



**Royal Mail's response to Ofcom's -
Proposed direction relating to
exceptions to the postal collections
Universal Service Obligation, and
minor amendment to Designated
Universal Service Provider Condition 1**

22 November 2013

Executive Summary

Royal Mail welcomes Ofcom's proposal to make a new Collections Direction. The current Direction is time limited and will expire on 31 December 2013.

Royal Mail has the highest level of provision per square kilometre of access points in Western Europe and we continue to comply with the recently revised access point density regulations, whereby 98% of all households should be within half a mile of an access point.

We agree with Ofcom's assessment that for collection exceptions, "*the current arrangements are proportionate and effective*"¹. As Ofcom state, collection exceptions apply to a very small proportion of all post boxes, c2k out of c115k post boxes. Royal Mail receives very few complaints in relation to post box collection exceptions. Between 1 January 2013 and 1 July 2013 Royal Mail received only 106 complaints regarding collection exceptions, representing just 0.02% of all customer complaints in that period. Of these 106 only nine complaints were assessed by the Postal Review Panel and none of these were escalated to Ofcom for appeal.

The small number of complaints to Ofcom further illustrates that the current process has worked well as since October 2011 "*out of a total of 1,011 complaints on postal issues we have identified seven complaints (0.7% of all complaints) regarding post box provision.*"² Furthermore, Consumer Futures have not identified any concerns with exceptions and "*its overall view is that the current approach to collection exceptions is working effectively.*"³

Ofcom have, however, identified some areas where it considers improvements may be made to the current Direction. We agree with the majority of these technical changes, as proposed, and the improved clarification these provide. In the response below, we discuss areas of the proposals which we suggest should be amended: to better reflect current process, to provide further clarity; or where in a few cases the proposed changes would represent an unnecessary extra reporting burden, given Ofcom's assessment that the current arrangements are "*proportionate and effective*", and should be removed.

Our main areas of concern are:

- **Difficulty of access: third party blockage** – make clear that Royal Mail's obligation is to take reasonable steps to request access from the occupier or concerned third party rather than the owner and by appropriate means not just in writing.
- **Special purpose boxes: absence of users (business boxes)** – minor change to provide greater clarity on the process Royal Mail must undertake as part of the annual review.

¹ Proposed direction relating to exceptions to the postal collections Universal Service Obligation, and minor amendment to Designated Universal Service Provider Condition 1 October 2013 p1

² Ofcom's consultation document p12

³ Ofcom's consultation document p13

- **Anticipatory temporary health and safety closures** – have regard to health and safety concerns at certain times of year, particularly November 5.
- **Exceptions affecting users who find it difficult to reach alternative collection points** – it should be made clear that this requirement will not apply if the reason for the exception is for health and safety issues.
- **Reviews and Appeals, health and safety exceptions** – greater detail is required on the process Ofcom will follow during an appeal. Given the health and safety requirements placed on Royal Mail we do not believe it appropriate for Ofcom to overrule exceptions based on health and safety assessments.
- **Facilities for vulnerable groups** – we would welcome clarification that should a vulnerable customer wish to be represented by a third party the customer must provide confirmation to Royal Mail. The Direction should be clearer as to the limit of the USP's obligation in providing support.
- **Historic boxes (not in use)** – currently some historic boxes which are not in use are included in the exception. We consider these boxes should be excluded.
- **Proposed amendment to DUSP 1.8** – Royal Mail considers the current requirement gives a more accurate reflection of access point density and should continue.

Suggested amendments to the proposed Direction are at Annex A.

Appropriate categories of exceptions

Difficulty of access: third party blockage

Access problems may arise where post boxes cannot be accessed on particular days due to their location inside closed buildings or other private land. We are pleased that Ofcom does not consider Royal Mail should pay to gain access to these premises. In general, Royal Mail accepts Ofcom's revised Direction drafting. We would, however, like to suggest alternative wording for paragraph 8 (c) (ii) of the Direction. It currently states: "*[...] and the universal service provider has reasonably requested access in writing from the third party concerned*"⁴.

