barriers to calling '116' numbers at times when it is vital that citizens can make the call, while ensuring that any regulatory intervention on this matter is proportionate.
- 2.27 When we set out the process for deciding whether a service should be 'freephone' or 'free to caller' in the 116 Statement¹⁵ we defined three determining factors:
- the level of social value or need met by the service;
 - the likely situation of the caller when he/she needs to call the service; and
 - the market environment in which the service operates.

The level of social value or need

- 2.28 In the 116 Statement we differentiated between services of 'extreme social value' and services of 'social value' for '116' numbers with the view to deciding the most suitable charging arrangement.
- 2.29 Services of 'extreme social value' will generally meet a vital and/or extremely urgent need at a time of emotional distress or threat to welfare. It is crucial that the caller can make the call for reasons of his safety or well-being; or the well-being of others.
- 2.30 Services of 'social value' are likely to meet relatively less urgent or stressful needs. The situation here is one in which making the call furthers the interest of the consumer, but is not crucial for the caller's or someone else's safety or well-being.
- 2.31 We have decided that '116' numbers used for services that are best classified as being of 'extreme social value' are stronger candidates for being 'free to caller' numbers than services which are of 'social value'.

Likely situation of the caller

- 2.32 In the 116 Statement we distinguished between 'situations where the caller requires increased consumer protection' to ensure that a vital call is made and 'situations where the caller is in a relatively safe and comfortable state'.
- 2.33 Citizens in the situation where they need to make a call to a 'service of extreme social value' may need increased consumer protection. As the caller is potentially in a position of distress or vulnerability, financial barriers preventing or discouraging a

¹⁴ Section 3 of the Communications Act 2003.

¹⁵ See section 5 of the 116 Statement

<http://www.ofcom.org.uk/consult/condocs/116/116statement/>.

call should be eliminated where possible. An announcement of unspecified levels of call charge may confuse the caller and act as a deterrent to making the call. In addition, citizens in such a situation may require privacy and confidentiality. The caller may need to achieve this by using a mobile phone and to feel confident that the call will not appear on an itemised bill.

- 2.34 On the other hand, citizens in a situation where they need to call a service to get information of a less urgent nature are more likely to be in a position to make considered decisions on, for example, convenience versus cost when deciding to make a call from a fixed or mobile phone. The caller would be able to decide whether to continue the call if a charge has been notified without being placed in a vulnerable or dangerous position. Also, if privacy and confidentiality are not strong requirements, the caller will usually have more options for how to make the call.
- 2.35 In line with these arguments, we think that ‘116’ services attracting callers potentially in a position of emotional distress or vulnerability, for example, would generally be stronger candidates for a ‘free to caller’ service designation.

Market environment of service provision

- 2.36 Any charging decision will have an impact on potential service providers for the ‘116’ number and existing service providers of similar services. To help us analyse the effect of a charging arrangement on the market environment of a service, the 116 Statement categorised markets as follows:

- there is a single service provider of the service

Decisions on charging arrangements will only affect one service provider and will have no impact on the positioning of alternative services. We can focus on the social need and caller situation, as well as the likelihood of the single service provider being able to fund the service under the different charging options;

- there are multiple providers of complementary services

A number of organisations provide services that complement each other and answer a variety of citizens’ needs within the same broad service category. Decisions on charging arrangements would not generally interfere with the positioning of players in the market and can be taken on the basis of social need, caller situation and service provider ability to support the different charging options; or

- there are multiple providers of competing services

Multiple service providers compete for consumers’ calls. The financial aspects of service provision are clearly a crucial element in running these services. Regulatory intervention on charging arrangements would limit or remove any flexibility on call tariffs that may be relied upon to help fund the service and could have the effect of ‘crowding out’ services that might be provided by the private or voluntary sector.

- 2.37 We consider that when making a decision on charging arrangements for ‘116’ services, the following aspects of service provision are relevant:

- the number of service providers offering the service;

- the nature of the players in the market providing the service, e.g. are they charities, public or private sector organisations?
- the likely effect on existing services if one was to be allocated a ‘free to caller’ ‘116’ number, given that such charging arrangements would not be guaranteed for any other service; and
- the likelihood of a service provider emerging who could offer the service on a ‘free to caller’ basis.

2.38 A summary of factors that we take into account when determining the most appropriate charging arrangement for a ‘116’ number is set out in Figure 1 below.

Factors to be taken into account	Tendency towards ‘Free to caller’	Tendency towards ‘Freephone’
Level of social need	<ul style="list-style-type: none"> ➤ extremely urgent need at a time of emotional distress ➤ vital that the call is made 	<ul style="list-style-type: none"> ➤ urgent or routine need with no / low level of emotional distress ➤ useful/convenient if the call is made
Caller situation	<ul style="list-style-type: none"> ➤ in a position of vulnerability or distress ➤ privacy/confidentiality important ➤ in stressful situation ➤ too distressed to be concerned or confused by cost of call/ call announcement 	<ul style="list-style-type: none"> ➤ in a position where information is required ➤ privacy/confidentiality not required ➤ in non-stressful situation ➤ in a position to decide whether to continue the call if notified there is a charge
Market for service provision	<ul style="list-style-type: none"> ➤ single provider of service or multiple providers of complementary services ➤ likely that a service provider will emerge who could / would offer ‘free to caller’ 	<ul style="list-style-type: none"> ➤ competing service options available, perhaps provided by the private or voluntary sector, which would be unduly impacted if calls to 116 numbers were always free ➤ unlikely that a service provider will emerge who could/ would offer ‘free to caller’

Figure 1: Summary of factors to be taken into account when determining charging arrangements for ‘116’ numbers

Government-run 116 Advisory Committee

- 2.39 As set out in the 116 Statement, certain assessments relating to the provision of services of social value require knowledge substantially different from that acquired during Ofcom's usual number administration processes. For this reason, we have asked Government to assist us and, to this end, the Cabinet Office has set up an advisory committee of relevant Government and non-Government experts to support us in administering the '116' number range ('the Advisory Committee'). Ahead of formulating the proposals set out in this consultation, we asked the Advisory Committee to consider the two new services and provide recommendations on the most appropriate charging arrangement for each number. These recommendations are set out in section 3 of this document.

Timelines for implementation

- 2.40 The Amending Decision included details of the Commission's intended timetable for implementation. Article 2 of the Amending Decision on the assignment of harmonised numbers states that-

"Member States shall take all necessary measures to ensure that as from the 15 April 2010 the competent National Regulatory Authority can assign those numbers added to the list by virtue of this Decision."

- 2.41 We expect to have taken all necessary measures to be able to allocate 116006 and 116117 by July 2010. We have set up a robust process in the UK for making new '116' numbers available in a manner that best promotes the interests of citizens and consumers and this requires time for us and the Advisory Committee to gather pre-consultation information and give adequate consideration to the charging options. We continue to work towards implementation of the Amending Decision in a way that best promotes the goals of harmonised '116' numbers in a transparent and considered manner as quickly as possible. We will continue to keep the Commission informed of progress towards implementation of '116' numbers.

