

5. We welcome Ofcom's intention to keep its guidance current after three years under the security framework, and the intention to further strengthen the resilience of the UK's telecommunications networks and keep the regulatory framework effective.
6. However, we highlight two main areas of greatest concern to our members in our response: the proposed changes to routine reporting requirements for Tier 1 and Tier 2 providers, including the greater routine use of assessment notices (Question 1), and Ofcom's proposal to extend supervision to certain Tier 3 providers of significant services (Question 3).
7. Our overall aim is that the framework remains proportionate and clear for providers, as several of the proposals risk increasing the compliance burden without a corresponding security improvement.
8. Our response focuses on the first 4 questions which are on the areas of most direct relevance to our membership.

Consultation questions

Question 1: Do you have any comments on our proposed updates to our guidance on compliance monitoring?

9. Members welcome the move from an approximately nine-month to twelve-month information notice cadence and the move towards genuine simplification. However, we highlight that it is not yet clear whether the proposal to treat assessment notices as a more standard element of supervision will reduce the burden on providers.
10. We are concerned that a shift away from the current Information Notices towards more frequent, incremental Assessment Notices could increase the burden for providers, replacing a predictable periodic exercise with continuous mini-audits and requests.
11. Moreover, we highlight that there is insufficient practical detail in the consultation to evaluate Ofcom's view that Assessment Notices as less burdensome than Information Notices. Providers need greater clarity on the following to properly assess the impact of this change: the anticipated frequency of assessment notices; the nature and volume of any information requests intended to supplement the simplified section 135 return; their intended scope, including how it is expected to differ from that of information notices; and how they would be implemented in practice, including the extent to which parameters might change over the course of a single assessment.

Question 3: Do you have any comments about our proposed changes to our security incident reporting thresholds and criteria, as described in paragraphs 3.19 to 3.48?

12. CCUK members' most significant concern in this area is the position of Tier 3 providers that supply critical services to other sectors. This represents a shift from engaging with Tier 3 providers reactively, in the event of a security compromise, towards a more proactive supervisory relationship.

13. While we do not object to this change in principle, the current proposals do not explain in sufficient detail how Ofcom intends to identify the providers concerned, how such services will be defined, what the process for engagement will be or what supervision of "such services" would involve in practice.
14. Some Tier 3 operators provide services to sectors such as healthcare, financial and payment services and government, where critical downstream services depend on them. Yet these services fall below the Tier 2 threshold. The current proposals, as set out in the consultation, do not explain how Ofcom intends to identify these operators or bring such providers into regulatory scope.
15. Our members recognise that consistent reporting of incidents — including those affecting emergency (999/112) access, other critical public-sector services or services underpinning payments and healthcare — supports Ofcom's ability to understand risks across networks and to coordinate with the NCSC where appropriate. Members providing such services already understand that certain major incidents, such as those affecting emergency-service access or risking loss of life, are reportable irrespective of numerical thresholds.
16. However, members cannot prepare for a change in supervisory approach that is not yet defined. We would ask Ofcom to clearly set out:
 - a. what it means by "supervise such services" and what additional obligations this would place on affected providers;
 - b. the criteria it proposes to use to define "critical services" for this purpose and the industries or service types it has in mind;
 - c. the timescales proposed for introducing and implementing any such approach;
 - d. and how implementation would work in practice, so that affected members can understand their obligations and prepare accordingly.
17. We would strongly encourage Ofcom to provide this detail rather than leaving the approach to be worked out on a case by case, as this creates uncertainty for smaller providers whose services matter most to other sectors and doesn't allow for resource planning.
18. We note the clarification that a provider relying on a third party for the underlying network remains responsible for collecting and reporting the relevant information and cannot rely on that third party to report on its behalf. However, providers require greater clarity on how this expectation applies where a provider has limited visibility of the relevant data. We would welcome Ofcom's engaging with Ofcom on the practicalities.

Conclusion

19. Comms Council UK supports Ofcom keeping the Statement of Policy up to date and reflective of practice.

20. Comms Council UK would welcome the further detail as set out above on the frequency, scope and implementation of assessment notices and on the criteria, timescales and practical operation of any new approach to Tier 3 providers of critical services.
21. We would encourage Ofcom to publish the requested detail and to engage with industry before finalising its approach and we would welcome the opportunity to take part in that engagement.