

Reference: 01517530

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## Freedom of Information request: Right to know request

Thank you for your request for information concerning the future of fixed telephone services. Your request was received on 13 October 2022 and we have considered it under the Freedom of Information Act 2000 (the FOI Act).

### Your request & our response

In your request, you made reference to our [Policy positioning statement](#) on the future of fixed telephone services dated February 2019 (the Statement) which provides details on the migration from public switched telephone network' (PSTN) to newer digital technology known as 'voice over internet protocol' (VoIP). You referred us to specific paragraphs in the Statement and asked the following questions in relation to our work in this area.

#### ***1. What has Ofcom actually done to make sure that customers experience minimal disruption and are protected from harm?***

Ofcom has a programme of monitoring to support its objective of helping to ensure undue disruption and potential harm to consumers is minimised during the migration to VoIP.

We have set regulation and expectations through:

- imposing obligations on providers through the General Conditions. We have imposed obligations relating to access to emergency services (General Condition A3.2(b)) and have also required that providers have policies and procedures in place to make sure vulnerable customers are treated fairly (General Condition C5).
- providing [guidance](#) on "Protecting access to emergency organisations when there is a power cut at the customer's premises" and also a [guide](#) on "treating vulnerable customers fairly". Where customers are dependent on their landline to make 999 calls in a power cut, we expect providers to offer them a free resilience solution that lasts for at least one hour.
- our [policy positioning statement](#) (22 February 2019) on the future of fixed telephone services which set out our expectations on CPs as they migrate customers from PSTN to VoIP.
- engaging with the providers. For example, we wrote to large CPs in February 2022 to remind them of our expectations in how they migrate customers from PSTN to VoIP telephony. We

also wrote to large CPs in October 2022 to highlight good practice, relating to migration to VoIP, arising from our recent consumer research and our ongoing monitoring work.

- In June 2020, we asked the Office of the Telecommunications Adjudicator (OTA) to develop best practice principles and co-ordinate the production of a best practice guide for a well-managed migration that protects consumers.

We monitor communications providers' migration to IP programmes, including any plans they have for Critical National Infrastructure (CNI) and the migration of vulnerable consumers.

We also carry out various work to understand the consumer experience, such as -

- We published [research](#) into the consumer experience of migration.
- We engage with telecare stakeholders.
- We work with stakeholders – consumer groups, Government (national and local), CNI users to raise awareness of the migration and understand consumer concerns and experiences.
- We have added consumer advice and information pages on the Ofcom [website](#)
- We regularly update the [Consumer Communications Panel](#) on the progress of the migration to IP and any key consumer issues.

## ***2. What has Ofcom done to check that its rules which mean that phone users must receive equivalent protections, however their landline is delivered, are being complied with?***

There are [certain obligations](#) imposed on Universal Service providers to ensure that everyone in the UK has the right to request access to a minimum set of communications services at affordable prices. BT and KCOM (in Hull) are the designated broadband and telephony universal service providers in the UK. More information about the Universal Service Obligations can be found on our [website](#).

In March 2021, we secured a voluntary [commitment from BT](#) with regards to their voice only customers. In particular,

- BT will continue to apply an inflation-linked control (CPI + 0%) on the basket of line rental and call charges for voice-only products.
- The commitments will apply to all BT branded voice-only products and services taken by its retail customers, regardless of the technology used to deliver the service - such as 'voice over internet protocol' (VoIP) – as a result of PSTN switch-off.
- The commitments will also apply to any new products or services introduced throughout the five-year commitment period that are offered on a voice-only basis.

BT provides information to Ofcom on its compliance with the commitments on an annual basis. BT publishes an annual compliance report on its website.

### ***3a. Has Ofcom done anything to check what is happening in practice?***

Yes. We regularly monitor the large communications provider's plans for migration to VoIP, including any plans they have for the migration of vulnerable consumer and voice only customers.

We also monitor consumer experiences on migration to IP through consumer research (we recently published [research](#) in to the consumer experience of migrating to VoIP services in Salisbury and Mildenhall), monitoring consumer calls to our Consumer Contact Centre and analysing media queries and MP letters. We also meet with groups representing consumers (e.g. Age UK, RNID, RNIB, Citizens Advice, Which? Etc..) to understand issues raised by consumers.

