
Quick, easy and reliable switching

Statement on changes to the General Conditions

STATEMENT:

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1. Overview

People should be able to switch telecoms provider easily, to take advantage of the range of services available. Easier switching allows people to shop around with confidence to find the best price and service for their needs. Difficulties in the switching process can put people off moving providers. Effective switching is also important to support competitive investment in, and take-up of, faster and more reliable broadband.

In September 2021, we confirmed our decisions to require providers to develop and operate a new ‘One Touch Switch’ process for all residential customers who switch landline and broadband services and to remove the existing Notification of Transfer process,¹ and consulted on changes to our General Conditions needed to implement these decisions. We also proposed some limited changes to the information mobile providers must give residential customers when they want to switch.

What we have decided – in brief

Easier landline and broadband switching

We are making changes to our rules to implement our decision that all residential customers can use a single process (One Touch Switch) to move providers, regardless of who their provider is or the technology or network their provider uses. This new process will replace the existing arrangements from 3 April 2023.

Removing the Notification of Transfer process

We are removing the existing rules relating to Notification of Transfer, in order to implement our decision to remove this switching process. Residential customers who would currently use Notification of Transfer will use One Touch Switch when it is launched.

Better information for mobile switchers

We are making changes to our rules to implement our decision that mobile customers using the Auto-Switch process receive additional information when they switch. This will include any bundled services and specific services for disabled customers.

The above changes to the GCs will come into effect on 3 April 2023.

In this document, we set out the responses we received to our proposals and the changes we have decided to make. We have also published our final notification of the changes we are making to our General Conditions.

Next steps

Industry has already started to work to design the details of the One Touch Switch process ahead of the implementation deadline. The changes to the GCs will come into effect on 3 April 2023.

¹ Some customers switching landline and broadband services currently use this process to move providers on the Openreach and KCOM networks.

2. Background

- 2.1 Customers need to be able to switch telecoms providers easily so that they can take advantage of competition in communications markets. Easier switching allows people to shop around with confidence to find the best price and service for their needs, whereas difficulties in the switching process can put people off moving providers. Effective switching is also important to support future competitive investment in, and take-up of, faster and more reliable broadband.
- 2.2 Ensuring customers can switch easily is a long-standing priority for Ofcom in light of our duties (set out in the legal framework section below), and we have previously put in place a number of reforms to help achieve this. Simpler switching remains a strategic priority for Ofcom as set out in our plan of work for 2021/22.² The goal of having a smooth switching process is also part of our Fairness for Customers work programme and aligns with the Fairness Commitments, in particular the pledge by signatories to ensure that customers who are leaving do not face additional barriers or hassle compared to those who are signing up to new services.³
- 2.3 As part of our recent work to implement the European Electronic Communications Code (EECC) (see below), we put in place new General Conditions (GCs) for providers of fixed voice and broadband, and mobile services.⁴ We decided in our October 2020 Statement (see below) that the switching related GCs would come into force in December 2022.⁵
- 2.4 These new GCs require, among other things, that residential and business customers can switch their fixed voice and broadband services using a process led by the gaining provider regardless of the network or technology their existing provider uses.⁶
- 2.5 We also chose to exercise our powers to specify the switching process for residential customers and asked industry to work together to develop a new gaining provider led switching process that can be used by residential customers who want to switch fixed voice and broadband services, and which would comply with the EECC requirements.⁷ In February 2021 we consulted on our preferred option, One Touch Switch.
- 2.6 In September 2021, we published a statement and consultation⁸ (the September 2021 Statement and Consultation) setting out our decision that industry must develop and

² Ofcom, March 2021. [Plan of work 2021/22](#), paragraph 3.17.

³ In June 2019 Ofcom published [a number of voluntary commitments](#). The aim of these is to help ensure people are always treated fairly by their provider. The signatories are BT, EE, Giffgaff, O2 (now Virgin Media O2), Plusnet, Post Office, Sky, TalkTalk, Tesco Mobile, Three, Virgin Media (now Virgin Media O2) and Vodafone. Further information is provided on our [Fairness for Customers website](#).

⁴ In this document, we use “voice and broadband” to cover: voice only, broadband only, and voice and broadband combined.

⁵ Ofcom, October 2020. [Fair treatment and easier switching for broadband and mobile customers: Implementation of the new European Electronic Communications Code](#) (October 2020 Statement), paragraph 9.194.

⁶ For example, a switch between Virgin Media and a provider using the Openreach network or another network (where a choice is available).

⁷ In this document, where we refer to ‘customers’, we mean residential customers only, unless we state otherwise.

⁸ Ofcom, September 2021. [Quick, easy and reliable switching](#) (September 2021 Statement and Consultation).

operate a new ‘One Touch Switch’ process for all residential customers who switch landline and broadband services, and that losing mobile providers must provide their customers with information about the impact of their switch. The consultation element of that document proposed changes to the GCs which were needed to give effect to these decisions. We proposed that these changes should come into force on 3 April 2023.

- 2.7 In this document, we set out our decision on the changes to our GCs, which will come into effect on 3 April 2023. This follows our consideration of the responses we received to our September 2021 Consultation.
- 2.8 This section sets out the background to this statement and the legal framework.

Implementing the European Electronic Communications Code

- 2.9 The EECC is an EU Directive which updated the EU regulatory framework for electronic communications.⁹ It entered into force on 20 December 2018 and EU Member States had until 21 December 2020 to transpose it into national law. The ‘End User Rights’ chapter, set out at Title III of Part III of the EECC, contains a package of measures to protect end-users of internet access services (IAS) and number-based interpersonal communications services (NBICS). Article 106 of the EECC addresses the switching and porting of these services.
- 2.10 The UK left the EU on 31 January 2020, with a transition period until 31 December 2020. During the transition period, the UK remained under an obligation to implement EU directives into domestic law. This included the EECC.
- 2.11 In July 2020, the UK Government stated that Ofcom should proceed to implement the customer protections in the EECC, including those related to switching, in full.¹⁰

Switching requirements of the EECC

- 2.12 The EECC sets high-level protections to enable customers to make an informed choice and to change providers when it is in their best interest to do so unhindered by legal, technical or practical obstacles including contractual conditions, procedures and charges.¹¹
- 2.13 It emphasises that the possibility of switching between providers is important for effective competition. The availability of transparent, accurate and timely information on switching

⁹ [Directive \(EU\) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code \(Recast\)](#)

¹⁰ DCMS, July 2020. [Government response to the public consultation on implementing the European Electronic Communications Code](#). As part of transposing the EECC into UK law, the Government made the Electronic Communications and Wireless Telegraphy (Amendment) (European Electronic Communications Code and EU Exit) Regulations 2020. These made amendments to the Communications Act 2003 (the Act), with effect from 21 December 2020. These include certain changes to implement the end-user rights provisions, such as introducing a new express power for Ofcom to impose GCs relating to ‘bundled contracts’ and new definitions of ‘bundle’ and ‘electronic communications service’. The new definition of ‘bundle’ makes it clear that in addition to voice and broadband services, a bundle includes digital services such as email and cloud storage; content services, such as TV or video on demand content or music streaming services; and terminal equipment.

¹¹ Recital 273, EECC.

should increase customers' confidence in switching and make them more willing to engage actively in the competitive process.¹²

- 2.14 To achieve these objectives, the EECC envisages switching and porting as a "one-stop shop" and a seamless experience for end-users,¹³ with Article 106 requiring that the processes must:
- a) be gaining provider led;
 - b) be efficient and simple;
 - c) be carried out in the shortest possible time on a date and within the timeframe agreed with the end-user;
 - d) ensure continuity of service, unless technically not feasible;
 - e) ensure loss of service is no greater than one working day;
 - f) allow end-users to port their number for at least a month after termination;
 - g) include automatic termination of the end-user's contract with the losing provider;
 - h) involve no cost for the end-user to port their number;
 - i) ensure that end-users are adequately informed and protected;
 - j) ensure that switching and porting is only carried out with explicit consent; and
 - k) ensure end-users are compensated when things go wrong.
- 2.15 In addition to these requirements, Article 106(6) confirms that national regulatory authorities can establish the details of the switching and porting processes, taking into account national provisions on contracts, technical feasibility and the need to maintain continuity of service for end-users.

New switching rules

- 2.16 In October 2020, we published our policy statement on implementing the customer protections in the EECC (October 2020 Statement). We published a statement concerning changes to the General Conditions of Entitlement (GCs) on 17 December 2020 (December 2020 Statement).¹⁴ To implement Articles 106 and 107, of the EECC, we introduced new requirements in the GCs relating to:
- Switching – where a customer changes their provider.
 - Porting – where a customer keeps their phone number when they change provider.

¹² Recitals 277-283, EECC.

¹³ Recital 281, EECC.

¹⁴ Ofcom, December 2020, [Implementing the new European Electronic Communications Code: Changes to the General Conditions, Metering and Billing Direction and the National Telephone Numbering Plan](#).

- 2.17 We refer to these requirements throughout this document as the new switching rules.¹⁵ They apply to all switches (both residential and business customers) and to the switching of IAS or NBICS, or both (which encompasses both fixed and mobile services).
- 2.18 The new switching rules cover:
- a) maintaining switching processes;
 - b) the process being gaining provider led;
 - c) timing and date of a switch;
 - d) continuity of service;
 - e) responsibilities of third party providers;
 - f) information;
 - g) refunds;
 - h) porting;
 - i) compensation; and
 - j) consent.¹⁶
- 2.19 As required by Article 107 of the EECC, a subset of the new switching rules apply to bundles.¹⁷ These relate to:
- a) ensuring that all switching processes are simple and efficient;
 - b) ensuring that switching is carried out within the shortest possible time on the date and within the timeframe agreed with the end-user;
 - c) ensuring that there is continuity of service, where technically feasible, and that loss of service during the switching process does not exceed one working day;
 - d) requiring the losing provider to continue to supply the end-user on the same terms until they are notified that the new service is active; and
 - e) providing adequate information before and during the switching process.
- 2.20 We also put in place rules that apply to residential customers only (in relation to both fixed and mobile services), covering: information from gaining and losing providers and how it should be provided; maintaining records of sale and consent to switch; a prohibition of notice period charges; and a timeframe for paying compensation for missed appointments or delays to the switch.¹⁸

¹⁵ In this document, all references to the GCs use the numbering of the 3 April 2023 version of the GCs as set out in Annex 3, except where otherwise stated.

¹⁶ October 2020 Statement, paragraphs 9.21-9.68 and 9.78-9.185.

¹⁷ October 2020 Statement, paragraph 9.11.

¹⁸ October 2020 Statement, respectively at paragraphs 9.59-9.61, 9.71-9.75, 9.131-9.133, 9.177-9.179.

- 2.21 We decided in our October 2020 Statement that providers would have to comply with the new switching rules by 19 December 2022.¹⁹ In setting this implementation date, we took into consideration providers' concerns regarding the changes needed to implement the requirements, particularly the development of a new switching process for fixed voice and broadband services.²⁰

New switching process and changes to Auto-Switch information requirements

- 2.22 In July 2019, we asked industry to work together²¹ to develop a new gaining provider led switching process that can be used by residential customers who want to switch fixed voice and broadband services, and which would comply with the EECC requirements.²² Our intention was for industry to collectively agree on a new switching process without the need for Ofcom to exercise its powers to mandate such a process. Our focus on residential customers was a reflection of the additional protections we considered residential customers would need, compared to business customers.
- 2.23 Industry was unable to reach consensus and proposed two options for a fixed voice and broadband switching process, One Touch Switch and Code to Switch. In February 2021 we set out our assessment of these two processes and consulted on our proposal to require providers to develop and implement our preferred option, One Touch Switch.²³
- 2.24 At the same time, we proposed to make limited changes to information requirements in the Auto-Switch rules for residential mobile customers, to give full effect to our new information and consent rules, ensure greater consistency in the information fixed and mobile switchers receive, and provide protections for customers using additional support services.
- 2.25 In September 2021, we published a statement and consultation (the September 2021 Statement and Consultation) setting out our decision that industry must develop and implement the One Touch Switch process, and that losing mobile providers must provide their customers with information about the impact of their switch.²⁴
- 2.26 We received responses to that consultation from 11 organisations and six individuals and have published all non-confidential responses on our website.²⁵

¹⁹ October 2020 Statement, paragraph 9.194.

²⁰ As we set out in sections 3, 4 and 5, we have now decided to require providers to comply with the new switching rules by 3 April 2023.

²¹ We also asked the OTA to establish and coordinate this process.

²² Ofcom, 31 July 2019. [Letter to industry: fixed switching and porting process group](#), and Ofcom, 5 July 2019. [Letter to the OTA: switching and porting](#). We subsequently provided clarification to the OTA (in October 2019) regarding the scope of the process we expected them to develop. In particular that: it should address switching provider of the services within scope of the new switching rules at the same location (and hence does not need to incorporate home moves); and should focus on residential customers' services only rather than businesses customers' services.

²³ Ofcom, February 2021. [Quick, easy and reliable switching](#) (February 2021 Consultation).

²⁴ For further detail on the One Touch Switch process, see Figure 2.1 and Table 2.2 in the September 2021 Statement and Consultation.

²⁵ [September 2021 Statement and Consultation](#) – listed as 'response to further consultation'.

This statement

- 2.27 In this Statement, we set out our decision on changes to the GCs to implement our policy decisions in our September 2021 Statement and Consultation. The rest of this document is set out as follows:
- Section 3 sets out our decision on the changes we are making to GC C7 to implement the One Touch Switch process and the removal of the Notification of Transfer rules, and addresses other stakeholder comments about our policy decision to impose One Touch Switch.
 - Section 4 sets out our decision on the changes we are making to the Auto-Switch GCs within GC C7 regarding the information losing providers must send to mobile customers when they want to switch, and new guidance on multi-factor authentication relating to Auto-Switch.²⁶
 - Section 5 sets out our decision on the other changes we are making to GC C7, including to the home-moves and ‘other migrations’ requirements and definitions used in GC C7.
- 2.28 Separately we are publishing five annexes:
- Annex 2: Notification modifying General Condition C7.
 - Annex 3: Revised General Conditions (unofficial consolidated version) 3 April 2023.
 - Annex 4: Amendments to General Condition C7 and definitions.
 - Annex 5: Guidance on multi-factor authentication relating to Auto-Switch.
 - Annex 6: Guidance on compensation related to switching and porting.²⁷

Legal framework

- 2.29 We set out below our domestic powers and duties that are relevant to the decisions set out in this statement.

