



HARMONISED EUROPEAN NUMBERS FOR SERVICES OF SOCIAL VALUE

Proposed allocation and charging arrangements for
116 numbers in the UK

Consultation

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Section 1

Summary

Background

- 1.1 The Commission for European Communities ('the Commission') is aiming for certain services of social value to be called using the same memorable telephone numbers in all Member States. At present many hotline and helpline services are available across Europe but numbers differ between countries making it difficult for visitors from other European Union countries to find the correct telephone number for a service when they need help, assistance or advice.
- 1.2 In order to achieve the goal of 'same number – same service', the Commission published a decision on 15 February 2007¹ ('the Decision') requiring harmonisation of the '116' 6-digit range of national telephone numbers for harmonised services of social value. According to the Decision, these are services that answer a specific social need and are potentially of value to visitors from other countries. To illustrate what these services may be like, the first three 116 numbers to be reserved by the Commission are the 116000 hotline for missing children; 116111 child helplines; and 116123 emotional support helplines. Services using 116 numbers are harmonised across Europe and are 'freephone'. The Commission decides which services should be reserved 116 numbers and attaches conditions relating to the use of the numbers.
- 1.3 The Commission has already consulted on the concept of harmonised numbers for services of social value. We are not, therefore, consulting on whether to make 116 numbers available or on the services to be provided on those numbers - these decisions are a matter for the Commission. The purpose of this document is to consult on issues of 116 number implementation in the UK. As well as providing background information and clarification of the 116 service, this consultation puts forward proposals on two key implementation matters – the allocation process and charging arrangements.

116 number allocation process

- 1.4 The Commission will reserve only one 116XXX number for each type of service. This presents us with a unique situation for number allocation as there may be a number of service providers interested in acquiring the single 116 number available for their type of service. In order for the most suitable provider to receive the allocation, we are proposing to use a comparative selection process rather than the 'first come first served' approach used for other telephone numbers.
- 1.5 Comparative selection is a new process for us and we have consulted with Government on the best way for us to make decisions on service provider suitability. The Cabinet Office is committed to assisting us in this process. It will establish advisory committees to advise us on the allocation of each 116 number, drawing on the experience of its Contact Council² and other Government and non-Government expertise.

¹ Commission Decision of 15 February 2007

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/l_049/l_04920070217en00300033.pdf

The Decision is reproduced in Annex 6.

² The Cabinet Office's Contact Council provides oversight across public sector on all matters relating to customer contact.

http://www.cabinetoffice.gov.uk/public_service_reform/contact_council.aspx

1.6 The proposed process for allocating 116 numbers is as follows:

- when the Commission reserves a 116 number for a particular service, we will consult on adding that number to the National Telephone Numbering Plan ('the Numbering Plan'), including consulting on our proposed charging arrangements for that number;
- Government will establish an advisory committee for each 116 number, which will advise us on the relevant factors for assessing applications for each 116 number ('the Service Eligibility Criteria'³);
- once the Numbering Plan has been updated to include the 116 number, a six-week 'call for interest' period will be launched, during which interested service providers (together with their preferred communications provider) are invited to submit details of their service and explain how they would meet the published Service Eligibility Criteria for that 116 number;
- the advisory committee will assess the interested service providers and their services, advise Ofcom on which applicants meet the Service Eligibility Criteria and recommend which should be allocated the 116 number;
- we will invite all applicants that meet the Service Eligibility Criteria to submit an access code application form requesting allocation of the 116 number; and
- we will make the final decision on allocation of the 116 number and will inform the applicants of the outcome.

1.7 The allocation of a 116 number to a service provider is not a form of accreditation. The decision would be taken on what appears to us to be the best use of the number based on the information provided and we would monitor service provision to ensure that it meets with the Service Eligibility Criteria. We would not, however, be responsible for monitoring the day-to-day provision of the service or the content of individual calls.

