

Organisation Name : British Standards Institution

Question 1:Do you agree with the proposed distinction between citizen and consumer interests? : Yes. The proposed distinction between citizen and consumer interests is a fair one.

However, it begs the question - if this distinction is proposed, what was the previous distinction?

Surely Ofcom, from inception, must have incorporated a need to differentiate between consumers needs as well as those of citizens.

Question 2:Do you agree with Ofcom's position on vulnerable consumers? : Ofcom has highlighted the importance to address the needs of vulnerable consumers. However, Ofcom has not outlined how it intends to address these needs while still managing the needs of "other consumers".

It is important to ensure a balance between addressing the needs of a minority while maintaining a focus on the needs of a majority.

That balance would have to be struck between the resource taken to address the needs of vulnerable consumers while still maintaining the interests of other consumers.

The "other consumers" are those whose gain from Ofcom assisted "Consumer Empowerment" will ensure the resource utilised for the protection of the vulnerable. This link cannot be overlooked.

If the main focus were maintained on the vulnerable at the detriment of "other consumers" the imbalance could result in little benefit to either group.

Also, the focus must be on monitoring the Protection and Empowerment activities for either group, both vulnerable and not, to quantify the benefits and address any imbalances.

Question 3:Do you agree with the proposed high level objectives for consumer policy?: Ofcom's high level objectives for consumer policy are sound.

HOW they will be implemented is the key to how effective the support will be to the consumer.

Ofcom will need to maintain very strong links with third party and other bodies for example the proposed "Consumer Voice", if it is to fulfill its obligations set out in the Comms Act., and its "high level objectives for consumer policy".

It could be easy for Ofcom to lose the focus on it's objectives by allowing other bodies to take full responsibility. For example Ofcom's link with the collective performance of ADR's could be seen as rather tenuous. There needs to be more evidence that Ofcom is working in tandem with ADR's to keep a focus on the most

prolific consumer issues and how they are being addressed, while still keeping the needs of industry in view.

Question 4: Do you agree that the proposed indicators provide an appropriate basis for monitoring consumer interests? Are there any other indicators which should be used? : The Proposed Indicators would provide a better basis for monitoring consumer interests if the below indicators were also considered.

Competition Policy

1/ Under the heading "Satisfaction with overall Service" include "Satisfaction with performance of Call Handling Procedures and / or Customer Service.

2/ Introduce a new category "Satisfaction with Call Centre Performance".

3/ Below heading "Satisfaction with Overall Service" include "Satisfaction with Billing requirements".

Consumer Protection

Under the heading "Number of Monthly Complaints received by Ofcom". Include the Number of Monthly Complaints received by ADR's and Top 6 by Type.

Consumer Empowerment

OK

Question 5: Do you agree that Ofcom should publish an Annual Report on the Consumer Interest? : Due to the rapid pace of technological change in most communications markets and subsequently the service providers, a year is a long time.

Therefore, an Annual Report on consumer interests set out in Appendix 7 of this Ofcom Consumer Policy Consultation may not meet the timescales required to satisfy the consumer needs intended.

A Quarterly Report would be more appropriate in highlighting consumer interest requirements with more up to date and fit for purpose information.

Question 6: Do you agree with the characteristics identified of effective consumer protection?: The final point "always seek the least intrusive regulatory mechanisms to achieve policy objectives" is the only characteristic we disagree with because the issues that create the areas of most consumer complaint are not readily visible and impossible to deal with (e.g.) through self-regulation.

A good example of this is Estate Agents. The regulation required to locate and resolve the issues that hurt the consumer, could only be highlighted through intrusive regulatory and assessment methods.

Question 7: Do you agree with the assessment and priorities for rights and regulations?: In principal the Assessment and Priorities for rights and regulations seems to be a sound one.

However, Ofcom must be careful not to distance itself from its responsibility as an

"independent regulator and competition authority" and as such must have jurisdiction and control over the implementation of the "Priorities" it has set out to achieve.