Our general duties

- 2.30 The Communications Act 2003 (“the Act”) places a number of duties on us that we must fulfil when exercising the regulatory powers and functions we have been given. Section 3(1) of the Act states that it shall be our principal duty, in carrying out our functions:
- a) to further the interests of citizens in relation to communication matters; and
 - b) to further the interests of consumers in relevant markets, where appropriate by promoting competition.²⁸
- 2.31 In performing our duties under section 3(1) of the Act, we are required to have regard to the principles under which regulatory activities should be transparent, accountable,

²⁶ This guidance relates to GC C7.28 in the [17 June 2022 version of the GCs](#).

²⁷ For more information on this guidance, see footnote 112.

²⁸ ‘Consumer’ is defined in section 405(5) of the Act and includes people acting in their personal capacity or for the purposes of, or in connection with, a business.

proportionate, consistent and targeted only at cases in which action is needed, as well as any other principles appearing to us to represent best regulatory practice (section 3(3) of the Act).

- 2.32 Section 3(4) of the Act provides that we must have regard, in performing our duties, to a number of matters, as they appear to us to be relevant in the circumstances, including the desirability of promoting competition in relevant markets; the desirability of encouraging investment and innovation in relevant markets; the needs of persons with disabilities, of the elderly and of those on low incomes; the opinions of consumers in relevant markets and of members of the public generally; and the extent to which, in the circumstances of the case, the furthering or securing of the matters mentioned in section 3(1) is reasonably practicable.
- 2.33 In addition, section 3(5) of the Act requires that, when performing our duty to further the interests of consumers, we must have regard, in particular, to the interests of those consumers in respect of choice, price, quality of service and value for money.
- 2.34 As required by section 2B(2)(a) of the Act, we have also had regard to the UK Government's Statement of Strategic Priorities for telecommunications, management of radio spectrum and postal services.²⁹

Powers and duties in relation to general conditions

- 2.35 Section 45 of the Act says that we may set general conditions which contain provisions authorised or required by one or more of sections 51, 52, 57, 58 or 64. Under section 51(1)(a), we may set general conditions making such provisions as we consider appropriate for the purpose of protecting the interests of end-users of public electronic communications services.
- 2.36 Section 51(2) sets out a non-exhaustive list of the specific types of general conditions that we may set in pursuance of this purpose. This includes:
- section 51(2)(a), which gives Ofcom the power to set conditions relating to the supply, provision or making available of goods, services or facilities in association with the provision of public electronic communications services;
 - section 51(2)(b), which gives Ofcom the power to set conditions to provide protection for end-users that is the same as, or similar to, any protection that was required by Title III of Part III of the EECC immediately before the end of the transition period;
 - section 51(2)(c), which gives Ofcom the power to set conditions to specify requirements in relation to the provision of services to disabled end-users;
 - section 51(2)(h), which gives Ofcom the power to set conditions to ensure that conditions and procedures for the termination of a contract do not act as a disincentive to an end-user changing communications provider; and

²⁹ <https://www.legislation.gov.uk/ukpga/2003/21/section/2B>

- section 51(2)(i), which gives Ofcom the power to set conditions specifying requirements in relation to arrangements that enable an end-user to change communications provider on request.
- 2.37 Section 47(2) of the Act governs the circumstances in which we can set or modify a general condition. It states that a condition can be set or modified where it is objectively justifiable in relation to the networks, services, facilities, apparatus or directories to which it relates, not such as to discriminate unduly against particular persons or against a particular description of persons, proportionate to what the condition or modification is intended to achieve, and transparent in relation to what it is intended to achieve.³⁰
- 2.38 Section 4(2) of the Act requires Ofcom to act in accordance with six requirements described when carrying out certain functions, including those in relation to setting or modifying general conditions as set out above. These requirements include:
- to promote competition in the provision of electronic communications services;
 - to promote the interests of all members of the public in the United Kingdom; and
 - to promote connectivity and access to very high capacity networks by members of the public and businesses in the United Kingdom.

Impact assessment

- 2.39 Our February 2021 Consultation and September 2021 Statement and Consultation constitutes an impact assessment for the purposes of section 7 of the Act. Impact assessments provide a valuable way of assessing the options for regulation and showing why the chosen option was preferred. They form part of best practice policymaking. This is reflected in section 7 of the Act, which means that, generally, we have to carry out impact assessments in cases where our conclusions would be likely to have a significant effect on businesses or the general public, or where there is a major change in Ofcom's activities. As a matter of policy, Ofcom is committed to carrying out impact assessments in relation to the great majority of our policy decisions. As set out in section 7(5) of the Act, Ofcom has discretion as to the substance and form of an impact assessment, and this will depend on the particular proposals and/or decisions being made.

Equality impact assessment

- 2.40 We have given careful consideration to whether our changes to fixed and mobile switching will have a particular impact on persons sharing protected characteristics (race, age, disability, sex, sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnership and religion or belief), and in particular whether they may discriminate against such persons or impact on equality of opportunity or good relations. This assessment helps us comply with our duties under the Equality Act 2010 and the Northern Ireland Act 1998.

³⁰ Section 47(3) states that the setting of a general condition is not subject to the test of being objectively justifiable, although we are likely to consider this in any event when assessing whether the condition is proportionate.

- 2.41 We do not envisage that our decision would have a detrimental impact on any particular group of people. Moreover, we consider that our changes to the information requirements under the mobile Auto-Switch process will have positive impacts for disabled customers and help promote equivalent access and choice for those customers.

Implementation of One Touch Switch

- 2.42 In our September 2021 Statement and Consultation, we noted that industry would need to start work immediately to meet our implementation deadline and that, as a first step, it needs to establish governance arrangements so that important decisions can be made. We said that the Office of the Telecoms Adjudicator (OTA) is best placed to kick-start appropriate discussions, including on the establishment of an interim governance arrangement, but that industry remained free to pursue alternative options for managing the implementation process.³¹
- 2.43 Since that publication, the OTA has convened several industry meetings resulting in the establishment of an industry OTS Steering Group in December 2021. This OTS Steering Group is formed of members drawn from different sectors of the telecoms industry, including a wide range of retailers (some serving businesses as well as residential customers), infrastructure providers, wholesale providers, vertically integrated operators and trade associations. The OTS Steering Group is now developing a formal governance structure and driving forward the implementation process.
- 2.44 The OTA has also formed an industry Technical Group to oversee the development of a process design for One Touch Switch as well as convene focus groups to examine particular issues in more detail. These include business-focused sessions to consider the implications of One Touch Switch for business telecoms providers, at the request of the industry, as well as sessions to consider the interactions between One Touch Switch and number porting. The draft OTS Process Design is expected to be signed off and published early this year.
- 2.45 It is ultimately for industry to deliver One Touch Switch on time and to ensure it complies with the relevant GCs. Nevertheless, Ofcom attends meetings of the OTS Steering Group in an observer capacity and we have set out our expectations that the implementation of One Touch Switch be transparent and consultative and that the outcome must be a One Touch Switch process developed on a fair, reasonable and non-discriminatory basis.³²

³¹ September 2021 Statement and Consultation, page 6.

³² Ofcom, 21 December 2021. [Letter to the OTA regarding OTS implementation](#).

3. One Touch Switch GCs

- 3.1 In this section, we set out our decision on the changes to the GCs that we proposed in the September 2021 Statement and Consultation for the implementation of the One Touch Switch process and the removal of Notification of Transfer rules.
- 3.2 Specifically, this section covers GCs changes relating to the following areas:
 - The scope of One Touch Switch;
 - Conditions One Touch Switch must meet;
 - Obligations on providers in relation to the provision of information to the customer;
 - Removal of the Notification of Transfer rules; and
 - Implications for providers of complying with the new switching rules and the One Touch Switch rules.
- 3.3 We also address comments from stakeholders on issues that did not relate to the proposed changes to the GCs.
- 3.4 Following our consideration of the stakeholder responses to our proposals, we have decided to proceed in full with imposing the One Touch Switch GCs and other consequential changes as proposed in our September 2021 Statement and Consultation. This means that the legal rules are now in place such that, from 3 April 2023, providers will be required to enable all residential customers to use the One Touch Switch process to switch their fixed communications services.

Scope of One Touch Switch

Our September proposals

- 3.5 In the September 2021 Statement and Consultation, our decision was to require providers to develop and operate the One Touch Switch process for all fixed voice and broadband services, regardless of the technology or network the provider uses.³³
- 3.6 By way of implementation in the GCs, we proposed that the One Touch Switch rules should apply to providers of IAS or NBICS or both which are provided to residential customers at a fixed location. Our proposal meant that such services that are delivered to a fixed location, including those delivered via mobile broadband, fixed wireless and satellite technologies, would be in scope of the One Touch Switch rules. We proposed a new definition, ‘Fixed Communications Service’, which captured the services to which the One Touch Switch rules apply.
- 3.7 We proposed that the One Touch Switch rules should apply to providers when switching a customer’s fixed voice and broadband service at the same location and at the request of the customer. They would not cover circumstances in which a customer switches provider and changes location at the same time (these are covered by our home-moves

³³ September 2021 Statement and Consultation, Section 5.

requirements) nor provider-initiated migrations (e.g. providers migrating their customers from copper to full-fibre broadband).³⁴ We proposed a new definition, ‘Fixed Switching Customer’, which captured the customers whom providers must allow to use the One Touch Switch process.

Consultation responses

IAS and NBICS provided at a fixed location

- 3.8 Sky asked us to clarify if home broadband services delivered via a mobile data SIM connection would be included in the scope of One Touch Switch. It argued that these services would not fall within our proposed definition of a ‘fixed location’ because they can be moved to any location by relocating the router.³⁵
- 3.9 Vodafone called for greater consideration in relation to our proposal to include Mobile Broadband and FWA (Fixed Wireless Access) services in scope of One Touch Switch. It said it was unclear what process a customer would be required to use to switch (i.e. One Touch Switch or Auto-Switch) if they purchased a SIM only package which they subsequently inserted into a router.³⁶
- 3.10 Twilio noted that there was a difference between the One Touch Switch rules, which apply to providers providing ‘Fixed Communications Services’ and the home-moves rules, which apply “to residential customers who are changing their provider of Fixed Line Telecommunications and DSL Broadband Services.” It noted that over-the-top (OTT) services where no access is provided may be captured by the One Touch Switch rules and suggested that we should replace the reference to NBICS with a reference to ‘Fixed Line Telecommunications Services’ or qualify that only NBICS “provided along with a provided access mechanism at a fixed location” are included.³⁷

Pay TV

- 3.11 BT, Openreach and TalkTalk raised concerns about the exclusion of Pay TV from the scope of One Touch Switch rules.³⁸
- 3.12 BT and Openreach argued that excluding Pay TV services and triple play customers³⁹ from the scope of One Touch Switch undermines our policy objectives for fixed switching as customers would need to contact their losing provider in order to cancel or switch their Pay TV service, which would give the losing provider an opportunity to conduct save activity.⁴⁰ BT also argued that our policy objectives are further undermined by our proposed requirement for the losing provider to tell customers how to switch all services in

³⁴ February 2021 Consultation, paragraph 2.43 (footnote 40); October 2020 Statement, paragraph 9.2 (footnote 350).

³⁵ [Sky](#), Response to September 2021 Statement and Consultation, pages 1-2

³⁶ [Vodafone](#), Response to September 2021 Statement and Consultation, page 1.

³⁷ [Twilio](#), Response to September 2021 Statement and Consultation, paragraphs 3.3-3.9.

³⁸ [BT](#), paragraphs 2.17-2.23; [Openreach](#), paragraphs 11-14; [TalkTalk](#), page 4. Responses to September 2021 Statement and Consultation.

³⁹ Customers who take voice, broadband and Pay TV in a bundle from their provider.

⁴⁰ [BT](#), paragraphs 2.19-2.23; Openreach, paragraphs 11-14. Responses to September 2021 Statement and Consultation.

their bundle (including Pay TV).⁴¹ Both BT and Openreach said that we should therefore extend the One Touch Switch requirements to include bundles where Pay TV is bundled with an IAS or NBICS.⁴²

- 3.13 TalkTalk said that we should provide guidance on switching bundled Pay TV services to ensure the process is compliant with the requirement for providers to maintain simple and efficient switching processes (GC C7.4(a)). It also argued that if industry is unable to agree on including the switching of bundles in One Touch Switch, we should consult on how this should be done.⁴³

Our assessment

IAS and NBICS provided at a fixed location

- 3.14 Our approach to determining the services to which the One Touch Switch rules apply takes into account the fact that all residential customers who use IAS and/or NBICS should be able to switch these services using a regulated process, regardless of the underlying technology used to provide the service. By not specifying the technologies to which the rules apply, and therefore taking into account the fact that technologies used to provide IAS and/or NBICS may change in future, our definition ensures that the scope of One Touch Switch is future-proofed as far as possible.
- 3.15 The One Touch Switch rules apply to all providers of ‘Fixed Communications Services’. A ‘Fixed Communications Service’ is any IAS or NBICS which is provided at a fixed location. As noted in the September 2021 Statement and Consultation, this includes some services delivered via mobile broadband where they are used at a fixed location.⁴⁴
- 3.16 When providers are considering whether their IAS or NBICS is provided at a fixed location (and would therefore fall in scope of One Touch Switch), they should take into account whether the service uses a geographic number. As a general approach, a service that uses a geographic number which is not a mobile service would fall in scope of One Touch Switch.⁴⁵
- 3.17 In addition, providers should take into account whether these services are marketed and/or likely to be seen by potential customers as primarily being for use at a fixed location. Services that are capable of being used while in motion (and are marketed and/or likely to be seen by customers as primarily being used in this way) are more likely to fall within the scope of Auto-Switch. This is because mobile communications services (i.e. the

⁴¹ BT, Response to September 2021 Statement and Consultation, paragraphs 2.18-2.23.

⁴² BT, paragraph 2.23; Openreach, paragraphs 11-14. Responses to September 2021 Statement and Consultation.

⁴³ TalkTalk, Response to September 2021 Statement and Consultation, page 4.

⁴⁴ September 2021 Statement and Consultation, paragraph 7.16.

⁴⁵ Geographic number is as defined in the [National Telephone Numbering Plan](#) (17 December 2021): a Public Communications Network Number: (i) that is Adopted or otherwise used for routing calls to the physical location of the Network Termination Point of the Subscriber to whom the Telephone Number has been assigned; and (ii) the initial digits of which comprise a Geographic Area Code from Appendix A of the National Telephone Numbering Plan.

services that a customer can switch using the Auto-Switch process) are defined as services capable of being used while in motion.

