
Digital comparison tools for telephone, broadband and pay-TV

Changes to Ofcom's voluntary accreditation scheme

[Digital comparison tools for telephone, broadband and pay-TV](#) – Welsh overview

STATEMENT:

Publication Date: 27 October 2020

Contents

Section

1. Overview	1
2. Introduction and background	4
3. Changes to the scheme	10
4. Summary for applicants	36

1. Overview

Ofcom believes all telephone, broadband and pay-TV customers should get a fair deal. We want customers to shop around with confidence, make informed choices and get the right deal for their needs. Comparison tools, such as price comparison websites, provide a valuable service for people navigating the broad range of telephone, broadband and pay-TV products available today.

We operate a voluntary accreditation scheme that comparison tools can join, provided they meet certain standards. We do this to help build trust in the service they offer to customers. This document sets out our final decision on how we will amend the scheme, so it continues to benefit customers and to ensure compliance with new European legislation.

What we have decided

We are making changes to our accreditation scheme to make sure comparison tools continue to work for customers of communication services. Our changes will allow greater flexibility for accredited comparison tools to innovate, while maintaining the high standards of the scheme. These changes will also ensure the scheme continues to benefit customers as markets evolve.

The scheme will be aligned with the requirements of new European legislation. The European Electronic Communications Code (EECC) requires us to make sure the information provided by accredited comparison tools is trustworthy, impartial and transparent. To meet these requirements, we have revised the criteria we use to determine membership.

To be eligible for membership of the scheme, comparison tools must:

- provide users with information on the quality of services they compare;
- make clear who owns them and be independent from the providers whose services are being compared, to ensure unbiased search results;
- set out clear and objective criteria on which comparisons are based;
- deliver services to a high standard and comply with relevant legislation;
- provide information that is accurate, accessible and up to date, and present that information in plain and clear language;
- show offers covering a significant proportion of the market and be open to any provider that wishes to make their products available for comparison; and
- have effective procedures in place to handle consumer complaints and to allow users to report incorrect information.

Our changes will simplify the existing accreditation process by removing some of the more prescriptive requirements. This approach will help ensure the scheme is better placed to adapt to a changing digital environment and enable accredited tools to innovate, for example by allowing new ways of presenting search results to users. The new scheme criteria will take effect from 30 April 2021.

Comparison tools can help customers navigate communications markets and get a deal that meets their needs

- 1.1 Comparison tools, such as price comparison websites (PCWs), help customers compare different products quickly and easily, and are an important way for customers to navigate communications markets and potentially save money on a new deal. We want customers to be confident that the comparison tools they use provide transparent, impartial and accurate information. This is important in building customer trust in these tools.
- 1.2 We operate a voluntary price comparison accreditation scheme that currently accredits six comparison tools. Accredited members must pass regular audits that include assessments of their transparency, accuracy and accessibility, to ensure they adhere to a high standard of conduct and present reliable and trustworthy comparisons.

We have reviewed the accreditation scheme to ensure it continues to benefit customers as markets evolve

- 1.3 Our accreditation scheme was last reviewed in 2013. Since then both the use of digital comparison tools and the range of communications services offered to customers has evolved. The changes we are making to update the scheme will help make sure it remains relevant and continues to benefit customers.
- 1.4 In 2018 new European legislation, the European Electronic Communications Code (EECC),¹ introduced requirements on Ofcom regarding how the scheme operates. The EECC reflects the core principle of our existing accreditation scheme – to build customer trust by ensuring comparison tools present independent and reliable information.
- 1.5 The EECC requires that, in each EU member state, there is at least one independent comparison tool available to customers that meets certain quality and operational standards. The EECC envisages that all comparison tools meeting these standards in the UK can, at their discretion, request to be certified by Ofcom. Our review is aimed at making sure our scheme meets the EECC requirements.
- 1.6 Although the UK left the European Union on 31 January 2020, under the terms of the Withdrawal Agreement the UK remains under an obligation to implement EU Directives into domestic law until after the EECC deadline of 21 December 2020. In addition, in its recent statement on the EECC, the Government was clear that Ofcom should proceed to implement the end-user rights provisions in full, as planned.²

¹ [Directive \(EU\) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code](#)

² See: Ofcom, October 2020, *Fair treatment and easier switching for broadband and mobile customers: Implementation of the new European Electronic Communications Code*, available at: https://www.ofcom.org.uk/_data/assets/pdf_file/0023/204980/statement-eecc-revised-proposals.pdf

Our changes to the scheme will maintain existing standards while allowing greater flexibility for accredited comparison tools to innovate

- 1.7 Our changes will simplify the scheme and adopt a more principles-based approach to the standards set through our accreditation criteria. This includes replacing some of the more prescriptive elements of the scheme with higher-level rules. Applicants and members of the scheme will need to submit a self-assessment showing how they meet the scheme criteria in order to become, or remain, accredited.
- 1.8 Having taken into account feedback from consultation respondents, we will continue to engage the services of an external auditor to audit all members seeking accreditation or reaccreditation. However, compared to the previous process, we expect audits under our new scheme to be more streamlined. Overall our changes to the scheme will give comparison tools more flexibility and are designed to encourage innovation, while also ensuring due rigour and transparency.
- 1.9 In revising the scheme, we have also taken account of the recommendations made by the Competition and Markets Authority (CMA) in its 2017 Market Study on Digital Comparison Tools,³ as well as Ofcom commissioned consumer research to better understand how consumers use third-party services.⁴

What happens next

- 1.10 We will allow an implementation period of approximately six months for existing scheme members to make any changes to their operating procedures before assessing their compliance against the new scheme criteria. This means that existing scheme members should ensure they are compliant with the new scheme criteria by 30 April 2021 at the latest. An audit will be scheduled to assess compliance shortly after this date.
- 1.11 Where existing members are due to be assessed for reaccreditation during the implementation period, we will postpone the audit until May 2021, at which point the assessment will be conducted against the new scheme criteria.
- 1.12 Comparison tools who are not currently scheme members but who wish to apply for accreditation should also apply from May 2021. This should allow new applicants time to take account of the new scheme criteria and make any changes to their operating procedures before submitting an application.

³ CMA, September 2017, *Digital comparison tools market study: Final report*. Available at: <https://assets.publishing.service.gov.uk/media/59c93546e5274a77468120d6/digital-comparison-tools-market-study-final-report.pdf>

⁴ Ofcom, August 2020, *Internet Communications consumer research*. Available at: https://www.ofcom.org.uk/_data/assets/pdf_file/0025/199150/open-communications-2020-survey.pdf

2. Introduction and background

We have reviewed our voluntary accreditation scheme to ensure it keeps pace with evolving digital markets

- 2.1 Comparison tools, such as price comparison websites, are an important way for customers to navigate communications markets. These tools give customers an overview of the offers available to them providing details such as the monthly price, the contract length or the average connection speed. Customers use these comparisons to come to a decision about what products are right for them. Comparison tools enable customers to shop around and make informed choices, helping them find the right deal for their needs.
- 2.2 Ofcom operates an accreditation scheme (“the scheme”) that comparison tools can join, provided they meet certain standards. The scheme was introduced in 2006 and currently has six accredited members, although there are a significant number of unaccredited comparison tools available in the wider market who have chosen not to seek accreditation. Under the current legal framework, membership of the accreditation scheme is voluntary and anyone wishing to become accredited can apply to Ofcom to be assessed for accreditation.
- 2.3 A comparison tool may be accredited if it meets the scheme criteria and passes an independent technical audit of the company’s price calculator and a ‘soft’ operational audit by Ofcom against assessment criteria. Once accredited, comparison tools can display the scheme’s logo on their websites and in publicity campaigns.
- 2.4 The scheme aims to build trust in comparison tools in communications markets by assuring customers that the comparisons provided by accredited tools are:
- **Accessible:** comparison tools must ensure their services are accessible to all users, including disabled users, for example by ensuring online services are designed to work on screen-readers.
 - **Accurate:** comparison tools are required to ensure the calculations used to generate price comparisons are updated no later than every two weeks and state when data was last updated. We also require information about special offers, key features of the contract, and ‘up-to’ broadband speeds to be displayed on any results page.
 - **Transparent:** comparison tools must ensure comparison results are sorted by price by default. The comparison tool must also clearly explain additional details of the offers presented, such as whether the cost of the offer will increase at the end of the contract and an explanation that actual broadband speeds may vary.
 - **Comprehensive:** comparison tools must ensure price comparison information is full and comprehensive. This means that offers should be shown from the key players in a relevant market and that the user’s location should be taken into account when presenting information on what services are available.
- 2.5 Ofcom’s accreditation scheme was last reviewed in 2013. We found the scheme was generally working effectively with a need for some minor revisions to ensure it kept pace with a changing market and customer expectations. Since then both the use of comparison

tools and the range of communications services offered to customers has evolved. Further, in 2018 new European legislation, the European Electronic Communications Code (EECC), introduced requirements on Ofcom regarding how our scheme operates.

- 2.6 To take account of these developments, in December 2019 we published a consultation outlining proposals to amend the scheme so it continues to work for customers in the future and meets the requirements of the EECC.

New EU rules introduced in 2018 require all member states to adopt accreditation schemes for comparison tools

- 2.7 The European Electronic Communications Code (EECC) is an EU Directive which replaces the four Directives that currently make up the EU Regulatory Framework for Electronic Communications.⁵ It includes new protections for end-users which are subject to full harmonisation, meaning that Member States may not introduce end-user protections which diverge from the provisions of the EECC. Although the UK left the European Union on 31 January 2020, under the terms of the Withdrawal Agreement the UK remains under an obligation to implement EU Directives into domestic law until after the EECC deadline of 21 December 2020. Therefore, we need to make the relevant changes to the requirements of the scheme by 21 December 2020.
- 2.8 Pursuant to the Code's aim to enable end-users to make well-informed choices in communications markets, the EECC requires Member States to ensure that consumers have access, free of charge, to at least one independent comparison tool. This tool must meet certain criteria to ensure that the information provided is trustworthy, impartial and transparent, and must allow users to compare different communications services through comparison of tariffs and quality of service metrics.⁶ Member States are required to ensure that any comparison tool meeting these requirements is accredited upon request by competent authorities (in this instance, Ofcom).