Section 3

Inclusion of 116006 and 116117 in the Numbering Plan – specific proposals and impact assessment

Introduction

- 3.1 This section explains how we propose to add the two new ‘116’ numbers to the Numbering Plan based on the process agreed in the 116 Statement and sets out our proposals for the charging arrangement to be attached to each number as an Additional Specific Service Condition.
- 3.2 The analysis presented in this section, read in conjunction with the rest of this document, represents an impact assessment as defined in section 7 of the Communications Act 2003 (‘the Act’).
- 3.3 Impact assessments provide a valuable way of assessing different options for regulation and showing why the preferred option was chosen. They form part of best practice policy-making. This is reflected in section 7 of the Act, which means that generally we have to carry out impact assessments where our proposals would be likely to have a significant effect on businesses or the general public, or when there is a major change in Ofcom’s activities. However, as a matter of policy we are committed to carrying out and publishing impact assessments in relation to the great majority of our policy decisions.¹⁶
- 3.4 We are also required to assess the impact of different options for regulation on race, disability and gender equality. This is called an equality impact assessment and forms a fundamental part of the overall impact assessment. The equality impact assessment will ensure that we are meeting our primary aim of acting in the interest of all citizens and consumers, regardless of their background. Given this, we go beyond our statutory responsibilities in relation to race, disability and gender to include all diversity groups in accordance with good practice. These include age (children and older people), religion or belief and sexual orientation. We discuss the effect the two new ‘116’ numbers have on different groups of citizens when looking at the situation of the caller later in this section.

Ofcom’s policy objective

- 3.5 Ofcom has a duty under section 63(1) of the Act to ensure that the best use is made of telephone numbers and to encourage efficiency and innovation for that purpose.
- 3.6 We also have a general duty to further the interests of citizens in relation to communications matters and to take into account the community requirement to promote the interests of all persons who are citizens of the European Union.¹⁷
- 3.7 When introducing the harmonised numbering range for services of a social value, the Commission stated that the aim was primarily to benefit European citizens. The

¹⁶ For further information about our approach to impact assessments, see the guidelines *Better policy-making: Ofcom’s approach to impact assessment* http://www.ofcom.org.uk/consult/policy_making/.

¹⁷ Sections 3 and 4 of the Act.

Commission's view is that harmonised '116' numbers should assist citizens across Europe by providing a greater understanding of the number to call if they are in difficulty or require practical or emotional help when in their own country and particularly while travelling. The effective implementation of the Decision in the UK would therefore contribute to the well-being and safety of citizens, or particular groups of citizens, or help citizens who are in difficulty.

3.8 Our objective, therefore, is to implement the Decision's requirements in the most effective way possible so as to:

- secure the best use of '116' numbers; and
- further the interests of all groups of citizens and consumers.

Our proposals for adding 116006 and 116117 to the Numbering Plan and the appropriate charging arrangements

3.9 The Commission made the following additions to the list of numbers reserved for harmonised European services of social value through the publication of the Amending Decision:

Number	Service for which this number is reserved	Specific conditions attached to the right of use
116006	<p><u>Name of service:</u> Helplines for victims of crime</p> <p><u>Description:</u> The service enables victims of crime to get emotional support in such circumstances, to be informed about their rights and about ways to claim their rights, and to be referred to the relevant organisation. In particular, it provides information about (a) local police and criminal justice proceedings, (b) possibilities of compensation and insurance matters. It also provides support in finding other sources of help relevant to the victims of crimes.</p>	Where the service is not continuously available (i.e. 24 hours a day, 7 days a week, nation-wide), the service provider must ensure that information about availability is made publicly available in an easily accessible form, and that, during periods of unavailability, callers to the service are advised when the service will next become available.
116117	<p><u>Name of service:</u> Non-emergency medical on-call service</p> <p><u>Description:</u> The service directs callers to the medical assistance appropriate to their needs, which are urgent but non-life threatening, especially, but not exclusively, outside normal office hours, over the weekend and on public holidays. It connects the caller to a skilled and supported call-handler, or connects the caller directly to a qualified medical practitioner or clinician.</p>	Where the service is not continuously available (i.e. 24 hours a day, 7 days a week, nation-wide), the service provider must ensure that information about availability is made publicly available in an easily accessible form, and that, during periods of unavailability, callers to the service are advised when the service will next become available.

Figure 2: New '116' numbers reserved by the Commission in Amending Decision of 30 November 2009¹⁸

¹⁸ Source: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:317:0046:0047:EN:PDF>.

Adding 16006 and 116117 to the Numbering Plan

- 3.10 The Commission's Amending Decision is binding on all Member States. To implement the Amending Decision, we must make the '116' numbers listed available for allocation in the UK. This means the Numbering Plan must be amended to include 116006 and 116117 and the associated information set out in Figure 2. If we did not do this, the UK would be in breach of its obligations to implement Community law.
- 3.11 The name of service, the service description and the Specific Service Conditions for each '116' number, as well as the General Service Conditions¹⁹ attached to all '116' numbers are taken from the Decision and Amending Decision and were determined by the Commission. They are not open to further consultation.
- 3.12 We are therefore consulting on our proposal to add:
- (i) 116006 and 116117 to the list of Public Telephone Network Numbers in Part A1 of the Numbering Plan;
 - (ii) the name of service, the service description and the specific conditions attached to the right of use of 116006 and 116117 (i.e. the information set out in Figure 2) to Part B paragraph B3.7.2 of the Numbering Plan; and
 - (iii) our proposed charging arrangement to each number's designation in the Numbering Plan. This is the only Additional Specific Service Condition we are proposing for these numbers.

Proposed charging arrangements for 116006 and 116117

- 3.13 As explained in Section 2, '116' numbers in the UK are either 'freephone' or 'free to caller' depending on a range of factors. This section sets out our proposed charging arrangements for the 'helpline for victims of crime' and the 'non-emergency medical on-call service' and the reasoning behind the proposals based on the criteria established in the 116 Statement.
- 3.14 We gathered pre-consultation information on the proposed services to help us formulate our proposals. All elements of the assessment below were made in conjunction with the Advisory Committee and have been discussed and agreed with its members.

116006 Helpline for victims of crime

- 3.15 The service description for 116006 is set out in Figure 2 and the general criteria determining whether the number should be 'freephone' or 'free to caller' are set out in Figure 1. This section assesses which of these options we believe to be the most suitable for this number, taking each of the general criteria in turn and considering the Advisory Committee's opinions. We encourage stakeholders to contribute to this evaluation in their consultation responses.
- 3.16 Our assessment of the most appropriate charging arrangement for the 'helpline for victims of crime' service was not straightforward. Recognising that the Commission's reservation of a '116' number involves no associated funding, we sought a balance between protecting the interests of citizens in removing financial barriers to calling and recognising that the financial impact of charging decisions can be prohibitive,

¹⁹ The General Service Conditions attached to the use of '116' numbers are set out in paragraph 2.4.

resulting in no prospect of service provision. Taking the analysis of the three criteria together, we are proposing a ‘freephone’ charging arrangement for the ‘helpline for victims of crime’ service and the full explanation of this is set out below.

