



Harmonised European Numbers for Services of Social Value

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

Statement

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Section 1

Summary

- 1.1 This statement concludes Ofcom's process for making two new '116' numbers available in the UK by adding them to the National Telephone Numbering Plan ('the Numbering Plan'). We have decided to implement our proposals as set out in our consultation and make these numbers available for the services and with the charging arrangements set out below:
- 116006 'Helpline for victims of crime' as a 'freephone' number; and
- 116117 'Non-emergency medical on-call service' as a 'free to caller' number.
- 1.2 '116XXX' numbers are an initiative of the European Commission ('the Commission'). The aim is for the same short memorable phone numbers to be available across all Member States, providing 'same number – same service' memorability for certain services of social value and making it easier for citizens to access those services across Europe.
- 1.3 We set out our approach for administering '116' numbers in the UK in our February 2009 statement on allocation and charging arrangements for '116' numbers.¹ We make no changes to that framework in this statement. Three '116' numbers reserved by the Commission have already been made available in the UK as 'free to caller' numbers² and the organisations to provide services on those numbers have already been selected.
- 1.4 On 30 November 2009, the Commission reserved two additional numbers – 116006 and 116117 – and it is Ofcom's duty to make these numbers available for use in the UK and to decide the appropriate charging arrangement. These numbers are the subject of this statement.
- 1.5 We published the consultation document *Harmonised European numbers for services of social value: adding two new numbers to the 116 number range in the UK including proposed modifications to the National Telephone Numbering Plan* ('the 116 Consultation') on 6 April 2010.³ That document asked stakeholders for views on issues regarding the addition of 116006 and 116117 to the Numbering Plan and, in particular, on the charging arrangement for each number. Having considered the views of stakeholders and the results of our impact assessment, we have reached decisions on these matters, and these are set out and explained in this document.
- 1.6 Having concluded the process for making these numbers available for allocation in the UK, we are now launching the selection process for the allocation of 116006 and 116117 to the most suitable service providers and their chosen communication provider. We have published guidelines setting out the application procedure for each of these numbers on our website.⁴ The first stage of the selection process closes on 1 October 2010.

¹ *Harmonised European Numbers for Services of Social Value: allocation and charging arrangements for 116 numbers in the UK*, 20 February 2009 ('the 116 February 2009 Statement')

<http://stakeholders.ofcom.org.uk/binaries/consultations/116/statement/116statement.pdf>

² Numbers already allocated in the UK: 116000 'Hotline for missing children'; 116111 'Child helplines'; and 116123 'Emotional support helpline'.

³ http://stakeholders.ofcom.org.uk/binaries/consultations/harmonised_eu_numbers/summary/main.pdf

⁴ Two separate process documents published 28 July 2010 at

http://stakeholders.ofcom.org.uk/consultations/harmonised_eu_numbers/

Section 2

Introduction and background

Introduction

2.1 Harmonised European numbers for services of social value⁵ are the initiative of the Commission to introduce 'same number – same service' memorability for certain services of social value across Europe. The Commission issued a decision on 15 February 2007 ('the Decision')⁶ requiring all Member States to harmonise their national numbering range beginning with '116' for this purpose. The Commission reserves '116' numbers for specified services and requires Member States to take the necessary action to make the numbers available for allocation.⁷

116 numbers in the UK

2.2 We set out our approach to the administration of '116' numbers in the UK in our statement *Harmonised European Numbers for Services of Social Value: allocation and charging arrangements for 116 numbers in the UK*, published on 20 February 2009 ('the 116 February 2009 Statement').⁸ We do not make any changes to that framework in this statement.

2.3 In summary, following the Commission's reservation of a new '116' number through the publication of an amending decision, we consult on adding the number to the Numbering Plan⁹ to make it available for allocation in the UK, including consultation on our proposed charging arrangement for the number. Subsequently, we launch a selection process to decide the most appropriate service provider(s) / communication provider partnership to be allocated the number.

2.4 We have already made the initial three '116' numbers available in the UK and, having considered the nature of these services, designated them as 'free to caller' numbers. Following a selection process, we chose the organisations to provide service on the initial three numbers in October 2009. These were Missing People for the 116000 'Hotline for missing children'; the NSPCC for 116111 'Child helplines' service; and Samaritans for the 116123 'Emotional support helpline' service.

Charging arrangements in the UK – general criteria

2.5 In the 116 February 2009 Statement, we decided that '116' numbers in the UK could be either 'freephone' (which is the Commission's minimum charging requirement) or 'free to caller'. These charging arrangements are explained below. The intention underlying these charging arrangements is that consumers should not be deterred from contacting the service. The cost of conveyance and supply of information is

⁵ The Decision defines a harmonised service of social value in Article 2 as – "a service meeting a common description to be accessed by individuals via a freephone number, which is potentially of value to visitors from other countries and which answers a specific social need, in particular which contributes to the well-being or safety of citizens, or particular groups of citizens or helps citizens in difficulty."

⁶ Commission decision of 15 February 2007 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:049:0030:0033:EN:PDF>

⁷ Further Commission information on '116' numbers is available at: http://ec.europa.eu/information_society/policy/ecomms/current/pan_european/index_en.htm

⁸ See <http://www.ofcom.org.uk/consult/condocs/116/116statement/>.

⁹ The Numbering Plan sets out numbers available for allocation and restrictions in their use. It can be viewed at <http://stakeholders.ofcom.org.uk/binaries/telecoms/numbering/numplan280710.pdf>.

covered by the provider of the service. Provision may be subsidised by the communications provider terminating the call, although communications providers are not obliged to carry calls to '116' numbers at their own expense.

- 2.6 Charging arrangements form part of each '116' number's service designation¹⁰ in the Numbering Plan and are attached as rights of use of the number in the form of Additional Specific Service Conditions.¹¹ This ensures that originating communications providers comply with the charging designation¹² and, as a consequence, service provider(s) operating on that number cannot change the charging arrangement.

Freephone numbers

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

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

- 2.8 The definition of 'freephone number' allows for calls (both from landlines and mobiles) to be charged for provided there is a pre-call announcement informing the caller. This requirement is a consumer protection measure, as consumers are likely to assume that a number known as 'freephone' will be free to call.
- 2.9 At present, calling a freephone number from a landline is generally free. However, it is common for calls from mobiles to numbers in freephone ranges, such as 0800 and 0808 numbers, to be charged. The pre-call announcement must inform the caller that a charge will be applied, but does not provide information on the level of the charge. The actual price will depend on a number of elements, such as the caller's tariff plan, and provision of real time tariff information is problematic. Calls from mobile phones, in particular 'pay-as-you-go' mobiles, can attract a high charge (typically up to 40p per minute). This can lead to higher than expected bills for mobile contract customers or the exhaustion of credit for mobile pre-pay customers.
- 2.10 It should be noted that where a number is designated as 'freephone', this does not prevent calls from being free from any or all networks, including mobiles. Mobile providers may take independent commercial decisions not to charge for calls to all or specific freephone numbers. In particular for freephone '116' numbers, communications providers might consider the economic and social impact of charging for calls to the type of service provided on this number range and, taking wider social responsibility considerations into account, decide not to charge.

Free to caller numbers

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

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

¹⁰ The service designation is Ofcom's description of the service. It is set out in Part A1 of the Numbering Plan.

¹¹ Additional Specific Service Conditions are conditions attached by Ofcom to the use of a particular '116' number. These are in addition to conditions of use attached by the Commission and are subject to consultation. Charging arrangements are an example of an Additional Specific Service Condition.

¹² Compliance with the charging arrangement is a requirement in accordance with paragraph 17.12 of General Condition 17 on the Allocation, Adoption and Use of Telephone Numbers. General Conditions 17 is available as an annex to the Numbering Plan.

- 2.12 A 'free to caller' charging arrangement ensures that calls are always free regardless of how the call is made. This eliminates financial restrictions to calling a service and any confusion or distress that a pre-call charging announcement might cause.
- 2.13 While 'free to caller' furthers the interests of consumers in terms of call cost and tariff transparency, it represents a significant intervention in the market, in that it sets the absolute tariff at which originating communications providers must charge for calls. Such intervention must be proportionate to the level of consumer protection required.
- 2.14 A further consideration is the cost incurred in carrying calls. If the caller does not pay, these costs need to be recovered from elsewhere. Generally, the recipient of the free call, i.e. the service provider, pays to receive the call. Costs for receiving calls vary and depend on commercial arrangements, but may be higher when the calls originate from a mobile phone. The upshot of this is that it is costly for service providers to offer a 'freephone' service and even more costly to offer 'free to caller' services. Such financial burden may be prohibitive and result in no service provision.

