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Ability of customers to contact the emergency services during a power cut

I am writing to remind you of your obligation as a Communications Provider (CP) to ensure that your customers are able to contact the emergency services, including in the event of a power cut at a customer's home or premises.

There is a regulatory obligation on **all CPs** in General Condition ¹ A3.2(b) to ensure uninterrupted access to emergency organisations for their customers, regardless of whether they are offering Voice over Internet Protocol (VoIP) services ² or not. General Condition A3.3 also requires CPs to inform their customers in plain English and in an easily accessible manner that access to Emergency Organisations using VoIP Outbound Call Services may cease if there is a power cut or power failure, or a failure of the internet connection on which the service relies. This information must be provided during the sales process, within the terms and conditions of use, and in any user guide.

The issue

A critically important function of the telephone network is to enable people to contact the emergency services.

In November 2017, BT announced its intention to retire its Public Switched Telephone Network (PSTN) by the end of 2025, and this means other providers that use BT's network must follow the same timescale. Other companies with their own networks such as Virgin Media plan to follow a similar timescale. The industry will upgrade landline services to new digital technology, such as VoIP, using an internet connection. In addition, CPs are also investing in new systems and networks – for example, by upgrading old copper-based broadband lines to full-fibre. They will need to switch customers away from the old PSTN at the same time as upgrading their technology. As a result of the decision to retire the PSTN, an increasing number of customers who wish to keep fixed voice services are moving to a VoIP product.

¹ [General Conditions of Entitlement - Ofcom](#)

² VoIP service: A service that allows End-Users to receive voice calls and make a voice call to a number included in the National Telephone Numbering Plan using an internet connection where the service is provided independently of the provision of the internet connection, excluding any Click to Call Service.

Currently customers using corded phones can make calls during a power cut as a traditional corded phone is powered by the local exchange. However, this will not be the case where a customer uses a VoIP product as (unlike the PSTN) the power for the broadband connection, and hence the voice service using it, comes from the mains supply. Therefore, without specific backup, VoIP products will not work in the event of a power cut.

Ofcom's role in regulating telecoms involves ensuring that consumers are protected from harm, including as the migration to VoIP takes place. This includes ensuring that CPs take all necessary measures to ensure uninterrupted access to Emergency Organisations as part of any Voice Communications Service offered.

What we have done

In July 2022, Ofcom launched an own-initiative compliance monitoring programme³ to assess how CPs are meeting their obligations under General Conditions A3.2(b) for those customers using voice communications services that are delivered over broadband, and understand what solutions are in place to provide access to emergency services in the event of a power cut at a customer's home or premises.

As part of this programme, we have undertaken desk-based research, analysed information obtained during our regular engagement activities with the largest CPs, and conducted an information gathering exercise in which we engaged directly with a broad range of CPs.

We have not identified any significant issues of non-compliance from CPs we corresponded with in connection with this programme. However, in a number of instances our direct engagement with CPs during this programme has resulted in improvements being made to the measures they are taking to ensure they are compliant and protecting their customers.

It is important that all CPs, whether they are starting to introduce VoIP services, or CPs who are the network or broadband CP, are aware of their obligations under the General Conditions and clear on their responsibilities.

We have attached at Annex A, a number of frequently asked questions ("FAQs") by CPs we contacted as part of the programme. We are sharing these and our responses to ensure that all CPs – including those that were not contacted during our programme – have access to the same information about our expectations surrounding these obligations.

Enforcement

The ability to access emergency organisations represents a critical citizen interest given the safety of life implications. We recognise and highlight the seriousness for customers of those CPs who are not meeting the requirements of GCA3.2(b) and GCA3.3 and we are willing to take action to protect consumers.

³ [Compliance monitoring programme into access to emergency services during power outages - Ofcom](#)

Ofcom is able to investigate companies who are non-compliant with the General Conditions and, if they are found to be in breach, can impose penalties of up to 10% of their relevant turnover.

