



A Review of Consumer Information Remedies

Research Document

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Section 1

Executive summary

This paper is designed to provide a review of one of the tools available to regulators – the use of information-based remedies. It has been prepared primarily with the communications market in mind, but it summarises practices across a wide range of sectors, as there is much that can be learned from experience in different contexts. This paper does not constitute a statement of Ofcom policy nor does it preclude a range of remedies, but serves as a review of current practices and provides an outline of some key issues for discussion.

- 1.1 Confident and well-informed consumers have a key part to play in ensuring the effective functioning of markets. Where they are able to make fully informed decisions about products and services, this can, in turn, reduce the dependence of regulators on more formal approaches. Furthermore, information-based approaches may become more important in the online economy, where traditional enforcement may be difficult.
- 1.2 Information provision can yield dividends; for example, where transparency helps to highlight good and bad practices, so that consumers can make an informed choice. Transparency, and exposure of firms to reputational risk, may provide a greater spur than more traditional regulatory techniques to the reduction of consumer detriment.
- 1.3 While there are many ways in which improvements in information may be achieved, there may be limits to the benefits increased information can bring. Such problems may include the characteristics of the market itself, either because of the inherent complexity of its products or services, or because of the ‘option swamp’ created by a profusion of similar offerings. Some market participants may actually benefit from market confusion – a situation often described as “confusopoly”.
- 1.4 Information remedies are therefore only one of a range of interventions needed for a given situation. The appropriateness and design of any intervention is considered on a case-by-case basis, taking into account a number of matters including the principles under which regulatory activities should be carried out: transparent, accountable, proportionate, consistent, and targeted only at cases where action is needed.
- 1.5 This paper reviews a range of information remedy. These include **branded purchasing information** on products/services price; features; and performance. We also look at examples of **generic information** on: post-purchase problems (making a complaint, getting redress); and ongoing issues and event campaigns (for example, based on critical market changes like Digital Switchover). Information remedies can help consumers make better-informed choices about products/services, exercise choices (e.g. switching), and manage relationships with suppliers.
- 1.6 This information may be provided by any or all of the following:
 - product and service providers, where mandated by a regulator;
 - product and service providers in a self-regulatory or voluntary framework;
 - the regulator acting directly; or

- other parties, including independent consumer bodies and commercial intermediaries such as comparison websites; and trade bodies and industry associations.
- 1.7 We explore a number of examples, drawing from the communications sector and Ofcom's own experience, and also from other sectors. We have found evidence of shortcomings in the way consumers engage effectively with the market. In the examples we have explored, this has tended to be because of a shortfall in the product/service information companies provide (beyond regulatory and statutory requirements for transparent, accurate information); because of consumer attitudinal or behavioural preferences; or because of consumers' inability to understand the information provided.
- 1.8 When considering future information remedies, our analysis suggests benefits in:
- assessing the nature of current information provision;
 - identifying if there is a need for new information;
 - considering the extent to which consumers are likely to engage with the new information; and
 - evaluating who is best placed to provide the information to consumers.
- 1.9 Drawing from our review of examples of current practices, we have identified a range of characteristics that appropriate information remedies might be expected to take into account:

Figure 1 – Characteristics of information provision

AWARENESS	• Are consumers aware of the information?
ACCESSIBLE	• Is the information easy to access, find and use?; Is it clearly identifiable?
TRUSTWORTHY	• Is the source of information trustworthy and totally impartial? • Has the information been endorsed by multiple stakeholders?
ACCURATE	• Is it true to a sufficient level of resolution, and can it be checked for correctness? Is it up-to-date and pertains to consumers' current situation?
COMPARABLE	• Is it presented in such a way by different providers to allow for easy and sensible comparisons?
CLEAR AND UNDERSTANDABLE	• Is the information expressed in units, concepts, or terminology that is unambiguous and easy to understand? Do consumers have the technical competence to understand it?
TIMELY	• Is the information readily available at the point of making decisions?

- 1.10 These points vary in importance according to the nature of the problem. One underlying influence is the behaviour and attitude of consumers, which is likely to vary significantly with the level of familiarity and trust in the market. For example, the lower the level of consumer understanding and willingness to engage, the less likely the value of detailed factual information.
- 1.11 The Communications Consumer Panel, an independent panel of experts that encourages Ofcom, Government, the EU, industry and others to look at issues through the eyes of consumers, citizens and small businesses and protect and

promote their interests, has argued for the need for caution in relying on information remedies as they may not work for everyone: different demographic groups may respond differently to information, leading to variable outcomes. Complex information may be a disincentive to engage and this may be accentuated for some groups. There may be cases where an intervention that merely mandates the provision of information to consumers will be inappropriate. Other regulatory rules and/or measures may be needed.

- 1.12 Some types of information may turn out to have limited effectiveness, for example, when it is presented in a way that is not helpful to consumers. For example, Ofcom was involved in initiatives such as Topcomm and Topnet, when we sought to make information on various aspects of providers' quality of service available. However, it was presented in a format which was not as readily comparable as it could have been. This was compounded by low overall **awareness** of the information's availability. Consequently, consumers tended not to seek out this information.
- 1.13 Broader **behavioural tendencies** may influence the effectiveness of an information remedy, such as people's general propensity to be poor at anticipating the future. Behavioural tendencies have contributed to policy decisions not to rely solely on an information remedy; for example, Ofcom's work on automatic renewal of contracts. The implication is that an information remedy is just one tool among many that will help markets work effectively. The appropriate intervention, in many cases, may be the adoption of other regulatory rules and/or the enforcement of existing rules.
- 1.14 Characteristics of the market may limit the effectiveness of information. Tariff complexity is an example of a barrier to the **accessibility** of the market, as exemplified in the retail energy sector. Ofgem's consumer research indicates that, on their own, information remedies alone were not sufficient to address the low levels of active consumer engagement in the energy market. Therefore, in its *Retail Market Review*, Ofgem introduced a package of measures that would work together to reduce barriers to consumer engagement and help facilitate greater level of market participation. This package of measures includes proposing to introduce information requirements to promote transparency and consumer understanding of key information, as well as to limit the number of standard tariffs in the market and provide a simpler price comparison matrix to ease tariff comparisons.¹
- 1.15 Nevertheless, all the information features outlined in para 1.9 above are likely to be relevant, to a greater or lesser extent, in most circumstances where an information remedy is thought appropriate. For example, when information gathering is costly, consumers may not search for the best option to meet their needs, and may make quick decisions to avoid information overload, especially when faced with complex choices. An information tool that makes **comparability** easier, by standardising the format of relevant information across providers and centralising that information in a 'one-stop shop', can reduce the time and effort needed to search, and assist consumers in making comparisons. Reliable price comparison websites can help significantly here – especially if backed by an accreditation scheme such as that run by Ofcom for fixed and mobile voice, broadband providers and digital TV.
- 1.16 Assessing the **accuracy** of information can be challenging for consumers and also for regulators, especially in relation to complex technical products and services. Independent verification, if achievable, can be a useful means to assess whether product/service information is accurate. Ofcom's broadband speeds measurement

¹ Ofgem (2011) *The Retail Market Review: Domestic Proposals*

provides an example of how publication of data by the regulator has added to the quality of information available to consumers.

- 1.17 If a decision is made to introduce an information remedy, it is important also to consider how it will be implemented, taking into account factors such as the target audience's information needs; the potential effects of introducing new information; and consumers' likely responses. The approach to implementation can influence consumer responses; poorly-designed information can have negative consequences, such as overloading consumers to the point of not making a decision. We found evidence that testing the information design in a real-life context can help identify consumers' likely responses and any potential unintended consequences.
- 1.18 There is a case for building post-implementation evaluation into the design of the project from the outset. In complex markets, it is often difficult to establish baselines, and it is a real challenge to link causes and effects. Limited resources also affect what can be achieved. But there is much that can be done; for example, by assessing levels of compliance with any over-arching requirements and verifying the quality of information; by tracking consumer experience, whether through formal market research, mystery shopping or the use of market intelligence; and by assessing the impact of any measures on product and service providers.

Conclusions

- 1.19 We have identified only a limited amount of published evidence on the effectiveness of specific information remedies in delivering consumer outcomes, either within the communications market or in other sectors. This paper is intended to be a contribution to an ongoing debate and, we hope, a stimulus for further research on the effectiveness of information remedies.
- 1.20 Information remedies offer one of a range of tools to address shortfalls in information provided to consumers. We have identified specific cases where a well-designed information remedy may be effective.
- 1.21 However, the provision of new or additional information to remedy to a market problem is not in itself always a good thing. We found evidence of information remedies that have led to unintended or negative consequences, due, for example, to consumers' attitudinal or behavioural tendencies that present barriers to their engaging with, and acting on, information.

Section 2

Introduction

- 2.1 Consumer detriment can arise in many different ways; for example, from abuse of market power by firms with dominant market share; from poorly-designed products or services; from misleading claims about price or performance; from poor standards of corporate behaviour; or simply from market complexity. In turn, regulators have a wide range of potential tools at their disposal, ranging from the formal – such as statutory requirements for the design and or delivery of products, backed by legal sanctions if need be – to the informal, such as the securing of voluntary undertakings and the publication of good practice recommendations.
- 2.2 This paper is designed to provide a review of one of the less formal range of tools available to regulators – the use of information-based remedies. It has been prepared primarily with the communications sector in mind, but it summarises practices across a wide range of sectors, as there is much that can be learned from experience in different contexts. The intention is not to set out Ofcom policy nor to preclude a range of remedies, but to review current practices and outline some key issues for discussion.
- 2.3 Our opening proposition is that confident and knowledgeable consumers, provided with the right kind of information, have a crucial role to play in ensuring the effective functioning of markets. Consumers need easy access to relevant, accurate information in order to make informed choices about products and services. They also need information to help them manage their relationships with suppliers; for example, so they can exercise their contractual rights and protect themselves. Both mechanisms help to support fair-dealing businesses as well as preventing consumer detriment. In this respect, the appropriate provision of information to consumers is a key element of consumer protection policy and law.
- 2.4 Our second proposition is that, where consumers are able to make fully informed decisions about products and services, this should, in turn, reduce the dependence of regulators and policy makers on more onerous, formal approaches. Information remedies – whether used on their own or alongside other approaches – may be a proportionate and efficient way to make markets work, because they function by empowering consumers rather than directly constraining product and service providers. They may also help significantly to open up market transparency and expose good and bad behaviour – so helping to drive up standards through the power of the market. Indeed the exposure of firms to reputational risk may of itself provide a greater spur to the reduction of consumer detriment than more traditional regulatory techniques.
- 2.5 But there are many ways in which improved information for consumers may be achieved; and there may be limits to the benefits that information remedies of any kind might be expected to bring. It is therefore against this background that this paper explores the different kinds of information-led initiative – looking, for example, at the range of potential providers, as well as the type of information provided and the mechanism by which it reaches consumers – and identifies some key strengths and weaknesses associated with each. In turn, we identify a number of characteristics of information provision that emerge from our analysis and that are offered as a basis for consideration.

- 2.6 The purpose of our review is to contribute to an already active and open discussion on the use of information remedies as a consumer protection and empowerment tool. It does not seek to determine whether information-based remedies are the most appropriate solution in any particular circumstance. Nor does Ofcom have any intention of developing general policy in this area.
- 2.7 Such remedies are only one of a range of interventions available to regulators for the purpose of protecting or empowering consumers. There will, for example, be cases where the appropriate course is the development and/or enforcement of sectoral regulatory rules and/or the taking of formal law enforcement action. And there will be cases where regulatory forbearance is appropriate – for example where markets can be expected to self-correct over time.

Scope and approach

- 2.8 For the purpose of this work, we have defined information remedies as measures introduced to solve, or help solve, a market problem by providing information to consumers, with the aim of helping them to make informed decisions about products and services.
- 2.9 They are distinct from other sorts of remedy, such as prohibitions on certain practices, mandatory standards, price controls, codes of practice and product specification – although they could be used in combination with these.
- 2.10 For this review, we have covered only those types of information provision that are there to remedy a market failure in a given market – in other words, going beyond what individual firms might do of their own accord, for example to help sell their products or promote their brand. We have identified a number of ways in which information might be provided to consumers:
- by **product and service providers**, where **mandated** to provide information by a regulator;
 - by **product and service providers** in a **self-regulatory or voluntary framework**;
 - by the **regulator**; or
 - by **independent consumer bodies, commercial intermediaries, and consumers** themselves; as well as by **trade bodies** and **industry associations**.
- 2.11 The paper draws on examples of current or recent practice in these areas. As well as looking across the communications sector, we have also included examples from other competitive markets, such as retail financial services and energy. Some of these face similar challenges in communicating complex information to consumers in a fast-changing environment.
- 2.12 We carried out a series of interviews with stakeholders in order to inform our review, but have also compiled findings from published research, including academic studies. We have also worked with **I2Media Research**² in compiling the desk research and

² <http://www.gold.ac.uk/i2/>

with **Stephen Locke**³, an independent expert in consumer policy, who peer reviewed the report and contributed to the examples of current practices.

Ofcom's interest in information remedies

- 2.13 Ofcom's starting point is that well-functioning markets tend to deliver good outcomes for consumers. This is at the heart of our regulatory principles and derived from the statutes; Ofcom's principal duties under the Communications Act 2003 include:

*'to further the interests of consumers in relevant markets, where appropriate by promoting competition.'*⁴

- 2.14 We seek to enhance the ability of the market to deliver good outcomes for consumers, taking account of the impact of market mechanisms and incentives. Only when that is not possible will we look for ways to deliver outcomes that the market will not deliver.

- 2.15 One of Ofcom's strategic priorities that helps in our promotion of communications markets that work for consumers is:

'promoting effective choice for consumers by ensuring that clear information on service, price and quality is available.'

