

## Consultation response form

Please complete this form in full and return via email to [improving.engagement@ofcom.org.uk](mailto:improving.engagement@ofcom.org.uk) or by post to:

Carmen To  
Ofcom  
Riverside House  
2A Southwark Bridge Road  
London SE1 9HA

<b>Consultation title</b>	Consultation on end-of-contract and out-of-contract notifications
<b>Full name</b>	Andrew Griffiths
<b>Contact phone number</b>	[X]
<b>Representing (delete as appropriate)</b>	Self
<b>Organisation name</b>	
<b>Email address</b>	[X]

## Confidentiality

We ask for your contact details along with your response so that we can engage with you on this consultation. For further information about how Ofcom handles your personal information and your corresponding rights, see [Ofcom's General Privacy Statement](#).

<b>Your details: We will keep your contact number and email address confidential. Is there anything else you want to keep confidential? Delete as appropriate.</b>	Nothing
<b>Your response: Please indicate how much of your response you want to keep confidential. Delete as appropriate.</b>	None
<b>For confidential responses, can Ofcom publish a reference to the contents of your response?</b>	Yes / No

## Your response

Question	Your response
<p><b>Question 1: Do you agree with our assessment of harm relating to residential consumers and Small Businesses?</b></p>	<p>Yes</p> <p>Confidential? – N</p>
<p><b>Question 2: Do you agree that providers should send both end-of-contract and out-of-contract notifications?</b></p>	<p>Yes, but the content proposed is insufficient and likely to be unclear</p> <p>Confidential? – N</p>
<p><b>Question 3: Do you agree with our proposal that notifications should be sent to all residential and Small Business customers who take Public Electronic Communications Services?</b></p>	<p>Yes</p> <p>Confidential? - N</p>
<p><b>Question 4: Do you agree with our proposals on the content of the end-of-contract notification?</b></p>	<p>No. With particular reference to mobile contracts, the main issue is that most contracts comprise a “airtime/data/text” element and a handset charge. The vague and unsatisfactory wording of the proposed changes will not properly explain the issue that faces the consumer.</p> <p>The proposal needs to require mobile operators to separately state the cost of the handset element, and of the network element. It should then state (for the networks who intend to continue in the practice) that the operator proposes to continue to help itself to the handset amount due to weak regulation.</p> <p>Confidential? – N</p>
<p><b>Question 5: Do you agree with our proposals on the structure, method, timing and frequency of the end-of-contract notification?</b></p>	<p>No. A single, vague notification is utterly inadequate. Customers have busy lives and varied abilities to engage. Assuming that they will be suitably engaged by a single unsolicited letter, text or email would seem to me to be a belief that is not supported by (for example) the extensive effort required to increase engagement in the energy market.</p> <p>Confidential? – N</p>
<p><b>Question 6: Do you agree with our proposals</b></p>	<p>No. In respect of mobile phone customers</p>

<p><b>on the content of the out-of-contract notification?</b></p>	<p>even for out of contract customers, it would be fairer and simpler to require network operators to separate out the implied handset and network charges. If there were effective regulation they wouldn't be able to take charges in respect of handsets that have been fully paid off during the contract period.</p> <p>Confidential? – N</p>
<p><b>Question 7: Do you agree with our proposals on the structure, method and frequency of the out-of-contract notification?</b></p>	<p>No. As with Q 5, a single, vague notification is utterly inadequate. Customers have busy lives and varied abilities to engage, and if they are already out of contract, then clearly they are disengaged. A single unsolicited message is singularly unlikely to change this.</p> <p>Confidential? – N</p>
<p><b>Question 8: Do you agree that our proposals are both effective and the minimum necessary to achieve our policy objectives?</b></p>	<p>No. In respect of mobile phone contracts, I do not believe that a single notification is adequate, and I do not believe that allowing operators to continue to charge for a fully -paid handset when out of contract are fair on customers. Was this really the best that Ofcom can come up with?</p> <p>It would be fairer and simpler to require network operators to separate out handset and network charges, and to be required to cease the handset element at the end of the contract – as one network operator already does.</p> <p>Confidential? – N</p>
<p><b>Question 9: Do you agree with the impacts we identify, and the approach we take to quantify these impacts, in our assessment in Annex 6?</b></p>	<p>The analysis of mechanisms of consumer harm is reasonably comprehensive, although I was unable to see an aggregate value for the loss to customers of the current situation.</p> <p>Confidential? – N</p>
<p><b>Question 10: Do you agree with our provisional assessment that the potential costs for providers are not disproportionate in order to achieve our policy objectives?</b></p>	<p>Yes. But I am concerned that Ofcom appear to place as much concern on the costs to operators of sending out a small number of messages as they do on the many thousands of customers paying excess charges due to the lack of transparency and fair practice in the telecoms market. Having worked for a large</p>

	<p>scale customer service business, I am unconvinced by Ofcom's assessment of the costs to operators – I believe these will be negligible within the context of those companies' vast consumer engagement efforts to upsell and cross-sell.</p> <p>This continues to reflect the lack of consumer focus by Ofcom, who compare very, very unfavourably with other sector regulators like Ofwat or Ofgem.</p> <p>Confidential? – N</p>
<p><b>Question 11: Do you agree with our proposed implementation timescale for end-of-contract notifications and for the one-off notification to customers who are already outside of their minimum contract period?</b></p>	<p>No. It takes telecoms operators a few days to send out newly created marketing text messages when it suits them. Allowing them six to nine months is absurd, and looks like a fine example of regulatory capture. As per comments above, Ofcom should have worked out the cost to consumers of this curiously slow implementation timetable.</p> <p>Confidential? – N</p>
<p><b>Question 12: Do you have any comments on the draft condition set out in Annex 9 to this document?</b></p>	<p>No, other than to observe that the draft conditions reflect the timid and inadequate proposals.</p> <p>Confidential? – N</p>

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