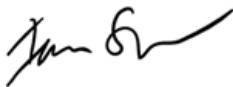
What you need to do

We are asking all CPs to satisfy themselves that their processes are compliant with General Conditions A3.2(b) and A3.3.

CPs should refer to our October 2018 consultation and guidance document ⁴ (Guidance) on protecting access to emergency organisations when there is a power cut at the customer's premises. Our Guidance sets out Ofcom's expectations of the measures CPs should have in place to ensure customers making calls over a broadband connection are able to make emergency calls in this event.

The Guidance also emphasises the importance of effective communications to ensure customers understand the risk and can request a solution to protect their landline in a power cut. It includes principles for CPs to follow regarding the identification of customers who are "at risk" because they are dependent on their landline, and the expectations associated with any backup facilities.

Yours faithfully,



Ian Strawhorne

⁴ [Guidance: Protecting access to emergency organisations when there is a power cut at the customer's premises - Ofcom](#)

Annex A: Frequently Asked Questions

We don't sell VoIP services – What do we need to do?

Network and broadband CPs are responsible for the underlying network that a voice service is reliant on. All CPs therefore have important roles to play in ensuring that their customers are protected from the risk of their phone not working in a power cut.

The Guidance⁵ explains the responsibility for compliance when different CPs supply the network, broadband and voice service.

Where customers are able to sign up to a VoIP service with a different CP to the CP supplying their broadband connection or underlying network, the Guidance says that, as a network provider will be aware that any VoIP service connected to its network will not work in the event of a power cut, it should therefore be able to communicate this to its customers and take appropriate and proportionate steps to ensure they are protected if they are reliant on their landline - whether that be by, for example:

- working with the VoIP service provider to ensure a solution is in place; and / or
- protecting its own network connection.⁶

As part of the information gathering carried out as part of this programme, we have identified the following examples⁷ of what some network CPs are doing in relation to this risk:

- Proactively providing or making available the specification of their optical network terminal (ONT) to their CP customers as part of the installation/wholesale process journey
- Proactively providing a battery back-up unit to protect their network connection as part of the wholesale process journey.

Some examples of what some broadband CPs are doing to support their customers in relation to this risk include:

- Communicating the risks to customers through a variety of sources including in pre-sales information, as part of the sales process
- Taking steps to assess at risk customers
- Providing a battery back-up to at risk customers to power their router or ONT
- Making the specification of their routers available - including on their website

How does Ofcom define a customer who is “at risk” as they are dependent on their landline?

Customers we consider to be “at risk” are customers who are reliant on their landline to contact emergency organisations in the event of a power cut, because they do not have an alternative

⁵ paragraphs 3.32 to 3.38

⁶ Paragraph 3.35

⁷ The examples provided within this letter may not be appropriate and proportionate for all CPs. Our Guidance recognises that CPs should decide and use a method most appropriate for their business model and sales processes.

method of calling emergency organisations. This may be due to not having a mobile phone or insufficient mobile coverage, or because they are otherwise more reliant on their landline to call emergency services due to, for example, disability or accessibility requirements which mean that those customers are unable to use a mobile phone.

The Guidance⁸ provides further detail and a non-exhaustive list of some examples of customers who are dependent on their landline.

Is there a difference between “at risk” and “vulnerable”?

There is a difference between customers who are “at risk” and those who are “vulnerable”. The General Conditions define these terms separately. Customers could be considered “at risk” of being dependant on their landline due to a poor mobile signal, for example but not be considered “vulnerable” under other General Conditions. Sometimes, a customer might be both “at risk” and “vulnerable” under the General Conditions.

General Condition C5 requires that CPs must have policies and procedures in place to make sure vulnerable customers are treated fairly. CPs should understand the needs of vulnerable customers and make sure they get the support they need. Ofcom has published separate best practice guidance with practical measures that CPs could adopt⁹ which provides more information on how CPs can help vulnerable customers.⁴

What do we need to do to effectively communicate the risk?