We believe this requirement as drafted would be extremely difficult for Royal Mail to comply with. Royal Mail may not know the identity of the third party concerned – for example, in the case of a multi-occupancy building, if the landlord or owner had caused the blockage, we would only know that access was blocked. To determine the owner, Royal Mail would have to incur additional costs e.g. by obtaining Land Registry information. Also, as access to the premises has been blocked, it may not be appropriate to request access in writing but via an alternative means.

Royal Mail, therefore, suggests the Direction obligation be amended such that it requires the taking of "*reasonable steps to request access from either the occupier or the third party concerned*,"

Special purpose boxes (business boxes): absence of users

We welcome Ofcom's assessment that most business boxes will continue to be exempted from Saturday collection and to regard business boxes as a distinct class of collection exception. There is, however, some ambiguity within Par10 (b) regarding the process Royal Mail must undertake as part of the annual review.

Currently, if customers wish to request a Saturday collection from a business box they contact Royal Mail directly. All business boxes have a telephone and text phone number together with an email address displayed, so that if a customer wishes to discuss the possibility of a Saturday collection they may do so. Alternatively, customers can access the Royal Mail website and find information on 'where to post your franked mail', along with a contact number. Since the first collection Direction in August 2006, only one customer has called to discuss the possibility of a Saturday collection. In this case the query was resolved by informing the customer that they could take their Saturday mail to their local Post Office for posting.

Ofcom propose that, "*[...] Royal Mail will need to consider whether the absence of demand still applies in relation to these access points*."⁵ Royal Mail accepts that this is a reasonable approach to take in relation to special purpose boxes, however, we suggest the draft Direction be amended

⁴ Ofcom's consultation document p31

⁵ Ofcom's consultation document p15

to reflect the current process of customers contacting Royal Mail, such that the requirement that the universal service provider “knows of no users” is replaced by a requirement for the universal service provider having no “express knowledge” of customer demand for Saturday collections.

Anticipatory temporary health and safety closures

Royal Mail welcomes Ofcom’s assessment that, “*where it is necessary to fully seal an aperture for health and safety reasons, this arrangement should continue to be dealt with as an exception to the daily collection obligation*”⁶. In the majority of cases when an access point is closed, for example due to nesting birds or a police request, we would state on the affected post box the location of the three nearest alternative access points, which are subject to no exception. A very small number of boxes are sealed for health and safety reasons at particular times of year, such as 5 November. In these instances we would not normally state the location of alternative access points as this may facilitate a malicious individual accessing alternative boxes, creating a further health and safety risk.

We therefore suggest paragraph 14(c) be amended as follows: “*the location of the three nearest access points that are subject to no exception, except where to do so creates a further risk of a health and safety concern in relation to those alternate access points*”.

Information regarding alternative post boxes is, and will continue to be, available on Royal Mail’s website.

Exceptions affecting users who find it difficult to reach alternative collection points

Currently, as part of the exceptions process, if Royal Mail is made aware that a customer has difficulties in terms of age, disability or ill-health we will make every effort to reach a reasonable arrangement, such that these customers are caused the minimum of inconvenience.

Ofcom propose in paragraph 15 (a), that the Universal Service Provider “*consider whether it would be appropriate and proportionate to make collections in spite of the exceptional circumstances*”⁷. This would include any exceptions in place due to health and safety reasons. Although in the majority of cases we will make every effort to ensure vulnerable users’ needs are taken into account, for those exceptions that are due to health and safety concerns, Royal Mail has a continuing duty of care to its employees and others affected by our operations to ensure they are safe whilst carrying out their duties. We, therefore, propose revised wording be inserted to cover this particular situation:

⁶ Ofcom’s consultation document p16

⁷ Ofcom’s Draft Direction, paragraph 15(a) [emphasis added] p33

[15 (d)] “for the avoidance of doubt, nothing in (a) and (b) above should be read as taking priority over the universal service provider’s health and safety obligations”.