- 3.18 In response to Sky's comment, we note that several major mobile providers market broadband services to customers in a way that suggests they are intended to be used in the same way as services delivered over a fixed broadband network. For example, EE's mobile broadband service is called '4GEE Home',⁴⁶ while the equivalent service sold by Three is called 'Home Broadband'.⁴⁷ Such services would be within scope of One Touch Switch. While it may be the case that services such as EE's 4GEE Home and Three's Home Broadband can be moved to and used in different locations, this does not necessarily mean that they are capable of being used while in motion.
- 3.19 Another example of services that would be in scope of One Touch Switch would be voice services that, in addition to being provided at a fixed location, offer a functionality (for example via a mobile app) that enables customers to use them on the move. In our view, it seems likely that customers who choose these services will be using them at a fixed location, consistent with the way they are marketed.
- 3.20 It is for providers to determine whether their services are within the scope of One Touch Switch and we do not intend at this point to provide exhaustive guidance on different services. We have set out in the preceding paragraphs the approach we will generally take to determining whether a service is in scope of One Touch Switch and expect providers to take this into account in determining whether the One Touch Switch rules apply. In all cases providers should be mindful that the new switching rules, for example in relation to porting, will apply.
- 3.21 In response to Twilio, and as set out in the September 2021 Statement and Consultation, the proposed scope of the One Touch Switch rules differs from that of the home-moves and 'other migrations' rules to reflect our earlier decision that switches that take place at the same time as a home-move are not required to be in scope of One Touch Switch.⁴⁸ We therefore proposed to retain the scope of the home-moves and 'other migrations' rules in the current GCs, while at the same time proposing a new definition of 'Fixed Communications Services' to which the One Touch Switch rules would apply.
- 3.22 We do not think it is necessary to amend our definition of 'Fixed Communications Service' as suggested by Twilio, as this would not reflect our policy decisions as set out in the September 2021 Statement and Consultation. As discussed above, our intention is that the scope of One Touch Switch is future-proofed as far as possible. In our view, this is achieved by not specifying in the definition of 'Fixed Communications Services' the technology to which the rules apply, including whether there is an access component.
- 3.23 In addition, while it is for providers to determine whether their services fall within this definition, CPaaS (Communications Platform as a Service) services are very likely to be used

⁴⁶ EE, [4G Home Router](#), accessed 11 January 2022.

⁴⁷ Three, [Home Broadband](#), accessed 11 January 2022.

⁴⁸ September 2021 Statement and Consultation, paragraph 7.154.

by businesses, rather than residential customers. As discussed below, providers are not required to use One Touch Switch for business switches.

Pay TV

- 3.24 As noted in our September 2021 Statement and Consultation, Pay TV has not been part of the work to develop a new fixed switching process from the outset. As explained in Section 2 of the September 2021 Statement and Consultation and above (see paragraph 2.22), we originally asked industry to develop a new switching process for residential customers of fixed voice and broadband services in line with the EECC requirements. We subsequently provided clarification that the process should address switching provider of the services within scope of the new switching rules (i.e. IAS and NBICS) at the same location.⁴⁹
- 3.25 In response to BT and Openreach's argument that excluding Pay TV from One Touch Switch undermines our policy objectives for fixed switching, we note that providers remain subject to the requirements of the new switching rules in relation to bundles, which may include Pay TV. This includes the requirement to ensure that all switching processes are simple and efficient.⁵⁰
- 3.26 In response to TalkTalk's suggestion that we should set out specific guidance for industry on how to comply with the requirement to maintain simple and efficient switching processes for switching bundles where Pay TV is bundled with an IAS or NBICS, we do not consider it necessary to provide such guidance at this time but will keep this under review.
- 3.27 It is for providers to ensure that they comply with our requirements, including the requirement to ensure that the process for switching bundles including Pay TV is simple and efficient. As noted in our September 2021 Statement and Consultation,⁵¹ the industry may choose to fulfil this requirement by bringing Pay TV switches within the scope of One Touch Switch.

Our decision

- 3.28 We have decided to proceed with our September proposals to require that providers must follow the One Touch Switch rules when a residential customer (of either the losing or gaining provider) requests to switch an IAS or NBICS (or both) provided at a fixed location, where that switch does not involve a change in location.
- 3.29 These requirements are set out in the scope provisions, GC C7.1(d) to (g) and the new definitions 'Fixed Communications Service' and 'Fixed Switching Customer'.

⁴⁹ September 2021 Statement and Consultation, paragraph 2.32 (footnote 30).

⁵⁰ GC C7.4(a).

⁵¹ September 2021 Statement and Consultation, paragraph 4.14.

Conditions One Touch Switch must meet

Our September proposals

- 3.30 We proposed to require providers of voice and broadband services to residential customers at a fixed location to maintain a switching process which meets a number of conditions. In particular, we said that the switching process, known as One Touch Switch, must:
- a) comply with providers' obligations under the new switching rules;
 - b) be maintained in accordance with any applicable industry processes as agreed by the relevant industry forum;
 - c) be a single process;
 - d) be available for use free of charge;
 - e) not require certain actions from the customer, in particular:
 - i. contacting the losing provider to start the process;
 - ii. getting consent from the losing provider; or
 - iii. taking any other steps required by the losing provider.
- 3.31 We did not propose to specify all elements of the One Touch Switch process in detail through the GCs, as we wanted to allow industry the flexibility to design the process in a customer-friendly and efficient way. We also recognised that industry would need to do further work to develop the operational details of the One Touch Switch process and we would expect such details would be agreed and documented during implementation of the process.
- 3.32 We also proposed to include explanatory text above the One Touch Switch rules to aid with navigation of the requirements.

Consultation responses

- 3.33 We did not receive any comments on these proposals.

Our assessment and decision

Comply with obligations under the new switching rules, be maintained with any applicable industry process, be a single process

- 3.34 Providers will need to comply with the One Touch Switch rules in addition to their obligations under the new switching rules. Taken together, these rules specify all the consumer protection requirements that need to be taken into account in industry's design of the operational details of the One Touch Switch process. For clarity, we have included a

reference to the new switching rules in the obligation to maintain the One Touch Switch process.⁵²

- 3.35 Providers will be required to maintain the One Touch Switch process in accordance with any applicable industry agreed processes. This reflects that many details of how the process operates in practice will be contained in industry agreements, and once these agreements are in place it is important that providers follow them. We expect industry to ensure that these agreements support a process that is consistent with One Touch Switch as described and discussed in our September 2021 Statement and Consultation.
- 3.36 To meet their obligations, providers must maintain a single fixed switching process for residential customers. Our policy objective of ensuring that customers can switch their fixed voice and broadband services using an effective and efficient process that complies with our new switching rules and does not create unnecessary difficulties or deterrents would not be met by a sub-set of providers developing a separate process, or by providers developing a separate process for a sub-set of customers. We expect providers to work together to develop and operate one unified process for all customers and services within the scope of the One Touch Switch rules.
- 3.37 As outlined in Section 2 above, with the help of the OTA, industry is already working together constructively to develop a detailed process design for One Touch Switch and an appropriate governance structure.

Free of charge fixed switching process

- 3.38 Providers will be prevented from levying a charge on a customer to make use of the One Touch Switch process. Such a charge may discourage customers from switching.
- 3.39 While we note that providers are under a general obligation to ensure that conditions or procedures for contract termination do not act as a disincentive to changing provider under GC C1.8, for the avoidance of doubt, we consider it necessary to specifically prohibit providers from charging customers for use of the One Touch Switch process in GC C7, in addition to the general requirement set out in GC C1.

Actions that cannot be required of the customer

- 3.40 As noted in the September 2021 Statement and Consultation,⁵³ one key feature of the One Touch Switch proposal is that the customer does not have to contact their losing provider in order to switch their services. Therefore, providers will be prohibited from requiring certain actions from the customer, in particular from:
- contacting the losing provider to start the process;
 - getting consent from the losing provider; or
 - taking any other steps required by the losing provider.

⁵² See GC C7.18.

⁵³ September 2021 Statement and Consultation, paragraph 4.120.

- 3.41 While this requirement will ensure that customers are not required to engage with the losing provider to switch, it should not stop them from discussing their existing service or the implications of switching on their service with their losing provider. Customers will still be free to contact their losing provider about their switch if they wish or need to do so (for example, because the matching process has failed).⁵⁴
- 3.42 In summary, we have decided to proceed with our September proposals to require that the fixed switching process for residential customers, i.e. One Touch Switch, must meet a number of conditions.
- 3.43 These requirements are set out in GCs C7.18-C7.20.

Obligations on providers in relation to the provision of information to the customer

Our September proposals

- 3.44 In addition to the requirements discussed above, we proposed a sequence of obligations that gaining and losing providers must follow in order to ensure that information is provided to the customer about their switch. In particular, we proposed obligations on:
- gaining providers to request the losing provider make the switching information available to the customer;
 - losing providers to make the switching information available via the quickest method, unless the customer requests an alternative method;
 - losing providers to inform the gaining provider how the information is made available to the customer, and on gaining providers to point out to the customer that the information has been made available and how, and its importance;
 - gaining and losing providers to cooperate to ensure customers receive the switching information quickly;
 - gaining providers to provide contract information; and
 - losing providers to provide switching information, including on the identity of the gaining provider and any steps needed to switch bundled services.
- 3.45 Our proposed obligations largely reflected the original One Touch Switch process as envisaged by industry. However, we proposed a change to the way in which a customer requests and is provided with switching information.
- 3.46 The One Touch Switch process as proposed by industry specified that the Hub would send the losing provider's switching information directly to the customer using the contact

⁵⁴ For more information about the matching process, see September 2021 Statement and Consultation, Section 2, Table 2.2, Step 1.

details provided by the losing provider, but also to the details provided by the gaining provider, if these are different.

- 3.47 We understood that the aim of this proposal was to ensure that the switching information was provided to the customer quickly and this step did not disrupt the sales process, given the customer would know where to access it.
- 3.48 However, as noted in the September 2021 Statement and Consultation,⁵⁵ allowing a customer to provide new contact details for receiving their losing provider switching information could risk customer information being sent to a person other than the authorised customer.
- 3.49 We therefore proposed to amend the process from that proposed by industry, by not requiring that a losing provider send the switching information to contact details provided to the gaining provider.
- 3.50 We recognised that removing this element of the process risks slowing down the switching process for some customers, and considered three options to address this:
- Allowing the switching information to be sent to any of the customer's contact details that are already registered with the losing provider;
 - Allowing the customer to specify to the gaining provider the method only (e.g. post, email) via which they wish to receive the switching information from the losing provider (the gaining provider would then pass this information on to the losing provider in the way envisaged by industry, instead of the actual contact details); or
 - Requiring the losing provider to send the information by the quickest means (unless the customer has requested otherwise) and to notify the gaining provider of the method by which the switching information has been sent so they can tell the customer.
- 3.51 Option c) was our preferred option and this was reflected in the proposed GCs.

Consultation responses

- 3.52 We received comments on two of our proposals (b and f in paragraph 3.44 above). These comments, and our response, are set out below.

Obligation on losing providers to make the switching information available via the quickest method

- 3.53 TalkTalk disagreed with our proposed change to the way in which customers request and are provided with switching information. It argued that not enabling the customer to give contact details to the gaining provider could disrupt the switching process and necessitate the customer contacting their losing provider, which could give the losing provider an

⁵⁵ September 2021 Statement and Consultation, paragraph 4.199.

opportunity for unwanted save activity. It noted that there could be several reasons why the losing provider might not hold a valid email address for the customer.⁵⁶

- 3.54 TalkTalk also argued that we had overstated the risk that customer information could be sent to someone other than the authorised customer. It argued that industry should be able to find a “reasonable mechanism” to correct invalid emails without the customer having to pause the switching process, for example, matching the email provided to the gaining provider by the customer with that held by their losing provider.⁵⁷
- 3.55 A number of respondents agreed with our proposed changes to the process.⁵⁸ In particular, BT and Sky agreed that there is a risk that switching information could be provided to someone other than the authorised customer or someone who the customer has not authorised to act on their behalf.⁵⁹

Obligation on the losing provider to provide switching information, including on the identity of the gaining provider and the steps needed to switch bundled services

- 3.56 BT and Openreach disagreed with our proposal to require providers to inform customers about how to switch other elements of their bundle.⁶⁰ BT said that because Pay TV is not included in One Touch Switch, triple play customers will need to contact their losing provider to cancel their Pay TV services. It argued that if the losing provider is required to inform the customer how to switch their Pay TV services, this would lead to confusion among customers about whether or not they needed to contact their losing provider in order to switch. It said that we should limit the requirement to only bundled mobile services, or to services that can be switched with a gaining provider led switching process.⁶¹
- 3.57 Openreach also said that if a customer is required to contact their losing provider to cease a service provided as part of a bundle, this could provide an opportunity for save activity by the losing provider, which could extend to all elements of the bundle.⁶²

Our assessment

Obligation on gaining providers to request that the losing provider make the switching information available to the customer

- 3.58 The gaining provider must ask the losing provider to make the switching information (as set out in GC C7.25) available to the customer. This will ensure that there is a mechanism for the customer to receive the switching information from their losing provider, given they will not have contact with the losing provider during the switching process.

⁵⁶ TalkTalk, Response to September 2021 Statement and Consultation, pages 1-3.

⁵⁷ TalkTalk, Response to September 2021 Statement and Consultation, page 3.

⁵⁸ BT, paragraphs 2.13-2.14; [Citizens Advice Scotland \(CAS\)](#), page 2; Sky, page 1; [Virgin Media 02](#), paragraphs 3-5. Responses to September 2021 Statement and Consultation.

⁵⁹ BT, paragraph 2.13; Sky, page 1. Responses to September 2021 Statement and Consultation.

⁶⁰ BT, paragraphs 2.17-2.23; Openreach, paragraphs 10-14. Responses to September 2021 Statement and Consultation.

⁶¹ BT, Response to September 2021 Statement and Consultation, paragraphs 2.17-2.23.

⁶² Openreach, Response to September 2021 Statement and Consultation, paragraph 11.