Ofcom's review of non-geographic calls services

- 2.15 We are conducting a review of non-geographic calls services, which will examine the rules governing certain non-geographic calls services including those on freephone numbers.¹³ Although the '116' number range was not originally included in this review, we have decided to do so as the charging and commercial arrangements are similar to those of some other non-geographic calls services.
- 2.16 We plan to publish our analysis and our proposals for this review in autumn 2010. We will be considering whether, and if so how, regulation of non-geographic calls services might need to be adapted or reduced in the interests of consumers, while looking to enhance (or at least preserve) the features consumers value, and encourage new services for the benefit of consumers.

How we decide on the appropriate charging arrangement for each '116' number

- 2.17 As set out in the preceding paragraphs, there are a number of issues that need to be balanced when deciding the appropriate charging arrangement for a '116' number. As current and future services on '116' numbers might address different levels of social need, we have kept the flexibility to make charging decisions on a service-by-service basis.
- 2.18 When determining the appropriate charging arrangements, we consider that our duty to further the interests of citizens and consumers in relation to communications matters is particularly relevant. When setting the '116' number policy we decided that the best way to achieve this was to remove barriers for calling '116' numbers at times when it is vital that citizens can make the call, while ensuring that any regulatory intervention on this matter is proportionate.
- 2.19 In deciding whether a service should be 'freephone' or 'free to caller', we consider three determining factors:
- the level of social value or need met by the service;

¹³ Further information on the review of non-geographic calls services is contained in the 'call for input' document <http://stakeholders.ofcom.org.uk/binaries/consultations/ngnservices/summary/main.pdf>. The 'call for input' document does not specifically mention '116' numbers, however, we have decided to include the '116' range in the review.

- the likely situation of the caller when he/she needs to call the service; and
- the market environment in which the service operates.

A summary of these factors is set out in Figure 1 below.

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

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

Government-run 116 Advisory Committee

2.20 As set out in the 116 February 2009 Statement, certain assessments relating to the provision of services of social value require knowledge substantially different from that acquired during Ofcom's usual number administration processes. For this reason, we have asked Government to assist us and, to this end, an independent advisory committee of relevant Government and non-Government experts has been set up to support us in administering the '116' number range ('the Advisory Committee').

2.21 The Government-run Advisory Committee provides us with recommendations on the most appropriate charging arrangement for each number ahead of consultation. As part of the service provider selection process, the Advisory Committee makes

recommendations on which service provider(s) it deems to be the most appropriate to be allocated an individual '116' number.

The 116 Consultation

2.22 In November 2009, the Commission reserved a further two '116' numbers in its amending decision ('the Amending Decision').¹⁴

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

Figure 2: New '116' numbers reserved by the Commission in the Amending Decision (published 30 November 2009)

2.23 The Amending Decision is binding on all Member States. To implement, we must make the two '116' numbers listed available for allocation in the UK. This means that the Numbering Plan must be amended to include 116006, 116117 and the associated information set out in Figure 2. If we did not do this, the UK would be in breach of its obligations to implement Community law.

2.24 The name of service, the service description and the specific conditions attached to the right of use for each '116' number set out in Figure 2 were determined by the Commission and were not open to further consultation.

2.25 In the 116 Consultation, we consulted on our proposal to add:

¹⁴ Commission Amending Decision of 30 November 2009
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:317:0046:0046:EN:PDF>
 This Amending Decision is reproduced at Annex 2 of this document.

- 116006 and 116117 to the list of Public Telephone Network Numbers in Part A1 of the Numbering Plan;
- the name of service, the service description and the specific conditions attached to the right of use of 116006 and 116117 (i.e. the information set out in Figure 2) to Part B paragraph B3.7.2 of the Numbering Plan; and
- the charging arrangements of:
 - 'freephone' for the 116006 'Helpline for victims of crime' service; and
 - 'free to caller' for the 116117 'Non-emergency medical on-call' service

to each number's designation in the Numbering Plan. This is the only Additional Specific Service Condition we proposed for these numbers.

2.26 Responses to the 116 Consultation are set out in Section 3 of this document and our impact assessment and decision for each number is set out in Section 4.

Section 3

Responses to the 116 Consultation

Background

- 3.1 The 116 Consultation set out our proposal to add the two new '116' numbers to the Numbering Plan, including the charging arrangement of 'freephone' for the 116006 'Helpline for victims of crime' service and 'free to caller' for the 116117 'Non-emergency medical on-call service'. We asked three specific questions for respondents to answer and invited comments by 18 May 2010.
- 3.2 We received six responses to the 116 Consultation. One respondent requested that their name and response not be published. A list of respondents who were content for their names to be published is provided at Annex 1 and their responses are available on our website.¹⁵

Responses to specific questions in the 116 Consultation

Question 1: Do you agree that 116006 'Helpline for victims of crime' should be 'freephone'? Please give your reasons for your views?

Responses to Question 1

- 3.3 Victim Support, Cable&Wireless Worldwide ('C&WW') and the withheld response supported our analysis of the charging arrangement for 116006 and our proposal that, based on the characteristics of the 'Helpline for victims of crime' service, 'freephone' was appropriate.
- 3.4 Victim Support agreed that the decision on the appropriate charging arrangement for 116006 was a complex one and that it was difficult to make a clear judgment on whether the service should be categorised as a 'service of extreme social value' or a 'service of social value'. This was due to elements of the assessment being based on the level of need met by the service and the likely situation of the caller, which Victim Support had found could vary considerably from their experience of working with victims of crime.
- 3.5 On balance, Victim Support concluded that 116006 was unlikely to be the first port of call upon experiencing a crime (which was more likely to be the police) and that the majority of callers to the 'Helpline for victims of crime' service would not have urgent needs. Given this, Victim Support agreed that 'freephone' was the most appropriate charging arrangement.
- 3.6 Victim Support also stressed that, as there was no additional money attached to the introduction and provision of the service on 116006, cost and ability to fund a 'free to caller' service would be an important consideration for potential providers of the service. For example, Victim Support stated that funding was unlikely to be made available for its Victim Supportline, which uses a 0845 number, to be offered as 'free to caller'.

¹⁵ See

http://stakeholders.ofcom.org.uk/consultations/harmonised_eu_numbers/?showResponses=true

- 3.7 C&WW agreed with the analysis using the factors for determining appropriate charging arrangements and the conclusion that ‘freephone’ was most suitable for 116006. However, C&WW noted that a subsection of communications providers may decide to charge for calls to 116006 if designated ‘freephone’, and if so, this would likely cause consumer confusion and be at odds with Ofcom’s desire for pricing transparency for telephone numbers. As clarity was especially important for services of social value, C&WW suggested that such confusion could be entirely mitigated by making all ‘116’ numbers ‘free to caller’.
- 3.8 The withheld response agreed with our view that ‘freephone’ as opposed to ‘free to caller’ would encourage service provision. However, due to the possibility that charges and pre-call announcements may be applied on a ‘freephone’ number, service provision under this charging arrangement should take account of vulnerable callers disadvantaged by such potential action. The response specifically highlighted callers who have difficulty with voice telephony (for example, hearing impaired or elderly citizens) who may be confused and/or deterred by pre-call charging announcements. The withheld response urged us to consider whether other means of conveying the information could be employed, for instance by simultaneous text message when calls are originated from a mobile, or a web-based solution. Also, if communications providers do decide to charge for calls to 116006, confusion over tariff could be lessened by implementing a standard charge regardless of network and tariff plan.
- 3.9 The Ambulance Service Network made the general point that people with financial constraints may seek ways of making the call for free (taken from its experience with inappropriate calls to ‘999’ for healthcare related issues). Similarly, if calling the 116006 ‘Helpline for victims of crime’ service had a cost associated, those concerned about the cost may decide to call ‘999’ for free when inappropriate to do so.
- 3.10 BT and the T-Mobile/Orange Joint Venture (‘T-Mobile/Orange’) did not comment on this question.

