

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title: *A consultation on options to protect consumers from mis-selling of fixed-line telecommunications services*

To (Ofcom contact): *Gavin Daykin*

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CONFIDENTIALITY

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Whole response	<input type="checkbox"/>	Organisation	<input type="checkbox"/>
Part of the response	<input type="checkbox"/>	If there is no separate annex, which parts?	

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Name *Guido Gybels, Director of Technology*

Signed (if hard copy)

RNID statement on Ofcom's consultation: "A consultation on options to protect consumers from mis-selling of fixed-line telecommunications services", dated 17 March 2009.

Guido Gybels, Director of Technology

Introduction

1. RNID welcomes the opportunity to submit these comments to Ofcom in response to its consultation on options to protect consumers from mis-selling of fixed-line telecommunications services.
2. RNID is the largest charity working to change the world for the UK's 9 million deaf and hard of hearing people. Our vision is of a world where deafness or hearing loss do not limit or determine opportunity, and where people value their hearing.

RNID Statements on mis-selling

3. Mis-selling is a significant issue for all consumers, which has caused considerable harm to consumers for many years now. It is quite clear that the present regulatory strategy for dealing with mis-selling has failed both end-users and reputable businesses.
4. Vulnerable consumers, including some segments of the older population and people with disabilities, are even more affected. Many people with hearing loss will find it even harder than others to follow the detail of the slick sales pitch that the mis-seller is abusing to mislead consumers (including by pretending to work for the present supplier).
5. The evidence shows that it is very difficult, time consuming and frustrating for all consumers to rectify the results of mis-selling. For people with hearing loss, this is often an even more disenfranchising situation, not in the least for users who are unable to use voice telephony as part of their attempts to deal with the problem.
6. Ofcom is not making any proposals for addressing that inequality and does not make any proposals for compensating these vulnerable users in an appropriate way.
7. RNID does not believe that Ofcom's proposals as laid out in the consultation will resolve the problem. It is difficult to understand, in light of the evidence about the scale of the problem and the fact that the present regulatory regime has failed, why Ofcom is not proposing a fundamental change in strategy. In our view, the proposed way forward will result in continued and significant consumer harm.
8. In essence, Ofcom is recognising that the current approach has not worked while at the same time proposing to continue with that approach. RNID does not believe that maintaining the *status quo* is an acceptable proposition.
9. RNID agrees with Ofcom that "Option 4: Introduce obligations requiring both CPs to include reference to contractual liabilities with a customer's existing CP within the NoT letters as well as at requiring the gaining CP to provide information at the point of sale" is the preferred option to provide better information to consumers on the potential consequences of switching.
10. With regard to record keeping, RNID believes that Communication Providers should comply with 100% record keeping requirements (Option 4, sub-option (iii)) with no assumed tolerance level. It would be too easy for providers to claim that records which would potentially expose mis-selling were not kept or unavailable.
11. RNID supports the principle of introducing an authorisation code to all service switching (voice and broadband) as proposed by some in the industry.
12. In order to avoid fragmentation, the various authorisation methods used across a range of industries and services ought to be converged, so that consumers only need to understand a single process. We believe it is essential that in designing such a process consumer organisations are closely involved, to make sure that in terms of accessibility and usability it meets people's needs.

13. In addition, Ofcom should become more pro-active in its pursuit of persistent mis-sellers through a regime that compensates users in full for the harm they suffer at the immediate expense of mis-sellers while also stopping such persistent mis-sellers from conducting business at all.
14. Finally, as Ofcom's prime duty is to protect citizens-consumers, it should seek input and advice from all consumer organisations on this matter much more pro-actively, rather than just through its traditional consultation mechanism which has proven to be unable to engage the wider consumer sector. Otherwise, their views will simply not be heard.

RNID, May 2009.

RNID is the largest charity working to change the world for the UK's 9 million deaf and hard of hearing people.

Our vision is a world where deafness or hearing loss do not limit or determine opportunity, and where people value their hearing.

We aim to achieve this vision by:

- being a powerful force for change in government and public and private sector organisations.
- changing radically the attitudes and behaviour of individuals towards deaf and hard of hearing people.
- providing services and support directly to deaf and hard of hearing people and their families to improve their everyday lives.
- being a catalyst for social, medical and technical research to improve the lives of people with a hearing loss and those with tinnitus.

We seek to work in partnership with those who share our vision and mission.