Obligation on losing providers to make the switching information available via the quickest method

- 3.59 As noted above, we are changing the way in which a customer requests and is provided with switching information from that originally envisaged by industry.
- 3.60 Losing providers will be required to ensure they make available the switching information as set out by GC C7.25 promptly, in accordance with agreed industry processes and via the quickest communication method available unless the customer requests an alternative method.
- 3.61 This will ensure that losing providers are under a general obligation to respond to requests from gaining providers to provide information to the customers quickly. Where a provider has choice of communication methods, they should choose the quickest. The only circumstance where they should choose a method that is not the quickest is where a customer has previously requested that they are communicated with via another means. This is because it is important that the customer can retain control over how they receive information about their services.
- 3.62 These requirements should reduce the need for customers to contact their losing provider to determine where the information has been sent, would ensure that there would not be a conflict with any instruction the customer has previously given to the losing provider about how to communicate with them and would remove the potential for the customer to request the information to be sent via a method for which the losing provider does not hold any details.
- 3.63 In addition, and as discussed below (see paragraphs 3.69-3.71), being informed about the means by which the losing provider switching information has been sent to them should help to ensure that the customer knows where to look for the information, and therefore be able to access it quickly and make an informed decision about whether to proceed with their switch.
- 3.64 The industry will need to develop the Hub to record the provision of switching information from the losing provider to the customer. The reference to acting in accordance with agreed industry processes in GC C7.18 will support the use of such a system once developed and require losing providers to follow the necessary steps in relation to recording the provision of switching information.
- 3.65 We consider these GCs reflect our policy objective to ensure that customers can switch their fixed services using an effective and efficient process while also enabling customers who have a preference to choose a different communication method.
- 3.66 In response to TalkTalk, and as noted in the September 2021 Statement and Consultation,⁶³ we accept that there will be some cases where customers need to contact their losing provider to update their contact details because the losing provider holds incorrect information. However, we expect that the number of cases where the losing provider holds

⁶³ September 2021 Statement and Consultation, paragraph 7.55.

incorrect or invalid contact details will be low, as providers have an incentive to hold accurate details for their customers, including so they can fulfil the contract information requirements in GC C1 (for example, the requirement to send an end-of-contract notification and annual best tariff notifications).

- 3.67 These requirements⁶⁴ do not prevent industry from designing a mechanism to correct invalid email addresses, as suggested by TalkTalk. In doing so providers would need to comply with the relevant GCs and their data protection obligations.
- 3.68 TalkTalk also noted their concern about losing providers engaging in unwanted save activity when a customer gets in touch with them to update their contact details in order to receive their switching information. Our expectation is that providers do not engage in unwanted save activity in this scenario. We also point providers to their obligations under GC C1.8 to ensure that conditions or procedures for contract termination do not act as disincentives for customers to switch their provider.

Obligations on the losing provider to tell the gaining provider how the information has been made available and on gaining providers to point out the information has been made available and how, and its importance

- 3.69 To complement the obligation on the losing provider as discussed above at paragraphs 3.59-3.68, losing providers will be required to inform the gaining provider of the means by which the switching information has been made available to the customer, and the gaining provider must also tell the customer that this information has been made available and how, and expressly draw the customer's attention to the importance of the information.
- 3.70 This will ensure that, whichever method of communication the losing provider uses to send the information, the customer will be told where to find it by the gaining provider. This forms part of a series of steps that will ensure the customer quickly understands where to find the information and that it is important for them to read it.
- 3.71 Given the customer will not have engaged with the losing provider, there is a risk that the customer will not know that the information is available, or not read it, before they proceed with the switch if the gaining provider does not highlight its availability and importance. These requirements will help to ensure that customers are adequately informed throughout the switching process and can give their express consent to a switch.

Obligation on gaining providers to co-operate with losing providers to ensure customers get the switching information quickly

- 3.72 To ensure providers work together to ensure the customer can access their switching information quickly, there will be a supporting cooperation requirement on gaining providers in relation to providing information.

⁶⁴ For the losing provider to provide the switching information to the customer via the quickest method (unless the customer has requested otherwise) and on a durable medium (GC C7.25(a)), and (discussed further in paragraphs 3.69-3.71) to tell the gaining provider how the information has been made available (GC C7.25(b)).

- 3.73 Specifically, gaining providers must co-operate with losing providers to ensure the information referred to in GC C7.23 is made available promptly and in accordance with any applicable industry agreed processes.
- 3.74 This will complement the obligations on the losing provider to make the information available promptly and via the quickest available means. Similarly, the reference to acting in accordance with agreed industry processes will support the development and use of the Hub to record the provision of switching information and require gaining providers to follow the necessary steps in relation to recording the provision of switching information via the Hub.

Obligation on gaining providers to provide contract information

- 3.75 We have decided to set an obligation in the One Touch Switch GCs on gaining providers to provide the information listed in GC C7.11 to the customer as part of the contract information and summary they must also provide under GC C1.3.
- 3.76 Providers will already be under an obligation to provide this information to all residential customers switching voice and broadband services (both fixed and mobile). We are including this obligation as part of the One Touch Switch process for the avoidance of doubt. This ensures that the One Touch Switch rules cover all the specific steps related to the provision of information that apply to switches of fixed services. We consider it is particularly important to make clear the steps providers need to take as part of ensuring they have the customer's express consent to switch.

Obligation on the losing provider to provide switching information, including on the identity of the gaining provider and the steps needed to switch bundled services

- 3.77 In complying with the information provision obligations, losing providers must make available the information specified by the new switching rules (GC C7.12). In addition, losing providers must confirm the identity of the gaining provider and, where the customer has other services bundled with their voice and broadband service, inform the customer of any steps they need to take to transfer those bundled services. In particular, for customers with a bundled mobile service, providers should explain the steps the customer needs to take to switch that service under the Auto-Switch process.
- 3.78 In order to comply with the new switching rules, losing providers must ensure that the information is accurate, provided in clear, comprehensible and neutral terms, and on a durable medium. While providers will already be under an obligation to provide the information in this manner, we are including this requirement in the One Touch Switch process for the avoidance of doubt.
- 3.79 Providing additional information on the identity of the gaining provider forms part of the One Touch Switch process as originally proposed by industry,⁶⁵ and will act as a safeguard

⁶⁵ See Option Y, August 2020. [Gaining Provider Led Switching – the Option Y proposal](#), page 8.

against slamming and the risk that a customer could be switched to the wrong gaining provider.

- 3.80 In response to BT, we disagree that losing providers should not have to tell customers how to switch all elements of their bundle, including Pay TV, because this would confuse customers or undermine our policy objectives.
- 3.81 This requirement is important to ensure that customers know how to navigate the different processes needed to switch all services in their bundle, if they wish to do so. In our view, it is likely to be more confusing for customers not to be told how to switch the Pay TV element of their bundle.
- 3.82 Without this information at this point in the switching process, customers may think that their Pay TV service will be switched alongside their voice and broadband services, which could lead to them keeping their TV service with that particular provider for longer than they want to because they have not been made aware how to cancel or switch it. In addition, absent this requirement, the losing provider may not have an incentive to make this information clear to the customer.
- 3.83 We also disagree with BT that our proposal is inconsistent with our expectations of providers set out in the consultation with regard to contacting their losing provider. Our expectations relate to fixed broadband and voice services (i.e. the services that customers must be able to switch using One Touch Switch), and not other services such as Pay TV. For services that cannot be switched using One Touch Switch, we acknowledge that contact with the losing provider in order to switch or cancel may be necessary.
- 3.84 We also note that providers remain subject to the requirements of the new switching rules in relation to bundles, which include Pay TV. These rules include the requirement to ensure that all switching processes are simple and efficient (GC C7.4(a)).
- 3.85 As set out above, there will also be a requirement for providers to inform the customer about the steps they need to take to switch any other element(s) of their bundle, such as mobile services. This will ensure that customers with bundled services receive similar information about how to switch the other element(s) of their bundle irrespective of which service, and which switching process, they choose first.
- 3.86 For simplicity and consistency, customers will receive these additional pieces of information (i.e. the identity of the gaining provider, and the steps they need to take to switch any bundled services) alongside and in the same way as the other switching information. This will ensure customers receive all the information they need to be adequately informed at the same time.

Our decision

- 3.87 We have decided to proceed with our September proposals to place a number of obligations on losing and gaining providers in relation to the provision of information to the customer. These requirements are set out in GCs C7.21 – C7.27.

Removal of the Notification of Transfer rules

Our September proposal

3.88 As set out in Section 5 of the September 2021 Statement and Consultation, we decided to remove the Notification of Transfer process as this will be replaced by One Touch Switch. We therefore proposed to remove the Notification of Transfer rules and related provisions in the GCs.

Consultation responses

3.89 BT agreed with our proposal to remove the Notification of Transfer rules for all switches other than home-moves, but noted that this would mean that business customers would no longer have a switching process, as small businesses are currently able to use the Notification of Transfer process.⁶⁶

Our assessment

3.90 The new switching rules (for example, the requirement that the switching process is led by the gaining provider) apply to all relevant providers, including those providing services to business customers. As such, providers must have a process for business switches which complies with all of the relevant new switching rules, but, unlike for residential switches, we have not specified what this process must be.

3.91 Providers may choose to fulfil these requirements by participating in One Touch Switch for business switches in addition to residential switches.

3.92 We discuss this further in paragraphs 3.122-3.132 below.

Our decision

3.93 We have decided to proceed with our September proposals to remove the Notification of Transfer rules and related provisions, namely:

- The Notification of Transfer rules themselves (GCs C7.18-C7.29);
- GC C7.14(a), as this provision is no longer relevant following the removal of the Notification of Transfer rules; and
- Annex 1 to Condition C7, which contained further detail on specific Notification of Transfer rules.

3.94 GC references in the above paragraph are to the 19 December 2022 version of the GCs.

⁶⁶ BT, Response to September 2021 Statement and Consultation, paragraphs 1.7-1.9.

Implications for providers of complying with new switching rules and the One Touch Switch rules

Our September provisional views on the implications for providers

- 3.95 In the September 2021 Statement and Consultation, we explained that the need to comply with the new switching rules and the proposed One Touch Switch rules (the latter in accordance with any applicable industry agreed processes) would have a number of implications for how providers can meet their obligations. In that document we set out our provisional views and expectations on:
- co-operation between providers;
 - enabling customers to use the One Touch Switch process;
 - consent;
 - ensuring the customer is informed about how One Touch Switch works;
 - the matching process; and
 - the Hub.

Consultation responses

- 3.96 We did not receive any comments on this analysis.

Our confirmed views on the implications for providers

- 3.97 Below, we set out the implications for providers of complying with the new switching rules and the One Touch Switch rules.

Cooperation between providers

- 3.98 The new switching rules GC C7.4(b) and (c) confirmed in December 2020 requires providers to:
- cooperate in good faith and take all necessary steps within their control to complete the switch in accordance with GCs C7 and B3 and any applicable industry agreed processes; and
 - not delay or abuse the switching process.
- 3.99 In addition, GC C7.18 requires that in complying with the new switching rules, providers must maintain the One Touch Switch process in accordance with any applicable industry agreed processes.
- 3.100 Therefore, once industry has agreed the operational details of the process, providers will be obliged to follow those documented agreements and cooperate to operate the process.
- 3.101 In considering whether a provider was meeting these obligations, we would likely take into account any documented process agreements. Where a provider was not following the processes as described, we would be more likely to consider that they were not compliant.

Enabling customers to use the One Touch Switch process

- 3.102 Our decision to require the use of a single process in combination with the new switching rules ensures that both losing and gaining providers are under an obligation to facilitate the use of One Touch Switch by any residential customer who wishes to switch their fixed voice or broadband service.
- 3.103 New switching rule GC C7.5(b) requires gaining providers to allow any customer to make use of the process they maintain in accordance with their obligations under GC C7.
- 3.104 Therefore, we do not consider that a gaining provider would be complying with their obligations if they sought to provide new services to a customer without making use of the One Touch Switch process where it is applicable, nor would a losing provider be compliant if they sought to cancel a switching customer's services without highlighting the availability of One Touch Switch to them (see GC C7.18) and allowing them to use it if they wanted to.

Consent

- 3.105 The One Touch Switch rules do not contain specific requirements relating to consent, as this is addressed by the new switching rules confirmed in December 2020. Specifically, GC C7.9 requires that the gaining provider take all reasonable steps to ensure that:
- it does not switch a customer's services without the customer's express consent; and
 - the customer who requests the switch is authorised to do so and intends to enter into the contract.
- 3.106 Express consent means the express agreement of the customer obtained in such a manner which has enabled the customer to make an informed choice (see the definition of 'Express Consent' in the GCs). As noted in our October 2020 Statement, the decision on the part of a customer to switch services involves both:
- a decision to accept a contract for new services with a gaining provider; and
 - a decision to cancel a contract for services with the losing provider.
- 3.107 It follows that in order for a customer to make an informed choice about whether to switch their services, and therefore to be in a position to give their express consent to a switch, the customer needs to have been given information about both:
- the new services they are taking with the gaining provider; and
 - the consequences of their decision to cancel their services with the losing provider.⁶⁷
- 3.108 Given the obligations in GC C7.9 and the new obligations on the gaining provider in GCs C7.21-C7.24, we consider that in order to ensure they do not switch customers without their express consent, a gaining provider must take the following steps:
- a) request that the losing provider make the switching information available to the customer;

⁶⁷ October 2020 Statement, paragraph 9.182-9.183.

- b) notify the customer that the switching information has been made available and how it has been made available;
 - c) expressly draw the customer's attention to the importance of the information; and
 - d) provide contract information in accordance with GCs C7.11 and C1.
- 3.109 Gaining providers should also ensure customers are adequately informed before and during the switch (see below).

Ensuring the customer is informed about how One Touch Switch works

- 3.110 New switching rule GC C7.10(a) requires that both gaining and losing providers take all reasonable steps to ensure that customers are adequately informed before and during the switch. New switching rule GC C7.10(b) requires that providers provide guidance on the switching process.
- 3.111 There are several elements of the One Touch Switch process that providers should inform customers about and include in the guidance they have to provide pursuant to GC C7.10(b). We set out our expectations of what this guidance should include below.
- 3.112 Providers should include in their guidance that customers do not need to cancel their contract with their losing provider, that the gaining provider will coordinate the ceasing of their existing service(s) and that there should not be any service charges from the losing provider after the switch. Providers should also make clear that the losing provider switching information will tell customers what will happen to any services they have bundled with their voice and broadband services.
- 3.113 This information should therefore help to ensure that customers, including those with bundles, understand how the One Touch Switch process works and what steps they need (and do not need) to take in order to switch.

Matching process

- 3.114 An important part of the One Touch Switch process is the matching process. This relies on there being a mechanism in place to match the details the customer supplies to the gaining provider to the customer's details in the losing provider's records.⁶⁸
- 3.115 In order to comply with the One Touch Switch rules, providers will need to develop an effective matching process as part of the design and implementation phase. We expect providers to ensure, when designing the operational details of the process, that the matching process minimises the risk of matching failing on the first attempt. This will be important in reducing the need for customers to provide additional information, in order to make the switching process as quick and easy as possible.
- 3.116 We recognise that it is possible that some matching failures will occur. Where these do happen, we also expect there to be a system in place to resolve these in a timely manner.