Ofcom’s view on responses to Question 1

- 3.11 We welcome respondents’ comments on our analysis and note the general agreement that ‘freephone’ is the appropriate charging arrangement for the 116006 ‘Helpline for victims of crime’ number.
- 3.12 Victim Support’s submission provided useful input to reinforce our analysis of the appropriate charging arrangement. We thank Victim Support for their correction of a statistical inaccuracy in paragraph 3.22 of the 116 Consultation and this information has been incorporated into our impact assessment in section 4.
- 3.13 We agree with C&WW that possible confusion for callers may result from having some ‘116’ numbers designated as ‘freephone’ while others are ‘free to caller’. We considered this consequence in the 116 February 2009 Statement when we set the allocation and charging arrangements for ‘116’ numbers. The impact assessment in that statement considered this risk alongside those associated with making all ‘116’ numbers ‘freephone’ or all ‘free to caller’. We considered that the first option may not be suitable for the extreme social value of some services, where any financial barrier to calling should be removed. We considered that the second option may result in a level of intervention disproportionate for services not of extreme social value and may also act as a barrier to service provision. We decided to accept the risk of consumer confusion over potential call costs in order to retain the flexibility to intervene appropriately on charging in accordance with the agreed set of factors for determining charging arrangements.

- 3.14 As mentioned in paragraphs 2.15 to 2.16, we have included ‘116’ numbers in our review of non-geographic calls services. This review will consider whether, and if so how, regulation of non-geographic calls services, including ‘freephone’ services, might need to be adapted in the interests of consumers.
- 3.15 We agree that a ‘freephone’ designation may lead to some communication providers charging for calls to ‘116’ numbers with that charging designation. In such cases, a pre-call charging announcement will be required. Such announcements have the potential to cause callers confusion or concern. The impact may be greater for certain groups of vulnerable citizens, including those that have difficulty with voice telephony, such as the hearing impaired and the elderly.
- 3.16 Ofcom is a strong supporter of inclusion policies and the promotion of equal opportunities and diversity. We consider the impact of our policies on all diversity groups in accordance with good practice. In terms of considering how a pre-call charging announcement might affect callers who have difficulties with voice calls, we will raise this with service providers during the 116006 service provider selection process to investigate options for addressing this issue.
- 3.17 We expect all service providers interested in the allocation of a ‘116’ number to make reasonable adjustments to address equality issues. We will, in particular, consider the ability of service providers applying for the allocation of ‘116’ numbers to accommodate calls from textphone users made via Tynetalk.¹⁶ Beyond that, service providers might consider installing and maintaining a textphone.
- 3.18 A further potential solution in assisting those who have difficulty with voice telephony might be for the equivalent ‘116’ Short Message Service (‘SMS’) code to be used to make contact by text with the same organisation as allocated the voice version of the number. Ofcom does not administer SMS codes but intends to work with the mobile communications providers in considering whether this option could be facilitated.
- 3.19 In terms of unifying the approach to charging for calls to freephone ‘116’ numbers, this is a matter for individual communications providers to consider. Originating providers may voluntarily agree not to charge for calls to freephone ‘116’ numbers. This is generally the case for providers of fixed line services. Mobile communications providers commonly apply a charge, which can vary according to the service and the caller’s tariff plan. This is an individual commercial decision and would be for providers to consider whether, and if so how, they would apply a charge.
- 3.20 We recognise that the application of call charges may create a barrier to calling a service, which may in turn generate inappropriate calls to the ‘999/112’ emergency numbers. This risk is considered alongside others identified in the impact assessment in section 4.

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

Responses to Question 2

- 3.21 The Ambulance Service Network, C&WW and the withheld response supported our analysis of the charging arrangement for 116117 and our proposal that, based on the characteristics of the ‘non-emergency medical on-call service’, ‘free-to-call’ was appropriate. The other respondents did not comment on this question.

¹⁶ BT TextDirect enables text-to-voice and voice-to-text calls using a RNID Tynetalk operator to relay the call, converting text to voice and vice versa.

- 3.22 The Ambulance Service Network, C&WW and the withheld response agreed that the parallels between the 116117 service description and that of the '111' non-emergency healthcare service number¹⁷ meant that the same charging arrangement should be applied.
- 3.23 C&WW reflected on its close working with the Department of Health in the roll-out of '111' for non-emergency healthcare services in England. It fully supported the linking of the tariff for 116117 to that of the '111' number, which the Department of Health has decided to provide as a 'free to caller' service through commercial negotiation with communications providers. Ensuring the same cost for calling '111' and 116117 for access to non-emergency healthcare services would further the interests of consumers by preventing confusion over the cost of the call and by avoiding the services becoming differentiated by call cost considerations.
- 3.24 Both C&WW and the withheld response mentioned the parallels between '111' and 116117 in terms of the potential service provider for 116117. C&WW suggested that, while not pre-judging applicant interest or the service provider selection process, allocation of 116117 to the Department of Health could reduce consumer confusion arising from two similar but competing services. The withheld response suggested that it could provide an opportunity to develop best practice in service provision.
- 3.25 The Department of Health did not respond formally to the 116 Consultation. However, as part of the consultation process, we have spoken to its representatives involved in the introduction of the '111' number for non-emergency healthcare services in England. They have confirmed that the Department of Health supports the 'free to caller' charging arrangement for 116117 due to the 'extreme social value' of the non-emergency medical on-call service and its parallels with '111'.

Ofcom's view on responses to Question 2

- 3.26 We welcome respondents' comments on our analysis and note the general agreement that 'free to caller' is the appropriate charging arrangement for the 116117 'Non-emergency medical on-call service'.
- 3.27 We agree that the market environment for service provision in terms of the parallels with the '111' non-emergency healthcare service is a strong consideration when deciding the most appropriate charging arrangement. We recognise the risk that different service provision on 111 and 116117 could cause consumer confusion, and that a key element of confusion would be eradicated if the charging arrangements were aligned.
- 3.28 The selection process is open to all interested parties. When assessing the applications for 116117 from interested service providers, Ofcom and the Advisory Committee will look for the organisation that would make best use of the number and whose service provision would further the interests of all groups of citizens and consumers.

Question 3: Do you have any specific comments on the proposed modifications to the Numbering Plan set out in Annex 6 of the 116 Consultation?

¹⁷ The '111' number was designated by Ofcom in December 2009 to provide access to Non-emergency healthcare services. For further information see Ofcom's statement *A Three-digit Number for Non-Emergency Healthcare Services: Designating number '111'*, 18 December 2009 http://stakeholders.ofcom.org.uk/consultations/three_number_non_emergency/

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

Responses to Question 3

- 3.29 C&WW supported the proposed modifications to the Numbering Plan, given that the charging arrangements were already clearly defined within.

Ofcom's view on responses to Question 3

- 3.30 We welcome C&WW's support for the proposed modifications to the Numbering Plan.

Other issues raised in response to the 116 consultation

Wholesale charging structure for '116' numbers

- 3.31 T-Mobile/Orange set out its view that the wholesale charging structure for '116' 'free to caller' numbers was unacceptable. This was because the BT outpayment to the originating communications provider of a '116' call was set at the standard 'freephone' level, which T-Mobile/Orange argued was based on the costs of originating a call on a fixed rather than a mobile network. This meant that mobile providers were unable to recover their efficient costs of mobile call origination.
- 3.32 T-Mobile/Orange argued that mobile providers offer zero-rated access to some freephone numbers by choice, through decisions made commercially and as socially responsible organisations. In those cases, it was their choice to absorb the costs of call origination. However, with 'free to caller' '116' numbers, they have a mandated zero rate and by providing access they would be forced into a loss making situation as a result of BT's wholesale charges. T-Mobile/Orange added that Ofcom must ensure that while it continues to designate numbers as 'free to caller', originating networks are able to recover their efficiently incurred costs of origination for calls to those numbers in full.
- 3.33 BT, in its response to the 116 Consultation, stated its assumption that the commercial arrangements for originating calls to 116117 would be in line with the initial three '116' and other 'free to caller' numbers; while for 116006, the arrangement would be in line with the majority of 'freephone' 080 numbers.

Ofcom response

- 3.34 Appropriate commercial arrangements between originating and terminating communications providers for calls to '116' numbers are fundamental for the success of the '116' number range meeting its objectives and furthering the interests of consumers by providing accessible memorable numbers to call socially valuable services.
- 3.35 In the UK, all communications providers with the exception of BT are free to decide whether to open access to telephone numbers, including '116' numbers (BT is obliged to do so under the obligations of its access-related condition). Therefore, if a communications provider (other than BT) is unhappy with the associated charging or commercial arrangements it may take the decision not to open access to all or some '116' numbers, meaning that their customers would be unable to call the services on those numbers. As recital 3 of the Decision states, communications providers are not obliged to carry calls to '116' numbers at their own expense.
- 3.36 We encourage all communications providers to find an acceptable solution to the commercial arrangements for '116' numbers, taking particular account of the nature

of services provided on these numbers and the desirability of providing access for their customers and the wider citizen interest.