The CMA's 2017 market study called for comparison tools to treat consumers fairly by being 'Clear, Accurate, Responsible and Easy to use'

- 2.9 In September 2017, the Competition and Markets Authority (CMA) conducted a study of digital comparison tools (DCTs), which include price comparison websites.⁷ The CMA found a mostly positive picture of consumer use of and attitudes to DCTs, and how DCTs treat consumers. However, it identified opportunities to add to the benefits that consumers get from DCTs. To address these, the CMA put forward a range of recommendations based on

⁵ The full EECC, its articles and recitals are available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2018:321:FULL&from=EN>

⁶ EECC, Article 103(2). For criteria to ensure trustworthiness, impartiality and transparency see EECC Recital 267 and 268 and Article 103(3)

⁷ CMA: *Digital comparison tools market study 2017* ("CMA Market Study"). Available at: <https://www.gov.uk/cma-cases/digital-comparison-tools-market-study>

four high-level principles of how DCTs should behave in order to support consumer trust between DCTs and consumers and promote informed choices.

- 2.10 These principles were that DCTs should treat consumers fairly by being ‘Clear, Accurate, Responsible and Easy to use’ (known as the CARE principles). The CMA also recommended that Ofcom should consider removing some of the more prescriptive requirements of the accreditation scheme, such as the rules on market coverage in favour of a “higher level of principle”. This was in order to make the scheme “more applicable to likely future developments” by comparison tools. We have taken these recommendations into account during our review of the scheme.

We consulted on our proposals in December 2019

- 2.11 We published a consultation on proposed changes to our accreditation scheme in December 2019.⁸ The proposed changes sought to maintain the high standards of the current scheme whilst simplifying the existing accreditation process by removing some of the more prescriptive requirements. The aim of our proposals was to allow greater flexibility for accredited comparison tools to innovate, while ensuring they continue to be held to high quality and operational standards. In the consultation we set out the proposed new requirements that comparison tools must meet to be eligible for membership of the scheme.
- 2.12 In our December consultation we proposed that, to be eligible for membership of the scheme, comparison tools must:
- provide users with information on the quality of services they compare;
 - make clear who owns them and be independent from the providers whose services are being compared, to ensure unbiased results;
 - set out clear and objective criteria on which comparisons are based;
 - deliver services to a high standard and comply with relevant legislation;
 - provide information that is accurate, accessible and up to date, and present information in plain and clear language;
 - show offers covering a significant proportion of the market and be open to any provider that wishes to make their products available for comparison; and
 - have an effective procedure in place for users to report incorrect information.
- 2.13 Our consultation closed on 28 February 2020. We received responses from a range of stakeholders including communications providers, comparison tools and consumer groups.⁹

⁸ Ofcom, 17 December 2019, *Digital comparison tools for telephone, broadband and pay-TV*. Available at:

https://www.ofcom.org.uk/_data/assets/pdf_file/0034/184858/consultation-digital-comparison-tools.pdf

⁹ All non-confidential responses are available on our website at: <https://www.ofcom.org.uk/consultations-and-statements/category-1/proposed-changes-voluntary-accreditation-scheme>

Implementation of the EECC

- 2.14 In July 2019, the Government published a consultation setting out its approach to implementing the EECC in the UK.¹⁰ As part of this it proposed that Ofcom amend its accreditation scheme to fulfil the relevant requirements of the EECC. The Government also proposed that, in the unlikely event that no comparison tool was eligible for membership of the scheme in the future, Ofcom should set up a suitable tool in order to comply with EECC requirements.
- 2.15 The Government published the response to its consultation on 22 July 2020. It confirmed that it was proceeding to implement the EECC by the deadline of 21 December 2020, and that Ofcom should proceed to implement the end-user rights articles in full, as planned. The Government also confirmed that Ofcom would be responsible for ensuring that consumers have access to at least one independent comparison tool, by potentially creating its own tool, in the unlikely event that none signed up to its amended voluntary scheme or that no such tool was available in the wider market.¹¹

Legal framework

- 2.16 Ofcom's principal duty under the Communications Act 2003 (the "Act") in carrying out its functions is to further the interests of UK citizens and customers, where appropriate by promoting competition.¹² In doing so we are required to ensure a number of things, in particular the availability of a wide range of electronic communications services.¹³ We must also have regard, among other things, to the desirability of encouraging investment and innovation in relevant markets¹⁴ and the interests of customers in respect to price, quality of service and value for money.¹⁵ Under section 26 of the Act, Ofcom must also arrange for the publication of information and advice on communications services as it appears to be appropriate.
- 2.17 In addition, as set out in section 4 of the Act, when exercising certain functions, we must also act in accordance with the six European Community requirements described there. These include requirements: a) to promote competition in the provision of electronic communications services; b) to secure that our activities contribute to the development of the European internal market; and c) to promote the interests of all persons who are citizens of the European Union.

¹⁰ DCMS, Implementing the European Electronic Communications Code July 2019, page 36. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819964/EECC_Consultation_-_Publication_Version_4_Updated_.pdf

¹¹ DCMS, Government response to the public consultation on implementing the European Electronic Communications Code, 22 July 2020, pages 45-46. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/902879/Government_response_EECC.pdf

¹² Section 3(1) of the Act

¹³ Section 3(2)(b) of the Act

¹⁴ Section 3(4)(a) of the Act

¹⁵ Section 3(5) of the Act

- 2.18 In making the decisions set out in this document, we have taken full account of these duties and obligations.

Impact assessments

- 2.19 Impact assessments provide a valuable way of assessing different options for regulation and showing why the preferred option was chosen. They form part of best practice policy-making. This is reflected in section 7 of the Act, which means that generally Ofcom has to carry out impact assessments where its proposals would be likely to have a significant effect on businesses or the general public, or when there is a major change in Ofcom's activities. As a matter of policy Ofcom is committed to carrying out impact assessments in relation to the great majority of its policy decisions.¹⁶ To the extent appropriate, we have given consideration to the impact of our amendments to the voluntary scheme.
- 2.20 Comparison tools are valuable devices for consumers and the scheme is designed to build trust in comparison tools working in communications markets. For the reasons set out in this document, we have sought to retain appropriate safeguards on the quality and transparency of accredited comparison tools so that they are trusted and valued tools for consumers. We have also made amendments so that the scheme is less prescriptive, which will allow for greater flexibility and innovation. In our view, these amendments are likely to lead to a reduction in the compliance burden on accredited comparison tools and should allow for greater flexibility for innovation than is possible under our current scheme criteria.

Equality impact assessment

- 2.21 We have also given careful consideration to whether the decisions contained in this document will have a particular impact on persons sharing protected characteristics (race, age, disability, sex, sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnership and religion or belief), and in particular whether they may discriminate against such persons or impact on equality of opportunity or good relations. This assessment helps us comply with our duties under the Equality Act 2010 and the Northern Ireland Act 1998.
- 2.22 We do not envisage that our decisions would have a detrimental impact on any particular group of people. Moreover, we consider that our decisions in relation to accessibility, which are intended to ensure that all users have equivalent access to the services provided by accredited comparison tools, should have positive impacts for those customers who find it difficult to access content online, for example because they have a disability.

Structure of this document

- 2.23 The rest of this document is set out as follows:

¹⁶ For further information about Ofcom's approach to impact assessments, see the guidelines [Better policy making: Ofcom's approach to impact assessment](#).

- Section 3 outlines our decisions in relation to changes to the scheme, and how these decisions align with the requirements of the EECC. It also includes an overview of consultation responses received;
- Section 4 sets out a summary of the new accreditation scheme criteria, including the scope of certification, the process for application to the scheme, and the approval criteria for both certification and re-certification.

3. Changes to the scheme

Aligning the scheme with the EECC requirements

- 3.1 In this section, we set out our final decision on how we will amend the scheme to ensure it continues to benefit customers as communications markets evolve, and to ensure alignment with the requirements of new European legislation set out in the EECC. In reaching our decision, we have taken into account recommendations made by the CMA following its market study of Digital Comparison Tools, the findings from additional consumer research into how consumers use third party services published by Ofcom on 4 August 2020 and the responses received to our December 2019 consultation.
- 3.2 After introducing the relevant articles of the EECC below, we set out the changes we are making to our scheme criteria to ensure that the objectives of the EECC are met. This section concludes with an overview of our changes to the operation of the scheme, including the process by which members will be assessed in future. Following this, Section 4 provides a step by step summary, detailing the accreditation process for applicants to the scheme that will apply once the changes take effect.

The European Electronic Communications Code

- 3.3 The EECC includes new requirements for Ofcom.
- 3.4 Specifically, Article 103(2) sets out that:

Competent authorities shall, in coordination, where relevant, with national regulatory authorities, ensure that end-users have access free of charge to at least one independent comparison tool which enables them to compare and evaluate different internet access services and publicly available number-based interpersonal communications services, with regard to:

- a. prices and tariffs of services provided against recurring or consumption-based direct monetary payments; and
- b. the quality of service performance, where minimum quality of service is offered, or the undertaking is required to publish such information pursuant to Article 104.

3.5 Article 103(3) specifies that:

The comparison tool referred to in paragraph 2 shall:

(a) be operationally independent from the providers of such services, thereby ensuring that those providers are given equal treatment in search results;

(b) clearly disclose the owners and operators of the comparison tool;

(c) set out clear and objective criteria on which the comparison is to be based;

(d) use plain and unambiguous language;

(e) provide accurate and up-to-date information and state the time of the last update;

(f) be open to any provider of internet access services or publicly available interpersonal communications services making available the relevant information, and include a broad range of offers covering a significant part of the market and, where the information presented is not a complete overview of the market, a clear statement to that effect, before displaying results;

(g) provide an effective procedure to report incorrect information;

(h) include the possibility to compare prices, tariffs and quality of service performance between offers available to consumers and, if required by Member States, between those offers and the standard offers publicly available to other end-users.

Comparison tools fulfilling the requirements in points (a) to (h) shall, upon request by the provider of the tool, be certified by competent authorities in coordination, where relevant, with national regulatory authorities.

Changes to the scheme criteria – our decisions

3.6 In amending the scheme, we have decided to remove prescriptive elements of the existing criteria and introduce more flexibility in how comparison tools configure their services. We believe this approach will enable comparison tools to innovate to meet changing customer demand as communications markets evolve, while remaining compliant with the requirements of the EECC. This section explains the changes we are making.

Comparison tools must cover a range of communications services and allow comparison by price and quality metrics

EECC requirements

3.7 Article 103(1) and Annex IX of the EECC specifies that providers are required to publish information on the main characteristics of each service provided, including any minimum quality of service levels, where offered.

3.8 Article 103(2) of the EECC specifies that, in order to become accredited, comparison tools must allow end-users to compare prices, tariffs and quality of service performance, where

minimum quality of service is offered or where the provider is required to publish such information in accordance with another provision of the EECC, Article 104.

