10 June 2025

Submitted by email to:
tar2026consultation.responses@ofcom.org.uk

Promoting competition and investment in fibre networks: Telecoms Access Review 2026-31

About us

Consumer Scotland is the statutory body for consumers in Scotland. Established by the Consumer Scotland Act 2020, we are accountable to the Scottish Parliament. The Act defines consumers as individuals and small businesses that purchase, use or receive in Scotland goods or services supplied by a business, profession, not for profit enterprise, or public body.

Our purpose is to improve outcomes for current and future consumers, and our strategic objectives are:

- to enhance understanding and awareness of consumer issues by strengthening the evidence base
- to serve the needs and aspirations of current and future consumers by inspiring and influencing the public, private and third sectors

- to enable the active participation of consumers in a fairer economy by improving access to information and support

Consumer Scotland uses data, research and analysis to inform our work on the key issues facing consumers in Scotland. In conjunction with that evidence base we seek a consumer perspective through the application of the consumer principles of access, choice, safety, information, fairness, representation, sustainability and redress.

Consumer principles

The Consumer Principles are a set of principles developed by consumer organisations in the UK and overseas.

Consumer Scotland uses the Consumer Principles as a framework through which to analyse the evidence on markets and related issues from a consumer perspective.

The Consumer Principles are:

- Access: Can people get the goods or services they need or want?
- Choice: Is there any?
- Safety: Are the goods or services dangerous to health or welfare?
- Information: Is it available, accurate and useful?
- Fairness: Are some or all consumers unfairly discriminated against?
- Representation: Do consumers have a say in how goods or services are provided?
- Redress: If things go wrong, is there a system for making things right?
- Sustainability: Are consumers enabled to make sustainable choices?

We have identified access, choice and fairness and redress as being particularly relevant to this consultation.

Our response

Consumer Scotland welcomes the opportunity to respond to Ofcom's proposals for the regulation of the fixed telecoms markets that underpin broadband, mobile and business connections, for the period from April 2026 to March 2031. Our response will focus on why the Telecoms Access Review matters to consumers, the differences between Scotland and the rest of the UK and the implications of the Telecoms Access Review for these differences. We highlight below the elements of the proposals that we welcome, along with drawing attention to some areas that we have concerns about, with a particular focus on issues around the Quality of Service standards.

Why the Telecoms Access Review matters to consumers

UK adults spent an average of 4 hours and 20 minutes a day online in May 2024,[1] an increase of almost an hour from the September 2019 level of 3 hours and 29 minutes.[2] As the internet plays an increasingly central role in carrying out everyday tasks such as purchasing goods, accessing services and communicating, consumers have a growing need for faster and more reliable internet. Tackling connectivity gaps and improving access will be key to reducing the digital divide and enabling consumers to participate fully in an increasingly digital society. It also has a key role in enabling economic growth across all four nations.

There are significant benefits to consumers being able to access gigabit-capable networks compared to the legacy copper network, including higher speed, higher capacity, and lower fault rates. In addition, gigabit-capable networks are a more future-proofed option which can allow upgrades to support higher speed services as demand increases.

In line with the consumer principles of access and choice, we support the aim of promoting competition and investment in high quality gigabit-capable networks in order to bring faster, better broadband to consumers across the UK.

We welcome the prioritisation of 'delivering internet we can rely on' from the Ofcom Plan of Work and consider that this work will contribute to the outcomes outlined in the strategic context of the consultation. The Telecoms Access Review must deliver the outcomes of 'availability of high-quality networks where they are needed' and 'consumers are able to access services which are affordable' in order to protect consumers in Scotland - particularly those in remote and rural areas - from detriment.

Differences in the telecoms landscape in Scotland

The consultation paper outlines Ofcom's view that incentivising network investment across the UK is the best way to meet the growing demand for high speed and data intensive communications services. Delivery of this goal must take into account the consumer experience of accessing telecoms services in Scotland, particularly the experience of those in remote and rural areas. Any risks that may affect the ability of these consumers to benefit from the outcomes of the review must be identified and mitigated against.