Ofcom's review of non-geographic calls services

- 3.37 T-Mobile/Orange noted that '116' numbers were not included in the list of number ranges to be covered in our review of non-geographic calls services in the recent 'call for input' document. In their view, by definition, '116' numbers were used to provide access to non-geographic calls services and should be included within the scope of our review.

Ofcom's response

- 3.38 We agree with T-Mobile/Orange's comments and will include '116' numbers in our review of non-geographic calls services. See paragraph 2.15 to 2.16 for further information on this review.

Alternative access to services of social value

- 3.39 The withheld response asked that consideration be given to providing alternative access mechanisms to the services of social value reserved '116' numbers in order to reduce confusion and anxiety for those who have difficulty with voice telephony and do not have access to technology, such as text phones, to overcome such difficulties.

Ofcom's response

- 3.40 Essentially the consultation process and this document focus on making available two specific telephone numbers for services of social value. However, we recognise that given the nature of the services, we also have an interest in addressing access issues of a wider nature. While we can not intervene on provision of alternative means of access provided alongside the telephony helpline service, Ofcom and the Advisory Committee will consider any relevant measures undertaken by interested parties during the service provider selection process and reflect on such provision as a measure of the quality of service to be provided.

Section 4

Decision on inclusion of 116006 and 116117 in the Numbering Plan including impact assessment

Introduction

- 4.1 The analysis presented in this section, read in conjunction with the rest of this document, represents an impact assessment as defined in section 7 of the Communications Act 2003 ('the Act').
- 4.2 Impact assessments provide a valuable way of assessing different options for regulation and showing why the preferred option was chosen. They form part of best practice policy-making. This is reflected in section 7 of the Act, which states that generally we have to carry out impact assessments where our proposals would be likely to have a significant effect on businesses or the general public, or when there is a major change in Ofcom's activities. However, as a matter of policy we are committed to carrying out and publishing impact assessments in relation to the great majority of our policy decisions.
- 4.3 We are also required to assess the impact of different options for regulation on race, disability and gender equality. This is called an equality impact assessment and forms a fundamental part of the overall impact assessment. The equality impact assessment will ensure that we are meeting our primary aim of acting in the interest of all citizens and consumers, regardless of their background. Given this, we go beyond our statutory responsibilities in relation to race, disability and gender to include all diversity groups in accordance with good practice. These include age (children and older people), religion or belief and sexual orientation. As part of the process for making 116006 and 116117 available for use in the UK, we conducted an equality impact assessment screening. This screening did not indicate any potential adverse impacts on equality as a result of our policy proposals.
- 4.4 We set out our impact assessment in the 116 Consultation, and have taken into account all the responses to the consultation to update the impact assessment presented below.

Ofcom's policy objective

- 4.5 Ofcom has a duty under section 63(1) of the Act to ensure that the best use is made of telephone numbers and to encourage efficiency and innovation for that purpose.
- 4.6 We also have a general duty under sections 3 and 4 of the Act to further the interests of citizens in relation to communication matters and to take into account the community requirement to promote the interests of all persons who are citizens of the European Union.
- 4.7 When introducing the '116' harmonised numbering range for services of social value, the Commission stated that the aim was primarily to benefit European citizens. The Commission's view is that harmonised '116' numbers should assist citizens across Europe by providing a greater understanding of the number to call if they are in difficulty or require practical or emotional help when in their own country and particularly while travelling.

- 4.8 Our objective, therefore, is to implement the Decision and the Amending Decision and make 116006 and 116117 available for use in the most effective way possible so as to:
- secure the best use of 116006 and 116117; and
 - further the interests of all groups of citizens and consumers.

Ofcom's decision on inclusion of 116006 in the Numbering Plan

- 4.9 The service description for 116006 is set out in Figure 2 in Section 2 and the general factors determining whether the number should be 'freephone' or 'free to caller' are set out in Figure 1 in Section 2.
- 4.10 The assessment of the factors for determining the most appropriate charging arrangement is not clear-cut. Whereas certain considerations point us to 'free to caller', others point to a 'freephone' arrangement. We highlighted our view that the analysis for 116006 was not straightforward in the 116 Consultation and encouraged stakeholders to contribute to the evaluation in their responses.

Level of social value or need met by the service

- 4.11 In terms of the level of social value associated with the service, and in particular whether the service should be considered of 'social value' or 'extreme social value', our assessment against this criterion, having taken into account the views of the Advisory Committee and consultation responses, is inconclusive. Our reasons for this position are set out below.
- 4.12 The 'Helpline for victims of crime' will provide emotional and practical support to individuals who have been affected by crime. As such, the helpline will attract calls on a variety of subject matters, with some callers seeking an opportunity to discuss emotional needs at a time of distress while others will be looking for practical information on action required as a consequence of experiencing a crime. Victim Support confirmed in its response that the needs of callers to its Victim Supportline vary considerably.
- 4.13 The value to citizens of being able to call the helpline service may depend on a number of different factors. These include:
- (i) the urgency of placing a call;
 - (ii) whether the citizen has reported the crime to the police, in which case an automatic referral will be made to Victim Support in the majority of situations (and if so, whether the citizen wants to proactively contact the helpline rather than wait to be contacted by Victim Support); and
 - (iii) whether the 'Helpline for victim support' is the preferred means of receiving help out of the different options available from a broad support network.
- 4.14 In considering the likely level of urgency in making the call, it is important to distinguish between an individual's need to call the police to report a crime and a call to a helpline to receive emotional and/or practical support in the aftermath of a crime. The individual will have an extremely urgent need to call the police immediately after a crime, whereas the helpline provides support anytime after the event. This suggests that the call to the helpline is not necessarily a very urgent call to make. Victim Support concurred with this reasoning in its response.

- 4.15 Victim Support noted a small inaccuracy in paragraph 3.22 of the 116 Consultation, where we cited the British Crime Survey estimate that around 350,000 crimes per year went unreported to the police. The actual number is thought to be far higher. The British Crime Survey estimated that there were 10.7 million crimes in England and Wales in 2008/9 and that only 41% of these crimes were reported to the police (i.e. an estimated 6,313,000 crimes went unreported). The figure of 350,000 is the number of victims of crime who do not report their case to the police but told British Crime Survey researchers that they would like emotional support. As a police referral to Victim Support would not be made, and therefore follow-up contact from Victim Support would not be initiated, members of this group would need to seek the help and support that they require independently.
- 4.16 The figures submitted by Victim Support demonstrate that a larger number of citizens may have a requirement to seek support in the aftermath of experiencing a crime than considered in the 116 Consultation. It is not known, however, how many would have a requirement to actively seek contact through a helpline service. Victim Support informed us pre-consultation that calling the telephony helpline, while valuable, might not be the central route for victims of crime to obtain support. This need is often satisfied through face-to-face contact at local branches, provision of documentation and contact with more specialised helplines. We do not, therefore, think that the amended figure makes the conclusion on the level of social need met by 116006 clearer.
- 4.17 Submissions to the 116 Consultation did not clearly tip the balance to either category of social value. Taking this into account, our consideration of the level of social need met by the 'Helpline for victims of crime' does not point straightforwardly to the service being of 'social value' or 'extreme social value' and remains inconclusive on this factor.

Likely situation of the caller

- 4.18 Our assessment of the likely situation of the caller, taking into account the views of the Advisory Committee and the consultation responses, is that callers could potentially be in a situation that might require increased consumer protection to make the call to the 'Helpline for victims of crime' service. Our reasons for this view are set out below.
- 4.19 Given the broad range of subject matter covered by calls to the helpline, and that there appeared to be no straightforward link between the type of crime experienced by a person and their need for emotional support, we concluded that callers cannot be said to be in one or another 'typical' situation. Victim Support agreed with this analysis in its consultation response.
- 4.20 For Ofcom and the Advisory Committee, the most relevant consideration for this criterion is the likelihood of the caller to rely on a mobile phone to call the helpline. This is an important consideration when assessing charging options. A call made from a mobile to a 'free to caller' number would always be free, whereas a call made from a mobile to a 'freephone' number may attract a charge and this may act as a deterrent to calling the required service. Those who have no alternative to using a mobile to call are also more likely to be citizens with financial constraints and will be the most concerned over the cost of the call. They may also be citizens that are potentially in most need of making contact with the helpline. A further factor that may influence the need to use a mobile is that discussions relating to a crime and its effect on an individual are reasonably likely to require privacy and confidentially, often resulting in a need for mobile phone use and for the number not to appear on an itemised phone bill.