3.9 Articles 103(2) and 103(3) refer to the specific types of services that must be compared and evaluated by price comparison tools, namely:

- Internet access services; and
- Number-based interpersonal communications services (NBICS), such as mobile and landline services.¹⁷

3.10 Article 103(2) also refers to number-independent interpersonal communications services (NIICS), such as over-the-top messaging services.¹⁸ However, the Government has stated that it no longer sees the application of customer rights to providers of online “over the top” services, such as messaging services and email (referred to as Number-independent Interpersonal Communications Services (NIICS)) as critical for implementation by 21 December 2020.¹⁹

3.11 Article 107(1) of the EECC also extends the application of Article 103 to bundles comprising at least one internet access service or a NBICS.²⁰

Summary of our proposals to amend the scheme

3.12 Our existing scheme does not specify which types of communications services accredited comparison tools must allow users to compare. Typically, accredited sites allow comparisons between different broadband, mobile, fixed landline and pay-TV services, including when these are bundled.

3.13 Our current scheme requires that accredited comparison tools ensure comparisons between communications services are sorted by price by default. In addition, broadband comparison sites are required to display average broadband speeds for fixed broadband packages and explain that actual broadband speeds experienced may vary.

¹⁷ NBICs are defined as Interpersonal Communications Services made available to the public which connect with publicly assigned numbering resources, namely a number or numbers in a national or international numbering plan, or enable communication with a number or numbers in a national or international numbering plan. For additional information regarding the definition of NBICs see: Ofcom, October 2020, *Fair treatment and easier switching for broadband and mobile customers: Implementation of the new European Electronic Communications Code*, paras. 4.4-4.14. Available at: https://www.ofcom.org.uk/data/assets/pdf_file/0023/204980/statement-eecc-revised-proposals.pdf

¹⁸ NIICs are defined as Interpersonal Communications Services which do not connect with publicly assigned numbering resources, namely a number or numbers in a national or international numbering plan, or enable communication with a number or numbers in a national or international numbering plan. For additional information regarding the definition of NIICs see: Ofcom, October 2020, *Fair treatment and easier switching for broadband and mobile customers: Implementation of the new European Electronic Communications Code*, paras. 4.4-4.14. Available at: https://www.ofcom.org.uk/data/assets/pdf_file/0023/204980/statement-eecc-revised-proposals.pdf

¹⁹ See page 48 of the [Government response to the public consultation on implementing the European Electronic Communications Code](#).

²⁰ For the purposes of the EECC, a bundle is defined as a contract, or two or more closely related contracts, between the provider of a Public Electronic Communications Service and an End-User will be found to exist where the different elements of it are provided or sold by the same provider under the same or closely related or linked contracts. For additional information regarding the definition of bundles see our document entitled: Ofcom, *Fair treatment and easier switching for broadband and mobile customers: Implementation of the new European Electronic Communications Code*, paras. 4.15-4.31. Available at: https://www.ofcom.org.uk/data/assets/pdf_file/0023/204980/statement-eecc-revised-proposals.pdf

3.14 We also require members to provide tools, or links to tools, for users to test the speed of their line, and a link to Ofcom's comparative customer service and complaints handling information, which includes both Ofcom's annual reports on consumers' experience of customer service and quarterly complaints reports.

3.15 Below we outline our consultation proposals relevant to prices and tariffs, services covered and quality of service.

Prices and tariffs

3.16 In our consultation, we proposed to maintain the current scheme requirement that accredited comparison tools must allow comparisons of communications services by reference to price, given the importance of price to consumers when comparing services. However, we proposed to remove the requirement that price must be the default ranking displayed when results are presented, so as to provide accredited comparison tools greater flexibility to deploy different default rankings to one another, to allow them to meet customer demand for different methods of comparison.

Services covered

3.17 We proposed to maintain the scope of our existing scheme such that comparison tools that allow users to compare relevant communications services, including where these are bundled, may apply for accreditation.²¹

Quality of service

3.18 We proposed the following with regards to quality of service requirements:

- To retain our requirement that accredited comparison tools must explain that actual broadband speeds may vary and must display the 'average' broadband speeds in their results.
- To require accredited comparison tools to provide a link to Ofcom's work on broadband speeds, including consumer guides and our tools that allow customers to test the speed of their current line (accredited comparison tools may also incorporate this link as part of the Ofcom logo).
- To require accredited comparison tools to allow comparisons of tariffs by reference to the same measures of quality of service which providers should be required to publish, as set out in our proposals to implement the new European Electronic Communications Code, which were published alongside our December consultation.²²

²¹ In our December 2019 consultation, we explained that we did not expect accredited comparison tools at this stage to provide comparisons of NIICs, such as over-the-top messaging services, as these are not normally provided against a recurring fee. In light of the Government's decision not to include NIICs within the scope of the regulatory framework at this time, we still do not expect accredited comparison tools to provide comparisons of NIICs at this stage. We will review this as appropriate in future, should the position change.

²² Ofcom, December 2019, *Fair treatment and easier switching for broadband and mobile customers: Proposals to implement the new European Electronic Communications Code*, para. 5.25, available at: https://www.ofcom.org.uk/_data/assets/pdf_file/0032/184757/consultation-proposals-to-implement-new-eecc.pdf

Consultation responses

Price and tariffs

- 3.19 **BT** and **Speedchecker** agreed with our proposals and welcomed our proposal to remove the requirement to have price as the default ranking method. **BT** said that “consumers should benefit from having various methods of ranking that suit their particular priorities”.
- 3.20 **Shell** disagreed with this proposal, contending that accredited comparison tools should continue to ensure comparison results are sorted by price by default and additionally, that Ofcom should “remove the ability for sites to add complex and opaque weightings on top”. **Shell** also noted that factors “such as the popularity of deals and conversion rates” may confuse consumers or create a “vicious cycle” for consumers in which the most popular deals are ranked more highly and therefore remain most popular.
- 3.21 Finally, **Broadband.co.uk** called for “clearer minimum standards” as to how tariff details should be displayed in order to “maintain the quality of comparisons, value to the consumer and trust in the accreditation scheme”.

Services covered

- 3.22 **BT** agreed with our proposals relating to services covered and the inclusion of bundles in services compared. **BT** stated that it would “encourage the integration of recommendations beyond a single service within comparison tools” as this would allow customers to benefit from product discounts, and to make choices “in full knowledge of the impact on the price of other dependent products.”
- 3.23 **Handset Expert** requested Ofcom clarify whether the requirement to include bundled options for service comparisons would apply to comparison tools specifically tailored to mobile customers, which do not usually compare bundles such as dual-play (landline and broadband) or triple-play (landline, broadband and pay-TV), but do include quad-play bundles (landline, broadband, pay-TV and mobile) in comparisons.

Quality of service

- 3.24 **BT** agreed with our proposals to require accredited comparison tools to offer comparisons by quality of service metrics, including the requirement for accredited comparison tools to explain that actual broadband speeds may vary. **BT** stated that Ofcom should go further and require the inclusion of alternative forms of ranking based on a range of quality of service metrics, because “consumers should always be able to obtain a comprehensive comparison of the services displayed rather than a result influenced purely by price.” **BT** believed rankings based on data usage and limitations, signal coverage and customer complaint records, as well as fixed broadband speeds should always be available.
- 3.25 **Shell** said that it would be difficult to produce “a simple quality metric” because broadband services are not “homogenous”.
- 3.26 **Speedchecker** requested Ofcom clarify how accredited comparison tools should fulfil the requirement to display minimum service quality information and asked what data would be needed to fulfil a commitment to generate results with quality as a criterion.

- 3.27 **Broadband.co.uk** also raised specific concerns about compliance with the proposed criteria in relation to implementing rankings by location where they are missing data for some providers, as well as objecting to providing links to Ofcom’s speed testing tool. It said that being required to link to Ofcom’s speed testing tool would be “detrimental” to its business model, because it offers its own speed and line testing service which it said is an important driver of visitors to its site.

Our decision

Prices and tariffs:

- 3.28 We acknowledge the arguments made by some respondents that accredited comparison tools should continue to be required to rank search results by price by default. We agree that price continues to be an important consideration for customers using comparison tools. However, we believe it is important that accredited comparison tools should have the flexibility to present default comparisons in a way that is meaningful for customers, who may benefit from making comparisons not based solely on price. This position is also in line with the CMA’s recommendation that regulators should consider paring back prescriptive rules, such as the setting of default rankings, in order to avoid hampering innovation, and to avoid placing an undue focus on price.²³
- 3.29 Considering this, we have decided to implement our proposal to remove price as a default ranking requirement. We believe the removal of the default ranking requirement will give comparison tools the flexibility to innovate, for example by offering different default rankings to one another in order to meet customer demand for different methods of comparison. However, given the importance of price to consumers in the decision making process, we will continue to require accredited comparison tools to include sorting by price amongst their sorting methods, as a condition of accreditation, and accredited comparison tools will have the flexibility to rank by price by default if they so wish. We will also require accredited comparison tools to state clearly any assumptions included in results calculations and provide information on the methodology at an accessible location and in plain English and unambiguous terms (see paragraphs 3.50 & 3.65).
- 3.30 We acknowledge the suggestion that Ofcom should provide “clearer minimum standards” as to how tariff details should be displayed. In addition to the price of the tariff, accredited comparison tools are currently required, as a minimum, to show users certain information (as outlined at paragraph 3.70) including information on the availability of special offers (such as cashback or discounts), any upfront costs and the length of any minimum contract period. Beyond this, we do not believe that setting prescriptive rules on precisely what information should be shown to users is compatible with our aim to promote flexibility. We believe that, so long as the scheme criteria are met, it should be for comparison tools to decide how to display price and tariff information in a way which is best suited to their customers.

Services covered:

²³ See page 13 of the CMA’s , [Digital Comparison Tools Market Study: Final Report](#)

- 3.31** We acknowledge the response by **Handset Expert** regarding how bundled tariffs should be treated and can clarify that comparison tools will not be required to compare all types of service bundles in order to be eligible for scheme membership. Rather, we encourage comparison tools to make reasonable judgements as to which bundles are relevant to their customers. For example, if a comparison tool primarily serves the market for mobile communications, where users will be primarily seeking offers which include a mobile element, we would consider it reasonable if the tool did not include deals for bundled products which do not include a mobile element.
- 3.32** We also note that some respondents, including **BT**, agreed that the inclusion of bundles is likely to be of value to customers, given that the majority of UK households now buy their communications services as part of a bundle.²⁴ We agree that bundles may be of value to many consumers and this is why we encourage comparison tools to include bundles likely to be of relevance to customers. In keeping with our principle of avoiding an overly prescriptive scheme we do not specify precisely which types of communications services accredited comparison tools must allow users to compare, although we note that accredited comparison tools typically allow comparisons between different broadband, mobile, fixed telephone and pay-TV services, including when these are bundled.