⁶⁸ September 2021 Statement and Consultation, Section 2, Table 2.2, Step 1.

The Hub

- 3.117 Development and operation of the Hub will be central to the success of the One Touch Switch process. Industry is best placed to determine and agree upon its development and operation in order to comply with their obligations.
- 3.118 In particular, we expect industry to agree on the nature of the information to be passed between the Hub and providers, the relevant response times and the systems and processes providers need to have in place in order to be able to respond to the Hub to ensure a quick and easy process for customers.
- 3.119 Providers' obligations to cooperate to complete the switching process and follow any applicable industry agreements include cooperating with respect to the operation of the Hub. Where the process is not working as expected because of a provider's failure to interact with the Hub as set out in the applicable industry agreements, we would likely consider that they are not compliant with the relevant obligations, including GC C7.18.
- 3.120 Providers will need to develop the Hub to be compliant with their obligations under data protection legislation. GC C7.19 is not intended to prevent the losing provider taking any steps necessary to comply with its data protection obligations in order to share their data with the Hub. However, we do expect industry to design the operational details of the Hub so that any such steps do not disrupt the switching process.

Other comments

- 3.121 We received a number of comments from stakeholders that did not relate to the proposed changes to the GCs, in particular about the design and implementation process for One Touch Switch. Below we summarise the issues raised and our response.⁶⁹

Business providers and One Touch Switch

Consultation responses

- 3.122 The Federation of Communication Services (FCS) expressed disappointment that business switching is not in scope of One Touch Switch.⁷⁰
- 3.123 A number of respondents argued that providers would have to use One Touch Switch for business switches, and therefore that the design and implementation process should consider the needs of business providers (including resellers) in addition to residential

⁶⁹ In addition to the points discussed in this section, Virgin Media O2 (paragraphs 14-15) commented on the previously confirmed requirement to enable porting for up to one month (GC C7.6(b)). We previously set out our decision and accompanying reasoning on this in the October 2020 Statement (see in particular paragraphs 9.109-9.110). Vodafone (page 1) said that there should be an explicit requirement for one-day switches. We previously set out our decision on this in the October 2020 Statement (see in particular paragraphs 9.51-9.54). Openreach (pages 6-7) commented on how it intends to conduct various processes once the One Touch Switch rules are in force.

⁷⁰ [Federation of Communication Services \(FCS\)](#), Response to September 2021 Statement and Consultation, page 1.

providers.⁷¹ BT said it would be important to bring business providers together to discuss how One Touch Switch could be used in a business context and suggested the OTA facilitate such discussions.⁷²

- 3.124 Gamma noted that residential and business customer categories are “porous” and it is not always simple to distinguish between them.⁷³

Our response

- 3.125 As discussed and confirmed in previous documents, and noted above (see paragraph 3.28) providers are required to use One Touch Switch only for residential switches.⁷⁴ However, the new switching rules apply to **all** switches, whether for business or residential customers, and include the obligation to maintain a simple and efficient switching process which is led by the gaining provider, and for providers to cooperate in good faith and take all necessary steps within their control to complete switches in accordance with applicable industry agreed processes (see GCs C7.4 and C7.5).
- 3.126 Compliance with these requirements could be achieved by business providers participating in One Touch Switch, and we recognise that in practice providers may wish to use the One Touch Switch process for business customers where they are not required to do so. Industry discussions must therefore have regard to the needs of business providers and resellers. We expect providers to engage with good faith in an open and constructive way and not frustrate or delay the implementation process.
- 3.127 As outlined in Section 2 above, industry has formed an OTS Steering Group which includes representatives from the business provider community (including resellers) to ensure a wide range of views are considered. The Technical Group formed by industry to develop the detailed process design for One Touch Switch is also holding business-focussed sessions to ensure the implications of One Touch Switch for business providers are fully considered. This is consistent with the letter we wrote to the OTA on 21 December 2021 setting out our expectations on how industry should work together.⁷⁵
- 3.128 In response to Gamma, we acknowledge that in some cases the distinction between residential and business customers is not always clear. Therefore, it might not always be apparent when a provider is required to use One Touch Switch.
- 3.129 We consider this issue is likely to mainly arise where a customer is taking a residential product but also, for example, runs their business from home (in addition to using the services for ‘residential’ use), and wishes to switch to a business product.
- 3.130 The One Touch Switch GCs use the definition ‘Fixed Switching Customer’, which is defined as “a Subscriber (of either the Gaining Provider or the Losing Provider) who is a Consumer

⁷¹ BT, paragraphs 2.3-2.7; FCS, pages 1-2; [Gamma](#), paragraphs 30-35; [Shell](#), pages 1-2; Twilio, page 5. Responses to September 2021 Statement and Consultation.

⁷² BT, Response to September 2021 Statement and Consultation, paragraphs 2.6-2.7.

⁷³ Gamma, Response to September 2021 Statement and Consultation, paragraph 4.

⁷⁴ September 2021 Statement and Consultation, paragraph 4.15; October 2020 Statement, paragraph 9.17.

⁷⁵ Ofcom, 21 December 2021. *Letter to the OTA regarding OTS implementation*.

who has requested, is requesting or considers requesting a Communications Provider Migration for the purposes of Conditions C7.18 to C7.27". In turn, a 'Consumer' is defined as "any natural person who uses or requests a Public Electronic Communications Service or Bundle for purposes which are outside his or her trade, business, craft or profession".

- 3.131 Therefore, determining whether someone is a residential or business customer depends not only on which product they take but also how they are using it. However, in practice, a provider may not always hold this information about a customer. Providers could therefore use the contract a customer is on (i.e. residential or business) as a proxy to determine whether they are a residential or business customer.
- 3.132 In the situation described above (i.e. where a customer is taking a residential product and wishes to switch to a business product), or the reverse, providers would not be required to use One Touch Switch because the process is mandatory for residential customers only. In such a situation, providers must not insist that the other provider uses One Touch Switch, nor refuse switches that do not follow the One Touch Switch process. Providers would still be subject to the new switching rules, which include the requirement for the process to be gaining provider led, and for providers to cooperate in good faith and take all necessary steps within their control to complete the switch in accordance with GC C7 (and GC B3) and any applicable industry agreed processes.

The OTA's role in One Touch Switch implementation

Consultation responses

- 3.133 Gamma argued that the OTA is not an appropriate vehicle for facilitating the implementation of One Touch Switch, for several reasons, including that its governance structure favours the priorities and requirements of larger providers, and that it lacks a statutory remit and decision-making and arbitration power.⁷⁶

Our response

- 3.134 As noted in paragraph 2.42 above and in the September 2021 Statement and Consultation,⁷⁷ we consider that the OTA is best placed to kick-start appropriate industry discussions. However, we have not mandated that providers must use the OTA, and we also noted in the September 2021 Statement and Consultation that, if industry consider there are alternative options that can enable industry to agree and execute an inclusive implementation plan that will ensure that the new switching process is delivered on time, they were free to do so.
- 3.135 Since publishing the September 2021 Statement and Consultation, industry has been working positively and productively with the OTA to progress governance and technical discussions and we encourage all providers to engage constructively with these discussions.

⁷⁶ [Gamma](#), Response to September 2021 Statement and Consultation, paragraphs 7-23.

⁷⁷ September 2021 Statement and Consultation, paragraph 5.56.

Interaction between One Touch Switch and other processes

Consultation responses

- 3.136 A number of respondents commented on the interaction between development of One Touch Switch and other areas of policy and industry developments, particularly number porting.⁷⁸

Our response

- 3.137 The purpose of the new switching rules is to support switching at the retail level and enable customers to exercise choice, including where they want to port their number(s).
- 3.138 In response to respondents' comments on the interaction between switching and other processes (including porting), the underlying porting process and the process for conducting wholesale switches are not customer-facing processes, and therefore not within the scope of One Touch Switch.
- 3.139 Nevertheless, it is important that the industry takes into account the interactions between switching and porting in the detailed design and implementation phase of One Touch Switch, as well as other related industry developments including in particular any further consideration of a common numbering database and work on scams.
- 3.140 We will continue to discuss the dependencies between these different areas of work with industry and the OTA..

Our assessment of the costs of One Touch Switch

Consultation responses

- 3.141 Gamma argued that our cost-benefit analysis in the September 2021 Statement and Consultation was flawed.⁷⁹ Gamma also argued that we failed to consider the possibility that the cost estimates provided to us were unreliable.⁸⁰
- 3.142 The FCS asked us to clarify what was meant when we said no switching charges would be passed on to customers and how costs would be passed to providers. It argued that it was not appropriate that no charges from switching will be passed to customers as this would leave industry to pick up the costs.⁸¹

Our response

- 3.143 Our decision to impose new GCs relating to the One Touch Switch process must satisfy the legal tests in section 47 of the Act, which are set out above at paragraph 2.37. Section 7 of the Act requires Ofcom to carry out and publish an impact assessment in relation to

⁷⁸ FCS, page 2; Openreach, paragraphs 20-22; Virgin Media O2, paragraphs 9-15; Vodafone, pages 1-2. Responses to September 2021 Statement and Consultation.

⁷⁹ Gamma, Response to September 2021 Statement and Consultation, paragraph 3 and 24-29.

⁸⁰ Gamma, Response to September 2021 Statement and Consultation, paragraphs 3.

⁸¹ FCS, Response to September 2021 Statement and Consultation, pages 1-2.

proposals that will have a significant impact on businesses or the general public. An assessment carried out under section 7 may take such form and relate to such matters as Ofcom considers appropriate.

- 3.144 The section 47 tests include that the GC or modification to a GC must be proportionate to what it is intended to achieve. A cost-benefit analysis is not a prescribed requirement or a pre-requisite to demonstrating that a decision is proportionate under the section 47 tests; nor is there a legal obligation to seek to quantify the impact of our proposals under section 7 of the Act in every case. How we assess the impact and proportionality of our proposals depends on the nature of the decision. For the reasons given in the September 2021 Statement and Consultation,⁸² and repeated above (see paragraph 2.22), we decided to limit the requirement on providers to use One Touch Switch to residential customers. Our approach to assessing the impact and proportionality of our proposals reflected this.
- 3.145 In reaching our decision to mandate the One Touch Switch process, we considered the robustness of the cost estimates provided to us, including more detailed investigation of an outlier observation as set out in Annex 7 of our February 2021 Consultation.⁸³
- 3.146 In response to FCS, we note that we did not say that no switching charges will be passed through to consumers. We appreciate that there are costs involved for industry to develop and operate One Touch Switch. While customers must be able to use the One Touch Switch process free of charge (GC C7.20), it is up to providers to determine how they recover the costs of developing and operating One Touch Switch and to what extent they pass them through to consumers.
- 3.147 As we noted in the September 2021 Statement and Consultation,⁸⁴ the equivalent annual cost of One Touch Switch per connection is very small (three pence per month per residential connection) so we would not expect to see material rises in retail prices even if the costs are passed through in full.

Retention of email addresses when switching

Consultation responses

- 3.148 Four individual respondents commented that customers should be able to retain their email address when they switch provider using the One Touch Switch process.⁸⁵

Our response

- 3.149 Ofcom does not regulate email services directly. However, we recently conducted a review of the major providers' practices regarding email addresses and switching. Some broadband providers, including BT, Plusnet, Sky and TalkTalk, enable customers to keep

⁸² September 2021 Statement and Consultation, paragraph 4.15.

⁸³ February 2021 Consultation, [Annex 7](#).

⁸⁴ September 2021 Statement and Consultation, paragraph 5.13.

⁸⁵ [Duffy, J](#); [Howard, A](#); [Name withheld 1](#); [Taylor, B](#). Responses to September 2021 Statement and Consultation.

the email address provided as part of the broadband package⁸⁶ once they switch. More information about this review can be found on our website.⁸⁷

Implementation deadline

Our September proposal

- 3.150 We proposed that the changes to the GCs needed to implement One Touch Switch should apply from 3 April 2023. We also proposed that, on that date, the new switching rules would come into force and that the Notification of Transfer rules would be removed.⁸⁸

Consultation responses

- 3.151 FCS supported our proposed deadline for the One Touch Switch changes but thought it would be challenging to meet.⁸⁹ Shell argued that deadline was optimistic and that we should ask the OTA to advise on what would be a more realistic deadline.⁹⁰ Virgin Media O2 noted that, given the design and governance work needed, the deadline is challenging.⁹¹

Our assessment and decision

- 3.152 While some respondents said that the deadline for the One Touch Switch changes would be challenging due to the complexity of the implementation process, none suggested that it would be unachievable.
- 3.153 In our view, it is important that consumers are able to benefit from the new switching process as soon as possible and, as noted in the September 2021 Statement and Consultation,⁹² our April 2023 implementation deadline broadly corresponds to the length of time we proposed to allow for implementation in the February 2021 Consultation, i.e. 18 months from the date of our policy statement. In addition, we note that providers now have longer to implement the new switching rules than originally planned.
- 3.154 Therefore, we have decided to require that the changes to the GCs needed to implement One Touch Switch discussed in this statement and set out in the amended GCs in Annex 3 will apply from 3 April 2023. The new switching rules and the other changes originally due to come into effect in December 2022 will now also come into effect on 3 April 2023.⁹³

⁸⁶ As opposed to free email accounts such as Gmail, Outlook or Yahoo, or other paid for email accounts, which are not provided by the broadband provider and which are not affected by switching providers.

⁸⁷ Ofcom, May 2021, [Why do some broadband providers charge for an email address?](#) Accessed 11 January 2022.

⁸⁸ In addition, we proposed that the changes to the Auto-Switch GCs would come into force on that date. We discuss the deadline for those changes further in paragraphs 4.44-4.50.

⁸⁹ FCS, Response to September 2021 Statement and Consultation, page 2.

⁹⁰ Shell, Response to September 2021 Statement and Consultation, page 2.

⁹¹ Virgin Media O2, Response to September 2021 Statement and Consultation, paragraph 2.

⁹² September 2021 Statement and Consultation, paragraphs 5.49-5.51.

⁹³ The changes to GCs B3, C1.20, the Annex to C1 and definitions shown in schedule 4 of the table in Ofcom, December 2020, [Notification of new general conditions and modifications to the General Conditions under section 48\(a\) of the Act](#).