- 4.21 Measures can be taken to address the likely situation of the caller where a potential barrier to calling 116006 might be financial concerns. Service providers can offer a 'call back' service to those concerned about call charges, which is a practice that we encourage service providers to consider to mitigate financial barriers for callers (especially those calling from mobile phones). In its consultation response, Victim Support confirmed that it offers a 'call back' service at callers' request.
- 4.22 Overall, our assessment of the likely situation of the caller is that some callers might need increased consumer protection to make the call to the 'Helpline for victims of crime' service.

Market environment of service provision

- 4.23 Our assessment of the market environment for provision of the 'Helpline for victims of crime' service, taking into account the opinion of the Advisory Committee and the consultation responses, is that in this case, we should focus on facilitating service provision. The reasons for this view are set out below.
- 4.24 We recognise that the national Victim Support organisations have special status in providing services for victims of crime.¹⁸ Under our framework for determining charging arrangements we consider that where there is a single provider of a service or multiple providers of complementary services, our assessment of charging should focus on the social need and caller situation, as well as the likelihood of service providers being able to fund the service under different charging options.
- 4.25 Having considered the likely effect of the two charging arrangements on the potential service providers and carried out initial discussions on the impact with representatives of Victim Support, the Victim and Witness Unit at the Ministry of Justice and the Advisory Committee, we initially concluded in the 116 Consultation that a 'free to caller' charging arrangement is likely to be prohibitive for this service and would result in a very real risk that the 116006 number would not be allocated. This would ultimately jeopardise citizens' interests if this socially valuable service was not provided on 116006 due to the financial constraints of the charging arrangement.
- 4.26 This view was backed up by the response from Victim Support to the 116 consultation. Victim Support confirmed that the lack of subsidy was likely to be a serious consideration for most potential providers of the service and that funding was very unlikely to be made available for it to offer its Victim Supportline as a 'free to caller' service.¹⁹
- 4.27 Overall, therefore, our assessment of the market environment for service provision raises concerns over the funding feasibility of a 'free to caller' charging arrangement.

Recommendation of the Advisory Committee on 116006

- 4.28 The Advisory Committee considered the responses to the 116 Consultation and confirmed that its recommendation remained that 116006 should be 'freephone'. In

¹⁸ Citizens who report a crime to the police are provided with information on a variety of support services available to them. In the majority of circumstances, their details are passed to specialist organisations so that they can make contact and offer support. In this process, the national Victim Support organisations have special status in providing services to victims of crime and the details of most victims who report a crime to the police are passed to the national Victim Support organisation.

¹⁹ Note that our consideration of particular service providers' ability to fund service provision does not necessarily mean that those service providers will be selected for allocation of a '116' number.

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

Conclusions on appropriate charging arrangement and impact assessment for 116006

- 4.29 We think that the Advisory Committee's recommendation of 'freephone' is reasonable and, in light of the responses to the 116 Consultation and analysis set out in the preceding paragraphs, we agree that the 116006 'Helpline for victims of crime' number should be designated as 'freephone'.
- 4.30 In balancing the factors for assessment, we placed particular weight on the recommendation of the Advisory Committee. The Advisory Committee considered that issues relating to the situation of the caller and potential cost from mobiles that may result from a 'freephone' designation were important. Nevertheless, of paramount concern, both for the Advisory Committee and us, was to create an environment that facilitates service provision. This view was reinforced by the submission from Victim Support. We also looked to our own regulatory principles; in particular that we will always seek the least intrusive regulatory mechanisms to achieve our policy objectives and that we operate with a bias against intervention, but with a willingness to intervene firmly, promptly and effectively where required. Taking this into consideration, we do not believe that there is a sufficiently strong case for intervention on setting the absolute tariff at zero for this service, particularly if it is to have a negative impact on service provision.
- 4.31 Making 116006 'freephone' will have a different impact on different groups of stakeholders.
- 4.32 For consumers, 'freephone' carries the risk that some communication providers will take the commercial decision to charge for calls to 116006 (with the provision of a pre-call announcement). In particular, mobile communication providers will make individual commercial decisions on whether and how much to charge, which could result in a variety of charges and cause consumer confusion. This potential for confusion was highlighted in the response from C&WW and the withheld response.
- 4.33 When calling 'freephone' numbers from a mobile, current trends show that there is a potential for consumers to experience high call costs. T-Mobile/Orange's response stated that the outpayment made by BT to mobile communications providers originating '116' calls was insufficient to cover efficient costs of mobile call origination. This suggests that mobile communications providers may choose to charge customers when calling freephone '116' numbers to cover such a deficit. Call charges might prevent or hinder the call being made to the helpline. There is also the risk, as identified in the Ambulance Service Network response, that if a charge is applied to the helpline, inappropriate calls to '999/112' might be generated.
- 4.34 On the other hand, mobile communications providers might choose not to charge for calls to some or all '116' numbers, regardless of whether Ofcom intervenes on the charging arrangement for a particular service. This voluntary approach currently happens for some 080 freephone services and we encourage mobile

communications providers to reflect on the social value of '116' services when considering their approach to call charges.

- 4.35 Also, service providers can mitigate the risk that a 'freephone' designation will create a barrier to certain groups of consumers reaching the helpline by offering a 'call back' service for individuals using a mobile phone and expressing concern about the call cost. Victim Support confirmed that it offers such a service and, as part of the selection process for the number, we will seek information from potential service providers on their approach to 'call back' and other measures they might provide to reduce the cost for callers.
- 4.36 We do not foresee any particular geographical distributional impacts associated with a 'freephone' charging arrangement for 116006 as this would be applicable to all callers across the UK and on the same basis.
- 4.37 For service providers, making 116006 'freephone' will reduce the financial burden on service providers compared to the 'free to caller' option. 'Freephone' may still present an increased funding commitment compared to the charging arrangements for other number ranges. Victim Support's response highlighted that the financial burden on service providers is a concern and, as previously stated, we have given particular weight to this issue.
- 4.38 As mentioned in paragraphs 2.15 to 2.16, we are in the process of reviewing non-geographic calls services in the UK and have decided that '116' numbers should be included in this review. We recognise that this might cause a period of potential regulatory uncertainty for service providers as we examine the rules governing these services, however, it is important that regulation of '116' numbers is considered alongside other numbers with similar charging structures and commercial relationships.
- 4.39 For communication providers, the regulatory impact is reduced with the 'freephone' option as it provides flexibility over their ability to charge customers for calls to 116006.

Ofcom's decision on inclusion of 116117 in the Numbering Plan

- 4.40 The service description for 116117 is set out in Figure 2 in Section 2 and the general criteria determining whether the number should be 'freephone' or 'free to caller' are set out in Figure 1 in Section 2.
- 4.41 Our assessment of the most appropriate charging arrangement for the 'Non-emergency medical on-call service', taking all three criteria together, makes a clear case for this service to be 'free to caller' due to the reasons set out below.

Level of social value or need met by the service

- 4.42 In terms of the level of social value associated with the service, our assessment against this criterion, having taken into account the views of the Advisory Committee and the consultation responses, is that the service is of 'extreme social value'. Our reasons for this view are set out below.
- 4.43 The 'Non-emergency medical on-call service' would enable citizens to discuss health concerns and gain appropriate medical assistance at a potential time of urgent need, distress and physical pain. It would form part of an established and comprehensive system catering for citizens' healthcare needs that includes existing telephony helpline services and ranges from face-to-face professional medical advice to provision of online/printed healthcare information. The 116006 telephony service

would complement the existing forms of non-emergency medical support with the aim of furthering the well-being of the caller or the well-being of others and would have a high social value for many citizens.

- 4.44 Although the service is designed for non-emergency situations (the preamble to the Amending Decision is clear that in life-threatening situations callers should continue to dial the emergency services on '999/112') the call may still meet an extremely urgent need for medical assistance at precisely the time of emotional distress and/or physical discomfort or pain. In some cases callers might be unaware of the seriousness of their condition and it could be vital for their well-being that the call can be made immediately and the requirement for medical assistance properly assessed. As such, it is important that barriers to calling are removed.
- 4.45 Responses supported the analysis presented in the 116 Consultation and accordingly, we believe that the 'non-emergency medical on-call service' is of 'extreme social value'.