Review and Appeals

Health and safety exceptions

Royal Mail is required by law to, as far as is reasonably practicable to provide a safe working environment for its employees and others affected by its operations. We therefore have a robust risk assessment policy for identifying, assessing and managing health and safety risks. Before any exception is made on health and safety grounds a risk assessment will be undertaken by a trained member of staff.

The current drafting of the Direction would enable Ofcom to overturn an exception decision that had been made on health and safety grounds. Royal Mail agrees that Ofcom should have a degree of oversight of any appeal; however Ofcom should have regard to Royal Mail’s legal obligations under Health and Safety legislation, both to its employees and to any person affected by its operations.

In light of the rigorous process we undertake when assessing health and safety risks Royal Mail is in the best position to judge whether it has satisfied its statutory obligations. Ofcom will be aware that, as a matter of law, these obligations are placed on Royal Mail and it is for Royal Mail to determine how best to discharge them. We are therefore concerned that Ofcom asserts it may override a health and safety exception which has been put in place by Royal Mail (which is the duty holder).

We therefore recommend that further detail should be specified in the Direction which sets out the process Ofcom would follow during an appeal. We suggest that a new paragraph 20 be inserted into the Direction and that the current paragraph 21 be revised as below:

[20] Subsequent to the review process set out in paragraphs [16] to [19] should an appeal be brought in front of OFCOM then the following process will apply:

- a) OFCOM shall provide written notice to the universal service provider setting out the grounds of the appeal;*
- b) the universal service provider shall have an opportunity to make written representations responding to the appeal;*
- c) OFCOM shall, having had due regard to the evidence in front of it and, in particular, any health and safety concerns raised by the universal service provider issue a provisional decision;*
- d) The universal service provider and the person who requested the appeal shall have the opportunity to make representations in relation to the provisional decision;*

- e) *In circumstances where the universal service provider has made representations that the exceptional circumstance is necessary to protect the health and safety of the universal service provider's employees, or others affected by its operations, OFCOM may require the universal service provider to carry out a further health and safety assessment, such assessment to be carried out by a suitably qualified professional.*
 - f) *In the circumstance that a health and safety assessment (as described in (e) above) finds there is a risk to the health and safety of the universal service provider's employees, or others affected by its operations, OFCOM may not require collections to be made from the access point concerned, but may request that the universal service provider reasonably consider alternatives to a collection in the location concerned.*
 - g) *OFCOM's final decision shall be issued having given due regard to all the representations made.*
- [21] *Subject to the process set out in paragraph 20, Ofcom's final decision as to whether exceptional circumstances have arisen shall be binding.*

Facilities for vulnerable Groups

Currently, should a member of the public contact Royal Mail's Customer Services and inform the staff they are vulnerable, their case will be referred to a specialist team who can provide services such as Braille or other assistance in order to help facilitate any complaint⁸. We agree, with Ofcom, that these special arrangements should remain in place.

We would, however, welcome clarification that should a vulnerable customer wish to be represented by a third party, that customer must provide confirmation of this to the universal service provider. This would reflect the current process which works effectively and would prevent possible confusion about whether a third party was representing a vulnerable person or in fact acting unilaterally.

We also consider the proposed Direction as drafted could place a disproportionate burden on Royal Mail. We suggest clarifying this by making clear that Royal Mail's obligation to provide assistance to appellants is to the extent that it will prevent the appellant from experiencing any material disadvantage and require a reasonable level of expense to be incurred by Royal Mail. We suggest amending paragraph 22, *"The universal service provider shall at its own reasonable expense make facilities available to ensure that no person is materially disadvantaged by reason of age, disability, ill health or because English is not the person's first language, in relation to the making of a review request, the conduct of any review or the conduct of any second stage review."*

⁸ The facilities that we currently provide are similar to ['BT code of practice for residential customers and small businesses.'](#)

Reporting requirements

Historic boxes

Currently certain historic boxes, which are not in use, are included in the number of collection exceptions. Royal Mail believes that including these historic boxes leads to an incorrect estimate of the number of collection exceptions. Therefore, we suggest that in paragraph 22 of the draft Direction Ofcom should make express reference to the exclusion of historic boxes from the reported number of collection exceptions.