Legal tests

- 3.155 Below we set out our assessment of how the new requirements and amendments we are making to the GCs meet the necessary legal tests and are in line with Ofcom's duties.
- 3.156 We consider that the changes we have decided to make to GC C7 meet the test for setting or modifying conditions set out in section 47(2) of the Act. Our changes, as set out above, are:
- a) **objectively justifiable** in that they are required to give effect to our decisions, set out in this section and in Section 5 of our September 2021 Statement and Consultation in relation to the One Touch Switch process and removal of the Notification of Transfer process;
 - b) **not unduly discriminatory** in that the same regulatory measures would apply to providers of relevant communications services;
 - c) **proportionate** in that they do not go further than is necessary to give effect to our decisions set out in this section and in Section 5 of our September 2021 Statement and Consultation in relation to the One Touch Switch and removal of the Notification of Transfer process; and
 - d) **transparent** as the reasons for our proposals are explained above and in Sections 4 and 5 of the September 2021 Statement and Consultation, and the changes to the GCs are shown in Annexes 3 and 4.

4. Changes to Auto-Switch GCs

- 4.1 In this section, we consider stakeholder comments and set out our decision on the changes to the Auto-Switch GCs that we proposed in the September 2021 Statement and Consultation. These proposals gave effect to our decision set out in Section 6 of the September 2021 Statement and Consultation to require mobile providers to provide residential customers with information regarding the impact of a switch on any other services they have with the losing provider.
- 4.2 Following our consideration of the stakeholder responses to our proposals, we have decided to proceed in full with the changes to the Auto-Switch GCs proposed in our September 2021 Statement and Consultation. This means that, from 3 April 2023, providers will be required to supply customers with additional information when they switch their mobile service.
- 4.3 In this section we set out our decision on amendments to GC C7 relating to:
- Changes to ensure consistency between the Auto-Switch information rules and the new switching rules, in particular to ensure customers receive consistent information when they switch fixed and mobile services;
 - Changes to consolidate the Auto-Switch requirements with the new switching rules and updating terminology accordingly; and
 - Aiding navigation and interpretation of the requirements.

Changes to ensure consistency between the Auto-Switch information rules and the new switching rules

Our September proposal

- 4.4 We proposed that providers of mobile services who are losing providers must provide the following information to residential switching customers:⁹⁴
- a) a clear identification of the services being transferred, including where relevant, the phone number(s);
 - b) the impact, whether direct or indirect, financial or otherwise, of the switch on the customer's other services with the losing provider, including additional support services;
 - c) the communications services that will be unaffected by the switch; and
 - d) where the customer has a service bundled with their mobile service, an explanation of any steps they need to take to transfer those bundled services, including the steps in

⁹⁴ We noted that, in consolidating the Auto-Switch information requirements with those set out in the new switching rules, the existing Auto-Switch information requirements (to supply customers with the total charge payable, any prepaid credit balance, and the web link to the customer's online account) remain and will now be captured by GC C7.30.

the One Touch Switch process for customers with a bundled fixed voice or broadband service.

Consultation responses

- 4.5 We received one comment on these proposals from BT, who said that the information we proposed to require mobile providers to supply to switching customers is extensive and goes further than what was proposed in the February 2021 Consultation. However, BT agreed that the requirements are reasonable.⁹⁵

Our assessment

- 4.6 We set out our intention in the February 2021 Consultation to improve the consistency in the information that residential customers switching their mobile and fixed services receive.⁹⁶ Our view was that the greatest inconsistency was that fixed switchers would receive information on the impact of their switch on other services, while those using Auto-Switch would not. This proposal was based on our policy objective to ensure that residential customers using the existing Auto-Switch process are fully informed, in line with the information and consent requirements of the new switching rules and the need to give full effect to our new information and consent rules.⁹⁷
- 4.7 Therefore, we proposed (in February 2021) to require losing providers to supply information to residential customers about the impact of their switch on any other services the customer has. We confirmed this policy decision in the September 2021 Statement and Consultation.⁹⁸
- 4.8 Our view was that the most appropriate way to ensure consistency between the information residential customers receive when they are switching was to apply all of the relevant losing provider information requirements in the new switching rules,⁹⁹ including the requirement for this information to be provided on a durable medium, to Auto-Switch.¹⁰⁰
- 4.9 In response to BT, and as noted in the September 2021 Statement and Consultation,¹⁰¹ we consider the changes to the Auto-Switch GCs are not significantly different from those we proposed in February 2021 and December 2019 when considered in the round, either in substance or costs for providers. These changes will have the benefit of ensuring consistency in the information residential customers using Auto-Switch and One Touch Switch receive, which gives effect to our policy decision as set out above.

⁹⁵ BT, Response to September 2021 Statement and Consultation, paragraphs 3.2-3.3.

⁹⁶ February 2021 Consultation, paragraphs 6.31-6.34.

⁹⁷ See GCs C7.9 (consent) and C7.10-C7.14 (information).

⁹⁸ September 2021 Statement and Consultation, paragraphs 6.124-6.125.

⁹⁹ We note that some of these changes (for both residential and business customers) were originally proposed in the [December 2019 Consultation](#): Fair treatment and easier switching for broadband and mobile customers: proposals to implement the new European Electronic Communications Code (December 2019 Consultation), paragraphs 7.211-7.213.

¹⁰⁰ See GCs C7.12 and C7.13.

¹⁰¹ September 2021 Statement and Consultation, paragraphs 7.118-7.119.

- 4.10 The changes also mean that, as far as possible, and taking into account the different switching processes, all residential customers will receive the same information on a medium that they can easily refer back to, no matter what services they are switching or which process they are using. This information helps ensure that customers are adequately informed and can give their express consent to the switch.¹⁰²
- 4.11 We discuss our rationale for each change in more detail below.

The services that will be transferred

- 4.12 Losing providers will be required to supply a clear identification of all communications services that will be switched, including, where relevant, the Calling Line Identification of the services that will be transferred, to customers using Auto-Switch.
- 4.13 In practice, this means that providers must inform customers of the number(s) they are switching. This will help the customer to make an informed choice about their switch and is likely to be of particular use to customers who are switching more than one number, so that they can keep track of the numbers that will be switched.¹⁰³

The impact of the switch on other services

- 4.14 Losing providers must supply residential customers information regarding the impact of the customer's switch on any other services they have, for example, on any additional support services or the price of other services in their bundle.

Services that will be unaffected by the switch

- 4.15 In addition to information about the impact of a customer's switch on their other services, the new switching rules contain a requirement for the losing provider to inform the customer of which communications services will be *unaffected* by the switch.
- 4.16 This information represents the counterpart to that about the impact of a switch on a customer's other services as set out above. Without a requirement to provide this information, customers who have other communications services with their losing provider may need to contact them for further information about the status of their other services following their switch, which could potentially lead to hassle and delay the switching process.
- 4.17 Given providers will already be required to supply information about the impact on the switch on the customer's other services, we do not consider that this new requirement represents substantial additional cost or effort for providers. We set out below (and in the September 2021 Statement and Consultation)¹⁰⁴ what providing this information could look like in practice.

¹⁰² October 2020 Statement, paragraph 9.68.

¹⁰³ We note that customers can use the Auto-Switch process to switch up to 24 mobile numbers. Customers switching more than one mobile number via Auto-Switch cannot use the SMS route, as this is only for switches of one mobile number.

¹⁰⁴ September 2021 Statement and Consultation, paragraph 6.95.

“Your PAC for XXXXXXXXXX is XXXXXXXX and is valid for 30 days. If you switch today we will charge you £XX.XX for your airtime contract and you will continue to pay £x.x for your handset until [date]. You also have broadband with us, which will not be affected by your switch. More information about your current mobile service and how to switch is available here, visit [www.\[Y\].co.uk/\[landing_page\]](http://www.[Y].co.uk/[landing_page]). If you can’t access this link, please reply ‘EMAIL’ to receive the additional information by email and ‘POST’ to receive it by post.”

Information for bundled customers about how to switch their other communications services

- 4.18 Bundled customers using Auto-Switch will be given information by their losing provider about how to switch any other bundled communications services. This is the equivalent of the requirement on losing providers in the One Touch Switch process (see GC C7.25(c)). As noted in the September 2021 Statement and Consultation,¹⁰⁵ and above (see paragraphs 3.81-3.82), we consider this information to be necessary for customers to know how to navigate the different processes needed to switch all services in their bundle, if they wish to do so.
- 4.19 Absent this requirement, the losing provider may have an incentive not to make this clear to the customer. This could potentially lead to hassle for the customer if they do wish to switch all of their other communications services as they may need to contact their losing provider for further information.
- 4.20 Providing this information to customers using both Auto-Switch and One Touch Switch will also ensure that customers with bundled services receive similar information about how to switch the other element(s) of their bundle irrespective of which service they choose to initiate the switch for first.

The means by which the information should be provided

- 4.21 For residential customers, the mobile switching information must be provided on a durable medium, which reflects the requirement in the new switching rules (GC C7.13(b)) in both substance and scope. In practice, this information must already be provided on a durable medium under the existing Auto-Switch rules. These state that all customers, no matter which method they have used to request it, must receive the code and information by SMS, and that those who request their switching code and information via their online account will receive it there, in addition to by SMS.¹⁰⁶
- 4.22 This requirement will ensure that any additional information provided by text but which cannot fit into the body of the text (i.e. accessed via a link in the text) will also be provided on a durable medium to residential customers. This means that customers can easily access and refer back to it if necessary, as they can for information provided during other switching processes (for example, One Touch Switch).

¹⁰⁵ September 2021 Statement and Consultation, paragraph 7.81.

¹⁰⁶ See GCs C7.23 and C7.26 in the 17 December 2021 version of the GCs.

Other information in the new switching rules not included in the Auto-Switch information requirements

- 4.23 There are two provisions in the losing provider switching information in GC C7.12 which we are not applying to the Auto-Switch process (GC C7.12(a) and (b)). These are the requirement to explain to the customer that the customer is switching their communications services, and to specify the migration date where that is known to the losing provider.
- 4.24 These provisions are not relevant to Auto-Switch due to the nature of the process. Requesting a switching code and information via the Auto-Switch process does not in itself trigger a switch, so the losing provider cannot provide an explanation that the customer is switching their services. The switching code is valid for 30 days and the customer can choose to redeem it at any point during that period, meaning the losing provider will not know the precise date of the switch, if the customer chooses to proceed.

Our decision

- 4.25 We have decided to proceed with our September proposals to make changes to ensure consistency between the Auto-Switch information rules and the new switching rules.
- 4.26 These requirements are set out in GC C7.30(b), which refers to GC C7.12, and GC C7.31.

Changes to consolidate the Auto-Switch rules with the new switching rules

Our September proposals

- 4.27 We also proposed to make a number of other changes to the GCs to consolidate the Auto-Switch requirements with the new switching rules confirmed in December 2020. These were:
- a) Changes needed to consolidate the Auto-Switch information rules and the new switching rules.
 - b) Addition of a new GC which requires the information to be accurate and provided to customers in clear, comprehensible and neutral terms. This represents a minor change to the existing requirement,¹⁰⁷ to align with the wording used in the new switching rules.
 - c) Removal of some Auto-Switch GCs which have been incorporated into the new switching rules.
 - d) Updating terminology used in the Auto-Switch GCs to reflect widely used industry terms and the definitions used in the new switching rules.

¹⁰⁷ The existing requirement is for the information to be accurate and provided in “clear, intelligible and neutral terms”. See GC C7.22 in the 17 December 2021 version of the GCs.

- e) Minor amendments to the Auto-Switch scope provisions to reflect terminology used in the new switching rules and to clarify which customers the requirements apply to, to assist with interpretation of the requirements.

Consultation responses and our assessment

4.28 We did not receive any comments on these proposals.

Changes needed to consolidate the Auto-Switch information rules and new switching rules

- 4.29 In addition to the information requirements for residential customers set out above, providers of mobile services who are losing providers must provide the following information to residential switching customers and business switching customers:¹⁰⁸
 - a) the total aggregated charge payable by the customer on the switch date where known, or on the date the information is provided;
 - b) an explanation of the following:
 - i) the cost and process for returning any terminal equipment,
 - ii) as part of the information provided under (i), whether the handset and airtime are provided for on separate contracts and if so, the amount still due under the contract and/or date on which the handset will be paid off; and
 - iii) any credit balances for prepaid services, and, if applicable, the right to a refund of this balance, any conditions applying to that refund, and how to claim it.
 - c) the location of the provider's guidance on the switching process;
 - d) the customer's right to compensation;
 - e) where the information is provided in a letter, the date of the letter and the losing provider's contact details; and
 - f) where the information is provided in an electronic format, a link to the customer's online account.
- 4.30 These changes are necessary to consolidate Auto-Switch with the new switching rule which sets out the information losing providers must give to customers when they switch (GC C7.12). These changes were originally proposed in our December 2019 Consultation.¹⁰⁹
- 4.31 As set out above in paragraph 4.29(a), GC C7.30(b)(i) (by reference to GC C7.12) requires losing providers to tell customers the total amount they will owe on the date of the switch (where it is known), or on the date the information is provided.

¹⁰⁸ As noted in footnote 398 of the September 2021 Statement and Consultation (page 124), the existing Auto-Switch information requirements will now be captured by GC C7.30.

¹⁰⁹ December 2019 Consultation, paragraph 7.213, and [Annex 13 \(Proposed Amended General Conditions of Entitlement\)](#) to that consultation.

- 4.32 As GC C7.8 prohibits notice period charges beyond the switch date, when setting out the total amount the customer owes, providers should only include:
- charges for use of the service up to the switch date, or the date the information is being provided (as explained at paragraph 4.24, in practice for mobile providers it will always be the latter);
 - any early termination charge (ETC) payable; and
 - any known out of bundle charges.¹¹⁰

The manner in which switching information should be provided

- 4.33 Mobile switching information provided to customers must be accurate and provided in clear, comprehensible and neutral terms. This reflects the new switching rule (GC C7.13) which contains the same requirements, as well as the existing Auto-Switch requirements (GCs C7.22(a) and (d) in the 17 December 2021 version of the GCs).

Removal of Auto-Switch GCs which have been incorporated into the new switching rules

- 4.34 We are removing a number of requirements in the Auto-Switch GCs which have been incorporated into our new switching rules, as originally proposed in the December 2019 Consultation.¹¹¹ Specifically, we are removing:
- the obligation to ensure customers are not charged for services after the switching process has been completed (GC C7.51(b), 19 December 2022 version of the GCs), which has been incorporated into our new switching rule banning notice period charges (GC C7.8).
 - the obligation to complete the switching process for mobile services within one working day (GCs C7.53 and C7.54, 19 December 2022 version of the GCs), which has been incorporated into our new switching rule regarding the date of the switch (GC C7.3).
 - the obligation to provide guidance on the switching process, and that this guidance is publicised and readily available on providers' websites (GCs C7.56 and C7.57, 19 December 2022 version of the GCs). This has been incorporated into our new switching rule to provide easy to understand guidance on the switching process and to inform residential customers of the location of that information (GCs C7.10, C7.11 and C7.12).
 - the obligation to provide compensation (GCs C7.58 and C7.59, 19 December 2022 version of the GCs), which has been incorporated into our new switching rules regarding the customer's right to compensation (GCs C7.47-C7.49).¹¹²

¹¹⁰ For example, a charge for any data used over and above the customer's allowance or calls made to numbers not included in the customer's allowance.