Quality of service:

- 3.33** We agree that allowing customers to compare tariffs by reference to quality of service metrics can help people to navigate the market and find the best deal for their needs.
- 3.34** As explained in our parallel Statement on implementing the end-user rights provisions of the EECC, we are setting a new general condition which will require providers to make certain information available to qualifying comparison tools, including those accredited by our scheme. We also explain that, in accordance with this new requirement, we expect providers of fixed broadband services to make available information regarding the minimum, normally available, maximum and advertised download and upload speeds of fixed broadband services. Where this information is published by providers at an address level (for example via an API offering address-level broadband speed estimates), providers should also make this information available, in an open data format, to qualifying comparison tools. Providers will be required to comply with these new requirements from December 2021.
- 3.35** To meet the requirements of the scheme, we consider that comparison tools should, as a minimum, allow comparison of tariffs by reference to the same quality of service metrics that providers are required to publish. This will ensure that users of accredited comparison tools have access to the same level of information they would if they contacted the relevant providers directly. To make this possible, we expect accredited comparison tools to make reasonable efforts to obtain address level data from providers, where published, and to allow users of their services to make comparisons based on this information, to ensure that comparisons are as accurate as possible to users. We expect accredited

²⁴ Ofcom research shows that four in five UK households bought more than one communications service from the same provider in 2019. Source: Ofcom, January 2020, *Pricing trends for communications services in the UK*, p. 5. Available at: https://www.ofcom.org.uk/data/assets/pdf_file/0022/189112/pricing-trends-communication-services-report.pdf

comparison tools to do this from December 2021, when the relevant obligations on providers to publish certain information take effect.

- 3.36 With regard to the suggestion that Ofcom should go further and require the inclusion of alternative forms of ranking based on a range of quality of service metrics, we have no plans to require accredited comparison tools to allow comparison by any additional quality of service metrics beyond those set out above at this time. However, we will keep this under review, and should providers be subject to new rules in future to publish additional quality of service metrics, we will consider whether this should be reflected in the scheme's accreditation requirements.
- 3.37 We acknowledge the concerns of **Speedchecker** and **Broadband.co.uk** regarding potential difficulties in obtaining quality of service data from communications providers. We expect accredited comparison tools to display the above-mentioned data only where it is made available to them (and the user has entered such data to make the calculation possible). The obligation, where applicable, to publish data in the first instance is on providers, and we expect providers to comply with the relevant requirements by the implementation date for this obligation.
- 3.38 Finally, we note **Broadband.co.uk's** concern about being required to link to Ofcom's speed testing tool given it already offers its own such tool.²⁵ We recognise that speed testing tools can be important drivers of traffic to accredited websites. Having taken into account consultation responses, we have decided to amend our original proposal and require accredited comparison tools to provide a link to Ofcom's speed testing tool only where they do not offer their own speed testing tool. All accredited comparison tools should, however, provide a link to Ofcom's work on broadband speeds, including our consumer guides, which is hosted in a separate area of our website to the speed testing tool.
- 3.39 Following careful consideration of the responses received we have decided to implement the proposals as outlined in our consultation, with the exception of our approach to speed testing tools as described above.

Comparison tools must be operationally independent and make their ownership clear

EECC requirements

- 3.40 In order to be eligible for scheme membership, Article 103(3) of the EECC requires that accredited comparison tools must be operationally independent from the providers of such services, thereby ensuring that those providers are given equal treatment in search results. The EECC also states these tools should clearly disclose the owners and operators of the accredited comparison tool. These conditions reflect the EECC's overarching objective (recital 267), which aims to ensure that accredited comparison tools provide information that is trustworthy, impartial and transparent.

²⁵ Ofcom's speed testing tool is available at the following link: <https://checker.ofcom.org.uk/broadband-test>

Summary of our proposals to amend the scheme

- 3.41 The scheme criteria require that members make clear to users how they make money or fund their activities, and that they are transparent about any commercial agreements or links they have in place with communications providers. Members must also disclose whether they receive commission payments from communication providers and disclose whether they are run or owned by a communications provider. Accredited comparison tools are also permitted to display sponsored results provided these are clearly identifiable as separate from search-driven results.
- 3.42 In our consultation, we proposed the following:
- accredited tools must declare themselves as being operationally independent as a condition of accreditation and, in doing so, confirm that providers are thereby given equal treatment in search results;
 - accredited comparison tools must make clear their ownership and, if there is a link to any of the services it compares within that ownership structure, this must also be disclosed to users; and
 - to retain our requirement that accredited comparison tools make clear to users how they make money.
- 3.43 Finally, we highlighted that where featured or sponsored offers are shown, they must be clearly distinguishable and easily identifiable as such, and it should be clear to users how such results are generated.

Consultation responses

- 3.44 **BT** welcomed our proposal, and said it was very important for consumers to be assured that the information they seek through accredited comparison tools is trustworthy and impartial.
- 3.45 **Shell** agreed that accredited comparison tools should be allowed to display sponsored results, provided these are clearly identifiable as Ofcom has proposed, separate from search-driven results.

Our decision

- 3.46 Having taken consultation responses into account, we have decided to implement the proposals we outlined in our consultation.

Comparisons must be objective and clear

EECC requirements

- 3.47 The EECC requires that accredited comparison tools set out clear and objective criteria on which the comparisons are to be based.

Summary of our proposals to amend the scheme

- 3.48 There are two specific areas relevant to this requirement: how comparison results are calculated (methodology) and how they are displayed to users (presentation of results).

Methodology

- 3.49 Our current accreditation scheme requires that any simplifying assumptions made as part of comparison calculations should not consistently result in favourable price comparisons for any one communications provider, which would lead to a biased set of results. The approach taken and assumptions made, as well as the criteria used for sorting results should also be clearly stated and presented in an area of the website that is clearly visible to users.
- 3.50 In our consultation, we proposed several amendments to our scheme rules to ensure that the way in which search results are calculated is clear to users. We proposed that accredited comparison tools should do the following with regards to methodology:
- employ objective criteria to calculate results, including price and quality as a minimum;
 - make information about ranking calculations, criteria, limitations or assumptions in the results or methodology available to users in an easily accessible location, for example, by allowing users to click an information button to see a clear explanation of how the ranking is calculated;
 - clearly explain to users in plain English how search results are calculated;
 - ensure that any simplifying assumptions made as part of comparison calculations do not consistently result in favourable results for any one communications provider.
- 3.51 In addition, we proposed to allow accredited comparison tools to offer comparison of tariffs by reference to non-price and non-quality metrics (such as a tariff's popularity), or from adding recommended or sponsored deals to search listings, provided it is clear to users how such results are generated.

Presentation of results

- 3.52 In our current scheme we require results to be sorted by default by reference to an appropriate price-based metric (e.g. by monthly or annual cost). Results must also be ordered by default in the order which is likely to be most attractive to the user (e.g. from faster to lower download speeds). Accredited comparison tools must also enable users to sort the results of any price calculation by different relevant price metrics (e.g. from lower cost to higher costs).
- 3.53 In our consultation, we proposed to remove our existing requirement that default search metrics must be price-based and allow accredited comparison tools to employ a ranking of their choice when first presenting results, provided it is clear to users how such rankings are calculated. This is to afford accredited comparison tools more flexibility to innovate and develop new ways of presenting search results in ways which users find most useful. Under this proposal, accredited comparison tools would need to show clearly how results are ranked and sorted. For example, from lowest cost to highest cost, or most included data to least included data (or the other way around).
- 3.54 We also noted that it would be considered good practice for users to be able to adjust the order in which results are shown, for instance by changing the 'sort' order from highest to lowest cost.

Consultation responses

- 3.55 **BT** agreed with our proposals relating to comparison by objective criteria and our requirement for methodology to be clearly explained, emphasising that this is necessary to give customers a “full understanding [...] of how results are produced.”
- 3.56 **Decision Tech** agreed with our proposal to require accredited comparison tools to make it clear how results are generated, where criteria other than price alone are used. However, they sought clarification on whether the explanation required should be narrative or mathematical. **Decision Tech** stated that they did not think the provision of a mathematical explanation would be practical and argued that it would ‘only serve to confuse users.’
- 3.57 **Speedchecker** expressed concern that the removal of the requirement that rankings are ordered by price by default, coupled with allowing accredited comparison tools to include sponsored results, even where they are clearly identified as such, could result in certain providers being given favourable treatment in comparisons.
- 3.58 **Broadband.co.uk** said that requiring accredited comparison tools to include explanatory text and disclaimer information “may have an unintentionally negative effect if it ends up suppressing the amount of deal information that can be provided in limited screen real estate which could make the tools less useful for consumers”.
- 3.59 Finally, **Broadband.co.uk** also expressed concern that some accredited comparison tools may use the additional flexibility afforded by the proposed scheme criteria to promote the deals on which they earn most revenue at the top of rankings.

Our decision

- 3.60 We acknowledge the concerns raised by **Decision Tech** and **Broadband.co.uk** about how explanatory information should be presented to users. We expect explanations about the methodology deployed and presentation of results to be as clear as possible, and written in plain English, so that they are easy for users to understand. While accredited comparison tools are free to present this information as they see fit, we would not anticipate that mathematical explanations would be necessary, nor would we anticipate that explanations should be so lengthy that information about tariffs is suppressed as a result.
- 3.61 We note that comparison tools have the flexibility to incorporate explanatory text in a form that does not detract from the user experience. For example, explanations could be located in a separate area of the website to that where results are displayed and signposted from the results page. Alternatively, they could appear as text that opens on the page if the user interacts with an information button.
- 3.62 We acknowledge **Speedchecker’s** concern as outlined above. Under our proposed criteria, sponsored results (sometimes known as recommended results) must be clearly identified and separate from search driven comparisons. While accredited comparison tools will have greater flexibility to present search results, they remain subject to requirements (as set out in the next sub-section) to ensure comparison calculations do not result in biased price comparisons which unduly favour certain providers. We will carefully monitor that these requirements are adhered to.

- 3.63 With regards to the concern that comparison tools will seek to promote deals on which they earn most revenue, we believe that the requirements on accredited comparison tools to employ objective criteria to calculate results, be transparent about their calculation methodology and ensure that any simplifying assumptions made as part of comparison calculations do not consistently result in favourable results for any one communications provider, should preclude this possibility. We will carefully monitor that this is the case when assessing and reassessing tools for scheme accreditation.
- 3.64 Having taken consultation responses into account, we have decided to implement the proposals we outlined in our consultation.