Likely situation of the caller

- 4.46 Our assessment of the likely situation of the caller, taking into account the views of the Advisory Committee and consultation responses, is that a range of caller situations might exist that could lead to a call to a non-emergency medical service. However, in the main, we consider that the caller will be in a situation that requires increased consumer protection to ensure that the call can be made in the most appropriate manner for the reasons set out below.
- 4.47 Citizens requiring medical assistance are likely to be in a situation associated with some level of vulnerability or distress due to the experience of pain, diminished capability, confusion or concern. Callers may also require privacy and confidentiality to discuss personal medical issues and the use of a mobile may be required to ensure that a suitable environment can be found to make the call.
- 4.48 Given the caller's potential feelings of vulnerability or distress when experiencing a health issue, it may be detrimental to their well-being if they are concerned by the financial implications of making the call or confused by a pre-call announcement. Anxiety may be increased if the caller is worried about a potentially high mobile bill or that pre-call credit might exhaust before medical assistance is provided. In addition, there might be concern over confidentiality issues if the number appeared on an itemised telephone bill.
- 4.49 Overall, our assessment of the likely situation is that some callers might need increased consumer protection to make the call to the 'non-emergency medical on-call service'.

Market environment of service provision

- 4.50 Our assessment of the market environment for provision of the 'Non-emergency medical on-call service', taking into account the opinion of the Advisory Committee and consultation responses, is that it is particularly relevant that a 'free to caller' non-emergency healthcare service is already planned. The reasons for this view are set out below.
- 4.51 When looking at the market environment we gave particular regard to the fact that service provision is currently heavily dominated by the comprehensive non-emergency medical helplines provided by the National Health Service (NHS) in England, Wales and Scotland. In particular, we paid attention to the plans of the Department of Health to roll out '111' as the new number to access non-emergency

healthcare advice in England. This number will be ‘free to caller’ through commercial negotiation.

- 4.52 Responses to the consultation agreed that given the market environment for service provision, charging arrangements for ‘111’ and 116117 should be aligned to promote tariff transparency and thereby minimise consumer confusion. It would also ensure that the non-emergency health services provided by calling the two different numbers do not become differentiated by call cost considerations.
- 4.53 Taking the above analysis of the market environment into account, in particular that the ‘free to caller’ tariff is to be introduced on the ‘111’ non-emergency healthcare service number, we consider that the market context could provide for a ‘free to caller’ charging arrangement on 116117.²⁰

Recommendation of the Advisory Committee

- 4.54 The Advisory Committee considered the responses to the 116 Consultation and confirmed its recommendation that 116117 should be ‘free to caller’. In summarising its thoughts, the Advisory Committee considered that the ‘Non-emergency medical on-call service’ would meet an extreme social need and barriers to calling should be removed where possible. Given that there is a potential service provider (in the form of the Department of Health in England) that could fund a ‘free to caller’ arrangement, the opportunity to further citizens’ interests by ensuring that the service was free to call should be taken. The Advisory Committee believed there was a sufficiently strong case for such intervention and therefore favoured a ‘free to caller’ arrangement.

Conclusion on appropriate charging arrangement for 116117

- 4.55 We think that the Advisory Committee’s recommendation of ‘free to caller’ is reasonable and, in light of the responses to the 116 Consultation and the analysis set out in the preceding paragraphs, agree that the 116117 ‘Non-emergency medical on-call service’ should be designated as ‘free to caller’.
- 4.56 The assessment of the criteria for determining the most appropriate charging option for this service was relatively straightforward and Ofcom and the Advisory Committee agreed that, taken together, the three determining factors pointed towards a ‘free to caller’ outcome.
- 4.57 We recognise that the designation of 116117 as ‘free to caller’ will have a different impact on different groups of stakeholders.
- 4.58 For consumers, the benefits of ‘free to caller’ for this service are the removal of financial concerns or barriers that might prevent the making of an essential call in the most suitable way and eradicating the potential for confusion or alarm on hearing a pre-call charging announcement. The alignment to the charging arrangement for ‘111’ should also avoid confusion over the cost of calling these non-emergency medical helplines. As such, the ‘free to caller’ designation should further the interests of all consumers, which is particularly important for a service considered to be of ‘extreme social value’.
- 4.59 We do not foresee any particular geographical distributional impacts associated with a ‘free to caller’ charging arrangement for 116117 as this would be applicable to all callers across the UK and on the same basis.

²⁰ Note that our consideration of particular service providers’ ability to fund service provision does not necessarily mean that those service providers will be selected for allocation of a ‘116’ number.

- 4.60 In terms of impact on service providers, the ‘free to caller’ designation could limit the number of potential providers able to fund the running of the ‘Non-emergency medical on-call service’ on 116117. Additionally, a ‘free to caller’ charging arrangement for 116117, which would not be guaranteed under regulation for any other non-emergency medical service, could potentially attract calls from other helplines and force those helplines to adjust their business plans. However, we believe that this impact will be low, as the market for providing a comprehensive non-emergency medical service is already overwhelmingly dominated by the NHS and the Department of Health already plans to provide its non-emergency healthcare service on ‘111’ as a ‘free to caller’ service.
- 4.61 A ‘free to caller’ designation implies that the service would be more costly for the selected service provider(s) to fund than the ‘freephone’ option. We have considered the risk of no service providers coming forward to offer the 116117 service under this charging option and we feel that this risk is reduced due to the knowledge of an existing service provider who has already committed to provide a non-emergency medical helpline at the ‘free to caller’ tariff.
- 4.62 For communications providers, the impact of the ‘free to caller’ charging arrangement would be greater than for ‘freephone’ as it would represent further regulatory intervention to ensure that all calls to 116117 are free. We note in particular the concerns raised in the T-Mobile/Orange consultation response about the inability to recover efficient costs of mobile origination for calls to ‘116’ ‘free to caller’ numbers. Where this is the case, this presents a risk to service provision as communications providers other than BT are not obliged to provide their customers with access to any specific numbers other than ‘999/112’. We would encourage industry to find a commercial solution, taking particular account of the nature of services provided on these numbers and the desirability of providing access for their customers and the wider citizen interest. However, despite this risk, we believe that the ‘extreme social value’ of the 116117 service requires that we deliver the free call expected, and potentially required, by the consumer and that intervention is justified.

Service designation for 116006 and 116117 in the Numbering Plan

- 4.63 Based on the above analysis, we have decided that 116006 will be ‘freephone’ and that 116117 will be ‘free to caller’. The numbers’ service designation in the Numbering Plan will include the charging arrangements as set out below:

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

Legal tests

- 4.64 The statutory procedures governing the modification of the Numbering Plan are set out in Annex 3 and 4 of this document.
- 4.65 It is Ofcom’s duty, when modifying the Numbering Plan, to show how we consider that the modification complies with the legal tests set out in section 60(2) of the Act. We are satisfied that the modification meets the tests being:
- **objectively justifiable**, because it will make 116006 and 116117 available for allocation in the UK in accordance with the Amending Decision. The

requirements and restrictions in relation to the use of 116006 and 116117 are justified in order to achieve pan-European harmonisation of service and, for 116117, to ensure protection of the consumer in terms of the cost of calling services of extreme social value;

- **not unduly discriminatory**, in that all communication providers are subject to the modification;
- **proportionate**, in that the modification is considered the minimum necessary to ensure that 116006 and 116117 are made available for allocation in the most efficient and effective way possible; that pan-European harmonisation is achieved; that citizens will be able to call the two socially valuable services when necessary by having memorable pan-European numbers; and that we have applied a set of established factors in developing our decisions for the appropriate charging arrangements; and
- **transparent**, in that the reasons for the modification are set out in this regulatory statement.

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

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

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

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

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

- **a designation of service for which the numbers shall be used, including any requirements linked to the provision of those services**, in that the charging arrangements for 116006 and 116117 form part of their designation in the Numbering Plan and are a fundamental requirement for how the ‘Helpline for victims of crime’ and ‘Non-emergency medical on-call’ services are to be provided;

- **objectively justifiable**, because the charging arrangements for '116' numbers in the UK are in accordance with the Decision. The requirements and restrictions in relation to the use of '116' numbers are justified in order to achieve pan-European harmonisation of charging and, for 116117, to ensure protection of the consumer in terms of the cost of calling services of extreme social value;
- **not unduly discriminatory**, in that the charging arrangements will be applicable to all communication providers originating calls to 116006 and 116117 and will be a condition attached to the right of use of the numbers for whichever service provider(s) / communication provider partnership is allocated the numbers;
- **proportionate**, in that making the charging arrangements a condition attached to the right of use of 116006 and 116117 is necessary to ensure that the '116' number range is implemented in a way that achieves pan-European harmonisation; that citizens will be able to call socially valuable services when necessary by having barriers to calling removed; and
- **transparent**, in that the framework and effects of the charging arrangements and making them designations of '116' numbers in the Numbering Plan were set out in the 116 February 2009 Statement. That statement included an explanation of how we considered that the charging arrangements met the legal tests of being objectively justifiable, not unduly discriminatory, proportionate and transparent. The framework of factors for reaching a proposed charging arrangement has been applied to 116006 and 116117 and the reasoning set out in this regulatory statement.

