

Reference: 01430341

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4 April 2022

## Freedom of Information: Right to know request

Thank you for your request for information in relation to porting and Ofcom staff data. We received this request on 7 March 2022 and have considered it under the Freedom of Information Act 2000 and as business as usual enquiries.

You asked 13 questions which are addressed below:

### Our response

#### 1. *What is the General Condition that applies at the moment?*

The General Conditions (“GCs”) that currently apply to number porting are GCs B3 and C7. Please see the current version of the GCs [here](#), which also contain a variety of other consumer protection measures.

As referred to in our previous response to you dated [18 February 2022](#), from April 2023 onwards number porting will be covered by the new GCs B3 and C7. In addition, under GC C1.3, communications providers will be required to provide customers with information on the right to a refund of any remaining credit in relation to prepaid services in the event of switching providers in accordance with GC C7.7. Please see the April 2023 version of the GCs [here](#).

#### 2. *Does this allow the Losing Provider to simply keep the credit?*

In relation to mobile communications services, current GC C7.22 requires communications providers to inform customers of any outstanding credit balances in respect of prepaid mobile services before they switch/port their number. Current GC C7.36 also places an obligation on communications providers to ensure that mobile switching customers are not charged after the switching process has been completed (which may include number porting).

In addition, current GCs B3.10 and C7.43 require communications providers to provide customers with reasonable compensation for porting failures and mobile switching failures.

As referred to in our previous response, current GC C1.8 requires providers to ensure that conditions or procedures for contract information do not act as disincentives for customers against changing their communications provider.

There is not currently an obligation on communications providers to refund any outstanding pre-paid credit to customers, but as referred to in our previous response and set out below in response to question 3, such an obligation will be in place from next year.

*3. In the future, why is the customer required to request the refund?*

The wording of GC C7.7(d), which will come into force in April 2023, reflects Article 106(6) of the European Electronic Communications Code which requires losing providers to refund, upon request, any remaining credit to customers using pre-paid services.

Please see [Fair treatment and easier switching for broadband and mobile customers: Implementation of the new European Electronic Communications Code](#) for Ofcom's reasoning on this matter.

*4. Is Ofcom aware that their concerns over porting are actually impacting customers who are simply transferring?*

We understand that this question relates to what you consider are Ofcom's concerns about the practicalities of porting, as set out in paragraph 5.106 of [Ofcom's Consumer Policy Statement](#). This Statement was published in 2006.

At that time, we were looking at (among other things) the costs and benefits of replacing the existing technical solution for routing calls to ported numbers, known as *onward routing*<sup>1</sup>, with a *direct routing* solution.<sup>2</sup> Rather than calls continuing to be routed to the original holder of the telephone number and then onward routed to the correct network when ported, correct routing would be performed at call set-up by querying a database. There are several benefits of this including the point made in the Consumer Policy Statement – that the ported customer would no longer be irrevocably reliant on their original provider to onward route calls to their chosen provider and therefore dependent on its technical and financial viability in perpetuity.

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<sup>1</sup> A technical service description for geographic number portability is published at [NICC ND \(niccstandards.org.uk\)](http://niccstandards.org.uk).

<sup>2</sup> See [Review of General Condition 18 – Number portability - Ofcom](#).

In 2008 we decided to require UK communications providers to establish a database of telephone numbers to facilitate direct routing<sup>3</sup> but this decision was overturned on appeal.<sup>4</sup> We reviewed the costs and benefits again in 2010 but found that the benefits of direct routing were outweighed by the costs or, in the case of mobile porting, not sufficiently beneficial to warrant regulatory intervention.<sup>5</sup>

We continue to see benefits of establishing a common database of phone numbers today, not just in relation to porting but potentially to facilitate technical measures to authenticate caller ID numbers which can be spoofed and used in call scams. We plan to gather views on this in the coming months.<sup>6</sup>

There are well established industry processes for porting numbers which have been developed over the last 25 years or so since porting was introduced in the UK.<sup>7</sup> Overseen by the Office of the Telecommunications Adjudicator (OTA2), communications providers meet regularly to keep these documented processes for porting fixed line phone numbers under review.<sup>8</sup>

*5. How many people obtain reference numbers for porting problems?*

We have interpreted your question as asking about the number of people obtaining complaint reference numbers from Ofcom for porting problems. In 2021, 466 complaints about number porting were raised with Ofcom in total.

Alternatively, we understand your question could refer to the [Port Override Process](#), which requires a complaint reference to be obtained from Ofcom prior to the issue being escalated to the OTA2. The Port Override Process is a specific scheme which relates to refusals by communications providers to provide customers with number portability. Further information about this scheme is set out under the heading '[Refused number porting](#)' on our website.

Ofcom understands that the Port Override Process has never been formally invoked to date and that any complaints raised have been resolved informally with providers.

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<sup>3</sup> See [portability statement \(ofcom.org.uk\)](#).

<sup>4</sup> See [1094/3/3/08 Vodafone Limited - Judgment \[2008\] CAT 22 | 18 Sep 2008 \(catribunal.org.uk\)](#).

<sup>5</sup> See [Routing calls to ported telephone numbers - Ofcom](#).

<sup>6</sup> For more background on our approach to scam calls and texts see [Tackling scam calls and texts: Ofcom's role and approach](#).

<sup>7</sup> See [Best practice guidance | OTA \(offta.org.uk\)](#).

<sup>8</sup> The OTA2 report regularly on their areas of work including porting – see the [Telecommunications Adjudicator update for February 2022 | OTA \(offta.org.uk\)](#).

6. *Do you sample those problems to see if they are resolved?*

We do not sample porting complaints to see if they are resolved.

7. *How many people accept a renumbering because porting problems have not been resolved?*

We do not hold this information.

8. *How often are people subject to a split port?*

We do not hold this information.

9. *How many staff are directly employed staff by Ofcom?*

As of February 2022, Ofcom employs 1183 members of staff.

10. *How many have a STEM degree qualification?, and*

11. *How many of your staff identified as the top earners have a STEM degree qualification?*

We do not hold this information. Ofcom staff come from a variety of education backgrounds and while staff members might have stated their respective degrees on the CVs we hold, we do not have a list of which colleagues hold which degrees. Therefore, we do not have information on the number of employees that have a STEM degree.

12. *How many technical investigations has Ofcom undertaken stimulated by customers informing you through your contact teams.*

We have interpreted your question as investigations for failing to comply with porting general conditions.

Ofcom has undertaken two enforcement actions. These have been against [Cloud M](#) and [Gateway](#).

13. *To which body is Ofcom accountable to as you appear to work behind a veil of secrecy and are ineffective in ensuring the integrity of the phone system.*

Ofcom is the UK's independent communications regulator, and we are funded by fees paid to us by the companies we regulate. Ofcom is accountable to Parliament.

If you have any queries, then please contact [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk). Please remember to quote the reference number above in any future communications.

Yours sincerely,

Eleanor Scott

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

The following outcomes are possible:

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

#### **Timing**

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

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

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire

SK9 5AF