Comparison tools must use plain and unambiguous language

EECC requirements

- 3.65 The EECC sets out that, in order to be eligible for certification, a comparison tool must use plain and unambiguous language.

Summary of our proposals to amend the scheme

- 3.66 As part of the accreditation guidance for the current scheme, members must ensure that information provided to users is clear and understandable. For areas that are of specific importance to customers, such as how results are calculated, this should be explained in such a way that is plain and unambiguous. To meet the requirements of the EECC, we proposed to maintain these requirements.

Consultation responses

- 3.67 The **Consumer Communications Panel and ACOD (CCP-ACOD)** agreed with this proposal. It stated that accredited comparison tools “should set the standard in terms of giving consumers information on tariffs across many providers, in a clear and jargon-free way, so that once they take up a contract with a communications provider, they are in a good position to engage with their provider over their needs and any problems”. **BT** also agreed and stated that if the language used by accredited comparison tools is unclear, the benefit of the scheme to consumers is undermined.

Our decision

- 3.68 We acknowledge the points made by **CCP-ACOD** and **BT** and note that no consultation respondents objected to this proposal. On this basis, we have decided to implement our proposals to require that accredited comparison tools present information in plain and unambiguous language. These requirements will ensure users can confidently interpret the information presented to them by the accredited comparison tool.

Prices and information shown should be accurate and up to date

EECC requirements

3.69 The EECC specifies that in order to be eligible for certification, a comparison tool must provide accurate and up-to-date information and state the time of the last update.

Summary of our proposals to amend the scheme

3.70 Our current scheme requires that users are presented with accurate information on prices and tariffs. Accredited tools must show users:

- the availability of special offers (such as cashback or discounts);
- any upfront costs (such as installation and equipment);
- information about any limits on data usage that apply to services identified in comparison searches;
- where broadband speeds are shown these are qualified with 'up to';
- length of the minimum contract period for offers;
- when the data it relies on for calculations was last updated.

3.71 As part of our current scheme, accredited tools are required to ensure the calculations used to generate price comparisons are updated no later than every two weeks.

3.72 In reviewing the scheme, we sought to ensure that customers can continue to be confident their search will accurately reflect tariffs and prices available. To this end, we proposed that accredited comparison tools must continue to show users:

- the availability of special offers (such as cashback or discounts);
- any upfront costs (such as installation and equipment);
- information about any limits on data usage that apply to services identified in comparison searches; and
- length of the minimum contract period for offers.

3.73 We also proposed that the results shown should provide address level information to the user, where possible, in order to ensure they are only shown offers they can receive at their location. In addition, we proposed that comparison tools should make clear to users that the prices shown can change or may be different elsewhere, for example on the provider's own website.

3.74 Finally, we proposed to maintain our requirement that tools should continue to ensure that data is updated at least every two weeks.

3.75 We noted in our consultation that we will review our position regarding required tariff details at a future point and consider whether any changes are required to our accreditation criteria to take account of other features of tariffs which become important to customer decision-making.

Consultation responses

3.76 BT welcomed our proposal that accredited comparison tools should continue to ensure that data is updated every two weeks and noted that, as "various aspects of tariffs and

packages can play an important role in the decision-making process...it is key that the results displayed are meaningful and accurate, and that when comparing prices, they include current special offers/discounts, any up-front costs, any data usage constraints, and minimum contract periods.”

- 3.77 **Speedchecker** recognised the benefits of requiring data to be updated at least every two weeks, but stated that what Ofcom, the provider, the comparison tool, and the customer consider an ‘update’ may differ. **Speedchecker** asked for clarity on whether tools must manually check all packages every two weeks, noting that the details of many packages do not change for weeks or months at a time.
- 3.78 **Speedchecker** also asked for clarity on how tariff updates should be made clear to users. They said that a requirement to state a “last updated” date for every package would entail large amounts of work for comparison tools and could create confusion for customers.
- 3.79 **Broadband.co.uk** and **Speedchecker** expressed concern that the requirement to provide address level comparisons could be problematic because some users can be reticent to provide personal information beyond the postcode level. **Speedchecker** suggested that a requirement for users to input address level information could drive customers to unaccredited sites where address level comparisons are not required. **Speedchecker** expressed a preference that accredited tools should be allowed to show users a default, non-location-specific list of packages, ‘but with a clear option to filter by their address.’
- 3.80 **Broadband.co.uk** said that not all providers will be able share meaningful address level data which could prevent comparison tools from generating search results underpinned by address level data. **Stickee** noted that they already experience issues sourcing up-to-date and reliable data from providers using the Openreach network, which detail the speeds and availability of services at postcode level. They therefore expressed concern that some providers would not be able to provide meaningful, up-to-date data to comparison tools, resulting in comparison tools being unable to maintain accurate results.
- 3.81 **Stickee** noted the potential for confusion should customers enter the same postcode into different comparison tools and find that different results are generated.

Our decision

- 3.82 We acknowledge the points raised by stakeholders regarding requirements to update package information and recognise that regularly updating package data requires resources from the comparison tool. In the 2017 Market Study on digital comparison tools, the CMA identified accuracy as part of its best practice standards for digital comparison tools. In order to be accurate, the CMA set out that information should be up-to-date, complete, correct, relevant and not misleading.²⁶ We agree that customers need access to accurate and up to date information to make informed decisions. For this reason, we maintain that it is important for accredited comparison tools to regularly update their tariff information (at least once every two weeks) so that the comparisons presented to users are useful, even though this may require some effort on behalf of the comparison tool.

²⁶ CMA Market Study, pp. 9.

- 3.83 We acknowledge **Speedchecker's** request for greater clarity on how 'last updated' dates should be communicated to customers. We expect accredited comparison tools to make clear the time of the last update, which could, for example, comprise a general statement stating the frequency with which their information is updated (e.g. every day, or every two weeks), or when prices as a whole were last updated. This statement should be made available in a location that is easily accessible to the user. Where tariffs are time limited, we expect this to be made clear. We would not require every individual package to be given a 'last updated' date, although comparison tools may provide this if they wish.
- 3.84 With regard to concerns raised by **Broadband.co.uk**, **Speedchecker** and **Stickee** about address level search results, we accept that some users may prefer to provide only their postcode, rather than their full address, when using comparison tools. Provided that accredited comparison tools provide the option for users to enter their full address, there is no requirement for users to make use of this option. This will ensure that users are able to compare details of tariffs they can receive at their specific address, should they wish to, or at postcode level, if they prefer.
- 3.85 We note the concerns of **Broadband.co.uk** and **Stickee** regarding obtaining address-level data from providers. As explained above, and as set out in our parallel Statement on implementing the end-user rights provisions of the EECC, providers will in future be required to make certain information available to qualifying comparison tools, including those accredited by our scheme. We also explain that, in accordance with this new requirement, we expect providers of fixed broadband services to make available information regarding the minimum, normally available, maximum and advertised download and upload speeds of fixed broadband services. Where this information is published by providers at an address level (for example via an API offering address-level broadband speed estimates), providers should also make this information available, in an open data format, to qualifying comparison tools.²⁷ We expect accredited comparison tools to make reasonable efforts to obtain address level data from providers to ensure that comparisons are as accurate as possible to users. Only where providers make this data available to comparison tools (and the user has entered such data to make the calculation possible) will accredited tools be expected to allow comparison by address level data.
- 3.86 As set out in our parallel Statement on implementing the end-user rights provisions of the EECC, some providers' have raised concerns about the security of information that they would make available to qualifying comparison tools about the location of their fixed broadband networks and broadband speeds. In our December 2019 consultation on implementing the end-user rights provisions of the EECC, we stated that requirements on providers to share data would be subject, if relevant, to agreeing reasonable terms on data security. To clarify, and as set out in our parallel Statement, we consider that providers may expect third parties to agree terms to help ensure that the data is only used for the purposes of providing a qualifying comparison tool. For example, these terms could include

²⁷ This information should be available free of charge and in open data formats. See: Ofcom, October 2020, *Fair treatment and easier switching for broadband and mobile customers: Implementation of the new European Electronic Communications Code*, paras 5.25-6. Available at: https://www.ofcom.org.uk/data/assets/pdf_file/0023/204980/statement-eecc-revised-proposals.pdf

requiring any commercially sensitive data to be kept confidential and secure and limiting how long the third party may hold any information about address-level broadband speeds.²⁸

- 3.87** We are working with providers to increase the accuracy and availability of the relevant data, including through our Open Communications project, and expect that the sharing of such data will be improved in future.²⁹ This should help address key issues including the confusion that can arise when customers view different availability depending on the tool they use.
- 3.88** Having taken consultation responses into account, we have decided to implement our proposals from the consultation.

Comparisons should reflect a broad range of offers in the market

EECC requirements

- 3.89** The EECC specifies that in order to be eligible for certification, a comparison tool must be open to any provider of internet access services or interpersonal communications services, and include a broad range of offers covering a significant part of the market and, where the information presented is not a complete overview of the market, a clear statement to that effect, before displaying results.

Summary of our proposals to amend the scheme

- 3.90** Currently, we require that accredited tools include a comprehensive number of providers to reflect the level of choice available to customers. Accredited PCWs must cover at least 90% of the chosen market (measured by the percentage of subscribers within the relevant market covered by the selected providers). The process used by members to select which communications providers to include must also be transparent and where only a selection of packages is included, this should not result in an unfair or biased representation of a communications provider.
- 3.91** In our consultation, we set out proposals concerning two areas relevant to this requirement: market coverage and how information about market coverage should be presented.
- 3.92** On market coverage, we proposed that accredited comparison tools should cover a ‘significant’ proportion of the market, rather than a fixed proportion (90%) of the market as in the current scheme. This is to address concerns that the specific market coverage requirement in our current scheme criteria may weaken the ability of accredited comparison tools to negotiate with providers. We proposed that it would be for members

²⁸ Ofcom, October 2020, *Fair treatment and easier switching for broadband and mobile customers: Implementation of the new European Electronic Communications Code*, paras.6.91. Available at: https://www.ofcom.org.uk/_data/assets/pdf_file/0023/204980/statement-eecc-revised-proposals.pdf

²⁹ Our proposals relating to Open Communications project can be found at: Ofcom, August 2020, *Open Communications: Enabling people to share data with innovative services* (“Open Communications consultation”). Available at: https://www.ofcom.org.uk/_data/assets/pdf_file/0030/199146/consultation-open-communications.pdf

to demonstrate how they meet this requirement, and that we would expect the tariffs and offers shown to be from providers covering such a proportion of the market that allowed customers to make a meaningful comparison of the services available.