- 2.16 Information remedies offer one of a range of tools to help consumers to make better-informed choices about products/services providers; to help them exercise choices (for example, switching); or to inform them about how to exercise their contractual rights and how to protect themselves. In many cases the appropriate course is likely to be formal regulatory intervention and/or enforcement action; including in relation to information, to ensure providers adhere to clear rules from breaching them.

- 2.17 There are a number of market developments that make the discussion of information remedies particularly timely, some of which may have ramifications across different market sectors. All of these trends are leading to an increase in the range, amount, and means of making information available to consumers about products and services. In particular:

- The **complexity and the rate of change in communication services** available means that consumers can find it difficult to understand and compare the features of a particular service to make a suitable choice;
- The **growth in bundled communications services** can affect the attention consumers pay to different services and service features. Information on a specific feature may have little, if any, influence on choice, as higher-level differences between bundles such as price or brand may take precedence;
- **Price complexity** can prove challenging for some consumers. For example, when choosing a mobile phone contract, consumers need to understand their likely usage of different features of the service in order to choose the deal that best suits their needs;
- **The sheer volume of information** available can be confusing for consumers.⁵ For example, in the mobile sector there are an estimated 12 million mobile

³ <http://www.lockeassociates.co.uk/>

⁴ <http://www.legislation.gov.uk/ukpga/2003/21/section/3>

contracts to choose from, which arguably could prove a challenge for *some* consumers to process, compare and select from.⁶ The problem of ‘option swamp’ illustrates all too clearly what can happen if the quantity of information is regarded as an end in itself;

- **Cross sector discussions led by academics** about the effectiveness of information remedies;⁷
- At **regulatory and central government** levels, there are a range of initiatives to make more business and regulatory information available to consumers to help them make better choices about products and services. One example is the Midata programme that forms part of BIS’s Consumer Empowerment Strategy.⁸ Midata seeks to give people access to data about their own consumption of services, so that service providers can help them to make more informed purchasing decisions in the future;⁹
- The **growth in take-up of the internet** has increased the potential to make information available, and comparable for many consumers. Not only are service providers doing this, new organisations are now also acting as information sources, for example, by aggregating and comparing data from service providers. Informed consumers and users are also offering their own reviews of services and products via blogs and other social media.
- The **rapid growth of smartphones and tablets** is increasing consumers’ access to information online, although the smaller screens can present challenges to displaying information in prominent and accessible ways.
- The growth in internet access overall poses significant **challenges to enforcement action**, using traditional regulatory tools, as it may raise difficult cross-jurisdictional issues. Promoting effective choice for consumers by ensuring clear information on service, price and quality is particularly relevant in this context.

2.18 As highlighted above, this is a review of examples of current practice, not a statement of Ofcom policy, and is being undertaken to contribute to discussions on the effectiveness of information remedies. We would be particularly interested in ideas and experiences from practitioners and interested parties, as well as other regulators, and we are keen to hear from sectors other than communications.

2.19 **Section 3** below sets out an overview of information remedies as a consumer policy tool in Ofcom, as their use well as in other sectors. **Section 4** identifies some pros and cons of each type of information remedy. **Section 5** develops some ideas on whether and how information remedies may be appropriate. **Section 6** looks at implementation issues and the evaluation of the impact of information remedies.

⁵ Better Regulation Executive Department for Business Enterprise & Regulatory Reform, and National Consumer Council (2007) *Warning: Too Much Information Can Harm*.

⁶ Ofcom’s estimate based on data published on BillMonitor.com in Q1 2012 that covers residential post-pay combinations of tariff, bolt-on and handset.

⁷ Article John Kaye (2012) *The wrong sort of competition in energy*; Weil, Fung, Fagatto (2005) *The effectiveness of regulatory disclosure policies*.

⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/39386/12-1324-better-choices-better-deals-report-on-progress-on-the-consumer-empowerment-strategy.pdf

⁹ <https://www.gov.uk/government/consultations/midata-2012-review-and-consultation>

Section 3

Types of information remedy

3.1 In this section, we look at different types of information remedy that our research has identified. We have set out examples from Ofcom's own experience, but have ranged beyond these, including examples from different sectors. Our examples have been grouped under the following headings:

- Information provided by companies, where mandated to provide information by legislation or a regulator;
- Information provided by product and service providers in a self-regulatory or voluntary framework;
- Information provided by the regulator;
- Information provided by independent consumer bodies, commercial intermediaries, and consumers themselves; as well as by trade bodies and industry associations.

3.2 We start with a short summary of Ofcom's perspective on this area.

Ofcom's perspective

3.3 Ofcom's consumer policy work includes projects focused on consumers' ability to compare and switch providers easily, as well as their ability to understand contracts. In this context, Ofcom's information initiatives are designed to help consumers to:

- **make informed choices** about a service;
- **protect themselves**, for example by alerting them to scams;
- manage their **relationship with providers**;
- know how to **exercise their rights**; and
- have access to clear advice on **effective complaints-handling** procedures.

3.4 Ofcom's preference is to facilitate information provision via co- or self-regulation where the market is not already doing this and where it is credible that co- or self-regulation can be effective. For example, we worked successfully with industry to develop the **voluntary code of practice on broadband speeds** to provide accurate speeds estimates at the point of sale, and effective redress if actual speeds are significantly lower than estimated.¹⁰

3.5 Where industry action is unlikely to be forthcoming, we also intervene directly by providing information ourselves about quality of service, and by working with other parties. For example:

- We publish **comparative information** that consumers can access easily – including the publication of complaints data and customer satisfaction levels by

10 <http://stakeholders.ofcom.org.uk/telecoms/codes-of-practice/?a=0>

provider, and broadband speeds research by provider – so helping to improve the transparency of the market.¹¹

- We provide **consumer guides** on the communications market to help consumers get a better understanding of the market.¹²
- We **work with consumer groups** such as Citizens Advice and Age Concern to disseminate information to target audiences.¹³
- We **work with industry** to facilitate information where it is credible that co- or self-regulatory approaches can be effective. This includes our work with internet service providers in developing the code of practice on broadband speeds.¹⁴

3.6 These initiatives are, of course, in addition to our regulatory powers to make and enforce general conditions to ensure providers make available transparent, accurate information, as illustrated in our work on mobile mis-selling. We introduced a General Condition on sales and marketing practices which, amongst other things, required mobile service providers to ensure the provision of accurate service information.

3.7 Also, we enforce the **Consumer Protection from Unfair Trading Regulations 2008**¹⁵ (via Part 8 of the Enterprise Act 2002) and the **Unfair Terms in Consumer Contracts Regulations 1999**.¹⁶ The former includes enforcement of provisions prohibiting misleading actions and omissions in the provision of information. The latter seeks, among other things, to address inequalities between providers and consumers that may relate to information, in as far as they are reflected in standard contract terms.

¹¹ <http://stakeholders.ofcom.org.uk/market-data-research/other/telecoms-research/complaints/q3-july-sep-2012/>

¹² <http://consumers.ofcom.org.uk/guides/>

¹³ Consumer Groups such as Citizens Advice provide links to our consumer guides on their website (e.g. Ofcom consumer guide on Nuisance Calls and Messages available here:

http://www.adviceguide.org.uk/nireland/news/whats_new_oct12_nuisance_calls_and_messages.htm

¹⁴ <http://stakeholders.ofcom.org.uk/telecoms/codes-of-practice/broadband-speeds-cop-2010/>

¹⁵ <http://www.legislation.gov.uk/uksi/2008/1277/contents/made>

¹⁶ <http://www.legislation.gov.uk/uksi/1999/2083/contents/made>

Information provided by product and service providers mandated by legislation or regulation

- 3.8 One relevant example is the approach taken by the Financial Services Authority (FSA) to help consumers make better-informed decisions about mortgages.

Case study: FSA and mortgage disclosures

The FSA has traditionally viewed the disclosure of core information about products and services 'as an important tool in the regulation of retail investment products.' (*Good and poor practices in key features documents*, FSA September 2007). To support this, the FSA imposed a regulatory information requirement on mortgage providers to produce **Key Facts Documents (KFDs)** and **Key Facts Illustrations (KFIs)** for consumers before they purchase a mortgage.

The FSA's **Mortgage Market Review** sets out an important change of emphasis. The FSA explained that 'consistent with the prevailing wisdom of the time, we considered that well informed consumers would make rational choices and avoid getting inappropriate or unaffordable mortgages.' However, as part of the market review they have found that the 'mis-buying that we have seen in the mortgage market provides **clear evidence that some consumers are failing to engage properly with their purchasing decision**'. (*Mortgage Market Review: Distribution and Disclosure 10/28 FSA*).

The two key documents have not performed as expected, despite great efforts to test and refine the information to provide clear and concise details. Instead, most consumers relied upon personal recommendations and the advice of mortgage experts.

Therefore, while the FSA has reiterated the importance of information disclosure in the mortgage market, it has decided to "**no longer place such a strong reliance on disclosure to achieve our regulatory aims in the mortgage market**." (DP09/3: *Mortgage Market Review*, (October 2009). Instead it has strengthened its approach through responsible lending proposals and enhanced sales standards.

- 3.9 The FSA's experience illustrates that, even where an informational remedy is considered relevant, it may not always provide a complete solution - much depends on the nature of the issue to be addressed, the scale of the harm and the costs and benefits of possible remedies.
- 3.10 The **EU Roaming Regulation** is another example of information remedies targeted to protect consumers from a specific risk of harm.¹⁷ Transparency obligations on mobile operators (such as the requirement to send consumers 'landing' texts giving pricing information when they enter a country), sit alongside measures to tackle unexpectedly high bills that consumers can face as a result of using their phone abroad (wholesale and retail price caps within the EU, and a financial limit on data roaming within and outside the EU). In addition, longer-term structural remedies designed to enable consumers to choose different mobile operators for roaming services, and thereby increase competition in the market generally, are due to be implemented in 2014.
- 3.11 Another example comes from the **energy sector**, where disclosure requirements on energy suppliers have long been in place. Ofgem's consumer research suggested that these information remedies were not sufficient on their own to address the concerns around low levels of consumer engagement in the energy market. Therefore, under the **Retail Market Review**, Ofgem has proposed a package of

¹⁷ Regulation (EU) No 531/2012 of the European Commission and the Council of 13 June 2012 on Roaming on Public Mobile Communications Networks within the Union.

measures that would work together to reduce barriers to consumer engagement and help facilitate greater levels of market participation.¹⁸

- 3.12 Some of these measures are information-related; for example, to promote transparency and consumer understanding of key information, but the package also includes elements of product regulation to limit the number of standard tariffs in the market. In turn, regulation of tariffs is being used to improve information by requiring suppliers to provide at least one standard tariff that can be used for simple price comparisons.

Case study: Ofgem's work on consumer information disclosure

Undertaken as part of **Ofgem's 2008 Energy Supply Probe**, consumer research showed that many consumers did not engage with the energy market because they did not feel they knew how to access key information to inform their decision. As a result of this finding, Ofgem introduced requirements for key information that could help consumers compare tariffs in the market (for example, the name of their tariff, their annual energy consumption and where they could go for impartial advice about switching) should be shown on energy bills. To further prompt and facilitate consumer engagement, Ofgem required that more detailed communication went to consumers, on an annual basis, that also provided the key terms of the customer's contract as well as a comparison of their tariff to their supplier's standard direct debit offer (one of the cheaper, widely-available products on the market at the time).

Research carried out more recently as part of **Ofgem's Retail Market Review** showed that many consumers did not remember receiving such information. Further research showed that this was due in large part to how the information was displayed and presented - e.g. related details were often scattered around the document, relevant contextual information to help consumer understand what the information was and how it could be used was not given, and suppliers often presented information in a way that discouraged rather than encouraged consumer engagement.

(<http://www.ofgem.gov.uk/Markets/RetMkts/rmr/Pages/rmr.aspx>)

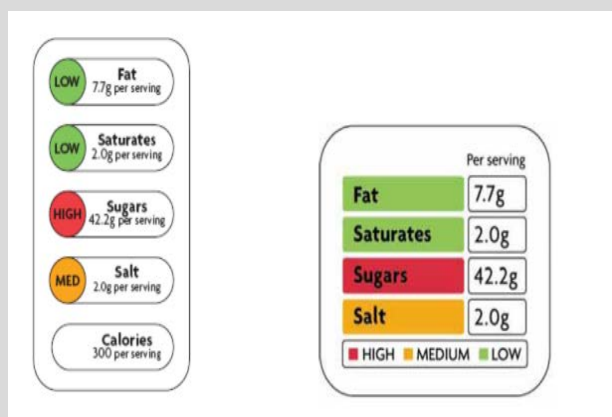
- 3.13 This theme also arose in the **Competition Commission's (CC) final report in 2009 on payment protection insurance (PPI)**; information alone was not deemed sufficient to enable consumers to make an informed choice. To address the adverse effect on competition that it had identified in various markets for PPI, the CC decided to introduce a 'point-of-sale prohibition', preventing the sale of a PPI policy at the same time as credit, and for a defined period afterwards.¹⁹
- 3.14 This change in the decision-making process was introduced to encourage customers to compare PPI products away from the credit point of sale and was used in combination with a suite of remedies aimed at improving information flow and transparency – for example, of prescribed information in marketing materials and the requirement to provide third parties with information for comparison sites.
- 3.15 An alternative approach is to ensure that as many consumers as possible understand the information, by offering different ways of accessing the information, designed to appeal to different types of consumers. For example, following the results of an independent evaluation of **food labelling**, the Food Standards Agency found that a combination of % Guidelines of Daily Amounts (GDA) of how many calories and nutrients people can consume each day for a healthy balanced diet, together with 'traffic light' symbols and the words 'high'/'medium'/'low' was more effective to enable more consumers to make healthier choices.

¹⁸ Ofgem (2011) *The Retail Market Review: Domestic Proposals*.

¹⁹ Competition Commission (2009) *Final Report into Payments Protection Insurance (PPI) Market*

- 3.16 This view was echoed by consumers who took part in citizen forums.²⁰ In the event, the Food Standards Agency decided not to proceed with a mandatory set of requirements – although the Agency's approach has been taken up by a number of major players. This is, in turn, an illustration that regulatory action on information remedies can take the form of a recommendation or identified best practice, stopping short of a full mandatory requirement.

Case study: Food Standards Agency recommended front-of-pack labelling



This labelling has been widely (though not universally) used across the industry, although food manufacturers and retailers have introduced it in different forms, while others have introduced additional health information. The Food Standards Authority argues, based on research findings, that improving the consistency of provision alongside improved consumer awareness could improve consumers' recognition and use of front-of-pack information and its impact on food choice and diet

Information provided by product and service providers in a self-regulatory or voluntary framework

- 3.17 All product and service providers do of course need to communicate with their markets, but there will be circumstances where they need to do so in a way that goes beyond the requirements of a given transaction; for example, where there are significant public interest issues at stake. This may be done on a voluntary or self-regulatory basis; for example, to promote consumer trust and confidence; to improve a company's reputation; or to forestall possible statutory regulation.
- 3.18 A typical example arises with communications designed to highlight the public importance of a given issue. Google's campaign about **online security** provides an example of communication about a difficult topic undertaken on a voluntary basis by the market.

²⁰ Food Standard Agency (2007), *Front of the Pack (FOP) Nutrition Labelling*.

Figure 2 - Google advertising campaign on online security, 2011/12



- 3.19 The regulator may work with the sector concerned to agree a set of over-arching principles for information provision. For example, Ofcom worked with other members of the Broadband Stakeholder Group, an advisory group on broadband comprised of telecom operators, internet service providers, mobile network operators and government, on the **Voluntary Code of Practice on transparency in traffic management practices** and the agreed principles of information provision. All major UK ISPs have adopted a self-regulatory standardised model for presenting information on traffic management practices, by signing up to use a common Key Facts Indicator table summarising the practices they use for each broadband product.²¹
- 3.20 Ofcom has also used voluntary codes of practice as a means of ensuring information provision. The example below on **mis-selling of mobile phone contracts** demonstrates the limitations of purely voluntary approaches in some circumstances:

²¹ <http://stakeholders.ofcom.org.uk/telecoms/codes-of-practice/broadband-speeds-cop-2010/>

Case study: mobile phone contract mis-selling

To combat a rise in complaints, in 2007 Ofcom worked with mobile network operators to develop and introduce a voluntary code of practice for sales and marketing. This was in response to a range of different instances of mobile mis-selling, including: a company pretending to be another company; not giving the correct package costs; and not giving the full story on minimum contract periods, or penalty charges if the customer closes the contract early.

However, the voluntary code failed to significantly reduce instances of mis-selling, so Ofcom proposed a new General Condition ('GC') on sales and marketing practices.

The mobile service providers challenged the introduction of the GC for a number of reasons:

1. Ofcom had not allowed sufficient time for the voluntary code to take full effect;
2. The proposed GC was too prescriptive and that level of detail should be avoided or be time-limited;
3. Formal regulation is disproportionate for those who abide by the rules;
4. They challenged the assumption that the cost of moving from a self-regulated remedy to a regulated remedy would be minimal (set-up and annual costs were estimated at £1.7m and £4.3m respectively for mobile providers and independent resellers); and
5. Providers will be discouraged from developing self-regulation for fear that this will count against them in any assessment by Ofcom of the need for statutory regulation.

Despite these concerns, the GC was introduced in 2008. Ofcom's statement set out the analytical steps to be taken when assessing the likely success of self-regulation when seeking to resolve a regulatory problem in a way that meets the best interests of citizens and consumers. These are:

- Do the industry participants have a collective interest in solving the problem?
- Would the likely industry solution correspond to the best interests of citizens and consumers?
- Would individual companies have an incentive not to participate in any agreed scheme?
- Are individual companies likely to "free-ride" on an industry solution?
- Can clear and straightforward objectives be established by industry?

In this case it was deemed that the interests of the industry and the public were not aligned due to industry's desire to increase sales. In addition, the lack of penalties for non-compliance and the fact that individual companies had an incentive not to participate meant that a regulated solution was necessary.

- 3.21 At a less prescriptive level, the Financial Services Authority has addressed some of the challenges of translating principles into practice by publishing examples of **good practice marketing materials** and offering training courses on how to best to implement its regulatory requirements.

Information provided by regulators

- 3.22 This section highlights some examples of where information is provided directly by regulators; that is, without any kind of intermediary whether a regulated firm or a third party. This may be particularly relevant in relation to quality of service or performance data where regulators may be concerned to achieve a step change improvement and where there is insufficient industry consensus on what needs to be done. In turn, such publication can act as a lever for providers to improve their service delivery, even if some, but not all, consumers act upon the information. Because the information can be picked up by the media and by other providers, individual firms can be incentivised to improve their offerings.
- 3.23 Ofcom's **fixed broadband speeds measurement** provides an example of how publication of data by the regulator has added to the quality of information available to consumers. Ofcom's independent research published bi-annually, provides consumers with information on how fixed broadband speeds vary by provider,

technology and time period.²² Publication of information at provider level has contributed positively to the way information on broadband speeds is communicated and marketed by the industry.

- 3.24 The broadband speeds research is one part of the regulatory work that has contributed to improving the standard of information on broadband speeds available to consumers; the **Voluntary Code of Practice on broadband speeds**, introduced by Ofcom in 2008, has helped, among other things, to increase the overall standard of information on broadband speeds that should be made available to consumers at the point of sale to help them make more informed choices when choosing broadband services.²³ In addition, the **Advertising Standards Authority (ASA)** introduced guidelines in 2010 on the use of broadband speeds in advertising, which has led to ISPs moving away from advertising services solely based on headline speeds.²⁴
- 3.25 Other Ofcom examples of regulator-supplied comparative information have included the **publication of complaints data** by provider and market research data on levels of consumer satisfaction.²⁵ Ofcom also produces **consumer guides** on the communications market to help consumers get a better understanding of the market.²⁶
- 3.26 A parallel initiative in the US has similar objectives. The Federal Communications Commission (FCC) has designed a one-stop shop guide that explains the relevance of different broadband features (for example, speed, latency, data limits) to help consumers make better choices about their broadband service and mitigate against the risk of ignoring potentially relevant information.²⁷

22 <http://stakeholders.ofcom.org.uk/market-data-research/other/telecoms-research/broadband-speeds/broadband-speeds-may2012/>

23 <http://stakeholders.ofcom.org.uk/telecoms/codes-of-practice/broadband-speeds-cop-2010/code-of-practice/>

24 <http://www.cap.org.uk/~media/Files/CAP/Help%20notes%20new/Use%20of%20speed%20claims%20in%20broadband%20advertising%20rev.ashx>

25 <http://stakeholders.ofcom.org.uk/market-data-research/other/telecoms-research/complaints/q3-july-sep-2012/>

26 <http://consumers.ofcom.org.uk/guides/>

27 For details, see: <http://www.fcc.gov/guides/broadband-service-home-consumers-guide>.

3.27 The FCC has also been subject to recommendations to take this approach further:

Case study: FCC Broadband speeds labels

In its **National Broadband plan Connecting America (2010)** report, the FCC in the US put forward Recommendation 4.5 'the FCC should initiate a rulemaking proceeding by issuing a Notice of Proposed Rulemaking (NPRM) to determine performance requirements for broadband.'

According to the FCC's plan, 'these obligations should include simple and clear data that a "reasonable consumer" can understand, while providing more detailed disclosure for more interested parties such as tech-savvy consumers, software developers and entrepreneurs designing products for the network'.

The purpose of disclosure for consumers is to help foster a competitive marketplace. Consumers need access to information at four different decision-making points in the process: when they are choosing a service provider; when they are choosing a plan; when they are evaluating their billed costs; and if and when they decide to change providers.

For broadband today, speed, price and overall performance, are important factors in consumer decision-making. Consumers need to understand what broadband speed they actually need for the applications they want to use; how the speeds advertised by a broadband service provider compare to the actual speed a consumer will experience; and what broadband service provider and plan will give them the best value overall. The decision is especially complex because the actual performance of broadband service can vary significantly across geographic areas.

Given these factors, the FCC has advocated better ways to improve information availability for consumer decision-making. One example would be to investigate developing or supporting the development by third-parties of an online decision-making tool for choosing broadband ISP, similar to those being developed for cell-phone services.

Some consumers will want a simpler way to gauge performance of different broadband service offers. For them, the FCC should develop a 'broadband digital label' that will summarise broadband service performance concisely. Disclosure labels are among the most common tools used to ensure that consumers have information about a product or service. They often come in two parts: a simple and clear standard 'page 1' and a 'page 2', listing more detail. The broadband digital label should take this concept and bring it to the online world.

Illustrative examples of broadband speed labels:

Example 1

Detail that is still clear and focused; list of common applications and what can be delivered with this service

Example 2

Simplified, clear label with most critical information

Example 3

"Star" or index of service as ranked by third party

The plan also proposes 'the FCC should conduct consumer research, potentially in collaboration with the FTC, to identify the disclosure obligations that would be most useful for consumers as critical input to rulemaking proceeding.'

To date the FCC has not required labels like those illustrated above. In April 2011, the Commission issued a Public Notice seeking comments on what information consumers should have to determine broadband speeds they need.

- 3.28 Ofcom has made proposals for the transparency of pricing of non-geographic calls where consumer engagement has been low, and where there is detriment arising through non-use, rather than excessive use, of services. See box below for details.

Case study: Ofcom's non-geographic numbering project

Non-geographic calls are those made to 03, 05, 070/076, 080, 0845, 0870, 083/4, 0871, 09, 116 and 118 numbers. People use these numbers to call businesses and government agencies, to get information, make payments for services and to vote on TV shows. Evidence from consumer complaints and our consumer research indicates that consumers are increasingly unable to estimate the cost of calling these numbers (even when they are free) and to distinguish between them on cost or purpose. This is leading to a decline in consumer confidence in using these numbers and in some cases impacting on consumers' willingness to use them, even to access basic services.

Ofcom's work in this area illustrates the challenges of assessing the appropriateness of information remedies when consumers' incentive to engage with information is low (See **Ofcom consultation on simplifying non-geographical numbers** – Detailed proposals on the unbundled tariff and Freephone, published on 4 April 2012).

A number of consumer behavioural factors were identified in the consumer research and behavioural economics experiments undertaken for this project:

- low incentive to engage with the information due to a high search cost compared to the benefit of the information;
- consumer uncertainty over whether they would find the information they needed if they made the effort to do the search;
- consumers made better call decisions when they had more information on price at the point of call.

It was concluded that an information remedy that relied on consumers seeking out information would not address the consumer confusion over non-geographic numbers or the market failures arising from this confusion. Instead, the project is focusing on a combination of:

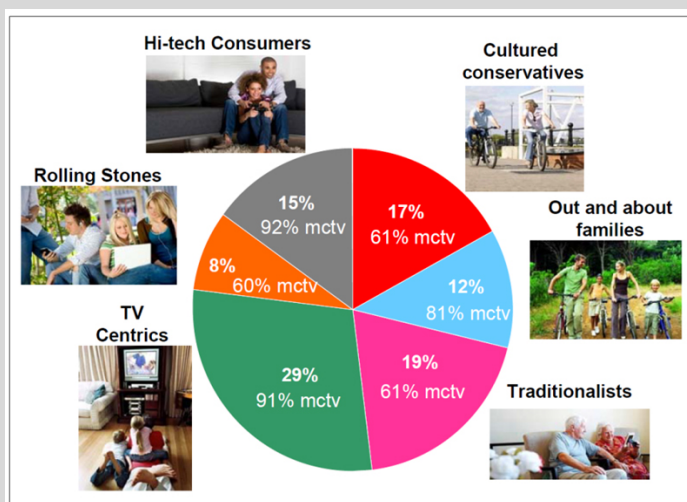
- proposing to simplify the numbering system; for example, by introducing a degree of intuition and by providing consistency across mobile and fixed-line charges for Free phone numbers;
- presenting clear information on price at the point of presenting the number to consumers, so that information is available in a timely and accessible way.

- 3.29 More generally, Ofcom's experience in providing **consumer guides to the communications market** shows how a regulator can promote public awareness of a wide range of key issues at a central trusted source. This type of information can also benefit providers. For example, a guide to technical products, leading to increased consumer knowledge, will benefit providers by differentiating their products from the competition.
- 3.30 The information campaign, run for the **digital television switchover**, demonstrated what can be done where significant resources are in place for the delivery of a public policy objective. Additional support services were provided for disadvantaged groups, including a helpline and an outreach programme. Digital UK also used a tiered information approach to cater for different levels of technical understanding, including novice and expert options. Consumer segmentation analysis also proved helpful in devising a targeted communication strategy, as illustrated below:

Case study: identifying and characterising the target audience – Digital UK

The Digital UK/Ofcom switchover segmentation provided valuable evidence for the design of the communication campaign. It was based on qualitative research to identify attitudinal variables relevant to the adoption of digital television. Quantitative research was then used to identify attitudes which constitute drivers and barriers to the adoption of digital television, and to identify groups of viewers with similar attitudes.

The research identified the segments of the population with the lowest adoption of digital television at the start of the switchover communications activities. This helped to define key targets for switchover communications and identify groups which needed targeted support. The segmentation was used to direct switchover communications activity.