Charging arrangements

1.8 The services provided on harmonised 116 numbers will meet a clear social need, contributing to the well-being or safety of citizens or helping citizens in difficulty and will potentially be of value to visitors from other countries. Given their social importance, the Commission has stated in its Decision that 116 numbers should be 'freephone' numbers. However, freephone means different things in different Member States. In some countries, freephone calls are always without cost to the caller. In others, including in the UK, the caller may incur charges. In the UK, there is a requirement that the caller is notified by an announcement at the start of the call before any charges apply.

1.9 Due to the common practice of charging for freephone calls from mobile telephones, we consider that designating all of the 116 range as freephone would not sufficiently further the social function of some of the services that might be offered. We propose that for some 116 services of extreme social value it would be strongly in the consumer interest to ensure that the call is always 'free to caller', meaning that there is no charge irrespective of how the call is made.

³ The 'Service Eligibility Criteria' consists of the Commission's Service Description and the General and Specific Service Conditions attached by the Commission to the right of use of each 116 number, and any Additional Specific Service Conditions attached by Ofcom to the right of use of a number. The advisory committee will also advise us on the supporting information that we should seek as part of the application in order to get a broader understanding of the service.

- 1.10 We consider that the three services currently given 116 numbers by the Commission - hotline for missing children, child helplines and emotional support helplines – are of extreme social value and should be free to caller. However, there is potential for the Commission to reserve many 116 numbers for different types of services of social value, and some may focus on providing useful but non-urgent information or have a commercial element. Imposing a free to caller tariff for such services may not be justifiable. We therefore propose a set of factors to inform the decision on each of the subsequent 116 services as to whether they should be freephone or free to caller. The factors would be based on the level of social need met by the service; the likely situation of callers when they need to call the service; and the market environment in which the service operates. We would consult on the appropriate charging arrangements for each 116 number as part of our process of making the numbers available for allocation.

Consultation process

- 1.11 This consultation document provides information and background on 116 numbers, the Commission's Decision and its responsibility for reserving 116 numbers for services of social value. These matters have already been decided at the Community level and are not the subject of this consultation.
- 1.12 We are consulting on our proposals for how 116 numbers should be allocated in the UK and the most appropriate charging arrangements for 116 numbers. Our proposals would require modifications to the Numbering Plan, General Condition 17 ('the Numbering Condition') and the access code application form. This consultation document follows the necessary statutory procedures and explains the reasoning behind the proposed modifications. Subject to responses to the consultation and further consideration of any issues identified through this process, these proposals could be implemented by early 2009.
- 1.13 We welcome responses to the specific questions in the document and general comments on our proposals. See Annex 1 for an explanation of how to respond and Annex 2 on how Ofcom consults. The consultation will close at **5pm on 10 December 2008**.

Section 2

Introduction

- 2.1 The Commission has a duty to represent and uphold the interests of the European Union (EU) as a whole, and to work to further the welfare of its citizens. In line with this duty, the Commission considered that it would be of benefit to EU citizens, particularly travellers, if they were able to reach certain services that have a social value by using the same recognisable numbers in all Member States. As a variety of numbering schemes exist in different countries, the Commission considered that intervention at the European level was required to provide a harmonised numbering scheme for services of social value, such as hotlines and helplines for people in need.
- 2.2 The Commission has worked with European numbering forums, in particular the Electronic Communications Committee (ECC)⁴ Numbering, Naming and Addressing Working Group and with National Regulatory Authorities (NRAs) to develop its proposals and to identify the most appropriate number range for harmonisation. In order for the numbers to be memorable, it was decided that the range should be shorter than standard telephone numbers. Numbers beginning with the digit '1' are generally used as short digit access codes and, in particular, ranges beginning with '10' and '11' have historically been set aside for European harmonisation. Further to a survey of available number ranges, 116 was identified as the range available for use in all Member States.
- 2.3 116 numbers are to be made available for harmonised services of social value from each Member State's national numbering plan and their use harmonised across the Community to produce 'same number – same service' memorability for citizens in Member States.
- 2.4 The procedures for allocating 116 numbers are to be determined by each Member State in line with their national regulatory processes. Ofcom is responsible for the administration of the UK's telephone numbers and it is therefore our responsibility to determine the most appropriate allocation procedures and charging arrangements for 116 numbers in the UK.
- 2.5 Arrangements for 116 numbers will be of interest to a wide range of stakeholders, in particular, providers of services of social value. Numbers have been reserved for three types of service so far – hotline for missing children; child helplines and emotional support helplines – but over time, more types of services may be reserved 116 numbers by the Commission. It is, therefore, important for our consultation process that stakeholders with expertise in the provision of a wide range of services of social value consider the proposals for implementation put forward here. Service providers should note, however, that there is no obligation to apply for the allocation of a 116 number should one be made available for the type of service that they provide. Also, allocation of a 116 number to a service provider does not affect that organisation's ability to use and advertise other telephone numbers if they wish to do so.