- 3.93 On the presentation of results, we proposed to require comparison tools to list all providers included in calculations and make this information available in an easily identifiable location. In keeping with the requirements of the EECC, we also proposed that where the comparable offers do not represent a complete overview of the market, this should be made clear with a statement to that effect, before displaying results. We also proposed to continue to require that tools remain open to any provider who wishes to make their services available to them.

Consultation responses

- 3.94 **Speedchecker and Shell** supported our proposal that accredited comparison tools should no longer be required to compare services across a fixed 90% share of the market, preferring the requirement to only capture providers which make up a ‘significant’ share of the market. **Shell** added that requiring tools to display major providers with a high market share could weaken the bargaining position of comparison tools in negotiations with suppliers. **Shell** flagged concerns that this could in turn prevent innovation in the sector.
- 3.95 **BT** disagreed with this proposal and stated that the 90% market coverage requirement is necessary to “ensure customers are not misled by a set of offers and tariffs that are not representative of the complete market” and noted the results displayed by accredited comparison tools should represent their chosen market as “fully as possible”. **BT** also questioned how scheme members will demonstrate they meet the requirement to cover a significant proportion of the market. **BT** said that Ofcom should maintain the current requirement to have ‘90% coverage of the chosen market to result in a fair and balanced representation’.
- 3.96 **Decision Tech** said that giving a statement making clear where ‘complete’ coverage of the market is not achieved would be impractical and unhelpful to users. It suggested that interrupting the comparison flow to make a statement would undermine confidence in the process and create a disjointed experience. Further, **Decision Tech** highlighted that their tool currently covers a high percentage of the market, omitting only small, regional providers.
- 3.97 **Speedchecker** raised concerns about the proposed requirement to list providers which are included in calculations, suggesting that this “could make for a very long table that would make it harder for customers to use”.

Our decision

- 3.98 We acknowledge the points raised by **BT** about the 90% market coverage requirement. However, we believe that affording accredited comparison tools greater flexibility to innovate and differentiate themselves through varying their provider proposition will benefit consumers, and that removing the prescriptive requirement to cover a set share of the market is necessary to achieve this. Furthermore, it will help to create a more level playing field in negotiations between comparison tools and providers. With the high

market coverage requirement in place, the bargaining position of comparison tools when negotiating with providers is weakened.

- 3.99 In reaching this decision, we have taken into account the findings of the **CMA's** market study into DCTs, which recommended that we should remove the specific market coverage requirement from our scheme criteria.³⁰ We believe the proposed requirement to cover a 'significant' proportion of the market will ensure that users are presented with a sufficiently representative selection of results. This is particularly the case given that DCTs have incentives to show tariffs from a broad range of providers, or otherwise risk losing users to other comparison tools which offer greater choice. In practice this means that we expect DCTs will wish to show offers from most providers but, under our revised scheme criteria, they will no longer be obliged to do so as a condition of accreditation.
- 3.100 In terms of how we would assess compliance with our revised criteria, in our consultation, we said it would be for members to demonstrate how they meet the requirement to represent a 'significant' proportion of the market. We also said that we would expect the tariffs and offers shown to be from providers covering such a proportion of the market that allowed customers to make a meaningful comparison of the services available. This remains the case. In practice we would expect accredited comparison tools to aim to show tariffs from the broadest possible range of providers in order to give a representative overview and cover a significant part of the market. However, where there isn't possible, for example because a DCT is unable to agree acceptable commercial terms with a given provider, or is unable to obtain reliable data, it will not be obliged to show tariffs from that provider.
- 3.101 In response to **BT's** concern that customers could be misled by offers not representative of the full market, we agree that transparency in the way that results are presented is key so that the user is fully informed about any limitations or exclusions in the offers presented to them. We believe that this will be achieved by our requirement that, where offers do not represent a complete overview of the market, comparison tools should make a clear statement to that effect.
- 3.102 We note the concern by **Decision Tech** that such a statement could adversely affect the customer experience and acknowledge that an undue number of 'explainer texts' could negatively impact the user experience. However, we believe a statement of this kind is necessary to ensure transparency and to allow customers to make informed decisions about the offers presented to them. Having taken consultation responses into account, we would be comfortable for accredited comparison tools to make a statement to this effect alongside the presentation of results if it is not practicable to do so before results are generated (for example, because it would significantly interrupt the customer experience). Comparison tools will have the flexibility to choose where on the results page the statement is and the manner in which it is presented, for example in a pop-up, or somewhere on the results page.
- 3.103 Regarding the requirement to list all providers included in calculations, we acknowledge the concerns raised by **Speedchecker** and recognise the importance of ensuring that our

³⁰ CMA Market Study, paragraphs 4.25 and 4.124.

scheme's requirements are workable in practice. While we continue to believe that providing such a list is important in the interests of transparency, it need not interrupt the customer journey and could be located in any accessible area of the accredited comparison tool's website. This should provide accredited comparison tools with the flexibility to choose the most appropriate location and method of presentation for their customers.

- 3.104 Having considered the responses of all stakeholders, we have decided to proceed with changes to our scheme criteria regarding the presentation of market coverage information as outlined above.

Comparison tools must have a clear, fair and timely process for handling complaints

EECC requirements

- 3.105 The EECC specifies that in order to be eligible for certification, a comparison tool must provide an effective procedure to report incorrect information.

Summary of our proposals to amend the scheme

- 3.106 Our existing criteria require accredited comparison tools to have a clearly explained, fair and timely process for handling complaints. During our auditing process, we review the timeliness of complaint handling by members, and we assess whether these are reasonable.
- 3.107 In our consultation, we proposed to retain this requirement, however we proposed to no longer conduct an audit of the timeliness of complaint handling by members and that instead, comparison tools would be responsible for demonstrating an effective procedure for reporting incorrect information and that this process is adhered to (including timeliness in handling complaints). We proposed not to prescribe what procedures members have in place, seeking instead to allow flexibility to accredited comparison tools in finding the solution that works best for their users. This is in keeping with our ambition to remove some of the more prescriptive rules from our current scheme.

Consultation responses

- 3.108 **BT** agreed with our proposal to maintain the requirement for a clearly explained, fair and timely process for handling complaints. It said details of complaints processes should be clear and easily accessible for consumers. However, **BT** also stated that Ofcom should maintain the requirement for comparison tools to have their complaints handling process audited. No other respondent commented on this element of our proposals.

Our decision

- 3.109 We have decided to implement our proposal to require accredited comparison tools to put in place a clearly explained, fair and timely process for handling complaints. Comparison tools will be responsible for demonstrating an effective procedure for reporting incorrect information. Tools must also demonstrate that this process is adhered to (including

timeliness in handling complaints). This may include evidence that processes are in place to record, address and respond to complaints or reports from users.

Comparison tools must allow users the ability to compare offers available to residential customers

EECC requirements

- 3.110 The EECC specifies that in order to be eligible for certification, a comparison tool must include the possibility to compare prices, tariffs and quality of service performance between offers available to consumers and, if required by Member States, between those offers and the standard offers publicly available to other end-users.

Summary of our proposals to amend the scheme

- 3.111 We proposed to maintain the requirement, as per our current scheme, that in order to be eligible for certification, accredited comparison tools must include the ability to compare prices, tariffs and quality of service performance between offers available to users. As the scheme is targeted towards comparison tools which provide a service for residential customers, we did not propose to require tools to allow users the ability to compare offers available to residential customers with offers available to other types of end-users, such as business customers.

Consultation responses

- 3.112 BT agreed that it would not be necessary or beneficial for residential users to compare against business deals, and that it may cause customer confusion if they were able to do so. No other respondents commented on this element of our proposals.

Our decision

- 3.113 We have decided to implement our proposal not to require accredited comparison tools to allow users the ability to compare offers available to residential customers with offers available to other types of end-users, such as business customers.
- 3.114 We will maintain the requirement that, in order for tools to become certified, they must allow users the ability to compare prices, tariffs and quality of service performance between offers available to users.

Comparison tools must ensure that their services are accessible

Summary of our proposals to amend the scheme

- 3.115 Our existing scheme requires that accredited comparison tools are accessible to all customers, including people with a disability. We currently require members to ensure customers can obtain advice offline, and all accredited tools must comply with relevant legislation, including the Equality Act 2010.
- 3.116 We proposed to maintain our requirement that accredited comparison tools ensure services are accessible, noting that this may be achieved in a variety of ways, such as

making font sizes adjustable or enabling users to change the colour of a website. We also proposed to retain the requirement that tools must offer users the ability to get advice offline.

Consultation responses

- 3.117 **BT** and the **CCP-ACOD** agreed with our proposal to require that the services provided by the comparison tools are readily and easily accessible for all consumers whilst treating them fairly. The **CCP-ACOD** also supported our proposals to retain the requirement that consumers are able to use digital comparison tools offline, by contacting the comparison tool provider by telephone. The **CCP-ACOD** stated that this would make the process of using digital comparison tools “fairer and will empower consumers to understand where comparison information comes from and any selection involved in the process, so that they can make an informed decision”.
- 3.118 **Handset Expert** also agreed with our proposals but noted that the specific proposals are best implemented at the level of the browser or operating system. **Handset Expert** said that popular browsers include ‘well-established mechanisms to change font size’, and noted that there have been positive changes for colour adjustment in the form of high contrast or dark modes. **Handset Expert** highlighted that duplication of this work would not be a good use of resources, and that the responsibility of the tool is to ensure that any development is compliant with relevant legislation and browser or system functionality.
- 3.119 **Broadband.co.uk** said that the accessibility standards that accredited comparison tools are required to meet should be more clearly defined by Ofcom and should include keyboard navigation and screen readers.
- 3.120 **Speedchecker** asked for guidance on what advice comparison tools would be expected to give to customers who seek advice offline and called for greater clarity on how such advice should be given.

Our decision

- 3.121 Our aim in setting out requirements on accessibility is to ensure that all users have equivalent access to the services provided by accredited comparison tools. We note **Handset Expert’s** response that accessibility mechanisms are available in existing software, such as browsers, to help make tools accessible, and emphasise that we do not expect accredited comparison tools to create their own accessibility tools where these already exist. Accredited comparison tools should ensure that their services, such as webpages, are compatible with such systems, especially the most popular operating systems and software in order to maximise accessibility for all users.
- 3.122 In response to **Broadband.co.uk**, we expect accredited comparison tools to be accessible to users, allowing them to change the visual appearance where appropriate. In addition,

we encourage accredited comparison tools to follow internationally recognised web accessibility standards to ensure their comparison tool is accessible for different users.³¹

- 3.123 By ‘advice offline’, we mean that customers should be able to obtain offline access to the same package information that they could otherwise access through a comparison tools’ website. That is, they should be able to access details regarding the quality of service and tariffs of packages available to them at their address by some alternative offline means, such as via the telephone, email or text message. We believe this is necessary as some customers may have certain accessibility needs which mean they cannot easily access online information or may not have access to a broadband connection. We do not require this information to exceed what is available to a user should they have used the tool themselves online. Accredited comparison tools may fulfil this requirement in a way which best suits their customers.
- 3.124 Having considered all relevant responses raised by respondents, we have decided to implement our consultation proposals regarding accessibility.