Proposed Amendment to DUSP 1.8

Ofcom recently consulted on access density regulations and as part of this consultation concluded they had “*no evidence to suggest that Royal Mail is not currently meeting the reasonable needs of users, particularly given users’ overall satisfaction with post box provision.*”⁹ Royal Mail is and continues to be compliant with the new regulation, whereby 98% of households are within half mile of an access point and for the remaining 2% Royal Mail has demonstrated that we meet the reasonable needs of users.

Royal Mail has the highest level of provision per square kilometre of access points in Western Europe, with the number of post boxes in the UK overall – in both rural and urban areas – remaining stable for the past decade. Royal Mail has no plans to materially change the size of the post box network.

A calculation of postbox density, as per the current Direction, includes post boxes that are subject to an exception but excludes boxes that are physically removed. Royal Mail believes this approach is appropriate and proportionate. Currently, as per Ofcom’s consultation document, 94% of exceptions are post boxes where mail is not collected from 6 days a week all year round, but mail is collected from them as many times as Royal Mail is able to e.g. they are business boxes, are collections made from within business premises or are island post boxes where ferry arrangements do not allow a 6 day collection service. We, therefore, believe it is appropriate to retain these post boxes within the access point delivery calculation, as Royal Mail would collect from these boxes 6 days per week if it were physically able to do so.

The remaining 133 post boxes are exceptions due to difficulty of access or health and safety reasons e.g. nesting birds or hypodermic needles found in a post box, preventing us from making collections. Often these exceptions will remain in place for only a relatively short period of time. Removing access points on a temporary basis from our system requires manual intervention and appears disproportionate for the small number of boxes involved. Additionally, undertaking the calculation in this manner would not provide an accurate view of our compliance with the access

⁹ Ofcom (March 2013) Regulation of the provision of post boxes Consultation on a proposed modification to the current regulatory obligations on Royal Mail for the provision of post boxes (DUSP 1.8) p14

point density criteria, as undertaking this calculation on a single day would show the boxes in service that day and not the usual level of access provision.

We, therefore, consider that the current requirement should continue and DUSP proposed condition 1.8.2A be removed.

Conclusion

Royal Mail generally concurs with Ofcom's amendments to the Collection Direction, subject to the proposed amendments within this document and as at Annex A.

ANNEX A – OFCOM’S DRAFT SCHEDULE AND ROYAL MAIL’S PROPOSED AMENDMENTS

SCHEDULE

DIRECTION GIVEN UNDER DESIGNATED USP CONDITION 1.3.2 AND 1.3.2A

DESIGNATING GEOGRAPHICAL CONDITIONS AND OTHER CIRCUMSTANCES AS EXCEPTIONAL FOR THE PURPOSE OF COLLECTIONS AND REQUIRING ASSOCIATED PROCEDURES, NOTIFICATIONS, REPORTING AND ALTERNATIVE COLLECTION ARRANGEMENTS