- 3.31 The digital switchover campaign approach generated a number of other useful insights in relation to information provision to consumers.²⁸ In particular: consumers prefer succinct information and can feel overloaded by large amounts of detail. One way to manage this risk is to use a tiered approach to conveying information. This type of approach was taken by Digital UK with its post code checker for switchover. Information was provided 'for novices' and 'for technical experts'. The internet is a good medium for tiered information models. This type of model allows for the tailoring of messages to suit the needs of different groups within the target audience.
- 3.32 Some consumers may benefit from additional face-to-face support. The **Digital UK Outreach Programme**, run by Digital Outreach Limited (DOL) offered support for vulnerable consumers in the community, explaining what digital switchover was and how it affected them.²⁹
- 3.33 DOL runs embedded programmes that involve partnering with and commissioning local voluntary and community sector organisations to reach members of local

²⁸ <http://www.digitaluk.co.uk/>

²⁹ <http://www.digitaloutreach.org.uk/>

communities. They are effective in influencing attitudes and behaviours in positive ways.^{30 31}

- 3.34 A rather more complex issue for regulators arises with the provision of information about quality. This is an area that the Office of Fair Trading (OFT) has worked on as part of its cross-sector approach to types of remedy provided by companies or trade associations. Similar themes have been followed by Ofcom and the FSA.

Case study: Information on the quality of a product/service

Information about quality plays a complex role in influencing consumers' decision making.

The **OFT report Assessing the effectiveness of potential remedies in consumer markets (2008)** highlights that information on quality is most likely to be effective when quality differences are important to consumer choice and when there is a measure which is a close proxy for product quality. It can help aid decision-making on 'experience goods' that cannot be fully assessed before purchase. The OFT stresses that to be effective, the information needs to be simple to understand, credible, up-to-date, and sufficiently standardised across products.

Some providers (and indeed some sectors as a whole) may offer information on quality of service voluntarily. For example, in the on-line retail sector, it is now common to publish customer reviews and feedback as an integral part of product/service information.

However, in some sectors, service providers may have little incentive to offer balanced, objective information on quality. One common response in such circumstances is for the regulator to publish quality proxies, such as complaints data, on a provider-specific basis (for example, FSA, Ofcom). Ofcom also makes available on its website other proxies for quality, including overall levels of satisfaction with the provider concerned, and levels of satisfaction with specific aspects (such as customer service).

The **OFT's report Consumer behavioural biases in competition (2011)** highlights that some consumers may find it hard to judge quality. Given the tendency for consumers to undervalue or ignore features that are harder to judge, quality may as a result score less highly than it should. But even where some consumers do not act upon it, information about quality, where direct or through a proxy, can have a significant impact across the market as a whole. Especially where market segmentation is limited, more active, informed consumers can drive improvements across a whole sector, provided there is a reasonable degree of transparency.

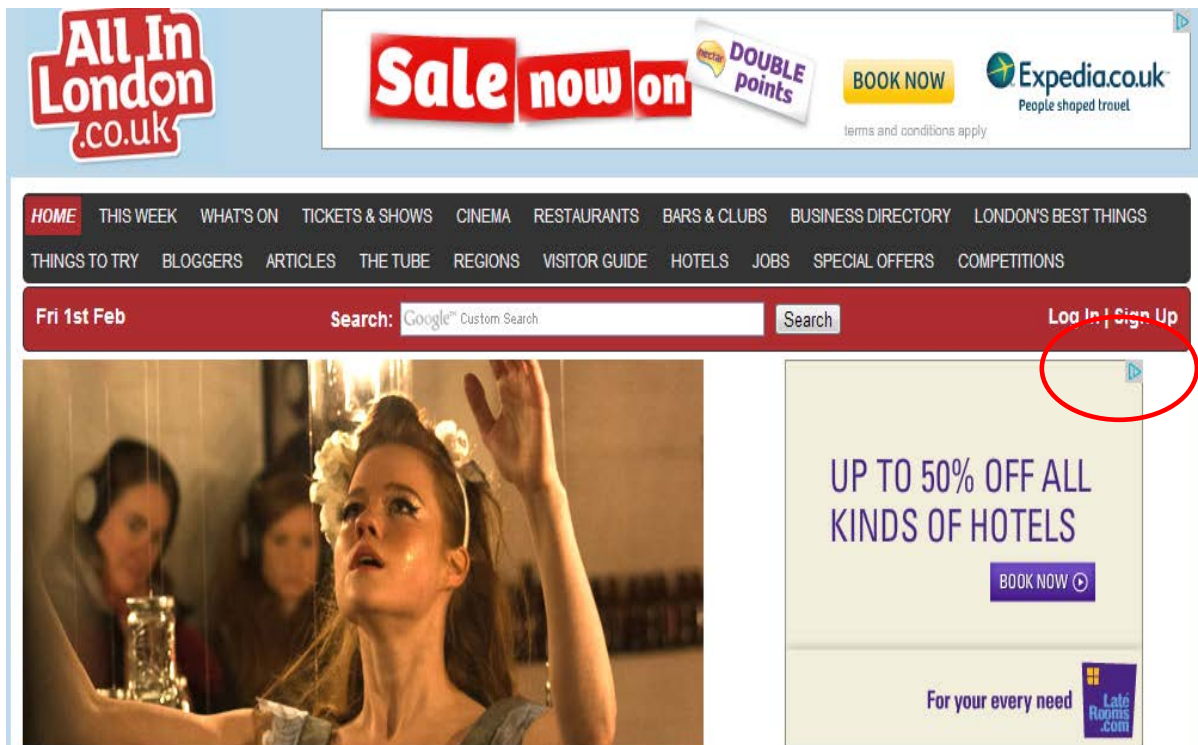
- 3.35 A different approach to regulator-instigated information comes from **quality marks and 'kitemarks'**. These may be applied within a self-regulatory as well as a statutory framework. Such marks can be an effective means of signalling and conveying information in a succinct and easy-to-understand format. They are widely used by a range of organisations, particularly in the food and grocery sector.
- 3.36 Research from the **Danish Food Authority (DFA)** showed that simple icons can influence consumer behaviour: they evaluated the effectiveness of the Smiley Project, designed to provide consumers with an 'at a glance' understanding of the level of food safety in commercial food businesses, with the goal of increasing business compliance with official food and hygiene controls. The DFA survey showed that 79% of respondents would not knowingly visit a restaurant associated with a bad smiley. The website is reported to be one of the most frequently visited in Denmark.

³⁰ Face-to-face communication in the form of friendship groups or coffee morning serve as effective communication channels, and attendees are provided with material to take home and named contacts should they require more support.

³¹ Digital Outreach Limited (2011) *Get Connected, Get Online, Using embedded outreach to bridge the digital divide*: it was evaluated among end users and results showed that the model was highly effective in increasing confidence and helping to overcome barriers to adopting and using the internet.

Figure 3 – Danish Food Authority Smiley Project

- 3.37 However, there are some potential challenges related to the use of icons. For relatively new and therefore less readily recognisable icons, such as the Internet Advertising Bureau's icon to denote targeted advertising, consumers are likely to require help in learning what the symbols mean (figure 9).³² Without this, there is a risk of consumers not knowing what they represent. Icons also need to be clearly visible so that consumers notice them.³³

Figure 4 – The 'Your Online Choices' icon signalling online behavioural advertising

Information provided by other bodies and by consumers

- 3.38 A wide range of intermediaries are involved in the provision of consumer information, either for public interest/charitable reasons or commercial ones. Section 3 below

³² Future of Privacy Forum OBA "icon" study – Summary of Key Results (2010): http://futureofprivacy.org/final_report.pdf

³³ Research conducted by Which? in February 2011 found that over half (51%) of consumers hadn't noticed the logo on an online advert, the vast majority (97%) hadn't heard of the online choices website, and only 13% were aware of the industry opt-out scheme. Also <http://www.iabuk.net/blog/what-do-consumers-really-think-about-online-privacy>.

evaluates consumer/public interest bodies and commercial providers separately, as the issues are different. But the underlying regulatory interest in both types of provider is similar: any information model that makes comparability easier, by standardising the format across providers and centralising information in a one-stop shop, can lead to lower search costs and assist consumers in making comparisons and so achieve better value for money.

- 3.39 A major factor in the development of both types of information has clearly been the growth of the internet, and its increased use and availability. More generally, the internet allows new providers to act as information sources – aggregating and comparing data from service providers, either as a commercial proposition, as is the case with mobile provider price comparison sites (for example, BillMonitor, Simplify Digital and BroadbandChoices) or as ‘expert consumers’ sharing their own views (for example, user and expert reviews/ratings provided on commercial comparison sites such as Broadband expert.co.uk or dedicated ‘expert’ consumer sites such as Moneysavingexpert.com). Blogs and other social media are also actively used to share product and service views.
- 3.40 **Price comparison sites** have been a significant force in influencing many of the markets in which regulators have an interest. As the following case study shows, there are ways in which regulators can influence and underpin the quality of information provided by such sites. This is an area where Ofcom has had considerable experience of its own, through its activity in accrediting comparison sites.

Case study: price comparison sites

Price comparison sites can provide an information model that reduces search costs by standardising the format of information presented from different providers, and compiling the information in one place.




However, there are some limitations of comparison sites, in terms of how consumers use them. Consumers can be unwilling to undertake thorough searches, and tend to rely on one site without realising that a range of sites would provide the total market offering (**OECD Consumer Policy Toolkit, 2010**). Consumers may not be aware of how some online price comparison sites work and that they may provide biased information, as they are incentivised to give companies greater prominence to make money from commission from the companies which consumers switch to.

The **Ofcom Price Accreditation Scheme** provides quality assurance that the calculations of price comparisons of fixed lines, broadband, mobile and digital television services offered by accredited companies are accessible, accurate, up to date, transparent and comprehensive. It helps to ensure access to accurate, trusted information that enables consumers to compare prices across different services, and shop around with confidence. Ofcom has accredited six websites under the scheme (Simplify Digital, BroadbandChoices, BillMonitor, Mobilife, Broadband.co.uk and Cable.co.uk).

Ofcom plans to complete a review of its scheme in the next few months.

- 3.41 Interactive online information from consumer organisations and other agencies can help guide consumers through making complex decisions. One example is **Which?**'s step-by-step guide on how to choose a cordless phone. Which? tends to use short, easy-to-follow product comparison tables both in its magazine and on its website, with photos and short sentences to make the content easy to absorb.

Figure 5 – Which? comparison table

Brand & model name	Price	Which? Ratings	Score
 Siemens Gigaset C475 single	£50.00 Typical price - what is this?	Phone - sound quality: ★★★★★ Loudspeaker sound quality: ★★★★★ Answering machine - sound quality: ★★★★★ Features: ★★★★★	76% BEST BUY
 Siemens Gigaset C475 quad	£145.00 Typical price - what is this?	Phone - sound quality: ★★★★★ Loudspeaker sound quality: ★★★★★ Answering machine - sound quality: ★★★★★ Features: ★★★★★	76% BEST BUY
 Siemens Gigaset C475 twin	£70.00 Typical price - what is this?	Phone - sound quality: ★★★★★ Loudspeaker sound quality: ★★★★★ Answering machine - sound quality: ★★★★★ Features: ★★★★★	76% BEST BUY

- 3.42 A broadly similar model is used in the **FSA's Key Facts documents** on the retail banking sector.
- 3.43 Ofcom has worked closely with a range of consumer groups to help with the dissemination of buying advice and market information. **Citizens Advice**, through its website, its telephone advice service and its network of citizens advice bureaux, provides generic advice on purchasing decisions, and links to specialist sources of advice – for example, in the case of telecoms services, its website provides links to two Ofcom-accredited price comparison sites; Ofcom; Which?; and an independent advice site (moneysavingexpert.com).

3.44 Another example comes from **Age UK**:³⁴

Case study: the spoken word from Age UK

Age UK's 'Wireless' site provides an interesting example of how spoken information can be provided by the internet. Its material is specifically geared to providing consumer advice for an older audience – examples of recent postings include

- Money Management tips
- Understanding premium rate numbers
- Retirement Nation Report on the value of unpaid work by retired people
- Switching Energy Supplier

Age UK, the charity for older people, provides its own generic purchasing information, and also has partnerships with commercial intermediaries for branded purchasing advice. A key part of this is using spoken work and phone-based support to reach an audience who may be less familiar with, or less comfortable with, managing online information and online transactions.

Generic advice, for example on switching energy supplier is provided through an Age UK service called The Wireless. This service includes bite-sized (around five-minute) sound files, accessed through Age UK's website, of interviews with experts about issues, including consumer issues. The switching energy supplier topic covers the process, and answers FAQs that people may have.

Age UK's website has links with Simplify Digital, an Ofcom-accredited telecoms comparison site to help users find the best broadband, television and home phone deals for them. Unlike most comparison sites, Simplify Digital also has a phone-based advice service, which will provide advice and talk through the process of finding the best deals.

For some other services, energy for example, Age UK has an arrangement with a single service provider.

3.45 Some specialist charities also provide tailored information. The **Royal National Institution for Blind People (RNIB)** provides its own advice on choosing mobile phones.³⁵ This inevitably focuses on the hardware, rather than, for example, tariffs, but deals with issues that may be faced by people with impaired vision. It offers two further innovations: access to a 'Technology Support Squad'; and online forums, where users can ask questions and discuss their technology-related problems with other users.

3.46 Some trade bodies and industry associations provide pre-purchase information, which is rarely (if ever) branded. Trade bodies' provision of information for consumers is likely to depend on whether they see consumer education as part of their role, either formally (for example as part of their constitution) or informally. Incentives to provide information may be especially strong where there is a desire to protect and promote the reputation of a sector as a whole, as is the case with some of the professional groups.

3.47 The **Association of British Insurers (ABI)** has a 'Consumer Information' section on its website homepage.³⁶ This contains a number of guides to insurance, covering general insurance (motor, household, holiday etc), health and protection insurance, life insurance and pensions. Within this section are more specific guides which fall

³⁴ <http://www.ageuk.org.uk/the-wireless/listen-again/?filterBy=21>

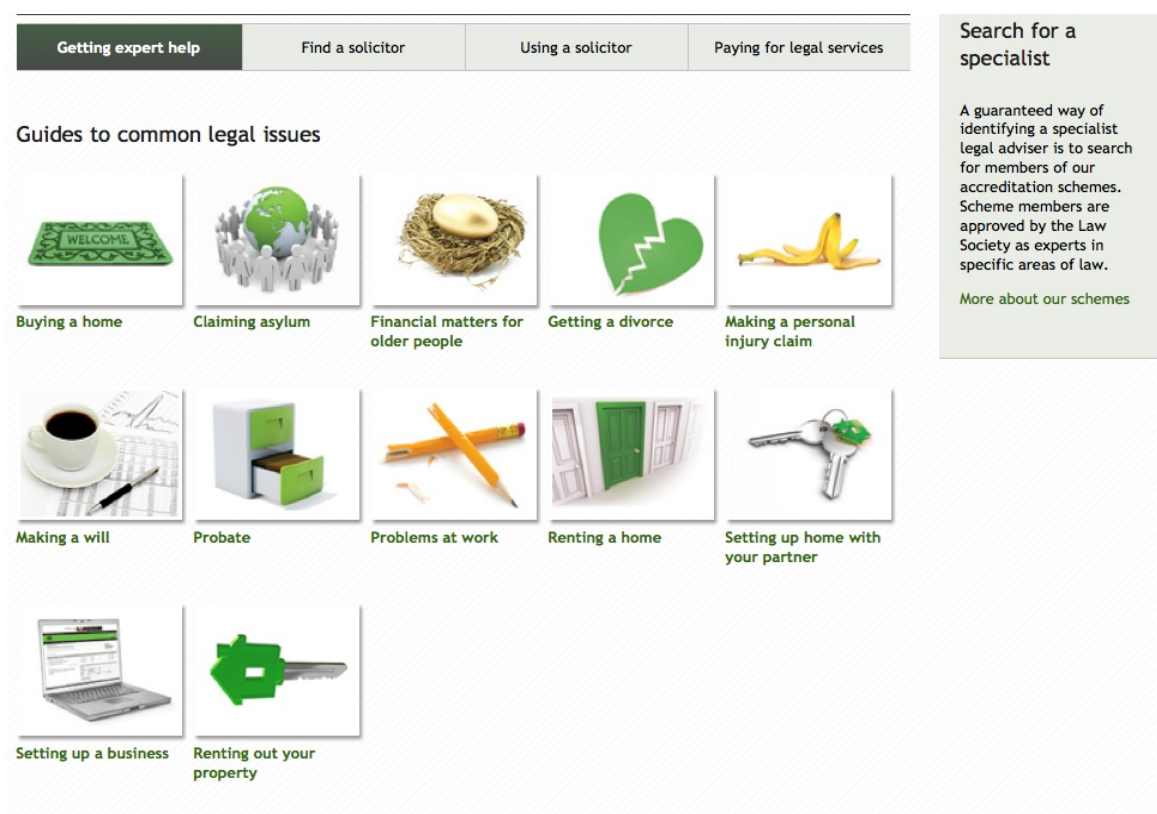
³⁵ <http://www.rnib.org.uk/livingwithsightloss/computersphones/guides/Pages/phones.aspx#H2Heading>

³⁶ http://www.abi.org.uk/Information/Consumers/Consumer_Information.aspx

into two categories: current issues, and more general advice. For example, within the buildings and contents, there is a flooding advice document, and there is a general guide on matters to consider when choosing home and contents insurance.

- 3.48 Another example is offered by The **Law Society** is the professional association for solicitors in England and Wales. It provides advice to the general public on its website in two main ways: choosing and using a solicitor; and advice on legal matters.³⁷ The latter is divided into popular topics, as shown below.

Figure 6 – Advice on the Law Society website



- 3.49 Consumers have access to a range of information sources, including the views of other consumers. The internet has enabled the growth in access to 'expert' consumers. Consumers are now more able to help each other, collaborate and learn from one another to obtain the best deals and reduce detriment.³⁸ Relevant examples include user reviews and ratings provided on commercial comparison websites such as Broadband expert.co.uk to dedicated expert consumer sites such as Moneyexpert.com.
- 3.50 **Social media** enable low cost reviews to be available to consumers, and the role of user-generated reviews as a source of information that informs choice of services/products is likely to grow. The department for Business Innovation and Skills

³⁷ <http://www.lawsociety.org.uk/for-the-public/>

³⁸ Consumer Focus (2011) *Through Consumers Eyes, Meeting Tomorrow's Challenges*; Ofcom (2013) *Consumer Experience Report*.

(BIS), among others, encourages the development of new ways for consumers to collaborate, such as giving feedback on products and services.³⁹

- 3.51 **Peer-to-peer sites** also provide sources of information and are embraced by some regulators as sources to supplement regulatory or industry information. For example, the **OFT's Consumer Code Approval Scheme** offers links to feedback sites and to peer to peer sites.⁴⁰

³⁹ Department of Business Innovation and Skills (2011) *Better Choices, Better Deals, Consumers Powering Growth*.

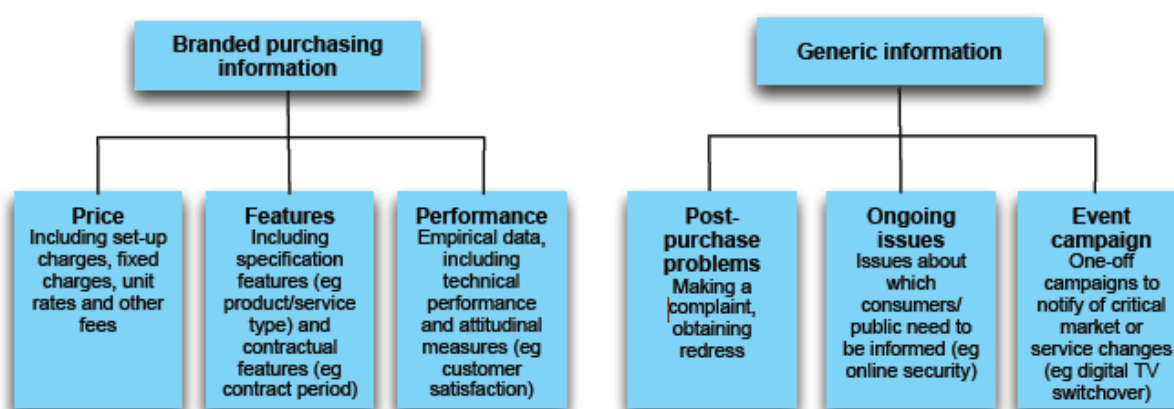
⁴⁰ <http://www.offt.gov.uk/OFTwork/ccas/#.UTnartaprCI>

Section 4

Information remedy options

- 4.1 This section assesses the different types of information remedy discussed in section 3. It is helpful to break the various approaches down according to the provider of the information, and the type of information being provided.
- 4.2 In section 5 we outline some general considerations for assessing information remedies. We have used these as the baseline for the strengths and weaknesses identified here.
- 4.3 Initially, information can be grouped into two main types, and we have identified a total of six sub-types within those, as set out in the diagram below. The first cluster relates effectively to the consumer purchasing decision, the second to actions a consumer might need to take after a purchasing decision, for example in the duration of a contract or where external events have an important impact on a given market, such as in the case of Digital Switchover.

Figure 7 – Types of consumer information



- 4.4 Similarly, following the broad categorisation set out in the Introduction and used as the basis for section 3, bodies which provide information (or could do) can be classified into four types:
- product and service providers;
 - self-regulatory bodies;
 - statutory regulators; and
 - other bodies, including independent consumer bodies and commercial intermediaries such as comparison websites; and trade bodies.
- 4.5 For some of these organisations, information provision is a key part of their role or work; others may become information providers only an ad-hoc basis, or as partners in a particular information-based project – or possibly not at all. In principle, any of the four categories of market participant may get involved in the provision of different forms of information, but in practice the level of involvement is likely to vary according to the type of information and the type of organisation.

Product and service providers

- **Defining characteristics:** companies that sell products and services to the public, in some cases enjoying significant market power.
- **Examples:** British Gas, Thames Water, Vodafone, Virgin, TalkTalk.
- **Potential strengths:**
 - They have the most direct contact with customers and potential customers, so have clearest view of what customers are doing/what they want/what problems they have; they are likely to be the only information providers which actually visit people's homes, even if only infrequently.
 - They also have the perfect conduit for information provision, with direct customer contact (for example, through billing communications).
 - Information about their own services should be completely accurate, comprehensive and current.
 - They generally have strong and easily recognised brands.
- **Potential weaknesses:**
 - Presentation of information about their own services may not be impartial and may conceal details that are unfavourable (similarly, any comparisons with competitors' services/tariffs).
 - They may not be willing to participate in broader information campaigns unless these include positive messages about their own services/business (or meet some other corporate purpose).
 - They will not generally be seen as impartial by the public, so any wider messages they communicate may not be trusted as much as those from other sources, such as regulators or independent consumer bodies.
 - They may be vulnerable to high-profile adverse media stories which can colour public perception and hence reduce the effectiveness of the information they provide.

Self-regulatory groups

- **Defining characteristics:** industry membership bodies or groups that aim to raise standards, for example, through codes of practice and the handling of complaints. Industry consortia may be constituted for single-issue events or campaigns, such as digital TV switchover.
- **Examples:** Broadband Stakeholder Group, Internet Advertising Bureau, Internet Watch Foundation.
- **Potential strengths:**
 - They have access to technical and market expertise through members to understand and be able to conduct research to identify gaps in consumer knowledge/points of market failure.

- They can arrange information dissemination via members' customer networks.
- They can influence members' marketing messages.
- They can operate flexibly without having to wait for changes in the law.
- Membership of a self-regulatory body can encourage firms to buy in to effective consumer protection.
- **Potential weaknesses:**
 - There is potential for tension between members' (industry) interests vs public/customer interest, or for tension between the interests of different industry members.
 - Resources for research and information campaigns may be limited.
 - They may have limited awareness and trust among public.
 - The range or use of sanctions for non-compliance is likely to be very limited ('naming and shaming', suspension, expulsion from membership).
 - They have no statutory powers, and membership is voluntary, so industry coverage may be limited.

Statutory regulators

- **Defining characteristics:** industry regulators with statutory powers. They may deal either with a specific sector or a specific aspect across all sectors.
- **Examples:** Ofcom, Ofgem, Ofwat, Financial Services Authority, Office of Fair Trading, Information Commissioner.
- **Potential strengths:**
 - They are independent of government and industry, operating within a statutory framework agreed by Parliament.
 - Their activities are open to public inspection and audit;
 - They have established procedures for consultation before new policies are introduced.
 - They are able to look across all the types of intervention (for example, competition measures, price and product regulation, standards of performance and behaviour) as well as information remedies, and so identify the optimum mix applicable in any given market.
 - They have in-house technical and market expertise to understand and be able to conduct research to identify gaps in consumer knowledge/points of market failure.
 - They usually have the power to require information from suppliers of products and services.

- They generally have the resources to conduct high-quality research, both technical and market research among consumers.
- As the ‘official watchdog’, trust is generally high among the public.
- Some have a complaint-handling role (or close links with complaint handlers such as Ombudsmen) and so can highlight issues arising from individual cases.
- **Potential weaknesses:**
 - It is generally not within their remit to provide branded purchase information and advice. Their powers in this area are generally limited to mandating information provision by product and services providers, and to providing standards for price and performance comparison services.
 - They are not primarily information providers/publishers, so information dissemination relies on expensive contracted services and/or cooperation of media outlets and/or service providers.
 - Their activities may be constrained by legal requirements.
 - Public awareness of their existence of their role is often low.
 - Consultation and other requirements (for example, openness to legal challenge) may slow down the speed at which information remedies can be applied.

Other information providers

a) Independent consumer/advice bodies

- **Defining characteristics:** bodies that are independent of industry, and take no advertising/sponsorship, and undertake their own research and/or policy work.
- **Examples:** Which?, Citizens Advice, Age UK, Communications Consumer Panel.
- **Potential strengths:**
 - Information provision is key to these organisations’ work, and the integrity of the information they provide is significant, and seen to be significant.
 - They have generally high awareness and high levels of respect from the public, and what they produce is likely to be accurate, balanced, trustworthy and trusted.
 - Which? has a fairly wide reach through its printed and online presence, and through secondary sources, such as mass media reports of its findings. Citizens Advice has an online and phone presence, and in-person presence through its network of Citizens Advice Bureaux.
 - Which? in particular can combine both branded purchase information with generic information – a useful combination, since consumers who seek branded purchase information may be open to other messages that may

otherwise be difficult to communicate. Similarly, they are likely to highlight particularly good/bad features that may be absent from marketing material.