CPs should engage in effective communication to ensure that customers understand the risk of their phone not working in a power cut. The Guidance is not prescriptive regarding the approach that CPs should take to meet their obligations. CPs need to decide the most effective and appropriate way for them to do so considering their own processes and the information they collect and hold about their customers. We would expect CPs to put in place appropriate checks and balances so that they can be satisfied that customers understand this.

The Guidance¹⁰ explains how CPs can effectively communicate the risk and how CPs should make customers aware of the risk and protection solution(s) available on an ongoing basis.

Examples of what CPs are doing to support their customers, which we have identified during our research, include:

- Advertising the risk and making the risk a prominent feature of sales and pre-sales materials.
- Requiring customers during the sales process to actively acknowledge or confirm their understanding of the risk that VoIP services would not work in the event of a power cut without a solution in place. For example, customers required to acknowledge a statement or confirm mobile phone ownership.

⁸ paragraphs A1.29 to A.35

⁹ [Vulnerable customers must be treated fairly - Ofcom](#)

¹⁰ paragraphs A1.46-52 and paragraphs A1.53 – 61

Do we need to regularly ask customers if they are ‘at risk’?

The Guidance ¹¹ explains that customers should be made aware of the risk and protection solution(s) available on an ongoing basis. We consider this makes it more likely that customers will inform the CP if their circumstances have changed.

The Guidance ¹² provides some examples of ways how CPs can make this information available to their customers on an ongoing basis, which include setting out the risk in appropriate correspondence with their customers such as ensuring the risk and protection solution is clearly accessible and on appropriate pages on their website, and/or including the risk in scripts or announcements used when customers contact their provider for other matters.

How do we ensure the solution works on an ongoing basis?

The Guidance ¹³ explains that we expect CPs to have procedures and practices in place appropriate to the solution adopted that will ensure that the installation of the solution is supported effectively, and that the solution continues to work on an ongoing basis. It also recognises that some action may be required on part of the customer to ensure the solution continues to function. For example, even where the provider takes full responsibility for maintenance, the customer may have to allow the provider access to the property, to replace or service the equipment. In this respect, we would expect providers to do everything within their reasonable control to ensure that the solution is properly maintained.

In respect of a power resilience solution, what does Ofcom mean by a 1-hour supply?

The Guidance ¹⁴ explains that CPs should ensure that the protection solutions they deploy give customers sufficient talk time to allow the caller to describe the situation they are in and what help is required. Similarly, call agents need to be able to convey any life-saving information where relevant.

What does Ofcom mean by ‘the solution has to be suitable for customers’ needs’?

The Guidance ¹⁵ provides further detail on our expectations for CPs in giving due consideration to the customer’s situation. CPs should consider whether their chosen solution is appropriate on a customer-by-customer basis, for example, if the chosen solution is a mobile phone, CPs should ensure that the receiving customer has sufficient mobile coverage and is able to use a mobile phone, and consider alternative solutions for those who are unable to access their solution.

Does a back-up solution have to be available for all customers?

There is a difference between proactively providing a back-up solution to all customers, and having a solution available on request for those customers who contact their CPs to enquire if they could obtain a solution. The Guidance ¹⁶ explains that customers who are not identified as at risk may still

¹¹ Paragraphs A1.55 -57

¹² Paragraph 3.186

¹³ Paragraphs 3.89-91 and A1.16-18

¹⁴ paragraphs A.12 – 15

¹⁵ paragraphs A1.21- 25

¹⁶ paragraph A1.52

request the solution. We consider it would be appropriate for CPs to make the solution available to these customers. Whether to charge for the solution in those circumstances is at the discretion of CPs. Customers who request the solution, and who are at risk due to their reliance on their landline, should be offered the solution free of charge. ¹⁷

¹⁷ Paragraph A1.51