**3b. To Ofcom's knowledge do most providers invite their customers to upgrade to new VoIP-based services on a voluntary basis?**

Providers use voluntary migrations (also known as customer-led migrations) however some may use provider-led migrations where it is part of their migration plans. At the time of this response, the majority of large providers only carry out voluntary migrations, i.e customer-led migrations.

**3c. Has Ofcom asked providers what number/percentage of customers have been transferred on a compulsory basis?**

As part of our [Connected Nations reporting](#), we have recently requested the number of managed migrations to VoIP each provider has carried out from August 2021 to August 2022. We plan to report on the aggregate totals as part of our annual Connected Nations report, due to be published in/around December this year.

**4a. Has Ofcom asked providers what number/percentage of customers have been transferred on a compulsory basis?**

Please see the answer to question 3c above.

**4b. Has Ofcom asked the Companies exactly what they are doing for people who may need additional support during the change, particularly those who are elderly, need a new connection or have accessibility or disability requirements?**

We regularly monitor communications provider's plans for migration to VoIP, including any plans they have for the migration of vulnerable consumers and voice only customers.

**4c. Is Ofcom satisfied, from written assurances and evidence, by what (if anything) is actually being done by the companies to provide appropriate additional support?**

We consider that this is not a valid FOI request as you are asking for an opinion rather than a request regarding information held.

**5a. Has Ofcom formally asked the companies to tell you exactly what they are doing to help residential customers?**

We regularly monitor communications provider's plans for migration to VoIP, including any plans they have for the migration of vulnerable consumers. This involves meetings and written requests for information. We have not issued these information requests using our formal statutory powers.

**5b. What have the companies assured you is being done?**

Our 2019 Future of [Fixed Telephone Services policy statement](#) makes it clear that we expect communications providers to assess customers' needs and offer help with migrations if necessary.

We also expect communications providers to offer advice and assistance for all migrating customers, including those who use downstream services [such as telecare devices], and co-operate with the providers of these services to minimise disruption.

We regularly monitor communications provider's plans for migration to IP, including any plans they have for the migration of vulnerable consumers, and therefore we do hold information that would fall within scope of your request. However we are withholding disclosure of this information as we consider that disclosure of such information is exempt under section 44 of the FOI Act.

Section 44 of the FOI Act provides that information is to be withheld if its disclosure is prohibited by or under any enactment – in this instance the Communications Act 2003 ('the Communications Act'). Section 393(1) of the Communications Act prevents us from disclosing information about a particular business, or businesses, which we have obtained in the course of exercising a power conferred by, among other legislation, the Communications Act, unless we have the consent of that business or one of the statutory gateways under section 393(2) of the Communications Act is met, neither of which apply here. Section 44 is an absolute exemption and therefore is not subject to a public interest test.

In addition the Office of the Telecoms Adjudicator has written and published [Industry Principles](#) for migration to VoIP that you may find helpful.

***6. What has Ofcom done and documented since February 2019 to consider the issues that are raised by the migration, monitoring of migration plans and to provide clarity regarding your expectations of how providers communicate with, and support, customers and downstream service providers during the migration process?***

We regularly monitor communications provider's plans for migration to VoIP, including any plans they have for the migration of vulnerable consumers, Critical National Infrastructure and voice only customers. For more detail on our expectations of providers and how we monitor the migration to IP, including our engagement with the providers, please see the answers to questions 1 and 5b.

***7. Does Ofcom have any evidence of which consumer bodies have accepted a role to play in helping to disseminate information about the change and provide advice to consumers regarding the steps they need to take and support they will be offered if they are migrated?***

We work with a range of consumer groups to ensure they have the information they need to advise their clientele about the migration to VoIP. We also regularly meet with a range of consumer bodies to listen to their views, and experiences, in relation to migration to VoIP. What role these bodies play in terms of disseminating consumer advice and information about the migration is a decision for them.

Some consumer groups have published information on their websites, for example [Which?](#) and [Age UK](#).

We regularly update the Consumer Communications Panel on the progress of the migration to IP and any key consumer issues. The [Consumer Communications Panel](#), is a group of independent experts with direct communications sector experience and is responsible for ensuring the citizen and consumer voice is represented in communications policy development.