- In some cases, they may provide much the same service as a commercial intermediary (for example, Which?'s Switch With Which energy price service), but without the commercial business model.
 - They can be useful conduits for particular information-based campaigns (for example, the digital switchover).
 - They may have the ability to undertake robust and independent research into, amongst other issues, product and service performance.
 - As independent bodies, they are also independent of government and statutory regulators – they may not always agree with their policies and actions, and will say so.
- **Potential weaknesses:**
 - Although they have wide reach, it is not universal, mainly due to financial constraints.
 - Some may be (at least partially) dependent on government or local authority funding, and so vulnerable to cuts.
 - Access to some information may be subject to paid membership (in the case of Which?).
 - Research and publishing constraints mean that time-sensitive information (such as product information) may not always be up to date. Also, in complex markets, such as telecoms services, information may also not be comprehensive.
 - Where research in performance is undertaken, independent bodies may have limited access to technical expertise, and do not have the powers that regulators may have to require data or cooperation from service providers.

b) Commercial intermediaries

- **Defining characteristics:** price comparison websites, providing information on tariffs and features within different sectors; may also be individual agents in some sectors (eg investment advisors).
- **Examples:** Moneysupermarket.com, Billmonitor, IFAs.
- **Potential strengths:**
 - Their branded information is likely to be up to date, comprehensive and presented in a comparable form, particularly where provided to a recognised/regulated standard.
 - They offer tailoring of the information they provide, depending on, for example, consumers' geographical location, and use patterns.
 - They provide instant access to information, for those with internet access.

- They are able to secure a high public profile, backed by advertising.
- There is the opportunity for including generic information alongside branded information.
- **Potential weaknesses:**
 - They tend to reach only consumers with access to the internet and who are reasonably confident online users.
 - There are issues over balancing comprehensiveness with clarity (few sites include all available service features, for example).
 - There are impartiality concerns: ‘featured’ (ie sponsoring) providers often feature more prominently, while firms unwilling to subscribe may be omitted altogether, while seemingly objective recommendations may be influenced by commission payments.
 - Individual tailored advice may be too expensive for most consumers (and rarely likely to be available outside the financial services sector).

c) Trade bodies

- **Defining characteristics:** industry bodies that represent the interests of members, in particular with government, regulators, and policy-makers – but may also be concerned to protect and promote their sector’s reputation with the public.
- **Examples:** Broadband Stakeholder Group, Internet Advertising Bureau, Association of British Insurers, Council of Mortgage Lenders, Law Society, British Bankers Association.
- **Potential strengths:**
 - They have ready access to detailed market information, technical trends, and industry position and concerns.
 - They have direct access to industry expertise.
 - They are active participants in the dialogue with government, regulators and other stakeholders.
 - They can take a lead in persuading members to participate in information campaigns.
 - They may have a strong interest in promoting informed, empowered consumers who will then be more active buyers of their sector’s services.
- **Potential weaknesses:**
 - They are not consumer-interest organisations – members’ interests in general will take priority over consumer ones, and criticism of the relevant sector is unlikely.

- Only some trade bodies include consumer information provision within their role.
- Resources may be limited.

4.6 Overall, the design of any information remedy is considered on a **case by case basis** with regard for a number of matters, including, potential strengths and weaknesses associated with information delivered by different information providers.

Section 5

Considerations when assessing the potential for information remedies

- 5.1 Sections 2 to 4 above suggest a number of ways in which information remedies might be assessed for their appropriateness in any given situation – in terms of their ability to help consumers or achieve broader regulatory objectives.
- 5.2 When evaluating the appropriateness of an information remedy for addressing a specific concern, our review of current practices identified the following action points, which may be of relevance, depending on the situation:
- assess the nature of the current information provision;
 - identify if there is a need for more/different information; and
 - consider the extent to which consumers are likely to engage with new information.
- 5.3 In this section, first we consider the consumer perspective and the extent to which consumers are likely to engage with any information provided. Then, we outline a range of information characteristics of potential relevance when assessing current information provision to see if there is any shortfall; or when designing a new information remedy.
- 5.4 It is helpful to understand the **consumers' propensity to engage with a specific information remedy**. For example, consumer research can help to understand if the current information provision is satisfying their needs or if there is clear interest in more, or different, information. If new information is being considered, do consumers perceive it to be relevant and helpful in making a decision about a product or service?
- 5.5 If there is low consumer interest in existing or potential new information, it can be helpful to explore the incentives to engage to see if low engagement can be addressed. In the case of ISP traffic management practices, consumers may be uninterested in information due to their lack of understanding, of the technically complex issue, and may not fully realise the implications for their quality of broadband service. Or the impact of traffic management on consumer experience (e.g. minor degradation of service) may not be noticeable and so not be considered a problem by some consumers.
- 5.6 In the latter case, where traffic management practices do not affect the consumer experience, information on this aspect of service may be less important than clear information on other factors, which have a more noticeable effect. However, where traffic management does affect the consumer experience, information becomes more important.
- 5.7 Some types of information may turn out to have limited effectiveness. This is a risk when the information is presented in a way which is not helpful to consumers. For example, Ofcom has been involved in initiatives such as **Topcomm** and **Topnet**, when we were seeking to make information on various aspects of providers' quality of service available. However, it was presented in a format which was not as readily comparable as it could have been. This was compounded by low overall awareness

of the information's availability. Consequently, consumers tended not to seek out this information.⁴¹ Consequently consumers tended not to seek out this information in order to inform their choice.

- 5.8 An information remedy may also have a weaker impact in a market where a range of tariffs are offered. In this case, a sub-group of consumers, for example those who shop around more, may make a more informed decision as a result of the information remedy, increasing competitive pressure to serve this group. However, this may not result in increased pricing pressure across the entire range of tariffs, as less informed consumers may still get worse deals.
- 5.9 When purchasing complex products with multiple features, information may be perceived as unimportant, and be ignored, if it pertains to an attribute that is less important than other features. Consumers tend to prioritise the importance of attributes when choosing a product. Understanding this relativity can help policymakers to predict consumer interest in new information, and to decide how best to communicate it.
- 5.10 In the case of buying a bundled service, which is increasingly common in the communications market, it is possible that information on a specific feature may have little, if any, influence on choice, as higher-level differences between bundles may take precedence.⁴² We suggest that the role of information about different product and service features in consumer decision making warrants further research.
- 5.11 Some evidence suggests that if the incentive for the consumer to engage with the information is low, consumers may not be interested in it and be less inclined to expend effort to find it.^{43,44} Consequently, consumers are likely to be uninformed about less expensive products. This may not matter if the resulting risk of harm is low, and in situations where purchase is frequent, there are more opportunities for consumers to learn from experience. But even where the risk of harm to the individual consumer may be low, the aggregate risk of harm across the market can be high.
- 5.12 By contrast, consumers may be more motivated to engage with information about expensive products or services that are purchased infrequently and where the consumer has a lot to learn about the product – such as a PC, smartphone or ISP service. But while these types of products or services can lead to greater information searching, they are also associated with consumers postponing a decision, or relying on known brands and product warranties if they do not fully understand the information provided, or do not feel confident to make a judgement.

Behavioural tendencies

- 5.13 Behavioural tendencies can be barriers to consumers' engaging with information and so lessen the effectiveness of the information. The wide and growing body of evidence from behavioural economics and social psychology highlights that consumers do not always operate according to standard economic theory, which

⁴¹ Ofcom (2007) *TopComm Review*

⁴² According to Ofcom's technology tracker (Q1, 2012) 57% of UK households purchase communications services in a bundle.

⁴³ Better Regulation Executive, Department for Business Enterprise & Regulatory Reform, and National Consumer Council (2007) *Warning: Too Much Information Can Harm*.

⁴⁴ Carlton and Perloff (1994) who argue that a 'sensible' consumer processes information up to the point when the marginal benefit of processing equals the marginal cost.

assumes that consumers make simple rational choices. Rational choice theory assumes linear models of behaviour: information generates knowledge, which shapes attitudes, which determines behaviour.

- 5.14 But consumers do not always search for or respond to information in predictable ways. Insights from **behavioural economics** and **social psychology** offer ways of understanding consumer decision-making processes which are more in line with observed consumer behaviour.⁴⁵
- 5.15 This body of work challenges the common assumption that the provision of unfiltered information is inherently a good thing, with a neutral impact at worst. In fact, information may have only modest, unintended, or negative effects on behaviour.
- 5.16 Therefore, it is important to identify relevant behavioural tendencies to explore the extent to which psychological differences explain variations in consumer behaviour.
- 5.17 Recent work by the **CCP** and the **OFT** has highlighted a range of behavioural tendencies related to information processing, such as risk of low attention span, or information overload.^{46, 47} Too much information can be as problematic as too little, unless, for example, there are effective means for consumers to filter the available information. One problem may be the characteristics of the market itself, such as the 'option swamp' created by a large number of different variants of similar offerings.
- 5.18 The way in which information is framed (how it is presented, and by whom) can affect consumers' responses to it, to the extent of making poor decisions.⁴⁸ Consumers do not attend equally to all aspects of information; we tend to notice the elements that stand out but may not read all the information provided about a product/service. These tendencies can be taken account of in the design of an information remedy.
- 5.19 However, even if information is noticed, processed, and considered useful, the impact on behaviour can be hard to predict. Certain behavioural tendencies may present barriers to engagement to such an extent that an information-based approach will have only a modest effect.⁴⁹
- 5.20 Work by the **Cabinet Office** summarised some of the most robust behavioural influences, some of which have implications for the effectiveness of information remedies and include:⁵⁰
- We tend to be **bad at anticipating the future**. We have limited abilities to anticipate and correctly predict future needs. This can lead to a **sub-optimal choice** of product that does not cater for future needs. Or it can lead to **procrastination**, which can have the same implications for the market as high search costs.

⁴⁵ Government Social Research (GSR) (2008) *An Overview of Behaviour Change Models and Their Uses* and Central Office for Information (2008) *Communications and Behaviour Change*

⁴⁶ Communications Consumer Panel Report (2010) *Vulnerable Consumers: A Summary of Evidence*

⁴⁷ Office of Fair Trading (2011) *Consumer behavioural biases in competition*

⁴⁸ Examples of work that covers the effects of framing include the OFT's reports: *Advertising of prices* (2010) and *The impact of price frames on consumer decision making* (2010)

⁴⁹ FSA (2008) *Behavioural Economics*

⁵⁰ MINDSPACE (2011) *Influencing behaviour through public policy*

- In certain situations we tend to **care more about losses than gains**. Our responses to incentives can be influenced by loss aversion, and so we prefer to stick with the status quo than to change behaviour.
- We tend to **go with the flow of pre-set options**, rather than evaluating and making a decision to opt out or in. This tendency has implications for evaluating opt-in and opt-out schemes.

5.21 In some instances, concerns about the behavioural tendencies have contributed to policy decisions not to rely solely on an information remedy, as illustrated below:⁵¹

5.22 Overall, we found that information may have less impact and so need careful consideration where consumers' attitudes, understanding or behavioural tendencies present barriers to them engaging with and acting on the information.

Characteristics of information provision

5.23 We have identified **seven characteristics** for potential consideration when a) auditing current information provision and b) designing a new information remedy, if a need for new information is identified. Views on this list are particularly welcome.

Figure 8 – Characteristics of information provision

AWARENESS	• Are consumers aware of the information?
ACCESSIBLE	• Is the information easy to access, find and use?; Is it clearly identifiable?
TRUSTWORTHY	• Is the source of information trustworthy and totally impartial? • Has the information been endorsed by multiple stakeholders?
ACCURATE	• Is it true to a sufficient level of resolution, and can it be checked for correctness? Is it up-to-date and pertains to consumers' current situation?
COMPARABLE	• Is it presented in such a way by different providers to allow for easy and sensible comparisons?
CLEAR AND UNDERSTANDABLE	• Is the information expressed in units, concepts, or terminology that is unambiguous and easy to understand? Do consumers have the technical competence to understand it?
TIMELY	• Is the information readily available at the point of making decisions?

5.24 Findings from desk research into how these dimensions might be applied, and important issues arising within them, are outlined below.

Awareness

5.25 Awareness that information exists is a fundamental requirement for success: the clearest and most useful information in the world is of no use if consumers are not

⁵¹ Cabinet Office Behavioural Insights Team (2012) *Applying Behavioural Insights to Reduce Fraud, Error and Debt*: sets out examples of changing the environmental context. One study that evaluated the cost effectiveness of physical activity programmes found that context-altering interventions (e.g. introducing bicycle and pedestrian trails) had the potential to be more cost-effective than information-based ones (such as phone or paper materials, counselling sessions).

aware it exists. The **OECD Consumer Policy Toolkit**, which sets a framework for policy makers dealing with consumer policy issues, refers, amongst other criteria, to the important role that raising awareness can play in addressing consumer issues.⁵²

- 5.26 Consumers need to be aware not just of the information itself, but also the body that is providing it. This has implications both for the take-up of the information by consumers, and for the trust or value placed on that information. For example, although Ofcom is a well-established body, spontaneous awareness of it among the general public was only 23% in 2010 (although it rose to 73% when prompted).
- 5.27 Universal or high levels of general spontaneous awareness are difficult to achieve, and may be uneconomic in some circumstances to achieve; but at a very minimum – for ‘pull’ information that consumers need to seek out explicitly – consumers need to be able to find out about the existence of the information, and possible sources, when they need it. For ‘push’ information that consumers are unlikely to seek out, but which is considered to be in the public interest, spontaneous awareness is much more important.