¹¹¹ Ofcom, December 2019 Consultation, paragraph 7.214.

¹¹² This change means that it is necessary to update the numbering of the GCs in the guidance on compensation related to switching and porting, to ensure that they align with the numbering of the relevant GCs (i.e. C7.47-C7.49). We confirmed

Changes to terminology

- 4.35 We are making a number of overarching amendments to the terminology used in the Auto-Switch GCs. Specifically, we have:
- a) Replaced all references to N-PAC (Non-Porting Authorisation Code) with STAC (Service Termination Authorisation Code) to better reflect the terminology widely used by industry when describing the Auto-Switch process. This change was originally proposed in the December 2019 Consultation.¹¹³
 - b) Used the terms ‘losing provider’ and ‘gaining provider’ in the Auto-Switch rules where relevant to specify which provider particular obligations apply to, and to reflect the terminology used in the new switching rules and in the fixed switching process rules.
 - c) Replaced references to ‘Subscriber’ with ‘Mobile Switching Customer’ in the requirement to advertise the means by which the PAC (Porting Authorisation Code), STAC and/or mobile switching information can be requested (GC C7.46(a) and (b)).¹¹⁴ This is to clarify that the web link where this is advertised should not only be available to customers who already have a contract with their provider, but more widely to ensure that it is readily accessible to anyone considering whether to switch.

Minor clarificatory amendments to Auto-Switch scope provisions

- 4.36 All references in the scope provisions of GC C7 to ‘Mobile Switching’ will be replaced with ‘Communications Provider Migration’.¹¹⁵ This will ensure that these provisions reflect the terminology used in the new switching rules and the fixed process switching rules.
- 4.37 We are also simplifying the structure of the Auto-Switch scope provisions (GC C7.1(j)), so that, in addition to setting out which requirements apply to all mobile switches of 25 numbers or less, it is clear which Auto-Switch requirements apply to residential customers only, business customers only, and which to providers of bundles. This should assist with understanding the requirements.

Our decision

- 4.38 As set out above, we have decided to proceed with our September proposals to make a number of changes to GC C7 to consolidate the Auto-Switch information requirements with the new switching rules confirmed in December 2020. These are set out in GC C7.30 and GC C7.31. We have also clarified the Auto-Switch scope provisions set out in GC C7.1(j). We have removed some Auto-Switch GCs which have been incorporated into the new switching rules, and updated terminology throughout the Auto-Switch GCs.

this guidance in the October 2020 Statement (see paragraph 9.173(c)) and [Annex 8 to that statement](#), but have re-published it as an annex to this statement with the updated GC numbering (see Annex 6).

¹¹³ Ofcom, December 2019 Consultation, paragraph 7.215.

¹¹⁴ GC C7.55 in the 19 December 2022 version of the GCs.

¹¹⁵ We have also decided to remove the definition ‘Mobile Switching’ from the GCs. For more detail on this change, see paragraph 5.29(b).

Minor changes to aid navigation and interpretation of the Auto-Switch rules

Our September proposals

- 4.39 We proposed to add a number of footnotes to applicable GCs to make it easier for readers to find the relevant clarification and guidance. We also proposed to add explanatory text above the Auto-Switch GCs to assist with navigation of the requirements.

Consultation responses and our assessment and decision

- 4.40 We did not receive any comments on these proposals.
- 4.41 We have therefore decided to proceed with our September proposals to add footnotes with references to relevant guidance and explanatory text to the applicable Auto-Switch GCs, to make these easier to navigate. We have decided to:
- a) Add footnotes to the applicable GCs providing the location of:
 - i) A link to an existing Ofcom clarification regarding the application of GCs C7.32(a) and C7.38(a) to multi-SIM accounts and contracts.¹¹⁶
 - ii) Our guidance (see paragraphs 4.42-4.43 below and Annex 5) on multi-factor authentication relating to Auto-Switch. This will be added to the 17 June 2022 version of the GCs.
 - b) Add explanatory text above the Auto-Switch GCs (GCs C7.30-C7.46) to assist with navigation of the requirements.

Guidance on multi-factor authentication relating to Auto-Switch

Our September proposals

- 4.42 We consulted on new draft guidance (see Annex 9 to the September 2021 Statement and Consultation) on the requirement for a PAC or STAC and mobile switching information to be provided to residential customers within one minute (see GC C7.28, 17 June 2022 version of the GCs). This guidance sets out how providers should comply with this requirement when they are using multi-factor authentication.¹¹⁷

Consultation responses and our assessment and decision

- 4.43 We did not receive any comments on the proposed guidance, which reflects informal guidance already provided to industry on this matter. We have therefore decided to implement the guidance in full.

¹¹⁶ Ofcom, [Statement: Decision on reforming the switching of mobile communications services, Update 4 January 2019, Multi-SIM contracts and multi-SIM accounts](#).

¹¹⁷ September 2021 Statement and Consultation, [Annex 9](#).

Implementation deadline

Our September proposal

- 4.44 We proposed that the changes to the Auto-Switch GCs discussed in the consultation and set out in the draft amended GCs in Annex 9 should apply from 3 April 2023. As noted above, we also proposed that, on that date, the new switching rules and the One Touch Switch rules would come into force, and the Notification of Transfer rules would be removed.
- 4.45 We also proposed that the guidance on multi-factor authentication relating to Auto-Switch should apply as soon as practicable after we publish our statement on these changes to the GCs and guidance, given it reflects informal guidance already provided to industry.

Consultation responses

- 4.46 BT commented that, given the Auto-Switch changes are material and will need considerable systems development to implement, it was unsure whether April 2023 is an achievable deadline.¹¹⁸
- 4.47 We did not receive any comments on the proposed implementation deadline for the guidance on multi-factor authentication relating to Auto-Switch.

Our assessment and decision

- 4.48 In response to BT, we note that no other stakeholder made representations about the difficulty of meeting the deadline for these changes. We also note that mobile providers originally had 18 months to design and deliver the entire Auto-Switch process, while in this case providers will have 14 months to implement limited changes to the Auto-Switch rules. In addition, and as for the One Touch Switch changes, we consider that it is important that consumers are able to benefit from an improved switching process as soon as possible.
- 4.49 For these reasons, we consider that a deadline of April 2023 is appropriate. We have therefore decided to require that the changes to the Auto-Switch GCs discussed in this section and set out in the amended GCs in Annex 3 will apply from 3 April 2023.¹¹⁹
- 4.50 We have decided that the guidance on multi-factor authentication relating to Auto-Switch should formally come into force at the same time as the next version of the GCs on 17 June 2022. In the meantime, we expect industry to continue to abide by the informal guidance we previously provided on this issue.

¹¹⁸ BT, Response to September 2021 Statement and Consultation, paragraph 3.3.

¹¹⁹ As noted in paragraph 3.154, the new switching rules and the other changes originally due to come into effect in December 2022 will now also come into effect on 3 April 2023.

Legal tests

- 4.51 Below we set out our assessment of how the new requirements and amendments we are making to the Auto-Switch GCs meet the necessary legal tests and are in line with Ofcom's duties.
- 4.52 We consider that the changes we have decided to make to GC C7 meet the test for setting or modifying conditions set out in section 47(2) of the Act. Our changes, as set out above, are:
- a) **objectively justifiable** in that they are required to give effect to our decisions set out in this section and in Section 6 of the September 2021 Statement and Consultation relating to the Auto-Switch switching process;
 - b) **not unduly discriminatory** in that the same regulatory measures would apply to providers of relevant communications services;
 - c) **proportionate** in that they do not go further than is necessary to give effect to our decisions set out in this section and in Section 6 of the September 2021 Statement and Consultation in relation to the Auto-Switch switching process; and
 - d) **transparent** as the reasons for our proposals are explained above and in Section 6 of the September 2021 Statement and Consultation, and the changes to the GCs are shown in Annexes 3 and 4.

5. Other changes to GC C7

- 5.1 In this section, we consider stakeholder responses to our proposals to make other changes to GC C7 and relevant definitions as contained in the September 2021 Statement and Consultation. We set out our decisions on:
- Minor amendments to the home moves and ‘other migrations’ GCs; and
 - New and amended definitions, removal of definitions and other minor changes.

Amendments to the home-moves and ‘other migrations’ rules

Our September proposals

- 5.2 We proposed to retain the existing requirements relating to home-moves and ‘other migrations’ (GCs C7.28 and C7.29, as well as Annex 1 to Condition C7).¹²⁰
- 5.3 We also proposed to clarify which situations these provisions apply to in the scope provisions, specifically in:
- GC C7.1(h) that C7.28 applies to any provider providing fixed-line telecommunications services and/or DSL broadband services to customers when a home-move is taking place within Openreach’s or KCOM’s network.
 - GC C7.2(b) that the relevant communications services for the purpose of C7.28 are any fixed-line telecommunications services and/or DSL broadband services within Openreach’s or KCOM’s network.
 - GC C7.1(i) that GC C7.29 applies to any provider providing any type of broadband service to customers when a migration is taking place within Openreach’s or KCOM’s network, and which is not covered by GC C7.28.
 - GC C7.2(c) that the relevant communications services for the purpose of C7.29 are any broadband services within Openreach’s or KCOM’s network.
- 5.4 We also proposed to clarify in explanatory text above the applicable GCs that:
- GC C7.28 applies where residential customers are moving home and changing the provider of their fixed-line telecommunications services or DSL broadband services.
 - GC C7.29 applies where:
 - Residential customers are moving home and changing the provider of their broadband services outside the scope of GC C7.28. This includes, for example, where a customer is switching to or from a full-fibre service;
 - Residential customers who are not switching their provider of their DSL broadband service when moving home; and

¹²⁰ NB, in the 19 December 2022 version of the GCs, this is Annex 2 to Condition C7.

- Residential customers are making changes to their service, without moving home or switching provider. This includes, for example, where a customer is upgrading to a faster broadband speed with their existing provider.
- 5.5 We also proposed an amendment to the scope of the ‘other migrations’ rule via the proposed changes to the definition of ‘Migration’.

Consultation responses

- 5.6 BT and Openreach agreed with our proposal to retain the home-moves requirements, including in relation to Working Line Takeovers.¹²¹ BT noted that it is unlikely to be feasible to extend the Notification of Transfer based home-moves rules to other home-moves (for example, those where a customer switches to a provider using a different network), because they are designed for circumstances where there is a common platform provider (i.e. Openreach).¹²²
- 5.7 BT agreed with our proposal to retain the ‘other migrations’ rules but commented on the change to the definition of Migration. It noted that the change to include customers who are moving from one technology to another without changing provider or premises would be material as these customers had not previously been in scope of GC C7.¹²³

Our assessment

- 5.8 We are retaining the home-moves and ‘other migrations’ rules because switches that take place at the same time as a home-move are outside the scope of One Touch Switch, which only applies to switches that take place at the same location. In addition, the ‘other migrations’ rules provide further protections for some customers when they are switching outside of the scope of the One Touch Switch rules and/or changing location.
- 5.9 To aid interpretation of the home-moves and ‘other migrations’ rules following removal of the Notification of Transfer requirements for all switches except for those that happen at the same time as a home-move, we are amending the text of the relevant scope provisions.
- 5.10 As noted above (see paragraph 5.4), we proposed in the September 2021 Statement and Consultation to clarify that the home-moves and ‘other migrations’ rules (GCs C7.28 and C7.29) apply to residential customers only. However, given our intention was to retain the current scope of these rules as far as possible following the removal of the Notification of Transfer process and imposition of One Touch Switch, these requirements should in fact apply to both residential and small business customers as they do currently.¹²⁴ We are therefore amending the relevant scope provisions, explanatory text and definition of ‘Migration’ to make clear that the home moves and ‘other migrations’ rules apply to both

¹²¹ BT, paragraph 2.8; Openreach, paragraph 22. Responses to September 2021 Statement and Consultation.

¹²² BT, Response to September 2021 Statement and Consultation, paragraphs 2.8-2.9.

¹²³ BT, Response to September 2021 Statement and Consultation, paragraph 2.10.

¹²⁴ See GCs C7.1(a) and (b) in 17 December 2021 version of the GCs.

residential and small business customers. These are defined as ‘Consumers, Microenterprise or Small Enterprise Customers or Not-For-Profit Customers’.¹²⁵

- 5.11 Since the technological scope of the existing Notification of Transfer GCs is more limited compared to the One Touch Switch GCs, we also proposed to make further changes to the definition of ‘Migration’ to clarify what is now the residual scope of GC C7.29, which are set out below at paragraphs 5.32-5.33.
- 5.12 In response to BT, it was not our intention to expand the scope of the scenarios to which GC C7.29 applies. We have therefore not proceeded with our proposal to specify that the term ‘Migration’, as used in GC C7.29, includes customers who are moving from one technology to another without changing provider or premises where the provider uses Openreach’s or KCOM’s network. The amended definition of ‘Migration’ will make clear that it only encompasses situations where a residential or small business customer:
- switches the provider of their broadband service at the same time as moving home, where both providers use Openreach’s or KCOM’s network; and
 - is moving home but does not switch the provider of their DSL broadband service, and the provider uses Openreach’s or KCOM’s network.
- 5.13 As a result of this change to our proposals we have also removed the reference to customers moving from one technology to another without changing provider or premises where the provider uses Openreach’s or KCOM’s network from the explanatory text above GC C7.29.

Our decision

- 5.14 We have decided to proceed with our September proposals to retain the existing requirements relating to home-moves and ‘other migrations’ (GCs C7.28 and C7.29), and to make clarificatory changes to the relevant scope provisions (GCs C7.1(h) and (i) and GCs C7.2(b) and (c)) following removal of the Notification of Transfer rules for non-home-move switches. As noted above, we are also amending the relevant scope provisions (GCs C7.1(h) and (i)), explanatory text and definition of ‘Migration’ to make clear that the home moves and ‘other migrations’ rules apply to both residential and small business customers. These are defined as ‘Consumers, Microenterprise or Small Enterprise Customers or Not-For-Profit Customers’.
- 5.15 We have decided not to proceed with our proposal to specify that the definition of Migration encompasses situations where customers move to another broadband service with their existing provider, without moving home, and where the provider uses Openreach’s or KCOM’s network.