Operation of the scheme

Summary of our current scheme and our proposals

Auditing new and existing members

- 3.125 Under the existing scheme, comparison tools can apply to Ofcom for accreditation. Applications are assessed internally and by an independent auditor against approval criteria set by Ofcom. Ofcom conducts the ‘soft audit’ qualitative checks, and an external auditor conducts the quantitative audit which focuses on the technical methodology and analytical processes deployed by the applicant site. The current audit criteria require that accredited comparison tools are accessible, accurate, transparent and comprehensive. They are broadly similar to those set out in the EECC.
- 3.126 Under the existing scheme, accredited comparison tools are audited initially after 12 months and every 18 months thereafter to ensure they continue to meet the scheme criteria. Ofcom may also conduct spot checks between audits, to ensure continued compliance.
- 3.127 In our consultation, we proposed the following with regards to auditing new and existing scheme members:
- to remove the requirement for comparison tools to go through an external technical audit;
 - to require applicants to provide information about their services when applying and to declare, as appropriate, how they comply with the criteria of the scheme;

³¹ The World Wide Web Consortium is the main international standards organization for the World Wide Web. They have published, among other things, accessibility principles, available at: <https://www.w3.org/WAI/fundamentals/accessibility-principles/> and information relating to accessible formats for web content, known as the Web Content Accessibility Guidelines 2.0 (WCAG), available at: <http://www.w3.org/TR/WCAG21/>

- to maintain spot-checks of the user-interface (e.g. if the language used is plain and unambiguous or how results are ranked) and requests for the provision of specified information by applicants;
- to continue, at Ofcom's discretion, to use a technical audit where necessary, for example, where we have concerns about the way in which an applicant meets our criteria;
- to remove accreditation where, following appropriate investigation and consultation with the relevant comparison tool, we consider that a member of our scheme no longer meets the standards required for scheme membership, unless the comparison tool can demonstrate that it has taken steps to ensure compliance;
- to maintain the requirement that comparison tools apply to renew their membership to the scheme after 12 months and every 18 months thereafter to ensure they continue to meet our criteria.

Ensuring customers have access to at least one comparison tool

3.128 One objective of the EECC is to ensure that consumers have access, free of charge, to at least one independent comparison tool that meets specified assessment criteria.³² We proposed that we would be satisfied that the consumer need would be met if such a tool existed but did not choose to be certified, provided it would be eligible for certification if it so chose. If no such comparison tool existed, we proposed to consider whether it would be appropriate for Ofcom to set up a comparison tool that met these requirements.

Compliance with relevant legislation

3.129 We expect accredited comparison tools to deliver services to a high standard, treat users fairly, and comply with relevant legislation including those designed to protect customers from bad practices. This includes compliance with relevant legislation, such as regulation related to data protection and consumer protection.

Cost to members

3.130 Ofcom currently recovers some of the costs of the technical audit fee from PCWs as part of the accreditation process. In our consultation, we proposed to no longer require the services of an external auditor and stated that we would not seek to recover any operational costs from members under the new scheme.

Use of the Ofcom accreditation logo

3.131 Under the current scheme members can display the scheme's logo on their websites and in publicity campaigns. Currently, we require that where members use the logo on their website, this links to Ofcom's consumer webpages which include an explanation of the accreditation scheme and a list of accredited organisations.

3.132 Under the current scheme, at our discretion we allow the use of the scheme's logo on sites affiliated with the accredited member, where the service is in effect the same as the one provided by that accredited member. We proposed that in future all such sites must

³² Article 103(2)

undergo separate assessments, to ensure they are suitable for scheme membership and to build customer trust in the information they display.

Consultation responses

- 3.133 **BT** and a confidential respondent disagreed with Ofcom's proposal to no longer require a technical audit and to rely on self-declaration and subsequent 'spot checks' by Ofcom. **BT** expressed concern that this could lead to comparison tools being inconsistent in their approach and potentially undermine the value of Ofcom's accreditation scheme. **BT** was concerned that without an external audit comparison tools could be less transparent about the algorithms used to determine results. **BT** suggested that comparison tools may be more inclined to reduce the weighting of metrics (such as service quality performance metrics) that result in rankings which are most commercially favourable to the comparison tool. They suggested that if the requirement for an external audit were maintained, the cost of this should be borne by scheme members, in accordance with their turnover, as with today's scheme.
- 3.134 The **CCP-ACOD** urged Ofcom to ensure maximum transparency of any internal audit process to ensure users are assured that the 'necessary level of rigorous monitoring and follow-up action is taking place'.
- 3.135 **BT** agreed with Ofcom's proposal to require links to Ofcom's consumer information webpages and a list of accredited organisations, although potentially with this list moved to a separate page. **BT** suggested that having an external link to Ofcom's website is more likely to instill trust in consumers, enabling them to gain an unbiased understanding of the accreditation process and its requirements. **BT** said it is also in consumers' interests to readily see a list of all the accredited comparison tools, encouraging them to gather results from more than one tool, thus encouraging competition between comparison tools to deliver the most up-to-date and comprehensive service.
- 3.136 **Speedchecker** asked if accredited comparison tools could host the information presented on Ofcom's consumer page on their own sites rather than sending customers to a page that lists other comparison tools who they compete with.

Our decision

- 3.137 We acknowledge the response from **BT** and a confidential respondent regarding the removal of the technical audit for the accreditation scheme, and the **CCP-ACOD** suggestion that we consider a rigorous process that is transparent ensures a necessary level of rigorous monitoring is taking place. We agree that it is necessary to have checks in place to ensure accredited comparison tools adhere to the high standards required to obtain scheme membership.
- 3.138 Having taken consultation responses into account, we have decided to amend our proposal regarding external auditing. We intend to continue to engage the services of an external auditor to conduct a technical audit as part of the accreditation and reaccreditation process because we consider this remains important in order to promote trust in comparison tools among providers and consumers. We will shortly launch a procurement

process to engage the services of an external audit company to undertake the technical audit on our behalf from April 2021, when the new scheme rules take effect.

- 3.139 Due to the greater degree of flexibility and reduced prescriptiveness of our new scheme requirements, we expect this audit to be more streamlined than it is currently. In practice, this should mean that the technical audit is focused on those aspects of accreditation where technical expertise is necessary, such as ensuring that algorithms deployed by accredited sites do not result in biased results. It will be for comparison tools to demonstrate compliance with the non-technical aspects of accreditation through self-reporting. We believe this will help to make the scheme more attractive to prospective applicants, while also ensuring due rigour and transparency as recommended by the **CCP-ACOD**.
- 3.140 Given our revised approach, we consider that it also remains appropriate to recover a proportion of the costs of the technical audit fee from comparison tools as part of the accreditation process. To ensure that cost is not a barrier to entry for comparison tools, we will recover a smaller amount from members with an annual turnover of less than £200,000. We intend to retain the current fee structure which is as follows:

Audit type	Relevant annual turnover of the accredited comparison tool	
	Less than £200,000	Over £200,000
Initial audit (full technical audit)	£1,000	£13,775
Reaccreditation audit	£500	£8,500

- 3.141 We have decided to continue to require accredited comparison tools to link through to Ofcom’s consumer information webpages. Currently, we require that where members use the logo on their website, this links to Ofcom’s consumer webpages which include an explanation of the accreditation scheme and a list of accredited organisations. We acknowledge **Speedchecker’s** concern, in which connecting to this page entails linking to a list of their competitors, but equally acknowledge BT’s observation that it is in consumers’ interests to readily see a list of all the accredited comparison tools. Ahead of the new scheme criteria taking effect in April 2021, we will consider how the scheme’s landing page can be revised to optimise the user experience.

Implementation of the scheme changes

- 3.142 Changes to the scheme will be implemented from 30 April 2021, at which point existing members and new applicants will be assessed against the new scheme criteria.
- 3.143 We expect existing members to be compliant by this date and will be assessing members against our new scheme criteria at the time of their next review.

- 3.144 Where existing members are due to be assessed for reaccreditation during the implementation period, we will postpone the assessment until May 2021 at the earliest, at which point the assessment will be conducted under the new scheme requirements.
- 3.145 Comparison tools who are not currently scheme members but who wish to apply for accreditation should also apply from May 2021. This should allow new applicants time to take account of the new scheme criteria and make any changes to their operating procedures before submitting an application.
- 3.146 In Section 4 of this document, we provide a detailed summary of what the technical audit process will involve in future. Our intention is for this to provide greater clarity about how we expect to undertake accreditation and reaccreditation exercises under the revised scheme criteria. We plan to publish technical guidance for the new audit process in early 2021, after we have engaged the services of an external auditor. This will ensure members and applicants know what to expect from the accreditation and auditing process.

4. Summary for applicants

- 4.1 In this section we set out a summary of the revised scheme criteria, alongside an outline of the process for the assessment of applications for the accreditation or re-accreditation of existing members to the scheme. This section is aimed at comparison tools that are members or considering membership, and that wish to better understand the impact of the changes to the assessment process. We also provide additional guidance about the auditing process, and what we will be looking for when assessing comparison tools based on the criteria.
- 4.2 As set out in Section 3, we are changing our approach to assessing whether comparison tools meet the criteria for accreditation. Under the new rules of the scheme, applicants must show that their tool meets the relevant criteria and present this to Ofcom using a standardised reporting template.