Ofcom hereby directs as follows

Commencement

1. This Direction shall come into effect on 31 December 2013.

Interpretation

2. In this Direction—
 - a. “**Consumer Futures**” means:
 - (i) prior to 1 April 2013, the Council; and
 - (ii) after 1 April 2013, each of the National Association of Citizens Advice Bureaux, the Scottish Association of Citizens Advice Bureaux and the General Consumer Council of Northern Ireland.
 - b. “**delivery office**” means premises used by the universal service provider to sort mail;
 - c. “**scheduled service**” means a ferry or aeroplane service:
 - (i) which is available to the general public;
 - (ii) in relation to which a timetable is published; and
 - (iii) the running of which on any particular day does not depend on more than one passenger being aboard.
 - d. “**working day**” means any day which is not a Sunday or a public holiday in the place where the access point concerned is located.”
3. For the purpose of interpreting this Direction—
 - a. except in so far as the context otherwise requires, any word or expression shall have the same meaning as it has been ascribed for the purpose of Designated USP Condition 1;
 - b. except in so far as the context otherwise requires, or as ascribed for the purposes of Designated USP Condition 1, any word or expression shall have the same meaning as it has been ascribed for the purpose of Part 3 of the Postal Services Act 2011;
 - c. headings and titles shall be disregarded;

d. expressions cognate with those referred to in this Direction shall be construed accordingly; and

e. the Interpretation Act 1978 (c. 30) shall apply as if this Direction were an Act of Parliament.

Exceptions

4. The circumstances set out in paragraphs 5 to 11 are exceptional for the purposes of collections from the access points concerned.

Health and safety

5. The circumstances specified in this paragraph are that:
- (a) collecting from the access point concerned involves an immediate hazard to the health or safety of employees, sub-contractors or agents of the universal service provider such that it is not reasonable to require them to make the collection; and
 - (b) there is no reasonable means of overcoming the hazard so as to collect postal packets.
6. For the purposes of paragraph 5, an immediate hazard to health or safety which persists for longer than two weeks must be evidenced by a formal health and safety risk assessment and a general assessment of the circumstances, which must be conducted by an appropriately competent and experienced individual as soon as reasonably practicable after the universal service provider has become aware of the circumstances in question.

Difficulty of access: lack of road access

7. The circumstances specified in this paragraph are, in relation to any particular day, that:
- (a) the access point concerned is located in a place in the United Kingdom that is only accessible by water or air from the nearest delivery office on the mainland of Great Britain or the mainland of Northern Ireland; and
 - (b) a scheduled service to that place is either:
 - (i) not available on the day upon which the collection is required; or
 - (ii) available upon the day upon which the collection is required only at times which are not reasonably compatible with the universal service provider's operations; and
 - (c) a collection is made from at least one access point in the place concerned at least once a week, except where the circumstances described in paragraph 5 (*Health and safety*) exist throughout each working day in the week.

Difficulty of access: third party blockage

8. The circumstances specified in this paragraph are, in relation to any particular day, that:
- (a) the access point concerned is located within a building or on private land to which access by the public is controlled by a third party;

(b) the third party does not permit access on the day in question, or permits access only at times which are not reasonably compatible with the universal service provider's operations; and

(c) either:

(i) the circumstances in (a) and (b) have persisted for no more than one week; or
(ii) the circumstances in (a) and (b) have persisted for more than one week and less than 12 months, and the universal service provider has reasonably requested access in writing from the third party concerned; and

(iii) the circumstances in (a) and (b) have persisted for more than 12 months and the universal service provider has reasonably requested access in writing from the third party concerned within the past 12 months.

8. The circumstances specified in this paragraph are, in relation to any particular day, that:
(a) the access point concerned is located within a building or on private land to which access by the public is controlled by a third party;

(b) the third party does not permit access on the day in question, or permits access only at times which are not reasonably compatible with the universal service provider's operations; and

(c) either:

(i) the circumstances in (a) and (b) have persisted for no more than one week; or
(ii) the circumstances in (a) and (b) have persisted for more than one week and less than 12 months, and the universal service provider has taken reasonable steps to request access from either the occupier or the third party concerned; and

(iii) the circumstances in (a) and (b) have persisted for more than 12 months and the universal service provider has taken reasonable steps to request access from either the occupier or the third party concerned within the past 12 months.

Difficulty of access: other

9. The circumstances specified in this paragraph are that:
(a) It is impossible or extremely difficult for the universal service provider to make collections from the access point concerned for reasons of difficulty of access other than those set out in paragraphs 7(a)-(b) and 8(a)-(b) of this Direction; and

(b) The circumstances creating the impossibility or difficulty are outside the universal service provider's control.