Question 8: Do you agree with the assessment and priorities regarding consumers' awareness?: We do not agree with the assessment and priorities regarding consumers' awareness because, the avenues proposed by Ofcom to reach its target audience could potentially exclude the very sector of the consumer it is trying to protect the "vulnerable" people. For example:-

An email registration service will not be enough to reach a wide audience. Not that many "vulnerable" people have web access or enough awareness to access these web sites. Most of the routes to audience proposed by Ofcom are web based.

Ofcom initiated published Alerts and / or media News Flashes in the media giving details of damaging scams would reach a far greater audience. Word of mouth is a great marketing tool.

Also, the "consumers' awareness" proposals given by Ofcom are both reactive. There are no processes built in that will assist in the reactive discovery of potential scam before they cause damage.

Question 9: Do you agree with the assessment and priorities regarding complaints handling and redress?: Ofcom outlines WHAT it intends to do with the assessment and proposed priorities regarding complaints handling and redress. Ofcom does not state HOW. It is difficult to agree with Ofcom proposals until Ofcom carries out the objective of a ?constructive dialogue with the Schemes, industry and consumer interests on the scope for further enhancing the effectiveness of the overall complaints handling process.?

Question 10: Do you agree with the assessment and priorities regarding monitoring and enforcement?: The following are unclear:-
Ofcom's role in receiving and dealing with Complaints direct from Consumers.
Ofcom's role in working with Co-Regulatory bodies.

Is Ofcom an official overseer of the Co-Regulatory bodies as Regulator?

Is Ofcom a body to which Co-Regulatory bodies escalate Consumer Complaints they cannot close?

Is Ofcom going to relinquish its current responsibility to receive Complaints direct from Consumers? If so, to whom will Ofcom pass these Complaints?

The question cannot be answered until Ofcom's role in ?monitoring and enforcement? has been clarified.

Question 11: Do you agree with Ofcom's approach to the provision of consumer information?: No. We do not agree with Ofcom's approach to the provision of consumer information. Because ?Ofcom does not consider it has a primary role in improving information flows between suppliers and consumers?, which means that Ofcom's role will be primarily reactive.

There will be delays in Ofcom's ability to provide information about suppliers or

their products and services, in exceptional cases.

Ofcom has also put the main interface between itself and the consumer primarily web site based. As mentioned previously, this interface will only target / reach a small cross section of Ofcom's consumer base leaving many others ignorant of the consumer information they require.

Question 12: Do you agree with Ofcom's conclusion on consumer awareness of suppliers and services?: Yes

Question 13: Which of the options on comparative price information, if any, do you favour? Are there other options Ofcom should consider?: The PASS Scheme could be seen as duplication. It would be better for Ofcom to maintain closer links with a single price comparison provider, subject to the Price Comparison Provider's data being regularly reviewed to ensure it is accurate and up to date.

Question 14: What is your opinion about the ideas for generating awareness of price comparison information?: The ideas for generating awareness of price comparison are good but Ofcom's implementation is very vague. They sound like suggestions rather than ideas and would have to be well managed to enjoy positive implementation.

Question 15: Do you agree with our proposed approach regarding the Quality of Service initiatives?: Yes, but only as a reactive activity. Ofcom's role would better serve the public if it were more proactive thus highlighting consumer issues before they cause distress and / harm.

Public trust in Ofcom's activities and objectives to protect the Consumer would be better enhanced should Ofcom be seen in more proactive activities and roles.

Question 16: Do you agree with our proposed regarding switching processes?: If the consultation on Migrations, Switching and Mis-selling highlights issues that show the current industry processes to require much improvement, then Ofcom will have to revise its regulatory principles and its overall approach to consumer information as? evidence-based and underpinned by a bias against intervention? and become more pro-active in locating, evaluating and addressing customer affecting issues.

Additional Comments: n/a