Level of social value or need met by the service

- 3.17 In terms of the level of social value associated with the service, and in particular whether the service should be considered of ‘social value’ or ‘extreme social value’, our assessment against this criterion, having taken into account the views of the Advisory Committee, was inconclusive. Our reasons for this position are set out below.
- 3.18 The ‘helpline for victims of crime’ will provide emotional and practical support to individuals who have been affected by crime. As such, the helpline will attract calls on a variety of subject matters, with some callers seeking an opportunity to discuss emotional needs at a time of distress while others will be looking for practical information on action required as a consequence of experiencing a crime.
- 3.19 The value to citizens of being able to call the helpline service may depend on a number of different factors. These include the following, which are further explained in paragraphs 3.20 to 3.23:
- (i) the urgency of placing a call;
 - (ii) whether the citizen has reported the crime to the police (and if so, whether the citizen wants to proactively contact this means of support rather than wait to be contacted by Victim Support – further explained in paragraph 3.21); and
 - (iii) whether the ‘helpline for victim support’ is the preferred means of receiving help out of the different options available from a broad support network.
- 3.20 In considering the likely level of urgency in making the call, it is important to distinguish between an individual’s need to call the police to report a crime and a call to a helpline to receive emotional and/or practical support in the aftermath of a crime. The individual will have an extremely urgent need to call the police immediately after a crime, whereas the helpline provides support anytime after the event. This suggests that the call to the helpline is not necessarily a very urgent call to make.
- 3.21 Citizens who report a crime to the police are provided with information on a variety of support services available to them. In the majority of circumstances, their details are passed to specialist organisations so that they can make contact and offer support. In this process, the national Victim Support organisations²⁰ have special status in providing services to victims of crime (see paragraph 3.32) and the details of most victims who report a crime to the police are passed to the national Victim Support organisation.²¹ Local Victim Support branches will proactively contact victims of crime

²⁰ Victim Support is the national charity for victims and witnesses of crime in England and Wales <http://www.victimsupport.org.uk/>. Victim Support Scotland and Victim Support Northern Ireland provide similar services in their respective nations. These organisations form part of the Victim Support Europe network.

²¹ This service is provided free (although calls to Victim Support are charged for). In England and Wales victims of sexual or domestic crime have to explicitly consent and details of victims of some minor crime are not passed on. In Northern Ireland all details are passed on except when victims explicitly state they do not want this to happen.

and establish the nature of support that individuals require.²² Approximately 90% of individuals that Victim Support helps were contacted directly following an automatic police referral. It is useful to highlight that although Victim Support helps nearly 1.5 million victims of crime each year, only 30,000 calls are made annually by victims of crime to the national 'Victim Supportline'. This suggests that the needs of many victims of crime are, in the first place, met by the proactive contact made by Victim Support rather than the helpline service.

- 3.22 However, this assumption should be considered alongside the British Crime Survey²³ estimation that around 350,000 crimes a year go unreported to the police. Therefore a significant number of victims do not receive information about potential sources of emotional or practical support in a standardised way. There are different reasons why crime is not reported to the police, including fear or distrust created by ongoing domestic crime and/or the prevalent attitude in a particular social or ethnic group. For such citizens, contacting the 'helpline for victims of crime' might be the first step to gaining outside help and receiving the emotional or practical support that they might urgently need.
- 3.23 As mentioned, the 'helpline for victims of crime' would fit into an already well-established and comprehensive support system for individuals who have become the victim of a crime. From discussions with relevant stakeholders, it appears that calling the telephony helpline, while valuable, might not be the central route for victims of crime to obtain support. This need is often satisfied through face-to-face contact at local branches, provision of documentation and onward referral to more specialised helplines. Victim Support estimates that a third of calls to the helpline are referred to other support organisations, with Samaritans singled out as alternative contact on its website.
- 3.24 Taking all this into account, our consideration of the level of social need met by the 'helpline for victims of crime' does not point straightforwardly to the service being of 'social value' or 'extreme social value'.

Likely situation of the caller

- 3.25 Our assessment of the likely situation of the caller, taking into account the views of the Advisory Committee, was that callers could potentially be in a situation that might require increased consumer protection to make the call to the 'helpline for victims of crime' service. Our reasons for this are set out below.
- 3.26 Given the broad range of subject matter covered by calls to the helpline, we concluded that the callers cannot be said to be in one or another 'typical' situation. Callers could find themselves in a broad range of circumstances from situations accompanied by feelings of distress and vulnerability to situations where the caller is in a relatively safe and comfortable state. Victim Support has added that there appears to be no straightforward link between the type of crime experienced by a person and their need for emotional support and therefore crime incidence statistics would not necessarily help us to categorise callers' situations.

²² Victim Support aims to contact all victims of crime to whom it is alerted by the police within two working days of receiving the necessary information from the police; Victim Support Northern Ireland within three working days; and Victim Support Scotland within four working days.

²³ British Crime Survey <http://www.homeoffice.gov.uk/rds/bcs1.html>.

- 3.27 For Ofcom and the Advisory Committee, the most relevant consideration for this criterion is the likelihood of the caller to rely on a mobile phone to call the helpline. Victim Support has stated that only 22% of calls to its Victim Supportline (which uses a 0845 number) originated from a mobile phone in the 2008/9 financial year. This is a surprising low percentage of calls in contrast to Ofcom's estimate that, by mid-2010, more than half of all voice traffic in the UK will be mobile.²⁴ One potential explanation may be the relatively high cost of calling a 0845 number from a mobile and that this may have created a barrier to calling in the same way that a 'freephone' designation might for 116006.
- 3.28 The likelihood that certain callers may have to rely on a mobile phone to call the 'helpline for victims of crime' service is an important consideration when assessing charging options. A call made from a mobile to a 'free to caller' number would always be free, whereas a call made from a mobile to a 'freephone' number may attract a charge. As explained in paragraph 2.19, significant costs can result from ringing a freephone number from a mobile (particularly from pre-pay mobiles). This may act as a deterrent to calling a required service. Those who have no alternative to using a mobile to call are also more likely to be citizens with financial constraints and will be the most concerned over the cost of the call. They may also be citizens that are potentially in most need of making contact with the helpline. Our research indicates that 27% of households classified in the lowest standard socio-economic groups²⁵ belong to mobile-only households. Also, 29% of 15-24 year olds and 21% of 25-34 year olds live in a mobile-only household.²⁶ According to the British Crime Survey, these age groups experience higher levels of crime than other citizens. Designating 116006 as 'freephone' may therefore create a particularly strong barrier for such individuals to access the helpline.
- 3.29 A further factor that may influence the need to use a mobile is that discussions relating to a crime and its effect on an individual are reasonably likely to require privacy and confidentiality, often resulting in a need for mobile phone use and for the number not to appear on an itemised phone bill.
- 3.30 Overall, our assessment of the likely situation of the caller is that some callers might need increased consumer protection to make the call to the 'helpline for victims of crime' service.

Market environment of service provision

- 3.31 Our assessment of the market environment for provision of the 'helplines for victims of crime' service, taking into account the opinion of the Advisory Committee, is that in this case, we should focus on facilitating service provision. Our reasons for this view are set out below.
- 3.32 In considering the current market environment for the service, the most significant point is that the national Victim Support organisations have special status in providing services for victims of crime. Existing legislation in England and Wales, and agreements between the police, the justice system and Victim Support in Scotland and Northern Ireland, mean that these organisations are singled out to follow-up with citizens who report crimes to the police and to provide support. Other services

²⁴ Source: Ofcom *Mostly Mobile* <http://www.ofcom.org.uk/consult/condocs/msa/msa.pdf>.

²⁵ Socio-economic groups D (semi-skilled and unskilled manual workers) and E (casual labourers, pensioners and unemployed).

²⁶ Source: *Ofcom technology tracker, Quarter 4 2009* http://www.ofcom.org.uk/research/stats/tech_Tracker_Q4_2009.pdf.

providing support for victims of crime also exist, however they are typically more specialised (e.g. focussing on a particular type of crime or covering a specific geographic area) and could be seen to complement the service provided by Victim Support.

- 3.33 Under our framework for determining the appropriate charging arrangement for a '116' number, we consider that where there is a single provider of a service or multiple providers of complementary services, our assessment of charging should focus on the social need and caller situation, as well as the likelihood of service providers being able to fund the service under the different options.²⁷ No additional funding is automatically associated with the allocation of a '116' number and therefore service providers need to find a way to cover any additional costs incurred in receiving calls. It is also important to note that the General Service Conditions for '116' numbers set out by the Commission prevent calls being used for any advertisement, marketing or selling; or to follow-up on calls for the future selling of commercial services.
- 3.34 Having considered the likely effect of the two charging arrangements on the potential service providers and carried out initial discussions on the impact with representatives of Victim Support, the Victim and Witness Unit at the Ministry of Justice and the Advisory Committee, we have concluded that a 'free to caller' charging arrangement is likely to be prohibitive for this service and would result in a very real risk that the 116006 number would not be allocated. This would ultimately jeopardise citizens' interests if this socially valuable service was not provided on 116006 due to the financial constraints of the charging arrangement.
- 3.35 Overall, therefore, our assessment of the market environment for service provision raised concerns over the funding feasibility of a 'free to caller' charging arrangement.

Recommendation of the Advisory Committee on 116006

- 3.36 The Advisory Committee recommended that 116006 should be 'freephone'. In summarising its thoughts, the Advisory Committee considered that, in an ideal world, it would be prudent to introduce a 'free to caller' arrangement to ensure that the potential cost of calling from a mobile did not create a barrier to citizens accessing the support they need. However, it concluded that there was not a sufficiently strong case for intervention to ensure that all calls were free for this service. The Advisory Committee acknowledged the bigger risk to citizens' interests of creating a situation where the service was unlikely to be provided due to funding pressures and therefore favoured a 'freephone' arrangement to encourage service provision.

Conclusions on appropriate charging arrangements and impact assessment for 116006

- 3.37 We think that the Advisory Committee's recommendation of 'freephone' is reasonable and, in light of the analysis set out in the preceding paragraphs, agree that the 'freephone' charging arrangement should be put forward for consultation for the 116006 'helpline for victims of crime' number.
- 3.38 As mentioned in the analysis, the assessment of the criteria for determining the most appropriate charging options was not clear-cut. Whereas certain considerations pointed us to 'free to caller', others pointed us to a 'freephone' arrangement.

²⁷ Note that our consideration of particular service providers' ability to fund service provision does not necessarily mean that those service providers will be selected for allocation of a '116' number.

- 3.39 In balancing these factors, we have regard to the advice of the Advisory Committee. The Advisory Committee considered that issues relating to the situation of the caller and the potential cost from mobiles were very important. Nevertheless, of paramount concern was that the service is provided. We have also looked to our own regulatory principles; in particular that we will always seek the least intrusive regulatory mechanisms to achieve our policy objectives and that we operate with a bias against intervention, but with a willingness to intervene firmly, promptly and effectively where required. Taking this into consideration, we do not believe that there is a sufficiently strong case for intervention on setting the absolute tariff at zero for this service, particularly if it is to have a negative impact on service provision.
- 3.40 We recognise that the charging proposal of 'freephone' will have a different impact on different groups of stakeholders.
- 3.41 For consumers, 'freephone' carries the risk that some communication providers will take the commercial decision to charge for calls to 116006 (with the provision of a pre-call announcement). The 'helpline for victims of crime' is the first '116' number that we propose as 'freephone' and therefore we have no experience of communications providers approach on charging for '116' freephone numbers.
- 3.42 Given current trends for charging for mobile access to freephone numbers, there is potential for the 'freephone' designation to result in consumers experiencing high call costs to access the service from a mobile phone, potentially preventing or hindering the call being made due to the actual cost or lack of transparency of the cost. The tariff would be a commercial decision and might match prices charged for some 080 freephone numbers (i.e. typically between 12-25ppm but can be up to 40ppm or more) or have a specific structure for all or each freephone '116' number. Decisions could be applied differently by different communications providers and may result in random charging arrangements for travellers roaming between networks.
- 3.43 On the other hand, mobile providers might take the decision not to charge for calls to some or all '116' numbers regardless of whether Ofcom intervenes on a particular service. This voluntary approach happens currently for some 080 freephone services of high social value and we encourage mobile providers to reflect on the social value of '116' services when considering their approach to call tariff.
- 3.44 Service providers can mitigate the risk that a 'freephone' designation will create a barrier to certain groups of consumers achieving the helpline support that they require by providing a 'call-back' service for individuals using a mobile phone and expressing concern about the call cost. As part of the selection process for the number, we will seek information from potential service providers on their approach to call-back and any other measures they might provide to reduce the cost for callers.
- 3.45 We do not foresee any particular geographical distributional impacts associated with a 'freephone' charging arrangement for 116006 as this would be applicable to all callers across the UK and on the same basis.
- 3.46 The impact of the proposed 'freephone' charging arrangement on potential service providers is to reduce the financial burden of service provision when compared to the 'free to caller' option, although this may still represent an increased funding commitment compared to the charging arrangements for other number ranges.
- 3.47 The regulatory impact on communications providers is reduced with the 'freephone' option as it provides flexibility over their ability to charge customers for calls to the 116006 number.

116117 Non-emergency medical on-call service

- 3.48 The service description for 116117 is set out in Figure 2 and the general criteria determining whether the number should be 'freephone' or 'free to caller' are set out in Figure 1. This section assesses which of these options we believe to be the most suitable for this number, taking each of the general criteria in turn and considering the Advisory Committee's opinions. We encourage stakeholders to contribute to this evaluation in their consultation responses.
- 3.49 Our assessment of the most appropriate charging arrangement for the 'non-emergency medical on-call service', taking all three criteria together, made a clear case for this service to be 'free to caller' due to the reasons set out below.

Level of social value or need met by the service

- 3.50 In terms of the level of social value associated with the service, our assessment against this criterion, having taken into account the views of the Advisory Committee, was that the service was of 'extreme social value'. Our reasons for this view are set out below.
- 3.51 The 'non-emergency medical on-call service' would enable citizens to discuss health concerns and gain appropriate medical assistance at a potential time of urgent need, distress and physical pain. It would form part of an established and comprehensive system catering for citizens' healthcare needs that includes existing telephony helpline services and ranges from face-to-face professional medical advice to provision of online/printed healthcare information. The 116006 telephony service would complement the existing forms of non-emergency medical support with the aim of furthering the well-being of the caller or the well-being of others and would have a high social value for many citizens.
- 3.52 Although the service is designed for non-emergency situations (the preamble to the Amending Decision is clear that in life-threatening situations callers should continue to dial the emergency services on '999' or '112') the call may still meet an extremely urgent need for medical assistance at precisely the time of emotional distress and/or physical discomfort or pain. In some cases callers might be unaware of the seriousness of their condition and it could be vital for their well-being that the call can be made immediately and the requirement for medical assistance properly assessed. As such, it is important that barriers to calling are removed.
- 3.53 Accordingly, we believe that the 'non-emergency medical on-call service' is of 'extreme social value'.

Likely situation of the caller

- 3.54 Our assessment of the likely situation of the caller, taking into account the views of the Advisory Committee, was that a range of caller situations might exist that could lead to a call to a non-emergency medical service. However, in the main, we consider that the caller will be in a situation that requires increased consumer protection to ensure that the call can be made in the most appropriate manner for the reasons set out below.
- 3.55 Citizens requiring medical assistance are likely to be in a situation associated with some level of vulnerability or distress due to the experience of pain, diminished capability, confusion or concern. Callers may also require privacy and confidentiality

to discuss personal medical issues and the use of a mobile may be required to ensure a suitable environment can be found to make the call.

- 3.56 Given the caller's potential feelings of vulnerability or distress when experiencing a health issue, it may be detrimental to their well-being if they are concerned by the financial implications of making the call or confused by a pre-call announcement. Anxiety may be increased if the caller is worried about a potentially high mobile bill or that pre-call credit might exhaust before medical assistance is provided. In addition, there might be concern over confidentiality issues if the number appeared on an itemised bill.
- 3.57 Overall, our assessment of the likely situation is that some callers might need increased consumer protection to make the call to the 'non-emergency medical on-call service'.

Market environment of service provision

- 3.58 Our assessment of the market environment for provision of the 'non-emergency medical on-call service', taking into account the opinion of the Advisory Committee, is that it is particularly relevant that a 'free to caller' non-emergency healthcare service is already planned. The reasons for this view are set out below.
- 3.59 We consider that the current market environment is heavily dominated by the comprehensive non-emergency medical helpline services provided by the National Health Service (NHS) in England, Wales and Scotland. These services provide extensive non-emergency healthcare advice to all citizens 24 hours a day, seven days a week.²⁸ Currently Northern Ireland does not have a similar service.
- 3.60 A range of other helplines providing specialist, localised or membership-based medical assistance exist that could also form partnerships to provide a comprehensive non-emergency medical service on 116117. Some complement the aforementioned national NHS 24-hour health advice services, such as General Practitioner surgeries and hospital Accident & Emergency departments which provide some out-of-hour helpline advice and care on a localised basis.²⁹ Some other medical helpline services potentially compete for calls. However, as previously noted, the General Service Conditions require the service to be open to all citizens without any requirement of prior registration and any commercial activity or follow-up for future selling of commercial services is prohibited. This would make 116117 less appealing to organisations whose funding of service provision relies, at least in part, on call revenue or membership subscriptions.
- 3.61 In considering the market environment and what this suggests in terms of an appropriate charging proposal, we paid special attention to the plans of the Department of Health to roll out '111' as the new number to access non-emergency healthcare advice in England.^{30 31} The services to be provided on '111' will be similar

²⁸ The NHS helplines are provided by NHS Direct in England and NHS Direct Wales in Wales on 0845 4647. In Scotland, the NHS 24 service is provided on 08454 242424.

²⁹ The service description for 116117 makes particular reference to the provision of advice outside normal office hours.

³⁰ For further information on Ofcom's designation of '111' see our statement *A Three-digit Number for Non-Emergency Healthcare Services: Designating number '111'*, published 18 December 2009 http://www.ofcom.org.uk/consult/condocs/three_number_non_emergency/.

³¹ The non-emergency healthcare service to be rolled-out on '111' is a Department of Health-led initiative. The Department's remit extends to England only and the devolved administrations will decide whether to use '111' for a similar service in Wales, Scotland and Northern Ireland respectively.

to those the Commission plans for 116117. As the Department of Health has decided that calls to '111' should be 'free to caller' from all phones, we know that a service provider exists that is able and prepared to fund 'free to caller' provision of non-emergency medical services. It would be logical to link the tariffs for the two similar services in order to limit the potential for consumer confusion. Also, the impact on competing providers of medical helpline services would not be increased as a 'free to caller' service for non-emergency healthcare services is already planned on '111'.³²

- 3.62 Taking the above analysis of the market environment into account, in particular that the 'free to caller' tariff is to be introduced on the '111' non-emergency healthcare service number, we consider that the market context could provide for a 'free to caller' charging arrangement on 116117.

Recommendation of the Advisory Committee

- 3.63 The Advisory Committee recommended that 116117 should be 'free to caller'. In summarising its thoughts, the Advisory Committee considered that the 'non-emergency medical on-call service' would meet an extreme social need and barriers to calling should be removed where possible. Given that there is a potential service provider (in the form of the Department of Health in England) that could fund a 'free to caller' arrangement, the opportunity to further citizens' interests by ensuring that the service was free to call should be taken. The Advisory Committee believed there was a sufficiently strong case for such intervention and therefore favoured a 'free to caller' arrangement.

Conclusions on appropriate charging arrangements and impact assessment for 116117

- 3.64 We think that the Advisory Committee's recommendation of 'free to caller' is reasonable and, in light of the analysis set out the preceding paragraphs, agree that the 'free to caller' charging arrangement should be put forward for consultation for the 116117 'non-emergency medical on-call service'.
- 3.65 The assessment of the criteria for determining the most appropriate charging option for this service was relatively straightforward and Ofcom and the Advisory Committee agreed that, taken together, the three determining factors pointed towards a 'free to caller' outcome.
- 3.66 We recognise that this charging proposal will have a different impact on different groups of stakeholders.
- 3.67 For consumers, the benefits of 'free to caller' for this service are the removal of financial concerns or barriers that might prevent the making of an essential call in the most suitable way and eradicating the potential for confusion or alarm on hearing a pre-call charging announcement. The proposed alignment to the charging arrangement for '111' should also avoid confusion over the cost of calling these non-emergency medical helpline numbers. As such, the 'free to caller' proposal should further the interests of all consumers, which is particularly important for a service considered to be of 'extreme social value'.
- 3.68 We do not foresee any particular geographical distributional impacts associated with a 'free to caller' charging arrangement for 116117 as this would be applicable to all callers across the UK and on the same basis.

³² Note that our consideration of a particular service provider's ability to fund service provision does not necessarily mean that this service provider will be selected for allocation of a '116' number.