Section 5

Next steps: allocation process for 116006 and 116117

Introduction

5.1 The publication of this statement concludes our process for making 116006 and 116117 available for allocation in the UK. In order to implement our decision, modifications have been made to the Numbering Plan and these modifications come into force on the same day as publication of this statement.

Selection process for the allocation of 116006 and 116117

5.2 We have launched the selection process for the allocation of 116006 'Helpline for victims of crime' and 116117 'Non-emergency medical on-call service' numbers.

5.3 Two separate guideline documents setting out the application and selection process for 116006 and 116117 are available from our '116 Webpage'.²¹

5.4 The timetable for activities involved in the selection process for the allocation of 116006 and 116117 is shown in Figure 3 below.

Figure 3: Timetable for service provider selection process for 116006 and 116117

Start	End	Period	Activity
28/07/10	01/10/10	9 weeks	Stage One of the selection process for 116006 and 116117.
01/10/10			Stage One deadline for submission of applications for 116006 and 116117.
04/10/10	05/11/10	5 weeks	Ofcom and the Advisory Committee assess applications for 116006 and 116117 and decide whether they meet the Service Eligibility Criteria. Applicants are notified of the decision and successful applicants invited to take part in Stage Two.
08/11/10	28/01/10	12 weeks	Stage Two of the selection process for 116006 and 116117.
28/01/11			Stage Two deadline for submission of applications for 116006 and 116117.

²¹ <http://stakeholders.ofcom.org.uk/telecoms/numbering/guidance-tele-no/116-euro-numbers>

31/01/11	04/03/11	5 weeks	<p>Ofcom and the Advisory Committee assess submissions made during Stage Two of the selection process for 116006 and 116117.</p> <p>The Advisory Committee provides Ofcom with its assessment report and recommendation on which service provider or service provider partnership should be allocated 116006 and 116117.</p>
07/03/11	01/04/11	4 weeks	<p>Proposed deadline for submission of access code application forms by the communications provider from each partnership that completes Stage Two of the selection process.</p>
01/04/11	22/04/11	3 weeks	<p>Ofcom considers the material submitted during both stages of the selection process, the access code application form(s) and the Advisory Committee's report and recommendations and reaches a decision on the allocation of 116006 and 116117. The decision will be taken in line with our statutory duties and specifically our responsibility for implementing the Decision in the UK.</p> <p>Applicants are notified of our decision.</p>

* the timescale for Stage Two of the selection process may be reduced in exceptional circumstances and where it is in the interests of all relevant parties to do so. A reduction in the Stage Two timescale will bring forward the remainder of the milestone dates by the same time period.

Annex 1

List of respondents to the 116 Consultation

A1.1 We received six responses to the 116 Consultation, one of which requested that their name and response not be published. The remaining five responses are posted on our website at http://stakeholders.ofcom.org.uk/consultations/harmonised_eu_numbers/?showResponses=true

A1.2 The respondents who were content for their names to be published were:

- Ambulance Service Network
- BT
- Cable and Wireless Worldwide
- T-Mobile & Orange Joint Venture
- Victim Support

Annex 2

Commission Amending Decision on 116 numbers issued on 30 November 2009

COMMISSION DECISION

of 30 November 2009

amending Decision 2007/116/EC as regards the introduction of additional reserved numbers beginning with '116'

(notified under document C(2009) 9425)

(Text with EEA relevance)

(2009/884/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) [1], and in particular Article 10(4) thereof,

Whereas:

- 1) Commission Decision 2007/116/EC [2] reserves the national numbering range beginning with "116" for harmonised numbers for harmonised services of social value. The Annex to that Decision contains a list of specific numbers within this numbering range and the services for which each number is reserved. This list may be adapted in accordance with the procedure referred to in Article 22(3) of Directive 2002/21/EC.
- 2) Two services, namely Helpline for victims of crime and Non-emergency medical n-call service, have been identified as services of social value that may qualify for harmonised numbers. For these reasons, Decision 2007/116/EC should be updated and additional reserved numbers introduced. The number for Non-emergency medical on-call service is not intended to replace 112 or national emergency call numbers in life-threatening situations.
- 3) Decision 2007/116/EC should therefore be amended accordingly.
- 4) The measures provided for in this Decision are in accordance with the opinion of the Communications Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2007/116/EC is replaced by the Annex to this Decision.

Article 2

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

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 30 November 2009.

For the Commission

Viviane REDING

Member of the Commission

[1] OJ L 108, 24.4.2002, p. 33.

[2] OJ L 49, 17.2.2007, p. 30.

ANNEX

List of numbers reserved for harmonised services of social value

Number	Service for which this number is reserved	Specific conditions attached to the right of use for this number
116 000	Name of the service: Hotline for missing children Description: The service (a) takes calls reporting missing children and passes them on to the Police; (b) offers guidance to and supports the persons responsible for the missing child; (c) supports the investigation.	Service continuously available (i.e. 24 hours a day, 7 days a week, nation-wide).
116 006	Name of the service: Helpline for victims of crime Description: The service enables victims of crime to get emotional support in such circumstances, to be informed about their rights and about ways to claim their rights, and to be referred to the relevant organisations. In particular, it provides	Where the service is not continuously available (i.e. 24 hours a day, 7 days a week, nation-wide), the service provider must ensure that information about availability is made publicly available in an easily accessible form, and that, during periods of unavailability, callers to the service are advised when the

	<p>information about (a) local police and criminal justice proceedings; (b) possibilities of compensation and insurance matters. It also provides support in finding other sources of help relevant to the victims of crime.</p>	<p>service will next become available.</p>
116 111	<p>Name of the service: Child helplines</p> <p>Description: The service helps children in need of care and protection and links them to services and resources; it provides children with an opportunity to express their concerns, talk about issues directly affecting them and contact someone in an emergency situation.</p>	<p>Where the service is not continuously available (i.e. 24 hours a day, 7 days a week, nation-wide), the service provider must ensure that information about availability is made publicly available in an easily accessible form, and that, during periods of unavailability, callers to the service are advised when the service will next become available.</p>
116 117	<p>Name of the service: Non-emergency medical on-call service</p> <p>Description: The service directs callers to the medical assistance appropriate to their needs, which are urgent but non-life-threatening, especially, but not exclusively, outside normal office hours, over the weekend and on public holidays. It connects the caller to a skilled and supported call-handler, or connects the caller directly to a qualified medical practitioner or clinician.</p>	<p>Where the service is not continuously available (i.e. 24 hours a day, 7 days a week, nation-wide), the service provider must ensure that information about availability is made publicly available in an easily accessible form, and that, during periods of unavailability, callers to the service are advised when the service will next become available.</p>
116 123	<p>Name of the service: Emotional support helplines</p> <p>Description: The service enables the caller to benefit from a genuine human relationship based on non-judgmental listening. It offers emotional support to callers suffering from loneliness, in a state of psychological crisis, or contemplating suicide.</p>	<p>Where the service is not continuously available (i.e. 24 hours a day, 7 days a week, nation-wide), the service provider must ensure that information about availability is made publicly available in an easily accessible form, and that, during periods of unavailability, callers to the service are advised when the service will next become available.</p>

Annex 3

Legal framework

Regulation under the Communications Act

A3.1 Ofcom regulates the communications sector under the framework established by the Communications Act 2003 ('the Act'). The Act provides, amongst other things in relation to numbering, for the publication of the National Telephone Numbering Plan ('the Numbering Plan'). It also sets out statutory procedures governing the modification of the Numbering Plan.

The Numbering Plan

A3.2 Section 56(1) of the Act states that:

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

- a) the numbers that they have determined to be available for allocation by them as telephone numbers;
- b) such restrictions as they consider appropriate on the adoption of numbers available for allocation in accordance with the plan; and
- c) such restrictions as they consider appropriate on the other uses to which numbers available for allocation in accordance with the plan may be put."

A3.3 The Act provides for Ofcom to review and revise the Numbering Plan. Section 56(2) states that:

"It shall be OFCOM's duty -

- a) from time to time to review the National Telephone Numbering Plan; and
- b) to make any modification of that plan that they think fit in consequence of such a review;

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

A3.4 Section 60 of the Act provides for the modification of documents referred to in the Numbering Conditions (which includes the Numbering Plan) and explains the procedures to be followed in order to conduct this process. Section 60(2) of the Act sets out the following test for revising or modifying the relevant provisions:

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

- (a) objectively justifiable in relation to the matters to which it relates;
- (b) not such as to discriminate unduly against particular persons or against a particular description of persons;

(c) proportionate to what the modification is intended to achieve; and

(d) in relation to what it is intended to achieve, transparent”.