Scope of certification

- 4.3 Ofcom will consider certifying comparison tools for relevant services that fall among those defined by the EECC. These include, but are not limited to:
- Mobile
 - Landline
 - Broadband
 - Voice over IP
 - Bundled services

Process of application

- 4.4 In order to be part of the scheme, comparison tools must complete the following steps:

Step 1

- 4.5 Applicants should contact Ofcom at comparison.tools@ofcom.org.uk. Applicants will be asked to submit a short description of the comparison tool they provide, which should include the following information:
- When the service was launched
 - The relevant service(s) for which comparison information is provided
 - How results are calculated
 - How many users have used the calculator to compare services and/or switch
 - How the business model works, including:
 - i) Whether the organisation receives commission payments from communications providers
 - ii) Whether the organisation is run or owned by a communications provider
 - iii) Whether users are charged to access the service

Step 2

- 4.6 If Ofcom is satisfied that the tool has the potential to meet the approval criteria, it will ask the applicant to complete a report, including declarations and submission of specified information, to demonstrate that it complies with the approval criteria. We will also make use of an independent external auditor to conduct a technical audit of certain elements of the comparison tool's operations against the approval criteria set by Ofcom.
- 4.7 If we deem that further information is necessary at this stage, applicants may be asked to submit this and/or meet with Ofcom to give a demonstration of the tool and answer any questions.

Step 3

- 4.8 On review of the report, and subject to in-depth checks at the discretion of Ofcom, the comparison tool will be notified as to the success of its application. Where a comparison tool is certified, the comparison tool can display the scheme's logo for use on its website and in publicity campaigns, subject to branding and display guidelines.

Step 4

- 4.9 Accreditation will be renewed, subject to re-submission of evidence and declarations as appropriate, as well as passing a technical audit, on a periodic basis, the first coming 12 months after initially being accredited, then every 18 months thereafter.
- 4.10 Ofcom may also periodically and without warning inspect the public-facing parts of certified tools and/or seek evidence or declarations of compliance from its members if there are issues of concern. Any comparison tool found to have given a false declaration will be automatically considered ineligible for accreditation. Continued compliance with operational independence criteria will be assessed as part of re-accreditation and spot-check auditing to ensure continued compliance.

Approval criteria

- 4.11 Applicants and accredited members of the scheme must comply with the following criteria:

A. Accredited comparison tools must allow comparison of certain services and quality metrics, as well as price

- i) Accredited comparison tools must allow comparisons by communications service by reference to price and tariff details.
- ii) Accredited comparison tools are required, as a minimum, to show users information for tariffs regarding the availability of special offers (such as cashback or discounts), any upfront costs and the length of any minimum contract period.

- iii) Accredited comparison tools must allow users to compare relevant communications services, including where these are bundled.³³
- iv) At a minimum, comparison tools should allow comparisons of tariffs by reference to the same measures of quality of service which providers should be required to publish.³⁴
- v) We expect accredited comparison tools to display the relevant data only where it is made available to them (and the user has entered such data to make the calculation possible).
 - From December 2021, providers of fixed broadband services will be required to make available information regarding the minimum, normally available, maximum and advertised download and upload speeds of fixed broadband services to qualifying comparison tools, including those accredited by our scheme. Where this information is published by providers at an address level (for example via an API offering address-level broadband speed estimates), providers should also make this information available in an open data format, to qualifying comparison tools. We expect accredited comparison tools to make reasonable efforts to obtain address level data from providers, where it is available, to ensure that comparisons are as accurate as possible to users.
- vi) Accredited tools are encouraged, but not required, to enable users to compare tariffs by reference to any additional quality of service metrics, such as:
 - Mobile coverage maps to assess signal potential
 - The amount of data that is included in a given tariff, whether this is capped or unlimited; or
 - Customer complaint records.
- v) Accredited comparison tools must explain to users that broadband speeds may vary.
- vi) Accredited comparison tools must display the ‘average’ broadband speeds on their results listings.
- vii) Accredited comparison tools must provide a link to Ofcom’s work on broadband speeds, including consumer guides. They must also provide a link to our online tool that allows users to test the speed of their current line, unless the accredited comparison tool offers its own speed testing tool.

³³ With reference to relevant services such as broadband, home-phone, mobile and pay-TV services. Comparison tools are not required to compare all types of service bundles in order to be eligible for the scheme. Rather, we encourage comparison tools to make reasonable judgements as to which bundles are relevant to their customers.

³⁴ See Ofcom, October 2020, *Fair treatment and easier switching for broadband and mobile customers: Implementation of the new European Electronic Communications Code*, Section 5, Available at: https://www.ofcom.org.uk/data/assets/pdf_file/0023/204980/statement-eecc-revised-proposals.pdf

B. Operational independence and clear ownership

- i) Accredited comparison tools must be operationally independent, thereby confirming that providers generally receive equal treatment in search results.
- ii) Accredited comparison tools must make clear their ownership. If there is a link to any of the services they compare within that ownership structure, this must also be disclosed to users.
- iii) Where accredited comparison tools have commercial agreements with providers which result in 'featured' or 'sponsored' deals being presented to the user, where these deals are shown, they must be clearly distinguishable and easily identifiable as such.
- iv) Accredited comparison tools should make it clear to users how they make money (however this does not require the disclosure of details of commercial arrangements with third parties)

C. Comparisons must be objective and clear

- i) Accredited comparison tools must employ objective criteria to calculate results, as a minimum these should be based on price and quality.
- ii) Accredited comparison tools must clearly show how results are ranked and also ensure information about how rankings are calculated is clearly available to users. Accredited comparison tools are also encouraged to allow users to adjust the order in which results are shown, for instance, by changing the 'sort' order from highest to lowest.
- iii) Accredited comparison tools must ensure it is clear to users how results are calculated and offer a plain English explanation.³⁵
- iv) Any assumptions made within calculations must also be made clear to the user.³⁶
- v) Accredited comparison tools must ensure any simplifying assumptions made as part of comparison calculations should not consistently result in favourable results for any one communications provider.

D. Comparison tools must use plain and unambiguous language

- i) Accredited comparison tools must present information in plain and unambiguous language.

³⁵ Accredited comparison tools have the flexibility to incorporate explanatory text in a form that does not detract from the user experience. We do not believe that a detailed mathematical explanation is required to meet our accreditation requirements; a narrative, plain English explanation which includes the relevant metrics which are considered when generating results will be acceptable.

³⁶ For example, if prices have been calculated with the assumption that customers will be paying annually or using a direct debit, this should be made clear to the customer

E. Prices and information shown must be accurate and up to date

- i) Prices and information shown to users should be as clear as possible.
- ii) Accredited comparison tools must ensure they provide information on the following aspects of the services they cover:
 - the availability of special offers (such as cashback or discounts)
 - any upfront costs (such as installation and equipment)
 - information about any limits on data usage that apply to services identified in comparison searches
 - length of the minimum contract period for offers.
- iii) Accredited comparison tools should ensure the results shown reflect, where possible, address level information provided by the user (as opposed to their postcode area for example).³⁷
- iv) Accredited comparison tools should make clear to users that the prices shown can change or may be different elsewhere, for example on the provider's own website.
- v) Accredited comparison tools must ensure the data used to calculate comparison results is updated at least every two weeks.³⁸ Accredited comparison tools must also state the time of the last update, which could, for example, comprise a statement outlining the frequency with which their information is updated (for example, every day, every week or every two weeks).³⁹ This statement should be made available in a location that is easily accessible to the user. Where tariffs are time limited, this should be made clear.⁴⁰

F. Comparisons should reflect a broad range of offers in the market

- i) Accredited comparison tools must show offers that constitute a significant proportion of the market.
- ii) Accredited comparison tools must list the names of providers which are included in calculations. This should be available in an easily identifiable and accessible location.

³⁷ Address level data should be shown where that data is made available by communications providers, and the user has entered such data to make the calculation possible.

³⁸ Such updating could comprise (but is not limited to) routinely checking data feeds for changes, performing checks against displayed information and that available publicly from the provider (e.g. on their own website), or securing formal agreements with providers that the tool will be notified of changes.

³⁹ We would only require accredited comparison tools to state the time of the last update of the results page, which could, for example, comprise a statement outlining the frequency with which their information is updated (e.g. every day, or every two weeks), or when prices as a whole were last updated. We would not require every individual package to be given a 'last updated' date, although comparison tools may provide this if they wish.

⁴⁰ Every individual package does not need to be given a 'last updated' date, although comparison tools may provide this if they wish.

- iii) Where accredited comparison tools include a range of offers that do not represent a complete overview of the market, they should make that clear with a statement to that effect on the results page.⁴¹
- iv) Accredited comparison tools should remain open to any provider who wishes to make their services available to the tool, subject to the agreement of appropriate arrangements between the provider and the tool.

G. Comparison tools must have a clear, fair and timely process for handling complaints

- i) Accredited comparison tools must demonstrate they have a clearly explained, fair and timely process in place to handle complaints. This may include evidence that processes are in place to record, address and respond to complaints or reports from users.

H. Comparison tools must ensure that their services are accessible

- i) Accredited comparison tools must ensure they offer users the ability to obtain the same information that they can access online by an alternative offline means.⁴²
- ii) Accredited comparison tools should include measures to ensure accessibility. Accredited comparison tools should ensure that their services, such as webpages, are compatible so far as possible with consumer devices, operating systems and software such as screen readers. We do not expect tools to create their own accessibility tools where these already exist.
- iii) In addition, we encourage accredited digital comparison tools to adopt internationally recognised web accessibility standards to ensure their comparison tool is accessible for different users.⁴³

Additional information about the scheme

- 4.12 To ensure the robustness of our accreditation scheme, members will be assessed against the requirements outlined above and monitored to ensure they continue to meet the appropriate standards. We will perform spot-checks of the user-interface (e.g. if the language used is plain and unambiguous or how results are ranked) and may make requests for the provision of specified information by applicants and members.
- 4.13 Where we deem it necessary, we will also request a meeting with applicants to further our understanding of the services they offer, as well as requiring the provision of more detailed

⁴¹ Comparison tools will have the flexibility to choose where on the results page the statement is and the manner in which it is presented, e.g. in a pop-up, in a box at the top of the results page or a disclaimer at the bottom.

⁴² This could be a telephone or text message service, for example.

⁴³ The World Wide Web Consortium is the main international standards organization for the World Wide Web. Available at: <https://www.w3.org/WAI/fundamentals/accessibility-principles/> and information relating to accessible formats for web content, known as the Web Content Accessibility Guidelines 2.0 (WCAG), available at: <http://www.w3.org/TR/WCAG21/>

information. We will also make use of an independent external auditor to conduct a technical audit of the comparison tool against the approval criteria set by Ofcom.

4.14 The cost of the initial audit and reaccreditation fees are listed below:

Audit type	Relevant annual turnover	
	Less than £200,000	Over £200,000
Initial audit (full technical audit)	£1,000	£13,775
Reaccreditation audit	£500	£8,500

4.15 Where, following appropriate investigation and consultation with the relevant comparison tool, we consider that a member of our scheme no longer meets the accreditation criteria, we will remove accreditation unless the comparison tool is able to demonstrate that it has taken steps to ensure compliance.