¹²⁵ We decided in December 2020 to use these terms to replace the ‘Domestic and Small Business’ definition used in the existing GCs for clarity and consistency. This is because the definitions ‘Consumer’, ‘Microenterprise or Small Enterprise Customer’ and ‘Not-For-Profit Customer’, taken together, cover the same category of customer as the ‘Domestic and Small Business Customer’ definition. See Ofcom, December 2020, [Implementing the new European Electronic Communications Code: Changes to the General Conditions, Metering and Billing Direction and the National Telephone Numbering Plan](#), paragraphs 3.12-3.15.

- 5.16 This means that the definition of ‘Migration’ will be:
- the process by which a Switching Customer who is a Consumer, Microenterprise or Small Enterprise Customer or Not-For-Profit Customer transfers from a Broadband Service supplied by a Communications Provider operating on Openreach’s or KCOM’s Access Network to a Broadband Service supplied by another Communications Provider operating on Openreach’s or KCOM’s Access Network at a different location; or
 - the process by which a Subscriber who is a Consumer, Microenterprise or Small Enterprise Customer or Not-For-Profit Customer transfers from a DSL Broadband Service supplied by a Communications Provider operating on Openreach’s or KCOM’s Access Network at one location to a DSL Broadband Service supplied by the same Communications Provider at a different location.

Definitions and other minor changes

Our September proposals

- 5.17 As a result of the proposed changes to the GCs, we also proposed to make some changes to the definitions. Specifically, we proposed to make changes as a result of:
- The proposed One Touch Switch rules for the new fixed switching process (addition of ‘Fixed Communications Service’ and ‘Fixed Switching Customer’).
 - The removal of the Notification of Transfer rules (removal of ‘Cancel Other’, ‘Failure to Cancel’, ‘Transfer Order’, ‘Transfer Period’, ‘Domestic and Small Business Customer’ and ‘Domestic or Small Business Customers’).
 - Aligning terminology used in the definitions with that used in the new switching rules confirmed in December 2020 (amendments to ‘Slamming’, removal of ‘Mobile Switching’ and amendments to ‘Mobile Switching Customer’).
 - The proposed changes to the Auto-Switch rules (replacement of ‘Switching Information’ in relation to the Auto-Switch rules with ‘Mobile Switching Information’).
 - Our proposal to specify the situations in which the ‘other migrations’ rules apply (amendments to ‘Migration’ and ‘Target Line’).
- 5.18 We also proposed to make a small number of other changes to assist with interpretation of the requirements, reflect widely used industry terminology, remove definitions no longer used in the GCs, and correct an error we had identified in the new switching rules.

Consultation responses

New definitions used in the One Touch Switch rules

- 5.19 Several respondents commented on our proposed definition of ‘Fixed Communications Service’. These comments, and our assessment and decision, are set out above in paragraphs 3.8-3.10, 3.14-3.23 and 3.28-3.29.

Changes to definitions resulting from the removal of Notification of Transfer rules

- 5.20 Vodafone noted its concern about the removal of “key consumer safeguards” such as ‘Cancel Other’ and ‘Failure to Cancel’. It said that we have left it up to industry to develop replacements for these functionalities.¹²⁶
- 5.21 BT argued that it was unlikely that ‘Cancel Other’ would be necessary because One Touch Switch ensures that the customer has given consent to the switch prior to the order being placed by the gaining provider.¹²⁷

Changes to definitions resulting from specifying the situations where the ‘Other Migrations’ rules apply

- 5.22 As noted above, BT commented that our proposed change to the definition of ‘Migration’ was material, as it did not previously include customers who are moving from one technology to another without changing provider or premises.¹²⁸

Correcting an error identified in the new switching rules

- 5.23 BT agreed with the intention of our correction of the error in GC C7.15(b) but said that the amended text was still unclear.¹²⁹

Our assessment

Changes to definitions as a result of removal of Notification of Transfer rules

- 5.24 ‘Cancel Other’ enables a losing provider to cancel a switch request placed by the gaining provider during the transfer period in a number of specific circumstances, including where they believe that slamming (i.e. the switch request being placed without the customer’s consent) has occurred, and where the gaining provider has failed to cancel a switch after a request by the customer (‘Failure to Cancel’).
- 5.25 In response to Vodafone, the removal of the Notification of Transfer rules means that several definitions (including ‘Failure to Cancel’ and ‘Cancel Other’) which are only used in those rules are also being removed.
- 5.26 As noted in the September 2021 Statement and Consultation,¹³⁰ we envisage that the industry will develop replacements for these particular processes and functionalities when developing the detailed rules of One Touch Switch if necessary. However, as BT noted, they may be less relevant to the One Touch Switch process given the express consent requirements set out in the new switching rules.¹³¹

¹²⁶ Vodafone, Response to September 2021 Statement and Consultation, page 1.

¹²⁷ BT, Response to September 2021 Statement and Consultation, paragraph 2.11.

¹²⁸ BT, Response to September 2021 Statement and Consultation, paragraph 2.10.

¹²⁹ BT, Response to September 2021 Statement and Consultation, paragraph 2.16.

¹³⁰ September 2021 Statement and Consultation, paragraph 7.168.

¹³¹ BT, Response to September 2021 Statement and Consultation, paragraph 2.11.

- 5.27 These include the requirement for the gaining provider to take all reasonable steps to ensure that it does not switch customers without their consent, and in particular, that it does not engage in slamming, and that any customer who is requesting a switch is authorised to do so.¹³² In addition, in One Touch Switch, the losing provider will be required to inform the customer of the identity of the gaining provider, which should act as an additional safeguard against slamming.¹³³
- 5.28 We are also removing the definition of ‘Domestic and Small Business Customer’ and ‘Domestic or Small Business Customers’. This is because we are removing GC C7.14(a) (19 December 2022 version of the GCs) following removal of the Notification of Transfer rules, and this term will therefore no longer be used in the GCs.

Changes to definitions resulting from aligning with terminology used in the new switching rules

- 5.29 It is necessary to make a number of changes to the definitions in order to ensure that they reflect the new switching rules confirmed in December 2020. These changes are to:
- a) Amend the definition of ‘Slamming’ to:
 - i) Remove all references to services and technologies specific to Openreach and KCOM. This would ensure that the definition of slamming reflects the new switching rules and the fixed process switching rules, neither of which refer to specific network providers or technologies.
 - ii) Broaden the scope of the definition to include any transfer of Internet Access Services and/or Number-based Interpersonal Communications Services. This will ensure that the definition matches the scope of the requirement (GC C7.9(a)) for providers not to engage in slamming.
 - b) Remove the definition ‘Mobile Switching’ as the term ‘Communications Provider Migration’, which reflects the new switching rules, is used instead.
 - i) It is also necessary to amend the definition of ‘Mobile Switching Customer’ to replace the reference to ‘Mobile Switching’ with ‘Communications Provider Migration’ and ‘Number Portability’. In addition, to reflect the position set out in our October 2020 Statement, we have amended the definition to ensure that it only captures customers in contract with their provider (whether they are within their initial commitment period, or a subsequent rolling contract), and not those who have terminated their contract with their provider and subsequently decide to port their number.¹³⁴

¹³² See GC C7.9.

¹³³ See GC C7.25(b).

¹³⁴ October 2020 Statement, paragraph 9.111. We explained that, because Auto-Switch was designed to improve the switching experience of mobile customers who are still in contract with their provider, the Auto-Switch rules do not apply in situations where customers have already terminated their contract but subsequently decide to port their number.

Changes to definitions resulting from the proposed changes to the Auto-Switch losing provider information requirements

- 5.30 As a result of our changes to the Auto-Switch rules, it is necessary to add a new definition of ‘Mobile Switching Information’ which means ‘the information referred to in Condition C7.30(b)’. This replaces the definition ‘Switching Information’ in relation to the Auto-Switch rules.
- 5.31 This reflects the fact that GC C7.30(b) now contains the mobile switching information requirements, and that there is no longer a distinction between mandatory and optional information.

Changes to definitions resulting from specifying the situations where the ‘Other Migrations’ rules apply

- 5.32 The definition ‘Migration’ is used in the ‘other migrations’ provision (GC C7.29). As we have specified the circumstances in which this GC applies, we have also updated the definition of ‘Migration’. As noted above, we have not proceeded with our proposal to specify that the term ‘Migration’, as used in GC C7.29, includes customers who are moving from one technology to another without changing provider or premises where the provider uses Openreach’s or KCOM’s network. The amended definition of ‘Migration’ will make clear that it only encompasses situations where a residential customer:
- switches the provider of their broadband service at the same time as moving home, where both providers use Openreach’s or KCOM’s network; and
 - is moving home but does not switch the provider of their DSL broadband service, and the provider uses Openreach’s or KCOM’s network.
- 5.33 As a necessary consequential change to the revised definition of ‘Migration’, we have updated the definition of ‘Target Line’ to include ‘Communications Provider Migration’, in addition to ‘Migration’ and ‘Home-Move Request’. We do not consider it is necessary to make any substantive changes to the scope of ‘Target Line’.

Other changes to definitions

- 5.34 We consider the following other changes to definitions are needed:
- a) Amendment to the definition of ‘Porting Process’, which makes clear that requirements relating to this process are contained in Condition B3, in addition to Condition C7.
 - b) Removal of the definitions ‘Residential Mobile Tariff’ and ‘Business Mobile Tariff’, as we consider it is no longer necessary to use these defined terms in GC C7. This reflects a change originally proposed in the December 2019 Consultation.¹³⁵
 - c) Removal of the definition ‘N-PAC’. This is being replaced with the term Service Termination Authorisation Code (STAC), to reflect the term widely used by industry.

¹³⁵ December 2019 Consultation [Annex 13](#), Table 1 – Scope.

- d) Removal of the definition ‘Non-Porting Switching Process’. This term is no longer used in GC C7 as the provisions do not distinguish between mobile switching where a customer ports their number, and where they do not.

Correcting an error identified in the new switching rules

- 5.35 We disagree with BT that GC C7.15(b) is unclear, and note that this requirement was confirmed in the October 2020 Statement.¹³⁶ The amendment removes the inadvertent error (i.e. a reference to the losing provider) which was likely to have caused confusion, and makes it clear that it is the responsibility of the **gaining** provider to keep a record for at least 12 months of their explanation to the customer that they are required to create a record of the customer’s consent to the switch.

Our decision

- 5.36 We have decided to proceed with all of our September proposals to add, amend and remove definitions to reflect the changes we are making to GC C7, with one exception. We have decided to not proceed with one of our proposed changes to the definition of ‘Migration’, which affects the scope of GC C7.29. This decision is explained in more detail above (see paragraphs 5.15-5.16).
- 5.37 We have also decided to correct the minor error identified in GC C7.15(b).

Implementation deadline

Our September proposals

- 5.38 We proposed that the changes to the GCs discussed in the consultation and set out in the draft amended GCs in Annex 9 should apply from 3 April 2023.

Consultation responses and our assessment and decision

- 5.39 We did not receive any comments on the proposed deadline for the changes to the GCs discussed in this section. We have therefore decided to require that the changes to the definitions and minor changes to the GCs set out in the amended GCs in Annex 3 will apply from 3 April 2023.¹³⁷

Legal tests

- 5.40 Below we set out our assessment of how the above amendments we are making to the GCs meet the necessary legal tests and are in line with Ofcom’s duties.

¹³⁶ October 2020 Statement, paragraph 9.185(b).

¹³⁷ As noted in paragraph 3.154, the new switching rules and the other changes originally due to come into effect in December 2022 will now also come into effect on 3 April 2023.

- 5.41 We consider that the changes we have decided to make to GC C7 (and the definitions used therein) meet the test for setting or modifying conditions set out in section 47(2) of the Act. Our changes, as set out above, are:
- a) **objectively justifiable** in that they are required to give effect to our decisions, set out in this section, regarding the definitions and terminology used in GC C7 and the home-moves and other migrations rules (in relation to which it is necessary to take account of the removal of the Notification of Transfer rules and clarify the residual scope);
 - b) **not unduly discriminatory** in that the same regulatory measures would apply to providers of relevant communications services;
 - c) **proportionate** in that they do not go further than is necessary to give effect to our decisions set out in this section, relating to the home-moves and other migrations rules and definitions and terminology used in GC C7; and
 - d) **transparent** as the reasons for our proposals are explained above and the changes to the GCs are shown in Annexes 3 and 4.

A1. Glossary and abbreviations

Auto-Switch: the regulated process for switching mobile provider, including if the customer wants to retain 24 numbers or fewer.

Communications provider (provider): a person who provides an electronic communications network or provides an electronic communications service, as defined in the Communications Act 2003. The terms ‘communications provider’ and ‘provider’ are used interchangeably throughout this document.

Durable medium: this means paper or email, or any other medium that: (a) allows information to be addressed personally to the recipient; (b) enables the recipient to store the information in a way accessible for future reference for a period that is long enough for the purposes of the information; and (c) allows the unchanged reproduction of the information to be stored. This definition derives from the General Conditions.

Early termination charge (ETC): a charge that may be payable by the Subscriber for terminating a contract before the end of the Commitment period. This definition is included in the General Conditions.

European Electronic Communications Code (EECC): a new EU Directive, which updates and replaces the four Directives that currently make up the EU regulatory framework for electronic communications. It entered into force on 20 December 2018 and EU member states had until 21 December 2020 to transpose it into national law.

Full-fibre broadband: a form of broadband that uses fibre cables all the way from the exchange to people’s homes or property.

Gaining provider: the new provider to whom the customer is switching their service(s).

General Condition (GC): a general condition set by Ofcom under section 45(2)(a) of the Act.

Losing provider: the provider from whom the customer is switching their service(s). May also be referred to as ‘current provider’ or ‘old provider’.

Mobile: a mobile telephony subscription, i.e. a service including the provision of a SIM, which enables a customer to make and receive mobile voice calls and SMS, and/or use data services through a mobile handset.

Notification of Transfer: the regulated process for residential and small business customers to switch fixed landline or broadband services within the Openreach and KCOM copper networks.

Pay TV: a subscription-based television service, usually charged at a monthly fee, offering multichannel television channels beyond those available free-to-air. It can be delivered through cable, satellite, digital terrestrial and/or the internet (IPTV).

Porting: where a consumer keeps their telephone number when they switch providers.

Porting Authorisation Code (PAC): a unique code that allows customers to keep 24 mobile numbers or fewer when switching provider using the Auto-Switch process.

SIM-only: a contract between a mobile network provider and a customer whereby the customer is only paying for the monthly network service and not a handset.

Service Termination Authorisation Code (STAC): a unique code allowing customers to switch provider without retaining their phone number through the Auto-Switch process.