Special purpose boxes: absence of users

10. The circumstances specified in this paragraph are, in relation only to a Saturday, that:
(a) the access point concerned is only for letters paid for by meter and contained in outer posting envelopes;

(b) the universal service provider knows of no users wishing to post metered mail in that access point in volumes requiring an outer posting envelope of dimensions greater than 380mm by 255mm by 35mm.

10. The circumstances specified in this paragraph are, in relation only to a Saturday, that:
- (a) the access point concerned is only for letters paid for by meter and contained in outer posting envelopes;
- (b) the universal service provider has no express knowledge of users wishing to post metered mail in that access point in volumes requiring an outer posting envelope of dimensions greater than 380mm by 255mm by 35mm.

Anticipatory temporary health and safety closure

11. The circumstances specified in this paragraph are that the universal service provider has for reasons of health and safety prevented users from depositing any postal packets in the access point throughout the period since the last collection was made.

Notifications

12. If the exceptional circumstances set out in paragraph 5 (*Health and safety*) or 9 (*Difficulty of access: other*) arise or change, the universal service provider shall, as soon as is practicable, place a notice on the access point or in a nearby conspicuous location stating:
- (a) the reasons for the suspension of collections;
- (b) the anticipated date of resumption of daily collections (where that date can be anticipated);
- (c) the location of the three nearest access points that are subject to no exception; and
- (d) the universal service provider's postal address, telephone number and email address for the purposes of complaints about the access point.
13. If the exceptional circumstances set out in paragraph 7 (*Difficulty of access: lack of road access*) or 8 (*Difficulty of access: third party blockage*) arise or change, the universal service provider shall, as soon as is practicable, place a notice on the access point or in a nearby conspicuous location stating:
- (a) the days upon which collections are made from the access point;
- (b) the location of the three nearest access points that are subject to no exception; and
- (c) the universal service provider's postal address, telephone number and email address for the purposes of complaints about the access point.
14. If the universal service provider intends to rely upon the exception set out in paragraph 11 (*Anticipatory temporary health and safety closure*), it shall, no later than the time of the

last collection, place a notice on the access point or in a nearby conspicuous location stating:

- (a) the reasons for the suspension of collections;
- (b) the date upon which collections will be resumed;
- (c) the location of the three nearest access points that are subject to no exception; and
- (d) the universal service provider's postal address, telephone number and email address for the purposes of complaints about the access point.

14. If the universal service provider intends to rely upon the exception set out in paragraph 11 (*Anticipatory temporary health and safety closure*), it shall, no later than the time of the last collection, place a notice on the access point or in a nearby conspicuous location stating:

- (a) the reasons for the suspension of collections;
- (b) the date upon which collections will be resumed;
- (c) the location of the three nearest access points that are subject to no exception, except where to do so creates a further risk of a health and safety concern in relation to those alternate access points; and
- (d) the universal service provider's postal address, telephone number and email address for the purposes of complaints about the access point.

Exceptions affecting users who find it difficult to reach alternative collection points

15. If exceptional circumstances have arisen in relation to an access point known by the universal service provider to be used by a person who for reasons of age, disability or ill-health finds it difficult to reach alternative collection points, the universal service provider shall:
- (a) consider whether it would be appropriate and proportionate to make collections in spite of the exceptional circumstances;
 - (b) consider whether alternative collection arrangements ought to be made, and
 - (c) retain written records of its thinking in relation to (a) and (b) for at least 6 months.
15. If exceptional circumstances have arisen in relation to an access point known by the universal service provider to be used by a person who for reasons of age, disability or ill-health finds it difficult to reach alternative collection points, the universal service provider shall:

(a) consider whether it would be appropriate and proportionate to make collections in spite of the exceptional circumstances;

(b) consider whether alternative collection arrangements ought to be made, and

(c) retain written records of its thinking in relation to (a) and (b) for at least 6 months.