Consumers in Scotland face a range of additional and differing challenges with accessing telecoms services compared to consumers in the rest of the UK. While there has been recent improvement, consumers in Scotland face geographic disadvantages, with communities across remote and rural Scotland experiencing particularly poor connectivity.

Ofcom's Connected Nations report shows that, despite recent progress, Scotland remains by many metrics the least connected of the four nations. Around 16,000 premises in Scotland do not have a decent broadband connection, and rural and island areas face overlapping disadvantages with lower connectivity speeds for both fixed and mobile technologies. [3] The Connected Nations Spring update shows that there are still notable differences in 'not spots' in Scotland compared to the UK, with Scotland having 10% of 4G total not spots vs 4% for the UK and 7% voice and text total not spots compared to 3% for the UK as a whole.[4]

The essential role of communications services in supporting the everyday lives of consumers depends upon the maintenance and development of resilient telecommunications networks. Climate change is having an increasing impact on infrastructure. The Climate Change Committee has determined that the UK telecommunications infrastructure is at risk from flooding, high winds and lightning strikes.[5] More winter storms, including disproportionately more severe storms, and smaller scale convective summer storm activity is also projected to increase over the UK in the future.[6] The increase in these extreme weather events and the impact that they can have on infrastructure means that power cuts and disruption to communications could become more commonplace. These risks will require investment, and at times, co-operation between providers, in order to be appropriately mitigated.

Consumers in Scotland, particularly those living in remote and rural areas, face a greater number of and longer lasting power cuts than in many other areas of the UK. Research by the Communications Consumer Panel found 91% of consumers in rural Scotland reported having at least one power cut in the past two years compared to 69% for the UK as a whole,[7] and 32% of respondents in rural Scotland reported having at least four power cuts in the last two years compared to 10% of respondents across the UK.[8] When asked about the duration of the longest power cut in the last two years, 3% of UK wide respondents reported having a power cut lasting at least one day, rising to 10% for respondents in Scotland and 17% for those in rural Scotland.[9]

These factors mean that many consumers in remote and rural Scotland may face compounding disadvantages or risks due to a combination of the frequency and length of power cuts, poorer than average mobile phone signal, the migration to digital landlines, a lack of resilience in local networks and the 3G switch off. In line with the consumer principle of access, we consider that investment in high quality gigabit-capable networks in order to deliver faster, better, more reliable broadband has the potential to mitigate against some of the disadvantages faced by consumers in Scotland and improve outcomes.

Aspects of the Telecoms Access Review proposals that we welcome

We welcome the Review's strategic consideration of what is required to promote future investment, innovation and competition, given the benefits this can deliver for both current and future consumers. Greater levels of competition can drive improvements in service, promote innovation, deliver enhanced choice for consumers and provide greater incentives for communications providers to price competitively to attract consumers. We agree with the potential benefits cited by Ofcom which can flow if the competition concerns arising from BT's significant market power are adequately addressed.

We agree with the objectives set, in relation to areas where network competition is and is not viable. Where network competition is viable, we agree with the focus on promoting investment and competition. In line with the consumer principles of access and choice, these actions have the potential to deliver improved outcomes for consumers. Where network competition is not viable, we agree with the objective to protect consumers and promote competition based on access to Openreach's network. However, we note the role of alternative network providers in widening access to telecoms services and the importance of allowing them to compete on a level playing field.

There are significant barriers faced by new entrants to the market and it takes time for new entrants to become well-established in their own right. Alternative network providers have an important role to play in widening consumer choice and encouraging competition, particularly in areas that are not currently adequately served by larger network providers, such as some parts of remote and rural Scotland. In line with the consumer principle of choice, it will be important for Ofcom to ensure that alternative network providers have the ability to compete on a level playing field and have fair and equal access to infrastructure to enable them to develop customer bases and scale up their operations. Ofcom should consider the impact on competition and consumer choice if alternative network providers were to consolidate and consider whether such consolidation might impact on the levels of access and choice available to consumers.

We welcome the Review's acknowledgement of the differing needs of urban and rural areas. It will be important to balance the need to ensure effective competition in as many areas as possible with the need for swift roll out of full fibre to areas that do not currently have access. In addition to achieving the roll out of full fibre, action is also needed to support an increased consumer take-up of full fibre. Greater take-up of full fibre would enable more consumers to benefit from the higher speeds, greater reliability, and lower fault rates compared to legacy copper networks. Greater take-up may also lead to a reduction in time and resources required to resolve faults and complaints from consumers on legacy copper networks. It therefore has significant advantages for both consumers and providers.

Ofcom should consider what action is needed to ensure that consumers have the information and targeted support required to enable them to move to full fibre where the technology becomes available. This might, for example, include providing information on the benefits of moving from legacy technology in a clear and accessible way and ensuing that affordable products are more available to consumers, including though facilitating greater availability and uptake of social tariffs.

The Review recognises that competitive conditions are different across the UK and notes the lower rates of connectivity for Scotland. The most recently published statistics show that 73% of premises in the UK have access to full fibre from at least one operator. This compares to 65% for Scotland and 44% for rural Scotland.[10] We welcome the proposal to define two distinct geographic areas and the differing objectives set out for these based on Ofcom's assessment of where network competition is and is not viable. Achieving the stated objectives will create careful balancing of the needs of consumers in areas with less competition with the needs of consumers as a whole across the UK to access lower prices and improved speeds.

We note that 'area 3' accounts for 18% of postcode sectors and 10% of premises in the UK. Looking at the postcode data for wholesale local access, Consumer Scotland analysis suggests that the areas falling within area 3 in Scotland are most heavily clustered in predominantly rural areas such as the DG, ZE, KW, IV, PH and PA postcode areas. Looked at on a sub-national basis, our analysis indicates that more than 30% of Scottish postcodes are categorised as area 3, as compared to 18% across the UK. As a result, there is a disproportionate risk of consumers in rural areas in Scotland being unable to benefit from the advantages of competition and finding it difficult to switch supplier.

Innovation and improvements in standards should be delivered across the country to avoid those in remote and rural areas being left behind. This is a clear risk as the digital divide narrows in urban areas but may continue in more rural areas. The overarching approach of defining geographic areas acknowledges the different competitive conditions across the UK and aims to facilitate improved access to full fibre in geographic areas defined as 'area 3' (where there is unlikely to be material and sustainable competition to Openreach in the commercial deployment of competing networks). We welcome Ofcom's proposed approach, which will promote investment by Openreach, as this should result in increased access to full fibre for consumers in 'area 3' locations. We also support the aim of ensuring appropriate access to competitors as being in the interests of consumers.

For wholesale local access (WLA), we agree with the proposal for two geographic areas and the categorisation of WLA area 2 and 3, differentiated by whether there is or is not likely to be material and sustainable competition to BT in the commercial development of competing networks. For leased line access (LLA) we agree with the creation of an additional geographic market of high network reach (HNR) areas where, due to the presence of at least two current and substantial competitors there is sufficiently well-established competition to BT in the commercial deployment of competing networks. We agree that for HNR areas Openreach should provide access to its leased lines services at fair and reasonable prices. We understand that the HNR category does not exist for WLA due to differences in the presence of networks that provide wholesale local access and/or leased line access, leading to geographic variations in the conditions of competition.

We welcome the decision to move the regulation from Openreach's products that support download speeds of up to 40 Mbit/s to those supporting up to 80 Mbit/s. This is in line with changes in the market driven by the increasing use of data by consumers and will ensure that the price cap remains effective.

Attracting consumers to full-fibre from legacy networks will be key and it is important to highlight and clearly articulate the risks of consumers staying on legacy technology beyond what is necessary. We note Ofcom's acknowledgement of the need for a gradual approach in the move away from copper landlines. We note the need for a balanced approach which can both avoid the excess costs of maintaining two networks, while also protecting consumers who remain on legacy technology until they are able to move to digital landlines safely.

Concerns about the proposals

Robust monitoring and enforcement will be needed to deliver the ambitions of the Telecoms Access Review. Ofcom should consider how its monitoring can best deliver consumer protection and enhance competition. Given the difficulties in ensuring competition operates across the UK, this highlights the need for both strong consumer representation and a focus on ensuring adherence to the Quality of Service standards. It also underlines the need for measures allowing competitors such as alternative network providers to participate in a fair and equal way.

We have concerns about the Quality of Service standards proposed for wholesale local access markets areas. It is proposed that the current requirement to meet fibre to the cabinet and metallic path facilities standards will be dropped, with Openreach requiring to meet these targets at national level instead, supplemented with reporting requirements at a sub-national level. Ofcom acknowledges in the consultation paper that removing these sub-national targets brings some risk to consumers and risks greater variation between management regions. We recommend that Ofcom should provide details of the assurance work undertaken to provide confidence that the removal of the sub-national level targets will not lead to a significant variation in performance levels between different parts of the UK.

Consumer Scotland is of the view that this proposed change may risk consumers in less densely populated areas experiencing a decline in service. It may be possible for the national target to be met without sufficient focus and attention being given to less densely populated areas, given the relatively low number of consumers affected. This is of particular concern to us given the number of consumers in Scotland who are resident in postcodes falling within area 3 categorisation. We would welcome Ofcom publishing further detail on how it will carry out its planned monitoring role in relation to Openreach's targets. This further detail should address questions such as:

- what threshold of sub-national divergence from the national target would lead to Ofcom taking action on Openreach's Quality of Service performance in a particular region, and

- what action this might be.

Ofcom are proposing to introduce a new set of Quality of Service targets for fibre to the premises in wholesale local access area 3. There is a need for more clarity on whether this target must be met at only a national level or at a regional level. Consumer Scotland recommends that the target should be met at both regional and at national level. This approach would prevent consumers living in remote and rural areas in the wholesale local access area 3 category receiving a poorer quality of service compared to those in more densely populated areas. We also recommend that the regional fibre to the cabinet and metallic path facilities Quality of Service targets should be retained until the new fibre to the premises targets for wholesale local access area 3 come into effect.

The proposed target for WLA area 3 is that 79% of repairs should be conducted within one working day. This is equivalent to Openreach’s current performance in WLA area 2 and we have some concerns about this approach. Ofcom has assessed Area 2 as being able to benefit from some network choice in the coming years, while it has assessed that this is not likely for area 3 consumers. Given this context, there is a compelling case for stronger performance targets for area 3, as consumers in these areas are less likely to have the alternative remedy of switching provider. We note that Ofcom did consider setting this target at 83% but concluded that it would be too expensive. However, given the relatively small number of consumers in WLA area 3, as noted in the consultation document, it is our view that it should be achievable for Openreach to achieve this higher level of performance. We recommend that this target in WLA area 3 be set at 83%.

Regarding the proposed WLA area 3 target relating to repairs within 11 days being set at 96%, we would recommend a more ambitious target of 98%. The current repair performance level is that 92% of repairs are completed within 5 days. Given that the repair period being proposed is being doubled from 5 to 10 days, the more ambitious target of 98% should be achievable.

The WLA area 3 targets for installation to be completed are based on existing performance and we would recommend consideration of more ambitious targets. These targets are intended to provide protections for consumers in the light of their lower degree of choice. Simply replicating the targets for area 2 is unlikely to offer consumers in area 3 any extra protection to compensate for their lack of ability to switch to an alternative provider.

Many proposed targets are based on current Openreach performance which Ofcom notes may improve. This risks WLA area 3 consumers being left behind as a result of low level targets. We note that Ofcom will consider reviewing these targets. However, we would recommend setting more ambitious targets for wholesale local access area 3 from the outset to avoid them becoming outdated and in need of rapid revision. In any case, we recommend that Ofcom commits to a specific review process, with published milestones, to check if the new targets are still fit for purpose. This could, for example, potentially be achieved through an annual check on progress.

Finally, we would question whether the Quality of Service targets set by Ofcom are broad enough in scope given that they only cover repairs and installations. We note that in the energy sector, network operations have a much broader set of targets to meet.[11] We recommend that Ofcom should consider examples from other markets and consider whether wider measures should be included in Quality of Service targets to reduce consumer detriment. Such measures could include service interruptions, minutes lost, and customer satisfaction. A wider range of Quality of Service measures, rigorously monitored on a sufficiently granular basis, would help to ensure consumers across the UK, including in remote and rural areas, receive access to services of an adequate standard.

Conclusion

We consider that the aims and outcomes of the proposals as a whole are appropriate, as is the geographic categorisation of areas for regulatory purposes. Given the constraints on competition in this market, the differences between regions, nations and areas and the impacts of these differences on consumers, there is a case for greater consumer protection against poor service, particularly for those consumers for whom switching will not be an option. This could be achieved by strengthening the Quality of Service Measures to retain sub-national targets and to set more ambitious targets for customer outcomes. Such targets must be underpinned by robust monitoring and we would welcome further detail on Ofcom's approach to such monitoring to ensure compliance,

[1] Ofcom (2024) Online Nation 2024. Available at: https://www.ofcom.org.uk/siteassets/resources/documents/research-and-data/online-research/online-nation/2024/online-nation-2024-report.pdf?v=386238

[2] Ofcom (2020) Online Nation 2020. Available at: https://www.ofcom.org.uk/siteassets/resources/documents/research-and-data/online-research/online-nation/2020/online-nation-2020-report.pdf?v=324898

[3] Ofcom (2024) Connected Nations. Available at: https://www.ofcom.org.uk/siteassets/resources/documents/research-and-data/multi-sector/infrastructure-research/connected-nations-2024/connected-nations-uk-report-2024.pdf?v=386497

[4] Ofcom (2025) Connected Nations Spring update. Available at: https://www.ofcom.org.uk/phones-and-broadband/coverage-and-speeds/connected-nations-update-spring-2025

[5] Climate Change Committee (2023) Progress in adapting to climate change. Available at: https://www.theccc.org.uk/publication/progress-in-adapting-to-climate-change-2023-report-to-parliament

[6] Met Office Recent trends and future projections of UK storm activity. Available at: https://www.metoffice.gov.uk/research/news/2021/recent-trends-and-future-projections-of-uk-storm-activity

[7] Communications Consumer Panel (2024) Analogue to digital telephony: Migration to VoIP: evidencing consumers' use of landlines and awareness of the migration. Available at:

https://www.communicationsconsumerpanel.org.uk/research-and-reports/analogue-to-digital-telephony-migration-to-voip-evidencing-consumers-use-of-landline

[8] Communications Consumer Panel (2024) Analogue to digital telephony: Migration to VoIP: evidencing consumers' use of landlines and awareness of the migration. Available at: https://www.communicationsconsumerpanel.org.uk/research-and-reports/analogue-to-digital-telephony-migration-to-voip-evidencing-consumers-use-of-landline

[9] Communications Consumer Panel (2024) Analogue to digital telephony: Migration to VoIP: evidencing consumers' use of landlines and awareness of the migration. Available at: https://www.communicationsconsumerpanel.org.uk/research-and-reports/analogue-to-digital-telephony-migration-to-voip-evidencing-consumers-use-of-landline

[10] Ofcom (2025) Connected Nations Spring update. Available at: https://www.ofcom.org.uk/phones-and-broadband/coverage-and-speeds/connected-nations-update-spring-2025

[11] RIIO-2 Electricity Distribution Summary Annual Report: 2023-24