Accessibility

- 5.28 Information needs to be easy to find and use to be effective. Consideration for the media habits of varying groups of people can help in working out how best to make the information accessible. Dependent on the particular case in hand, the greater the target reach of the information, the more a multi-layered approach may be of benefit.
- 5.29 For example, it may be tempting for cost and other reasons to produce online-only information, but this may exclude a significant minority of the population. Entire target groups may be disproportionately disadvantaged by an inappropriate or inadequately broad choice of communication media – for example, recent Ofcom research shows that only 25% of people aged 75 and over have internet access at home.⁵³
- 5.30 However, the more layered an approach, the more complicated the information offering is likely to become. The presentational possibilities with online and printed material are different, but so too are the way people use these media, so it is important to ensure that a consumer’s choice of medium is not restricting the quality or depth of information they receive.
- 5.31 Particular groups of people, for example, those with a disability or for whom English is not their first language, can be overlooked in terms of information provision. In some cases, they may not be able to access information at all; in others, the information they receive may not be of the same quality or of the same level of detail. For example, **Citizens Advice** provides some information in 13 non-English languages, but this constitutes only a fraction of the information provided in English, and inevitably is geared towards those issues of greatest need or greatest detriment (for example, employment or debt).⁵⁴

52 OECD (2010), *Consumer Policy Toolkit*, OECD Publishing, Paris, http://www.keepeek.com/Digital-Asset-Management/oecd/governance/consumer-policy-toolkit_9789264079663-en

⁵³ Ofcom (2012) *Consumer Experience Report*

⁵⁴ <http://www.adviceguide.org.uk/england/languages.htm>

- 5.32 **Age UK** has made available some information in an oral format, which is primarily aimed at its constituency of older people, though of course is also of benefit to those with sight or reading problems (see 3.44).⁵⁵

Trustworthiness

- 5.33 Trust is clearly an important criterion that can influence the effectiveness of information remedies. Even where consumers are aware of information and can get access easily, it may have little impact on behaviour if the source is not trusted.
- 5.34 The nature and origins of trust are complex. Organisations seen as independent and 'on the consumers' side' (such as Which? and Citizens Advice) generally enjoy high levels of public trust; the same is likely to be true of certain TV, radio and press commentators. Independent regulators and government agencies, especially if they are seen as objective and on the public's side, can also expect to enjoy high levels of public trust. But much depends on the context. Trust is not universal and can vary over time, for example in the light of media stories. Once lost, trust may take considerable time to restore.
- 5.35 It cannot be taken for granted that official bodies will always be considered more trustworthy than commercial bodies (that is, product and service providers and trade associations) – information may be more positively received from a trusted brand or company than from a government source, especially where the consumer has a long established relationship with the supplier in question. Widely-accepted examples include John Lewis and Marks and Spencer.
- 5.36 The status of commercial intermediaries is less clear. They may at first appear to be totally impartial, but they are commercial organisations that earn their money from referrals, sponsorship or advertising by companies whose services/products they feature. In practice, this means that companies who pay receive more prominent exposure in listings. A standards-based accreditation (such as the **Ofcom Price Accreditation Scheme**) can overcome this – but only if people understand that it exists and how it works, and are confident that the Scheme's use is effectively policed.
- 5.37 Trust can be built or enhanced when multiple stakeholders (for example, industry, regulatory, government, consumer bodies, press, TV and radio) endorse the information. This is likely to be especially important where there is a significant event-based campaign designed to safeguard the public interest (such as the digital switchover campaign) or where there is agreement on a 'kitemark' to a standard for information presentation.

Accuracy

- 5.38 Information should be correct, up-to-date and balanced. However, assessing the accuracy of complex or multi-layered information (such as price plans or tariffs with multiple elements) can be difficult for regulators as well as consumers. The two main remedies for this are:
- **Agreed and published standards** for information provision (such as the Ofcom Price Accreditation Scheme), so that whoever provides the information does so using an agreed methodology; and

⁵⁵ <http://www.ageuk.org.uk/>

- **Independent arrangements** for information provision or **verification** (such as Ofcom's broadband speed measurement) where all information is either provided centrally or is from a verified source.

5.39 Technical accuracy (that is, having correct figures) is only part of the issue. More important is what the consumer takes away from a given message.

Comparability

- 5.40 One factor that may affect consumer engagement with the market is the ease with which consumers can compare services. They may find it hard to understand and compare products/services, or find the lowest price, or the service that best suits their needs, and the information might not be up-to-date. This is particularly relevant to the communications sector as it offers a vast range of choice, the services are often complex, and the rate of change is fast.
- 5.41 When information gathering is costly, consumers may not search for the best option to meet their needs, and so make less well informed choices. Complex situations can exacerbate this. Behavioural economics research shows that consumers make quick decisions to avoid information overload, especially when faced with complex choices.⁵⁶
- 5.42 As consumers can be overwhelmed by too much choice, they may become disengaged to the point of avoiding making choices altogether, even if acceptable options are available. If it is too hard to work out the best option, some consumers tend to procrastinate.⁵⁷
- 5.43 An information model that makes comparability easier, by standardising the format across providers and centralising information in a one-stop shop, can lead to lower search costs and help assist consumers to make comparisons.

⁵⁶ BRE (2007) *Warning: Too Much Information Can Harm, an Interim Report by the Better Regulation Executive and National Consumer Council*

⁵⁷ *Ibid*

Price comparison sites

Price comparison sites can provide an information model that reduces search costs by standardising the format of information presented from different providers, and compiling the information in one place.

However, there is evidence of generic drawbacks to comparison sites, in terms of how consumers use them. Consumers can be unwilling to undertake thorough searches, and tend to rely on one site, without realising that a range of sites would provide the total market offering (**source: OECD Consumer Policy Toolkit, 2010**). Consumers may not be aware of how some online price comparison sites work and that they may provide biased information, as they are incentivised to give companies greater prominence to make money from commission from the companies consumers switch to.

The Ofcom Price Accreditation Scheme shows how some, although not all of these barriers can be overcome. The scheme provides quality assurance that the calculations of price comparisons of fixed lines, broadband and digital television services offered by accredited companies are accessible, accurate, up to date, transparent and comprehensive. It helps to ensure access to accurate, trusted information that enables consumers to compare prices across different services, and shop around with confidence. Ofcom has accredited seven websites under the scheme (Simplify Digital, BroadbandChoices, BillMonitor, Homephonechoices, Mobilife, Broadband.co.uk and Cable.co.uk). Ofcom plans to complete its review of its accreditation scheme in 2013.

However, the extent to which consumers are aware of the scheme, trust and use it has not yet been evaluated. In addition an accreditation scheme would not resolve the issue of encouraging consumers not to rely on just one site.

Furthermore, while comparison sites may appeal to consumers because of their simplicity, there is a risk of over-reliance on price as a key determinant of choice, especially if specific product/service features are hard to understand or evaluate.

- 5.44 Some tasks in the comparison process may prove harder to simplify and so consumers struggle to make sensible and reliable comparisons. Many academic papers cite empirical evidence to support the claim that a vast range of choice can be overwhelming for consumers⁵⁸. This raises the question as to whether, in the mobile sector, the choice of at least 10 million residential post-pay contract options to choose from can be overwhelming for some consumers.⁵⁹ That said, a wide range of choices can be good for consumers who understand their usage requirements and can therefore choose a service that suits their needs.
- 5.45 Price complexity can make a choice of product/service difficult for consumers. In the energy sector, Ofgem has suggested that the large number of tariffs makes it harder for consumers to choose.⁶⁰
- 5.46 Technical complexity can also make it harder for consumers to make an informed choice. For example, when choosing a mobile contract, consumers need to be able to predict their future consumption of the different elements of a service (e.g. voice calls, texts, data) in order to make a well informed decision. When choosing a smartphone for the first time, consumers are unlikely to be able to predict with any

58 One of the most commonly cited academic papers on the potential effects of more choice is Sheena Iyengar, Mark Leeper (2001) – When Choice is Demotivating: Can One Desire Too Much?

59 Ofcom estimate based on BillMonitor.com (2012) details on residential post pay Combinations of tariff, bolt on and handset.

60 Ofgem (2011) *What Can Behavioural Economics Say About Great Britain Energy Consumers*; Consumer Focus (2011) *Missing the Mark, Consumers, Energy Bills, Annual Statements and Behaviour Change*.

degree of accuracy what their future needs will be. Consequently, some may end up on the wrong price plan.

- 5.47 The ability to compare products/services can sometimes be difficult, in particular where industry is not well incentivised to be transparent; for example, when providers promote a headline price but avoid drawing attention to ‘add-ons’. This has been a characteristic of ‘drip pricing’, where consumers are presented with a headline price and then with additional charges only when they go through the purchase process. In a recent report, the OFT commented that ‘headline prices need to be presented in a way that gives consumers a proper ability to shop around.’⁶¹
- 5.48 The OFT outlined the pros and cons of alternative interventions in situations where it is either too complex to calculate price, or there is obfuscation of price.⁶² It suggests standardisation of pricing structures as a remedy, when complex pricing structures make it difficult for consumers to compare products/services. The OFT explains that this intervention is most likely to be beneficial to consumers when:
- the measure simplifies the comparison;
 - consumers shop around and use the comparison; and
 - the comparison does not neglect important information.
- 5.49 In this same report the OFT suggests restricting the range of products and prices, as an alternative when consumers are faced with complex choices. This simplifies comparisons and can intensify price competition, but at the same time may restrict variety and innovative tariffs. The report proposes that there are circumstances in which simplification is more likely to be effective, other things being equal. For example:
- where differentiation is spurious;
 - where complexity is reduced more than choice; and
 - where consumers do not benefit from the existing complex pricing structure.⁶³
- 5.50 Some consumers may not search thoroughly for reasons other than high search costs. These may include: loyalty to a particular brand; that they aren’t motivated to search as the incentive to engage is low; or they may find it hard to judge a particular product as it is too complex. In such situations, an information remedy may prove less effective.

Clarity and understanding

- 5.51 Information needs to be clear and understandable, but there are multiple, often complex, issues arising here. In particular:

61 OFT (2010) *Advertising of Prices*

62 One option is introducing standardised pricing structures to facilitate comparison. This has been used for APR and in European regulation on airline pricing. The main drawback highlighted is that use of an average price structure may not help individual customers. A harsher intervention is to restrict the range of products and prices. This can be beneficial when consumers are not benefitting from the complex pricing structure. However, this intervention comes at the cost of restricting variety and innovative tariffs. Source: Office of Fair Trading (2008) *Assessing the effectiveness of potential remedies in consumer markets*.

⁶³ Office of Fair Trading (2008) *Assessing the effectiveness of potential remedies in consumer markets*.

- **Striking the right balance between detail and succinctness** of information is critical, but difficult to achieve. Too little detail and consumers may make the wrong purchasing (or other) decisions; but too much detail can have the same result, since ‘information overload’ can drive consumers to make hasty decisions or to postpone their decision. There is also evidence that consumers make judgements about the ultimate value of investing time in reading or understanding information: if effort in finding or understanding information is disproportionate to the (perceived) benefits, consumers are less likely to engage with it.
 - Still more problematic is the risk that some firms may actually gain from **increased confusion** across the market as a whole, especially if this leads some consumers to choose significantly sub-optimal options that are more expensive than they need. Any conscious attempt to create ‘**confusopoly**’ across the market is likely to be highly detrimental.
 - **Inherent market complexity** may be the fundamental problem. For example, Ofgem has identified that the large number of energy tariffs makes it difficult for consumers to make an informed choice. While too much simplification of product offerings can mean a disproportionate reduction in choice especially if it provides a barrier to innovation, ‘**option swamp**’ is unlikely to be in the interests of any but the most determined and articulate consumers.
 - **Inherent technical complexity** is also a challenge. For example, when choosing a mobile contract, consumers must predict their future use of different types of phone call, SMS use and data use.
 - **Technical terminology, and jargon** in general, can be a barrier to understanding. Plain language principles for all written (or spoken) information can greatly improve levels of comprehension. Two organisations, the **Plain English Campaign** and the **Plain Language Commission**, provide advice, accreditation and training in producing plain language information.
- 5.52 **Information design**, such as tables, charts, graphs and diagrams, or interactive elements in digital material, can be a barrier or an enabler. Judicious choices here can greatly improve ease of understanding of complex information. Online interactives can help guide people through complex purchasing decisions, and ensure they consider all the relevant aspects (in the right order). Static, printed equivalents (flowcharts) can be an acceptable alternative for people unable/unwilling to use online services.
- 5.53 Additional measures that can help to promote clarity and understanding, in particular of technical issues, or of complex/multi-layered information, include:
- **Specific awareness campaigns** (for example, Digital Outreach’s work with vulnerable groups during the digital switchover); and
 - **One-to-one support** (via phone, online chat, email).
- 5.54 Either of these methods can be driven by service providers or by regulatory bodies. In particular, Ofcom has a duty to promote media literacy, defined as consumers’ ability to ‘understand, use and create’ digital content. Regulators can also take a role in co-ordinating information provision by service providers.

5.55 Terms and conditions are a special case in relation to comprehensibility. Certain terms and conditions can be a crucial part of a purchasing decision, but there is widespread evidence that people do not read them before making a purchase, because:

- the contract terms are too long;
- people trust the company they are buying from; and/or
- they believe it is a standard contract.⁶⁴

5.56 Consumers also have statutory protection against any contract terms deemed by the courts to be unfair.

Timeliness

5.57 It is important that information is provided when consumers most need it or are best able to act on it. Point-of-sale may be appropriate for certain types of information, but it is not appropriate for complex information or messages that require some consumer engagement to properly act on.

5.58 Complex or critical information may also need reinforcing through repetition: it may need communicating to people in several ways, at different times, to ensure the message is understood and acted on.

5.59 While information may meet all (or most) of the seven characteristics above, it may still fall short of meeting regulatory aims, or being considered an effective remedy. Information may be widely available, well presented and accurate, but still not result in consumers making the best (or even the correct) purchasing decisions because it does not actually meet their needs or the needs of the market in question.

Testing the information to be provided

5.60 Before introducing any new information, testing it with consumers can provide insight into their interpretation of it. The value of consumer testing is highlighted by an FSA study showing how consumers can draw incorrect inferences from information or focus on the less-important aspects of it.⁶⁵

5.61 Exploring the functioning of new information in a situation as life-like as possible (road testing) can help designers to understand its potential interplay with existing sources and its likely impact. Traditional consumer research techniques such as focus groups, as well as behavioural economics, can help us assess the role of information and how consumers are likely to use it.

⁶⁴ A range of consumer research evidence shows that consumers can pay little attention to the small print: see OFT (2011) *Consumer contracts*; Ofcom's research report on Adults' Media Literacy (2011) shows that most respondents say that they either read and do not understand or do not read the terms and conditions on websites.

⁶⁵ Financial Services Authority (2008) *Financial Capability: A Behavioural Economics Perspective*; OFT and Competition Commission (2009), *Road Testing of Consumer Remedies, Final Report*.

Section 6

Evaluating the effectiveness of an information remedy

The challenge

- 6.1 The **National Audit Office**, among others, has highlighted the need for a range of organisations to develop sharper metrics, to link outputs more closely with outcomes.⁶⁶ In principle, all market interventions need to be assessed to ensure that they have achieved the desired outcomes.
- 6.2 In relation to information remedies, in principle it is desirable to identify whether there has been a shift from 'uninformed' to 'better informed' and empowered consumers, better able to make informed choices about a product/service. This need not necessarily cover the whole market. Standard economic theory argues that it may not be necessary for all consumers to fully analyse and understand all the information, so long as a significant proportion of consumers (sometimes referred to as 'lead consumers') are able to influence/discipline the market.
- 6.3 However, there are very significant practical difficulties. For example:
- It may not be easy to identify an appropriate baseline. In particular, satisfaction measures, which are often used in the measurement of policy impact on consumers, may depend heavily on consumer expectations, which may be coloured by recent experience or news headlines.
 - The information dissemination process takes time, especially where decisions are relatively infrequent and long term. Over such periods, factors such as changes in the market and changes in technology may also have a significant impact.
 - Because of the time involved, it may not be possible to disentangle the impact of the information remedy from other influences.
 - Even where it is possible to measure benefit in aggregate, there may be significant distributional differences of a given measure – especially where there is market segmentation by suppliers, for example in the form of price discrimination.
- 6.4 Nonetheless, these challenges are common to any attempt to evaluate effectiveness in a complex, changing environment, where there is unlikely to be a linear relationship between two factors – whether that is evaluating the effectiveness of an advertising campaign, central government information campaign, or regulatory intervention. This does not mean that evaluation is not worth attempting – merely that it needs to recognise the nuances and complexities, and that any conclusions should be interpreted accordingly.

⁶⁶ National Audit Office (2010), *Report by the Comptroller and Auditor General, the Effectiveness of Converged Regulation*

Some basic building blocks

- 6.5 Drawing on recent experience, we have identified three broad headings under which evaluation can profitably be carried out: compliance assessment; delivery of customer outcomes; and impact on product and service providers.

Compliance and verification

- 6.6 **Compliance** with an information remedy is clearly a necessary condition for success. If it is not implemented effectively, it will have minimal impact. There is a need to check that information is provided in the spirit in which it was intended and that the relevant incentives remain in place (particularly where the remedy is self-regulatory). Evidence of actions to deal with non-compliance is also helpful.⁶⁷
- 6.7 Where, for example, Ofcom has introduced mandatory requirements relating to consumer information through general conditions, it has the power to formally investigate potential breaches. Helpful supporting evidence can come from audits of the information provided, mystery shopping and market research as well as complaints made to Ofcom. Where obligations are not met, Ofcom can take appropriate enforcement action, including, ultimately, imposing financial penalties of up to 10 per cent of relevant turnover.⁶⁸
- 6.8 **Verification** of the quality of information provided can be harder to achieve, particularly where the information relates to the technical standard to which services are provided. Ofcom's broadband speeds monitoring via a panel of broadband users is an example of technical verification methodology used to assess the accuracy of information provided by the industry.

Assessing the delivery of consumer outcomes

- 6.9 In the markets we looked at there was a tendency to focus more on assessing compliance with requirements, and verifying the accuracy of the information provided, than on evaluating effectiveness in terms of delivering consumer outcomes. However, there was common use of a range of market research and intelligence tools, often to track changes over time; before, during, and after implementation of the remedy. Examples include:
- **tracking overall consumer satisfaction** with the quality of the service/product. Ofcom does this by monitoring its own complaints data;
 - **tracking the overall consumer experience of a product/service** to identify problems, and see whether they relate to the information in the remedy; and
 - **specific research** to assess whether consumers are aware of the information remedy, have understood and used it, and if it has made a difference to their behaviour.

⁶⁷ FSA (2007) *Good and Poor Practices in Key Features Documents*.

⁶⁸ Where Ofcom opens an investigation, it will consider all relevant information and evidence to establish whether there are reasonable grounds for believing that a CP is contravening or has contravened the relevant condition. Where Ofcom believes there are reasonable grounds, it will issue an s96A Notification to the CP which sets out Ofcom's reasonable grounds for believing there has been a breach (and which may include a proposed penalty). The CP is invited to respond and submit any representations to Ofcom (written and/or verbal) which Ofcom will consider before issuing the final s96C confirmation decision (which may include a final penalty).

6.10 Market intelligence also provides a rich source of proxy measures:

- **Monitoring complaints** to see if there is a decrease in the number relating to the issue addressed by the information remedy. This measure has clear limitations in terms of providing an accurate proxy of the effectiveness of the remedy because complainants may not be at all representative of the public as a whole. But understanding the root cause of the complaint can make this information more useful. For example, it is helpful to know whether the service was not in line with what was promised, whether there was insufficient or confusing information, or simply whether the service was not of sufficient quality.
- **Monitoring social media** can contribute to an understanding of what consumers are saying about the products/services.
- **Appropriate metrics** such as website traffic numbers can be used to measure access to new information.

6.11 Other measures focus on tracking consumer behaviours to see whether there is a correlation between the introduction of the intervention and any shifts in consumer attitudes or behaviours. This can be done either on a time basis; that is, before, during and after the implementation, or on a static comparison basis, for example to assess whether there is any difference in behaviour among those aware of and using the new information, compared to those who are not.

6.12 But we have found few examples of this kind of research in practice – it is likely to be difficult and resource-consuming, and proxy measures may often be more appropriate. A possible compromise – although not something we were able to explore in our desk research – is the use of qualitative research among consumers (for example through focus groups and in-depth interviews), as an adjunct to proxy measures. Such techniques could help to identify and explore particular problem areas in a way that can inform future policy design.

6.13 One interesting (although now largely historic) example of information remedy assessment came from the FSA, which at one point invested significantly in testing and refining its point-of-sale disclosure documents in the retail mortgage market. Its focus was to improve the design and communication of the information provided, fine-tuning this information remedy over several years.⁶⁹ However, while the FSA has highlighted the importance of continuing information disclosure in the mortgage market, it has also stated that it no longer places such a strong reliance on disclosure to achieve its regulatory aims.⁷⁰

⁶⁹ The scale of the markets regulated by the Financial Services Authority meant that it was necessary to focus on a specific area in order to gain valuable insights. As such we have focused predominantly on the mortgage market and have drawn in particular from the FSA's Mortgage Market Review (see previous footnotes).

⁷⁰ FSA DP09/3 (2009) *Mortgage Market Review*.

Assessing product/service provider outcomes

- 6.14 **Developments in the offerings of products and services** may provide important criteria for measuring success in some contexts. Information remedies can have positive indirect outcomes where they lead to a change in what is on offer in the market place. Even if the information itself is not used very widely by consumers, its impact on suppliers may be very significant, for example where they are keen to be seen in a positive light and to avoid being on the ‘wrong’ side of any comparisons or best practice guidance. The **social media** may accentuate this kind of impact, especially where active consumers share their experiences about good and bad products and services.
- 6.15 Examples of positive indirect outcomes, identified in our desk research, range from Ofcom’s broadband speeds measurement initiative, to publishing hospital surgical success rates.⁷¹ Digital UK’s deployment of the tick logo, displayed on products that would work after switchover, is another example: as consumers became aware that they should look out for the tick, pressure developed on retailers to stock only products that carried the tick. The initiative had the power to influence the supply chain.

Evaluating effectiveness

- 6.16 Our desk research identified very few research studies that have evaluated the effectiveness of regulatory information disclosure. We suggest that this may be due to a range of factors such as: information is presumed to be intrinsically good; the challenges of designing measures of effectiveness; limited resources; and the difficulty of demonstrating links between initiatives and outcomes.
- 6.17 However, one academic paper from the United States assesses the effectiveness of such transparency systems by examining the design and impact of financial disclosure, nutritional labelling, workplace hazard communication, and five other systems. It emphasises the need to consider the information users’ needs, the context in which they operate, and the available options and costs for obtaining information. It concludes that transparent information provision is only effective ‘*when the information they produce becomes ‘embedded’ in the everyday decision-making routines of information users and information disclosers*’.⁷² The paper identified this as a critical condition for the effectiveness of an information remedy.
- 6.18 Although, as discussed earlier, it is not always necessary for all consumers to understand and act on information, but if a sufficient number do, it can have a disciplining impact on the market.
- 6.19 Evaluation of the effectiveness of information remedies is therefore very much in its infancy as a subject. However, from the areas we have studied from this project, we suggest the following provisional checklist. We very much welcome views on its usefulness.
- Is consideration given to evaluation objectives and metrics early on in the process when designing the information remedy?

⁷¹ Department for Business Innovation and Skills (2011) *Better Choices, Better Deals, Consumers Powering Growth*.

⁷² Weil, Fung, Fagatto (2005) *The effectiveness of regulatory disclosure policies*.

- Are sufficient resources and time available for the collection of data and the completion of the evaluation stage?
- Are the objectives of the information remedy sufficiently clear, for example in terms of the target group of consumers and the required impact?
- Is there a clear benchmark; for example, in terms of consumer knowledge, attitude and behaviour, against which any subsequent changes can be measured?
- Is a single metric sufficient or will a suite of measures be more useful?
- Are the methods proposed for the collection of data appropriate to the target group and to the initiative under evaluation?
- If sufficient direct evidence, for example of changing consumer behaviour, is not available, is any proxy evidence needed?

6.20 In conclusion, in complex markets, it is often difficult to establish baselines, and it is a real challenge to link causes and effects. Limits on resources also affect what can be achieved. But there is much that can be done; for example, by assessing levels of compliance with any over-arching requirements and verification of the quality of information; by tracking consumer experience whether through formal market research, mystery shopping or the use of market intelligence; and by assessing the impact of any measures on product and service providers.

Section 7

Bringing the key questions together

- 7.1 We identified only a limited amount of published evidence on the effectiveness of specific information remedies in delivering consumer outcomes, either within the communications market, or across sectors. Our considerations are formed in this context of limited evidence.
- 7.2 Figure 9 on the next page suggests a way of bringing together the various questions that might arise in considering and implementing an information remedy. Not all the questions will apply in every circumstance but this provides a list of potential considerations. Views on the questions proposed are particularly welcome.
- 7.3 In summary, information remedies are one of a range of interventions available to regulators to address shortfalls in information provided to consumers for the purpose of protecting and empowering them. There will, for example, be cases where the appropriate course is the development and/or enforcement of sectoral regulatory rules and/or the taking of formal law enforcement action. And there will be cases where regulatory forbearance is appropriate.
- 7.4 We identified specific cases where a well designed information remedy may be effective. However, the provision of new or additional information is not always in itself a good thing. We found evidence that the provision of information can have unintended or negative consequences, due, for example, to consumers' attitudinal or behavioural tendencies that present barriers to their engaging with, and acting on, information.

Figure 9 – Information remedies: overview of potential considerations

DECIDING if an information remedy is appropriate	DESIGNING an information remedy	IMPLEMENTING & EVALUATING THE EFFECTIVENESS of an information remedy
<ul style="list-style-type: none"> • What is the nature of the current information provision and is there a need for more or different information? <ul style="list-style-type: none"> – Are consumers aware of existing information? – Is the information easy to access, find and use? – Is it clearly identifiable? – Is it from a trustworthy source? – Is it accurate? – Is it comparable, clear and understandable? – Is it provided in a timely fashion? • How likely are consumers to engage with new information? Are there relevant behavioural tendencies that may influence consumer behaviour and have implications for the effectiveness of any new information? • How likely are product/service providers to engage with an information remedy? What are the incentives for the product/service provider to provide the information? • What are the pros and cons of different types of information provision: <ul style="list-style-type: none"> – By products and services providers? – By self-regulatory bodies? – By statutory regulators? – By other bodies - independent consumer bodies, commercial intermediaries such as comparison websites, or trade bodies? • Any decision to introduce mandatory provision of information would require a formal consultation. • Are there any high level design, implementation, and evaluation issues to consider upfront? 	<ul style="list-style-type: none"> • What, when, where, and how is new information to be provided in order to meet target audiences' needs? • What are the effects of the information remedy likely to be and are there likely to be any unintended consequences? • Has any consumer research been undertaken? Can new consumer research or behavioural economics experiments help to develop and road test the design? • Can the information be integrated with current customer communications? What are the pros and cons of integration? • How can information consistency and comparability be effectively and efficiently achieved? • What role can sales/customer service play to support communication of information? • Is there a need for supporting activity to raise awareness and/or understanding of the information? • What role can other organisations, such as consumer bodies, play to support communication of the information? 	<ul style="list-style-type: none"> • Implementation of the different types of information provision may require a different approach. • Which metrics are likely to be suitable to measure the effectiveness of the information remedy in delivering consumer and market outcomes? What are the pros and cons of using a suite of measures? • What role can the following broad types of measurement play? <ul style="list-style-type: none"> – Compliance and verification (e.g. mystery shopping); – Assessment of the delivery of consumer outcomes (e.g. tracking overall consumer satisfaction, proxy measures such as monitoring the level and nature of complaints); – Assessment of the impact on products and services providers. • Are the measurement instruments appropriate to the target group and to the initiative under evaluation? • Would it be helpful to use a combination of pre-, intermediate, and post-implementation metrics to identify impact? What are the pros and cons of allowing time for feedback and adjustments to the new information provision?