- 3.69 In terms of impact on service providers, the ‘free to caller’ designation could limit the number of potential providers able to fund the running of the ‘non-emergency medical on-call service’. Additionally, a ‘free to caller’ charging arrangement for 116117, which would not be guaranteed under regulation for any other non-emergency medical service, could potentially attract calls from other helplines and force them to adjust their business plans. However, we believe that this impact will be low, as the market for providing a comprehensive non-emergency medical service is already overwhelmingly dominated by the NHS and the Department of Health already plans to provide its non-emergency healthcare service on ‘111’ as a ‘free to caller’ service.
- 3.70 A ‘free to caller’ designation implies that the service would be more costly for the selected service provider(s) to fund than the ‘freephone’ option. We have considered the risk of no service providers coming forward to offer the 116117 service under this charging option and we feel that this risk is reduced due to the knowledge of an existing service provider who has already committed to provide a non-emergency medical helpline at the ‘free to caller’ tariff.
- 3.71 The impact of the ‘free to caller’ charging arrangement on communications providers would be greater than for ‘freephone’ as it would represent further regulatory intervention to ensure that all calls to 116117 are free. However, we believe that the ‘extreme social value’ of the service requires that we deliver the free call expected, and potentially required, by the consumer and that intervention is justified.

Proposed charging arrangements for 116006 and 116117

- 3.72 Based on the above analysis, our initial conclusion is that 116006 should be ‘freephone’ and that 116117 should be ‘free to caller’. We propose that the numbers’ service designation in the Numbering Plan includes the charging arrangements as set out below:

116006	‘Freephone’ number used to access ‘helpline for victims of crime’ (‘Type B Access Code’)
116117	‘Free-to caller’ number used to access ‘non-emergency medical on-call service’ (‘Type B Access Code’)

Question 1: Do you agree that 116006 ‘helpline for victims of crime’ should be ‘freephone’? Please give reasons for your views.

Question 2: Do you agree that 116117 ‘non-emergency medical on-call service’ should be ‘free to caller’? Please give reasons for your views.

Legal tests

- 3.73 The statutory procedures governing the modification of the Numbering Plan are set out in Annex 5 of this document.
- 3.74 It is Ofcom’s duty, when proposing a modification to the Numbering Plan, to show how we consider that our proposal complies with the legal tests set out in section 60(2) of the Act. We are satisfied that the proposed modification meets the tests being:

- **objectively justifiable**, because it will make 116006 and 116117 available for allocation in the UK in accordance with the Amending Decision. The proposed requirements and restrictions in relation to the use of 116006 and 116117 are justified in order to achieve pan-European harmonisation of service and, for 116117, to ensure protection of the consumer in terms of the cost of calling a service of extreme social value;
- **not unduly discriminatory**, in that all communications providers are subject to the proposed modification;
- **proportionate**, in that the proposed modification is considered the minimum necessary to ensure that 116006 and 116117 are made available for allocation in the most efficient and effective way possible; that pan-European harmonisation is achieved; that citizens will be able to call the two socially valuable services when necessary by having memorable pan-European numbers; and that we have applied a set of established factors in developing our proposals for the appropriate charging arrangements; and
- **transparent**, in that the reasons for the proposed modification are set out in this consultation document.

3.75 We consider that we are fulfilling our general duty as to telephone number functions as set out in section 63 of the Act by:

- **securing the best use of appropriate numbers**, in that the proposed modification to the Numbering Plan ensures that 116006 and 116117 are available for allocation in line with the requirements of the Amending Decision and that appropriate service conditions, including charging arrangements, are attached to the right of use of the numbers; and
- **encouraging efficiency and innovation**, in that the proposed modification ensures that appropriate numbering resource is available to provide the innovation of pan-European harmonised numbers for 'helpline for victims of crime' and 'non-emergency medical on-call' services.

3.76 We consider that the proposed modification to the Numbering Plan is consistent with our general duties in carrying out our functions as set out in section 3 of the Act. In particular, we consider that the modification furthers the interests of citizens in relation to communications matters by making available for allocation two additional pan-European harmonised numbers for services of social value and ensuring that the cost of calling 116006 and 116117 is appropriate.

3.77 In proposing the modification, we have also considered the Community obligations set out in section 4 of the Act, particularly the requirement to promote the interests of all citizens of the European Union by harmonising the use of 116006 and 116117 with other Member States to promote the interests and well-being of consumers.

3.78 We consider that making the charging arrangements a condition which may be attached to rights of use of 116006 and 116117 meets the tests in Article 6 of the Authorisation Directive and Part C of its annex by being:

- **a designation of service for which the numbers shall be used, including any requirements linked to the provision of those services**, in that the charging arrangements for 116006 and 116117 form part of the numbers' designation in the Numbering Plan and are a fundamental requirement for how

the 'helplines for victims of crime' and 'non-emergency medical on-call' services are to be provided;

- **objectively justifiable**, because the charging arrangements for '116' numbers in the UK are in accordance with the Decision. The requirements and restrictions in relation to the use of '116' numbers are justified in order to achieve pan-European harmonisation of charging and, for 116117, to ensure protection of the consumer in terms of the cost of calling services of extreme social value;
- **not unduly discriminatory**, in that the charging arrangements will be applicable to all communications providers originating calls to 116006 and 116117 and will be a condition attached to the right of use of the numbers for whichever service provider(s) / communications provider partnership is allocated the numbers;
- **proportionate**, in that proposing the charging arrangements as a condition attached to the right of use of 116006 and 116117 is necessary to ensure that the '116' number range is implemented in a way that achieves pan-European harmonisation and that citizens will be able to call socially valuable services when necessary by having barriers to calling removed; and
- **transparent**, in that the framework and effects of proposed charging arrangements and making them designations of '116' numbers in the Numbering Plan were set out in the 116 Statement. The 116 Statement included an explanation of how we considered that the charging arrangements met the legal tests of being objectively justifiable, not unduly discriminatory, proportionate and transparent. The framework of factors for reaching a proposed charging arrangement has been applied to 116006 and 116117 and the reasoning set out in this consultation document.

Notification of proposal to modify the Numbering Plan

3.79 The notification of the proposed modification to the Numbering Plan is set out in Annex 6 of this consultation document. Representations are invited by 18 May 2010.

Question 3: Do you have any specific comments on the proposed modification to the Numbering Plan set out in Annex 6?

Section 4

Next steps

The consultation process

- 4.1 The consultation period will last for six weeks. Having already established the administrative arrangements and charging options for '116' numbers in the UK in our 116 Statement, we consider that the addition of two further numbers, while containing important policy proposals, will be of interest to a limited range of stakeholders who will be aware of the issues. We therefore consider that a six week consultation period is appropriate. The consultation will close at **5pm on Tuesday 18 May 2010**.
- 4.2 Once the consultation period has closed, we will consider the submissions and decide whether to implement or amend our proposals. We will publish a statement explaining our decision and the notification bringing into effect the necessary modifications to the Numbering Plan. We plan to publish the statement in July 2010.
- 4.3 The process and timelines for the next steps detailed below will be affected by the outcome of this consultation and the publication date of the statement.