***8. Does Ofcom have any evidence to confirm that a customer's PSTN connection can be/has been restored once they have been migrated?***

Yes, a connection can be restored. Where a customer is migrated to a digital voice service and a health support device (such as a telecare alarm) is identified as being incompatible, providers have the facility to request Openreach to revert the service to the PSTN.

***9a. Is Ofcom satisfied by the written assurances of the Companies that there are processes in place and working to ensure that customers who need support are told of what is available to them and offered telephone and on-site assistance?***

We consider that this is not a valid FOI request as you are asking for an opinion rather than a request regarding information held.

***9b. Has Ofcom taken any action to check that Companies have acceptable processes in place to identify disadvantaged customers who may need assistance and to ensure that assistance is provided in a timely and appropriate way?***

We regularly monitor communications provider's plans for migration to VoIP, including any plans they have for the migration of vulnerable consumers and voice only customers.

As explained above, Ofcom has imposed requirements on providers to have policies and procedures in place to make sure that vulnerable customers are treated fairly. In 2019, we also published [Treating vulnerable customer fairly: A guide for phone, broadband and pay-tv providers](#) ("Our Vulnerability Guide")

Our Vulnerability Guide includes suggested measures for providers on recording information about a vulnerable customer's needs, and gives potential benefits of providers appropriately understanding and capturing their customers' needs, such as:

1. providing help, support and services that address the needs of the customer;
2. ensuring that customers do not need to repeatedly explain their circumstances; and
3. identifying potential areas for improvement in existing services.

We have an ongoing programme monitoring how providers are adopting the measures suggested in our Vulnerability Guide to ensure the fair treatment of vulnerable customers.

***9c. Has Ofcom, in writing, asked companies whether they have set up a service dedicated to helping customers with difficulties by the provision of staff dedicated to transfer who are empathetic to the needs of disadvantaged people, have sufficient knowledge to answer users' questions or the ability to find the answers and return calls.***

No, we have not written to ask providers whether they have set up a service dedicated to helping customers with difficulties by the provision of staff dedicated to transfer who are empathetic to the needs of disadvantaged people, have sufficient knowledge to answer users' questions or the ability to find the answers and return calls.

We wrote to large communications providers in February 2022 to remind them of our expectations with regards to how they migrate customers from traditional to VoIP telephony.

We also regularly monitor communications provider's plans for migration to VoIP, including any plans they have for the migration of vulnerable consumers and voice only customers.

We also have an ongoing programme monitoring how providers are adopting the measures suggested in our Vulnerability Guide to ensure the fair treatment of vulnerable customers.

***9d. Has Ofcom asked the companies, in writing, whether they offer appropriate assistance to callers including access to engineers, the ability to arrange appointments to help in advance of compulsory migration and give priority to customers, where necessary, to avoid them being left without a service?***

No, we have not written to providers to ask whether they offer appropriate assistance to callers including access to engineers, the ability to arrange appointments to help in advance of compulsory

migration and give priority to customers, where necessary, to avoid them being left without a service.

We wrote to large communications providers in February 2022 to remind them of our expectations in how they migrate customers from traditional to VoIP telephony.

We regularly monitor communications provider's plans for migration to VoIP, including any plans they have for the migration of vulnerable consumers and voice only customers.

We also have an ongoing programme monitoring how providers are adopting the measures suggested in our vulnerability Guide to ensure the fair treatment of vulnerable customers.

***9e Has Ofcom used its powers to require companies to comply with Ofcom's requirements?***

On 11 July 2022, we launched a compliance monitoring programme to assess compliance with General Condition A3.2(b), which says that Regulated Providers must take all necessary measures to ensure uninterrupted access to Emergency Organisations. At the time of this response Ofcom has not taken any enforcement action in relation to regulatory requirements relevant to the migration to VoIP.

If you have any further queries, then please send them to [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk) quoting the reference number above in any future communications.

Yours sincerely

Zach Westbrook

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law, you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

**Timing**

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for responding to internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Further information about this, and the internal review process can be found on the Information Commissioner's Office [here](#). Alternatively, the Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF