

Broadband Speeds Code of Practice for business services

A guide for providers on the Code and how to sign up

Consumer Policy Team
Ofcom

Why do we have the Code?

Q: Why did Ofcom develop the Code?

Broadband services are fundamental to all businesses, but there can be some confusion for business customers about the actual speeds that can be achieved by their broadband services compared with the “up to” maximum speeds advertised. Ofcom also found that a fifth of SMEs were dissatisfied about their ability to access the speeds paid for, and that some providers did not give individual estimated speeds.

To address this gap, Ofcom has worked closely with industry on developing the Voluntary Broadband Speeds Code of Practice for business services (“the Code”).

Q: What is the aim of the Code?

The Code aims to provide business customers with accurate and transparent speed information on standard business broadband services at point of sale.

The Code requires signatories to manage business customers’ speed-related problems, and allow customers to exit the contract without penalty if download speed falls and remains below a minimum guaranteed speed.

Q: How does the Code benefit my customers?

When providers sign up to the Code, their customers know they will receive accurate and transparent speeds information, and help in managing their speed problems.

Customers can check which providers are already signed up by going on to the Ofcom’s website.

Q: What services does the Code apply to?

The Code applies to all standard business broadband internet services, regardless of technology, but some parts of the code are technology specific – e.g. certain provisions on line speed information and contract release do not apply to FTTP and cable for which speeds performance is less variable.

The Code does not apply to technologies and services where speeds are guaranteed and/or the customer has a dedicated connection, such as leased lines, Ethernet over fibre to the Cabinet (EoFTTC), Ethernet First Mile (EFM), or similar. In addition, broadband services which connect to a private internal system rather than directly to the internet are excluded.

Q: What would happen if my customer's broadband service is bundled with other services?

The Code requires speed information to be given on any standard service, whether or not it is bundled with other services.

If a right of exit applies, then it also applies to some bundled services. This covers broadband and voice bundles, and services which are dependent on the broadband line, e.g. VoIP and Cloud services.

Q: Is the Code limited to businesses of a certain size?

The Code applies regardless of the business size, as speed information is relevant to the service purchased, regardless of the number of employees it has.

Q: Who is signed up?

Currently, BT Business, Daisy Communications, KCOM (Hull business), Talk Talk Business, Virgin Media, XLN, and Zen are signatories.

The Code sets out a series of principles to be followed by signatories – we give a short overview below, but for more details, please see the Code on the Ofcom's website

Principle 1: Transparent and accurate information on broadband speeds at the point of sale

Internet Service Providers (ISPs) will provide estimates of expected download and upload access line speeds (and throughput speeds, where available) as early as possible during the sales process and in any event prior to the customer agreeing to purchase the service.

Principle 2: Detailed information after the sale and on the website

After the sale, ISPs will provide all relevant speed related information in writing.

Principle 3: Manage speed related problems

ISPs must manage any speed problems received by their business customers and offer them assistance in resolving the issue.

Principle 4: Right of exit

ISPs will offer customers, at any point during the contract, a right to exit the contract without penalty (and subject to returning equipment, where requested by the ISP) if download speed falls and remains below a minimum guaranteed access line speed, even after the ISP and the customer, following the ISP's advice, have had an opportunity to address the speed issue.

Principle 5: Deliver the objectives of the Code through appropriate processes

ISPs must ensure that speed information must be as accurate as possible, provide resellers with accurate speed information if they are a wholesaler and support the spirit of the Code.

Q: How can an ISP sign up to the Code?

Once an ISP has implemented the relevant system changes to ensure compliance, they can email alastair.hogg@ofcom.org.uk expressing their wish to be a signatory to the Code.

Q: If I want to express my intention to sign up to the Code, when is the deadline for implementation of system changes?

ISPs must have implemented the Code by 30 September 2016. ISPs must inform Ofcom when they have implemented the Code.

Q: When will I be confirmed as a signatory on the Ofcom website?

ISPs which have indicated to Ofcom that they wish to become signatories after the Code has been published must implement the Code before being confirmed as signatories.

Q: How will compliance with the Code be tested?

Ofcom will undertake regular mystery shopping exercises on ISPs sales processes to ensure compliance.