Comparative selection process for the allocation of 116006 and 116117

- 4.4 Once we have concluded the consultation process for the two new '116' numbers and made them available for allocation via modification of the Numbering Plan, we will be in a position to allocate the numbers to suitable service providers and communications provider partnerships.
- 4.5 On the same day as we publish the statement concluding this consultation, we will also launch the selection process for allocating 116006 and 116117. We will publish guideline documents for each number setting out the application procedure, following the principles set out in Section 4 of the 116 Statement.

Further information on '116' numbers

- 4.6 We maintain a dedicated area on our website for '116' numbers as part of the 'Numbering Policy' section at <http://www.ofcom.org.uk/telecoms/ioi/numbers/116>. This page provides all the relevant information on '116' numbers in the UK, including a register of the allocation status and availability of each '116' number reserved by the Commission. To receive email notification of numbering updates, register at <http://www.ofcom.org.uk/static/subscribe/numbering.htm>.
- 4.7 The Commission provides information on pan-European numbers and services, including the '116' number range, at http://ec.europa.eu/information_society/policy/ecomm/current/pan_european/index_en.htm

Annex 1

Responding to this consultation

How to respond

- A1.1 Ofcom invites written views and comments on the issues raised in this document, to be made **by 5pm on 18 May 2010**.
- A1.2 Ofcom strongly prefers to receive responses using the online web form at http://www.ofcom.org.uk/consult/condocs/harmonised_eu_numbers/, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 3), to indicate whether or not there are confidentiality issues. This response coversheet is incorporated into the online web form questionnaire.
- A1.3 For larger consultation responses - particularly those with supporting charts, tables or other data - please email elizabeth.greenberg@ofcom.org.uk attaching your response in Microsoft Word format, together with a consultation response coversheet.
- A1.4 Responses may alternatively be posted or faxed to the address below, marked with the title of the consultation.
- Elizabeth Greenberg
Floor 4
Competition Group
Riverside House
2A Southwark Bridge Road
London SE1 9HA
- Fax: 020 7783 4163
- A1.5 Note that we do not need a hard copy in addition to an electronic version. Ofcom will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.
- A1.6 It would be helpful if your response could include direct answers to the questions asked in this document, which are listed together at Annex 4. It would also help if you can explain why you hold your views and how Ofcom's proposals would impact on you.

Further information

- A1.7 If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Elizabeth Greenberg on 020 7783 4163.

Confidentiality

- A1.8 We believe it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, www.ofcom.org.uk, ideally on receipt. If you think your response should be kept confidential, can you please specify what part or whether

all of your response should be kept confidential, and specify why. Please also place such parts in a separate annex.

- A1.9 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and will try to respect this. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.10 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's approach on intellectual property rights is explained further on its website at <http://www.ofcom.org.uk/about/accoun/disclaimer/>

Next steps

- A1.11 Following the end of the consultation period, Ofcom intends to publish a statement during July 2010.
- A1.12 Please note that you can register to receive free mail Updates alerting you to the publications of relevant Ofcom documents. For more details please see: http://www.ofcom.org.uk/static/subscribe/select_list.htm

Ofcom's consultation processes

- A1.13 Ofcom seeks to ensure that responding to a consultation is easy as possible. For more information please see our consultation principles in Annex 2.
- A1.14 If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at consult@ofcom.org.uk . We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.15 If you would like to discuss these issues or Ofcom's consultation processes more generally you can alternatively contact Vicki Nash, Director Scotland, who is Ofcom's consultation champion:

Vicki Nash
Ofcom
Sutherland House
149 St. Vincent Street
Glasgow G2 5NW

Tel: 0141 229 7401
Fax: 0141 229 7433

Email vicki.nash@ofcom.org.uk

Annex 2

Ofcom's consultation principles

A2.1 Ofcom has published the following seven principles that it will follow for each public written consultation:

Before the consultation

A2.2 Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. 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

A2.3 We will be clear about who we are consulting, why, on what questions and for how long.

A2.4 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 to give us a written response. If the consultation is complicated, we may provide a shortened Plain English Guide for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

A2.5 We will consult for up to 10 weeks depending on the potential impact of our proposals.³³

A2.6 A person within Ofcom will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. Ofcom's 'Consultation Champion' will also be the main person to contact with views on the way we run our consultations.

A2.7 If we are not able to follow one of these principles, we will explain why.

After the consultation

A2.8 We think it is important for everyone interested in an issue to see the views of others during a consultation. We would usually publish all the responses we have received on our website. In our statement, we will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

³³ This consultation will last for six weeks. As we have established the administrative arrangements and charging options for '116' numbers in the UK in our 116 Statement, we consider that the addition of two further numbers, while containing important policy proposals, will be of interest to a limited range of stakeholders who will be aware of the issues. In accordance with our [consultation guidelines](#), we have made this a 'Category 2' consultation, which has a time period of six weeks.

Annex 3

Consultation response cover sheet

- A3.1 In the interests of transparency and good regulatory practice, we will publish all consultation responses in full on our website, www.ofcom.org.uk.
- A3.2 We have produced a coversheet for responses (see below) and would be very grateful if you could send one with your response (this is incorporated into the online web form if you respond in this way). This will speed up our processing of responses, and help to maintain confidentiality where appropriate.
- A3.3 The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their coversheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A3.4 We strongly prefer to receive responses via the online web form which incorporates the coversheet. If you are responding via email, post or fax you can download an electronic copy of this coversheet in Word or RTF format from the 'Consultations' section of our website at www.ofcom.org.uk/consult/.
- A3.5 Please put any parts of your response you consider should be kept confidential in a separate annex to your response and include your reasons why this part of your response should not be published. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your cover sheet only, so that we don't have to edit your response.

Cover sheet for response to an Ofcom consultation

BASIC DETAILS	
Consultation title: Harmonised European numbers for services of social value	
To (Ofcom contact): Elizabeth Greenberg	
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 <input type="checkbox"/>	Name/contact details/job title <input type="checkbox"/>
Whole response <input type="checkbox"/>	Organisation <input type="checkbox"/>
Part of the response <input type="checkbox"/>	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. <input type="checkbox"/>	
Name	Signed (if hard copy)

Annex 4

Consultation questions

A4.1 Questions from section 3: Inclusion of 116006 and 116117 in the Numbering Plan – specific proposals and impact assessment

Question 1: Do you agree that 116006 ‘helpline for victims of crime’ should be ‘freephone’? Please give reasons for your views.

Question 2: Do you agree that 116117 ‘non-emergency medical on-call service’ should be ‘free to caller’? Please give reasons for your views.

Question 3: Do you have any specific comments on the proposed modifications to the Numbering Plan set out in Annex 6?

Annex 5

Legal framework

The legal framework

A5.1 Ofcom regulates the communications sector under the framework established by the Communications Act 2003 ('the Act'). The Act provides, amongst other things in relation to numbering, for the publication of the National Telephone Numbering Plan ('the Numbering Plan'). It also sets out statutory procedures governing the modification of the Numbering Plan.

