

Three's Consultation response – Quick, easy and reliable switching

Three welcomes the opportunity to comment on Ofcom's Consultation on Quick, easy and reliable switching of 3 February 2021 (the "Consultation"). Three's specific comments on the points raised by Ofcom are as follows:

Proposals to improve information for mobile switching

Question 3: Do you agree with our proposed changes to require mobile providers to give residential customers information regarding the impact of a switch on any other services they have with the losing provider?

Three has the following specific comments on Ofcom's proposals:

- **In Three's view, the current Auto-Switch system works well for mobile** – so further amendments should only be made if evidence of a specific consumer harm is clear. In Three's view, fixed and mobile considerations differ in this area – so it would be helpful to understand what specific mobile consumer harm concerns have arisen which Ofcom is looking to address since Auto-Switch was first introduced.
- **Application to residential customers (i.e., consumers)** – Three welcome Ofcom's proposal at paragraph 6.20 not to extend this new requirement to business customers.
- **Timing expectations proposed are unworkable in practice** – Three notes that the Consultation does not address the question of timing for delivery of the additional non-financial Switching Information Ofcom is proposing providers should send. In Three's view, this is an important point given that as drafted, Ofcom's current GC 7.27 and 7.28 (on how and when a PAC, STAC and/or Switching Information must be provided to residential tariff customers) mentions the following tight timings for delivering switching information:

C7.27 When Regulated Providers provide a PAC or STAC, to a Mobile Switching Customer they must at the same time also provide Switching Information.

C7.28 Regulated Providers must ensure that when they provide the PAC or STAC and/or (as applicable) the Switching Information in accordance with Condition C7.26 (a) and (b) to a Mobile Switching Customer, they do so no later than one minute from receipt of the request, save that, in the case of a request made by phone, the SMS required under Condition C7.26(b) may be sent at the latest up to one minute from the end of the phone call."

In Three's view, the tight timings requested in these GCs needs to be examined further and addressed by Ofcom. As drafted, they present significant technical and cost challenges – particularly for providers who may not have a digital solution to deliver lengthy personalised information in a durable form within one minute. In Three's view, existing obligations based on the current Auto-Switch regime should be maintained for financial information and longer, more realistic deadlines need to be introduced and agreed with industry for delivering non-financial switching information. Ofcom's GCs should also clarify what timing expectations are for each channel given that it may not be possible to meet durable medium requirements in all channels given the volume of information Ofcom has in mind to be provided to customers.

- **Extent to which personalised information is required** – In Three's view, it would be helpful if Ofcom could clarify the extent to which personalised information is required for

some of the requirements. Three understands that GC C5 requires providers to make several additional support services available to disabled customers. Ofcom also notes a preference that the information provided on the implications of switching should be personalised, commenting that *“the provision of generic information risks confusing customers as to whether they will be subject to a charge/increased charges and could deter customers who will not be in fact be financially penalised as a result of a switch.”* Ofcom also mentions *“providers are permitted to provide end-of-contract notifications by text and additional information via a link.”* On this point, Three [CONFIDENTIAL]. In Three’s view, Ofcom should take this into account when assessing the proportionality and cost impact of its proposed measures and recommend suitable alternatives.

Under the current Auto-Switch process customers already receive personalised financial information which addresses Ofcom’s concerns. This position could continue. On Ofcom’s additional non-financial information requirements, in Three’s view, if a customer receives general information detailing these services (to help inform the customer on how their support services compare with any new provider they are considering) they could then check with their provider if they wish to confirm which services they have been receiving. Ofcom might also consider asking providers to prompt customers (as part of any welcome journey) to confirm whether they require any additional accessibility support services (e.g., registering to receive their communications in an accessibility format).

On providing switching information about accessibility support services, Three also notes that registration of some accessibility support services such as SMS access to emergency services is with an external provider (and not the mobile provider), so providers would not necessarily have all of the information Ofcom is asking to be provided. Three would also ask that Ofcom only consider including switching information requirements for additional accessibility support services that are mandated under the GCs, else information provided might set up a false expectation on the part of the customer that services going beyond the GC requirements might be replicated with a new provider.

In Three’s view, it seems disproportionate for providers to have the increased cost and practical burden of personalising this information when Ofcom’s purpose can be met in a more reasonable way. In Three’s view, personalisation should be a recommended (if technically feasible on the provider’s network) rather than mandated requirement. Having standard general information will also likely help providers deliver information to customers in a faster way. Any proposed solution for providing more personalised information would also need to take into account the need for industry to be able to take appropriate measures needed to protect their customers against any fraud or security concerns.

As regards Ofcom’s bundle requirements, Three would ask that Ofcom also consider to what extent this could be delivered by providers. If this needs to be personalised, perhaps both a digital and letter/email delivery solution might be considered to give providers more flexibility, with appropriate realistic timelines built into the process for this to be delivered (which Ofcom should agree with industry).

- **Delivery of information in an accessibility format** – Ofcom mentions at paragraph 6.11 of the Consultation that *“the EECC rules also require Ofcom to specify requirements on providers to ensure disabled people benefit from the choice of undertakings and services available to the majority of end-users.”* In this context, Three is mindful that it may take a little longer for providers to produce the required more detailed Switching Information in an accessible format. In Three’s view, adequate timing to allow for this should be reflected in Ofcom’s guidance on timing for these rules (based on realistic timelines to be agreed with industry). It may be in the interim that disabled-users would be willing to agree an acceptable interim real-time format, in line with Ofcom’s approach to new accessible format communications requirements under EECC.

- **On Express Consent** – it would be helpful to have clarification of Ofcom’s expectations on how express consent will work in practice in the form of guidance. Presumably it would be sufficient to evidence that the customer had been sent the Switching Information, been given an opportunity to consider it and then indicated that they wished to switch? Or is Ofcom asking providers to produce evidence of a “consent” document? If so, providers will need guidance on how this “consent” customer journey will need to work in various channels for communicating with customers. Timelines will also need to be considered for this, including how a customer journey with an end-user with disabilities might work (where a longer timeline may be needed given that an accessibility format communication may be required). In Three’s view, adding additional steps into any switching process risks the possibility of deterring a switch, so it would be helpful if Ofcom could clarify their expectations for how this should work in practice.
- **Timing for implementation** - Three and other providers already have many reforms to implement prior to December 2022 under EECC. In Three’s view, further time should be provided to introduce these additional measures, particularly if Ofcom is proposing to mandate personalised digital solutions for providers (to meet durable medium requirements) as this [CONFIDENTIAL].
- **On customers without access to a smart phone** – Three notes that it may not be possible to provide the required Switching Information to everyone (particularly if a customer chooses to use a phone of this type). In Three’s view, Ofcom should consider this further. Perhaps in this instance non-digital delivery solutions need to be considered – such as the sending of letters or a phone call or in-store conversation, particularly to help vulnerable customers. It would be helpful if Ofcom could provide guidance on Ofcom’s expectations on how best to meet appropriate timelines, express consent and accessibility requirements to help meet the needs of such customers.
- **A working example of Mobile Switching Information would be helpful** – to help our business teams understand the expectations Ofcom has in mind. The template Ofcom produced for End of Contract Notifications was very helpful for our business teams and it would be good to have something similar for these notifications.

Three would be happy to discuss any of Three’s comments in this Consultation further, should this be helpful to Ofcom.