A3.5 Section 60(3) further provides that:

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

a) stating that they are proposing to do so;

b) specifying the Plan and other document that they are proposing to revise or modify;

c) setting out the effect of their proposed revisions or modifications;

d) giving their reasons for making the proposal; and

e) specifying the period within which representations may be made to OFCOM about their proposal.”

A3.6 Section 60(5) states that:

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

(a) they have considered every representation about the proposal that is made to them within the period specified in the notification; and

(b) they have had regard to every international obligation of the United Kingdom (if any) which has been notified to them for the purposes of this paragraph by the Secretary of State.”

Conditions attached to the right of use of numbers

A3.7 Article 6 of the Authorisation Directive and Part C of its Annex set out the type of conditions which may be attached to the right of use of telephone numbers. As set out in Article 6:

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

A3.8 Part C of the Annex sets out conditions that may be attached to the rights of use for numbers, including:

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

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

Ofcom’s general duty as to telephone numbering functions

A3.9 Ofcom has a general duty under section 63(1) of the Act in carrying out its numbering functions:

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

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

General duties of Ofcom

A3.10 The principal duty of Ofcom to be observed in the carrying out of its functions is set out in section 3(1) of the Act as the duty:

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

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

Duties for the purpose of fulfilling Community obligations

A3.11 In addition to our general duties and our duty regarding telephone numbers, Ofcom must also take into account the six Community requirements in carrying out its functions as set out in section 4 of the Act. These include the requirement to promote competition in the provision of electronic communications networks and services, as well as the requirement to promote the interests of European citizens.

Regulation of ‘116’ numbers at the European level

Conditions attached to the right of use of ‘116’ numbers

A3.12 The Commission issued a Decision on 15 February 2007 requiring Member States to reserve the national numbering range beginning with ‘116’ for harmonised numbers for harmonised services of social value.

A3.13 Article 4 of the Decision sets out conditions attached to the right of use for harmonised numbers:

“Member States shall attach the following conditions to the right of use of harmonised numbers for the provision of harmonised services of social value:

a) the service provides information or assistance or a reporting tool to citizens, or any combination thereof;

b) the service is open to all citizens without any requirement of prior registration;

- c) the service is not time-limited;²²
- d) there is no payment, or payment commitment as a pre-requisite for using the service;
- e) the following activities are excluded during a call: advertisement; entertainment; marketing and selling; using the call for the future selling of commercial service.

- A3.14 In addition, Article 4 requires Member States to “attach specific conditions to the right of use of harmonised numbers as set out in the Annex”. As set out in Recital (4) of the Decision, these specific conditions are set by the Commission to control the nature of the service provided to ensure that the harmonised numbers are used for the provision of the particular type of service covered by the Decision. As set out in Recital (5), it may also be necessary to attach specific conditions to the right of use of a specific harmonised number.
- A3.15 The Annex listing reserved numbers to harmonised services of social value and the conditions attached is updated by the Commission in accordance with the procedure in Article 22(3) of the Framework Directive.
- A3.16 There is some limited scope for Member States to attach additional conditions to the right of use provided that such conditions do not hinder the harmonising effect of the Decision or create a barrier to the development of pan-European services. Such conditions should follow the rules of the European regulatory framework, in particular those in Article 6 of the Authorisation Directive and Part C in its Annex, which sets out the type of conditions which may be attached to rights of use of telephone numbers (see paragraphs A3.7 and A3.8 of this document). Furthermore, such conditions must be objectively justified, non-discriminatory, proportionate and transparent in what they are intended to achieve.

Duties of the Member States

- A3.17 The Decision sets out a number of measures that Member States' National Regulatory Authorities ('NRAs') responsible for administering telephone numbers must take to implement the Decision. These duties fall to Ofcom in the UK and cover:
- i) ensuring that '116' numbers listed in the Annex to the Decision are used only for the services for which they have been reserved; numbers within the '116' numbering range that are not listed in the Annex are not used; and the number 116112 is neither assigned nor used for any service (Article 3);
 - ii) taking all necessary measures to ensure the NRA can assign the numbers referred to in the Annex of the Decision (Article 5.1);
 - iii) making known at national level that the specific '116' number is available for the provision of the associated harmonised service of social value, and that applications for the rights of use for this specific number may be submitted (Article 5.3);
 - iv) ensuring that a register of all harmonised numbers, with their associated harmonised services of social value, available in the UK is maintained. The register shall be easily accessible to the public (Article 5.4); and

²² There is an expectation that the service is to be provided for the foreseeable future. Services of a temporary nature, for instance services associated with a single event, are excluded.

- v) reporting periodically to the Commission on the actual use of numbers listed in the Annex for the provision of the related services within the UK.

A3.18 For the avoidance of doubt, the Decision confirms that the listing of a specific number and the associated harmonised service of social value in the Annex does not carry an obligation for Member States to ensure that the service in question is provided within their territory.

Annex 4

Modification to the provision of the National Telephone Numbering Plan ('the Numbering Plan') under section 56(2) of the Communications Act 2003

WHEREAS-

A. Section 56(2) of the Act provides that it shall be Ofcom's duty from time to time to review the Numbering Plan and make such revisions as they see fit, provided such revisions are made in accordance with section 60 of the Act;

B. section 60 of the Act applies whereby General Condition 17 is a numbering condition for the time being having effect by reference to provisions of the Numbering Plan;

C. by virtue of the Transitional Provisions, references to the Director in General Condition 17 should be read as references to Ofcom;

D. Ofcom issued a notification pursuant to section 60(3) of the Act of a proposal to make a modification to the Numbering Plan on 6 April 2010 ('the Notification');

E. for the reasons set out in the statement accompanying this modification Ofcom are satisfied that, in accordance with section 60(2) of the Act, this modification is:

- objectively justifiable in relation to the matters to which it relates;
- not such as to discriminate unduly against particular persons or against a particular description of persons;
- proportionate to what the modification is intended to achieve; and
- in relation to what it is intended to achieve, transparent.

F. for the reasons set out in the statement accompanying this modification, Ofcom are satisfied that they acted in accordance with the relevant duties set out in sections 3, 4 and 63(1) of the Act;

G. a copy of the Notification was sent to the Secretary of State;

H. in the Notification and accompanying consultation document Ofcom invited representations about any of the proposals therein by 5pm on 18 May 2010;

I. by virtue of section 60(5) of the Act, Ofcom may give effect to the proposal set out in the Notification, with or without modification, only if –

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

J. Ofcom received six responses to this Notification and the accompanying consultation document and have considered every such representation made to them in respect of the proposals set out in the Notification and accompanying consultation document. The Secretary of State has not notified Ofcom of any international obligation of the UK for this purpose;

K. in considering whether to make the modification proposed in the Notification Ofcom have complied with all relevant requirements set out in section 60 of the Act.

THEREFORE-

1. Ofcom, in accordance with section 56(2) of the Act, hereby makes the following modification to the provisions of the Numbering Plan.

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

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

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

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

2. In making the modifications, Ofcom have considered and acted in accordance with the six community requirements set out in section 4 of the Act and their duties in section 3 and 63 of the Act.

3. In this modification:

- the 'Act' means the Communications Act 2003;
 - 'the Director' means the Director General of Telecommunications as appointed under section 1 of the Telecommunication Act 1984;
 - 'General Condition 17' means General Condition 17 of the General Conditions of Entitlement set by the Director on 22 July 2003 pursuant to section 45 of the Act by way of publication of a Notification pursuant to section 48(2) of the Act;
 - 'Ofcom' means the Office of Communications;
 - 'the Numbering Plan' means the National Telephone Numbering Plan published by Ofcom from time to time pursuant to section 56 of the Act; and
 - 'Transitional Provisions' means section 408 and 411 of the Act, the Communications Act 2003 (commencement No 1) Order 2003 and the Office of Communication Act 2002 (Commencement No.3) and Communication Act 2003 (Commencement No 2) Order 2003.
2. Except in so far as the context otherwise require, words or expressions shall have the meaning assigned to them otherwise any word or expression shall have the meaning it has in the Act, or if it has no meaning there, in the Numbering Plan.
3. The Interpretation Act 1978 shall apply as if this Modification were an Act of Parliament.
4. Heading and titles shall be disregarded.

Signed by Daniel Gordon

Competition Policy Director

A person authorised on behalf of Ofcom under paragraph 18 of the Schedule of the Office of Communications Act 2002.

28 July 2010