(d) for the avoidance of doubt, nothing in (a) and (b) above should be read as taking priority over the universal service provider's health and safety obligations

Reviews and appeals

16. The universal service provider shall complete a review of whether exceptional circumstances exist in the case of each access point:
 - (a) Within one month of any person's request made using the relevant contact details; and
 - (b) in any event, no later than 12 months from the date of the later of the exceptional circumstances arising and the date of the last review.
17. The universal service provider shall notify the person who requested the review promptly in writing of:
 - (a) the outcome of the review; and
 - (b) if the outcome is that exceptional circumstances exist in relation to the access point concerned, the person's right to seek a second stage review and how such a request should be made, which shall include postal, telephone and email methods of communication.
18. The universal service provider shall complete a second stage review of whether exceptional circumstances exist in the case of an access point within 2 months from receipt of a request made in accordance with paragraph 17(b).
19. The universal service provider shall notify the person who requested the second stage review promptly in writing of:
 - (a) the outcome of the second stage review; and
 - (b) if the outcome is that exceptional circumstances exist in relation to the access point concerned, the person's right to appeal to OFCOM, giving such contact details as OFCOM shall provide to the universal service provider for the purposes of this paragraph from time to time.
20. Ofcom's decision as to whether exceptional circumstances have arisen shall be binding.
21. The universal service provider shall at its own expense make facilities available to ensure that no person is disadvantaged by reason of age, disability, ill health or because English is

not the person's first language, in relation to the making of a review request, the conduct of any review and the conduct of any second stage review.

[20] Subsequent to the review process set out in paragraphs [16] to [19] should an appeal be brought in front of OFCOM then the following process will apply:

- a) OFCOM shall provide written notice to the universal service provider setting out the grounds of the appeal;
- b) the universal service provider shall have an opportunity to make written representations responding to the appeal;
- c) OFCOM shall, having had due regard to the evidence in front of it and, in particular, any health and safety concerns raised by the universal service provider issue a provisional decision;
- d) The universal service provider and the person who requested the appeal shall have the opportunity to make representations in relation to the provisional decision;
- e) In circumstances where the universal service provider has made representations that the exceptional circumstance is necessary to protect the health and safety of the universal service provider's employees, or others affected by its operations, OFCOM may require the universal service provider to carry out a further health and safety assessment, such assessment to be carried out by a suitably qualified professional.
- f) In the circumstance that a health and safety assessment (as described in (e) above) finds there is a risk to the health and safety of the universal service provider's employees, or others affected by its operations, OFCOM may not require collections to be made from the access point concerned, but may request that the universal service provider reasonably consider alternatives to a collection in the location concerned.
- g) OFCOM's final decision shall be issued having given due regard to all the representations made.

[21] Subject to the process set out in paragraph 20, Ofcom's final decision as to whether exceptional circumstances have arisen shall be binding.

[22.] The universal service provider shall at its own reasonable expense make facilities available to ensure that no person is materially disadvantaged by reason of age, disability, ill health or because English is not the person's first language, in relation to the making of a review request, the conduct of any review or the conduct of any second stage review.

Reporting requirements

22. The universal service provider shall within 3 months from 31 March each year provide an annual report to OFCOM and Consumer Futures on each access point in relation to which exceptional circumstances have persisted for 12 months or more pursuant to a direction given under DUSP 1.3.2. The report shall include the following information in relation to each access point:
- the post box number and location;
 - the postcode area;
 - applicable exception under this Direction;
 - date upon which the relevant exceptional circumstances arose under this or any previous Direction, except if the date both precedes and was unknown at the date of this Direction;
 - where the relevant exceptional circumstances relate only to particular days of the week, the days upon which collections are made;
 - the anticipated date upon which collections will resume (if none, reasons why the access point is still considered to be an access point);
 - details of action to be taken to resolve the exceptional circumstances.
23. The universal service provider shall publish the report on its website within 3 months from 31 March.