The Numbering Plan

A5.2 Section 56(1) of the Act states that:

"It shall be the duty of OFCOM to publish a document (to be known as 'the National Telephone Numbering Plan') setting out -

a) the numbers that they have determined to be available for allocation by them as telephone numbers;

b) such restrictions as they consider appropriate on the adoption of numbers available for allocation in accordance with the plan; and

c) such restrictions as they consider appropriate on the other uses to which numbers available for allocation in accordance with the plan may be put."

A5.3 The Act provides for Ofcom to review and revise the Numbering Plan. Section 56(2) states that:

"It shall be OFCOM's duty -

a) from time to time to review the National Telephone Numbering Plan; and

b) to make any modification of that plan that they think fit in consequence of such a review;

but this duty must be performed in compliance with the requirements, so far as applicable, of section 60."

A5.4 Section 60 of the Act provides for the modification of documents referred to in the Numbering Conditions (which includes the Numbering Plan) and explains the procedures to be followed in order to conduct this process. Section 60(2) of the Act sets out the following test for revising or modifying the relevant provisions:

"OFCOM must not revise or otherwise modify the relevant provisions unless they are satisfied that the revision or modification is—

(a) objectively justifiable in relation to the matters to which it relates;

- (b) not such as to discriminate unduly against particular persons or against a particular description of persons;
- (c) proportionate to what the modification is intended to achieve; and
- (d) in relation to what it is intended to achieve, transparent”.

A5.5 Section 60(3) further provides that:

”Before revising or otherwise modifying the relevant provisions, OFCOM must publish a notification -

- a) stating that they are proposing to do so;
- b) specifying the Plan and other document that they are proposing to revise or modify;
- c) setting out the effect of their proposed revisions or modifications;
- d) giving their reasons for making the proposal; and
- e) specifying the period within which representations may be made to OFCOM about their proposal.”

A5.6 Section 60(5) states that:

“Ofcom may give effect, with or without modifications, to a proposal with respect to which they have published a notification under subsection (3) only if –

- (a) they have considered every representation about the proposal that is made to them within the period specified in the notification; and
- (b) they have had regard to every international obligation of the United Kingdom (if any) which has been notified to them for the purposes of this paragraph by the Secretary of State.”

Conditions attached to the right of use of numbers

A5.7 Article 6 of the Authorisation Directive and Part C of its Annex set out the type of conditions which may be attached to the right of use of telephone numbers. As set out in Article 6:

“The general authorisation for the provision of electronic communications networks or services and the rights of use for radio frequencies and rights of use for numbers may be subject only to the conditions listed respectively in parts A, B and C of the Annex. Such conditions shall be objectively justified in relation to the network or service concerned, non-discriminatory, proportionate and transparent.”

A5.8 Part C of the Annex sets out conditions that may be attached to the rights of use for numbers, including:

“Designation of service for which the number shall be used, including any requirements linked to the provision of that service”; and

“Any commitments which the undertaking obtaining the usage right has made in the course of a competitive or comparative selection procedure.”

Ofcom’s general duty as to telephone numbering functions

A5.9 Ofcom has a general duty under section 63(1) of the Act in carrying out its numbering functions:

“a) to secure that what appears to them to be the best use is made of the numbers that are appropriate for use as telephone numbers; and

b) to encourage efficiency and innovation for that purpose.”

General duties of Ofcom

A5.10 The principal duty of Ofcom to be observed in the carrying out of its functions is set out in section 3(1) of the Act as the duty:

“a) to further the interests of citizens in relation to communications matters; and

b) to further the interests of consumers in relevant markets, where appropriate by promoting competition.”

Duties for the purpose of fulfilling Community obligations

A5.11 In addition to our general duties and our duty regarding telephone numbers, Ofcom must also take into account the six Community requirements in carrying out its functions as set out in section 4 of the Act. These include the requirement to promote competition in the provision of electronic communications networks and services, as well as the requirement to promote the interests of European citizens.

Annex 6

Proposed modification to the provisions of the Numbering Plan under section 60(3) of the Act

1. Ofcom, in accordance with section 60 of the Act, hereby makes the following proposals for a modification to the provisions of the Numbering Plan.
2. The Condition has effect by reference to provisions of the Numbering Plan.
3. The draft modification to the Numbering Plan is set out in the Schedule to this Notification.
4. The reasons for making the proposal and the effect of the modification are set out in the accompanying consultation document.
5. Ofcom considers that the proposed modification complies with the requirements in section 60(2) of the Act.
6. In making the proposals referred to above Ofcom have considered and acted in accordance with the six Community requirements in section 4 of the Act as well as performed their general duties under section 3 of the Act and their duty as to telephone numbering in section 63 of the Act.
7. Representations may be made to Ofcom about the proposal by **5pm on 18 May 2010**.
8. Copies of the Notification have been made available to the Secretary of State.
9. In this Notification-
 - 'Act' means the Communications Act 2003;
 - 'Condition' means General Condition 17 of the General Conditions of Entitlement set by the Director by way of publication of a Notification on 22 July 2003;
 - 'Ofcom' means the Office of Communications; and
 - 'Numbering Plan' means the National Telephone Numbering Plan published from time to time by Ofcom.

Signed by

Daniel Gordon
Competition Policy Director

A person authorised by Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2002.

6 April 2010

Draft Schedule

A. The following text shall be inserted numerically in the Numbering Plan under Part A1: Public Telephone Network Numbers:–

116006	Freephone Number used to access 'helpline for victims of crime' service ('Type B Access Code')
116117	Free-to-caller Number used to access 'Non-emergency medical on-call' service ('Type B Access Code')

B. The following text shall be inserted numerically in the Numbering Plan under Part B3.7.2 Specific conditions attached to the right of use for individual 116 numbers:-

Number	Service for which this number is reserved	Specific conditions attached to the right of use for this number
116006	<p><u>Name of service:</u> Helplines for victims of crime</p> <p><u>Description:</u> The service enables victims of crime to get emotional support in such circumstances, to be informed about their rights and about ways to claim their rights, and to be referred to the relevant organisation. In particular, it provides information about (a) local police and criminal justice proceedings, (b) possibilities of compensation and insurance matters. It also provides support in finding other sources of help relevant to the victims of crimes.</p>	Where the service is not continuously available (i.e. 24 hours a day, 7 days a week, nation-wide), the service provider must ensure that information about availability is made publicly available in an easily accessible form, and that, during periods of unavailability, callers to the service are advised when the service will next become available.
116117	<p><u>Name of service:</u> Non-emergency medical on-call service</p> <p><u>Description:</u> The service directs callers to the medical assistance appropriate to their needs, which are urgent but non-life threatening, especially, but not exclusively, outside normal office hours, over the weekend and on public holidays. It connects the caller to a skilled and supported call-handler, or connects the caller directly to a qualified medical practitioner or clinician</p>	Where the service is not continuously available (i.e. 24 hours a day, 7 days a week, nation-wide), the service provider must ensure that information about availability is made publicly available in an easily accessible form, and that, during periods of unavailability, callers to the service are advised when the service will next become available.