⁴ The ECC is part of the European Conference of Postal and Telecommunications Administrations (CEPT) which has a membership of 48 countries. <http://www.ero.dk/ecc>

Section 3

Harmonised European numbers for services of social value

Background

- 3.1 This section provides information and background on 116 numbers, the Commission's Decision and its responsibility for reserving 116 numbers for services of social value. These matters have already been decided at the Community level and are not the subject of this consultation.
- 3.2 Sections 4 and 5 of this document set out our proposals for implementation of 116 numbers in the UK, specifically the proposed allocation process and the charging arrangements. Section 6 sets out our specific proposals for the first three 116 numbers reserved by the Commission.

The Commission Decision on reserving 116 numbers in national numbering plans

- 3.3 Following public consultation, the Commission issued a Decision on 15 February 2007 requiring the reservation of the national numbering range beginning with '116' for 'harmonised numbers for harmonised services of social value'.⁵
- 3.4 The Decision has regard to the Framework Directive⁶, in particular Article 10(4) which states-

“Member States shall support the harmonisation of numbering resources within the Community where that is necessary to support the development of pan European services. The Commission may....take the appropriate technical implementing measures on this matter”.
- 3.5 The Decision is the technical implementing measure considered appropriate by the Commission to harmonise national numbering resources to support the development of pan-European services. Member States must take action to implement the Decision as appropriate within their national regulatory frameworks. As Ofcom is responsible for the allocation of telephone numbers in the UK, we have been charged with the implementation of the Decision in the UK.

Definition of a harmonised service of social value

- 3.6 The Decision defines a harmonised service of social value in Article 2 as-

“a service meeting a common description to be accessed by individuals via a freephone number, which is potentially of value to visitors from other countries and which answers a specific social need, in particular which contributes to the well-being or safety of citizens, or particular groups of citizens, or helps citizens in difficulty”.

⁵ Commission Decision of 15 February 2007

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/l_049/l_04920070217en00300033.pdf

The Decision is reproduced in Annex 6.

⁶Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)

http://ec.europa.eu/information_society/topics/telecoms/regulatory/new_rf/documents/l_10820020424en00330050.pdf

- 3.7 All services on 116 numbers must adhere to the following conditions listed in the Decision in Article 4. We refer to these as General Service Conditions in this consultation document:
- i) the service provides information or assistance or a reporting tool to citizens, or any combination thereof;
 - ii) the service is open to all citizens without any requirement of prior registration;
 - iii) the service is not time-limited. There is an expectation that the service is to be provided for the foreseeable future. Services of a temporary nature, for instance services associated with a single event, are excluded;
 - iv) there is no payment, or payment commitment as a pre-requisite for using the service; and
 - v) the following activities are excluded during a call: advertisement; entertainment; marketing and selling; using the call for the future selling of commercial services.
- 3.8 In addition to the General Service Conditions, specific conditions may also be set by the Commission at the time of reserving a 116 number to control the nature of that particular service and ensure pan-European harmonisation. These are referred to as Specific Service Conditions in this consultation document.
- 3.9 There is some limited scope for Member States to attach additional conditions to the right of use provided that such conditions do not hinder the harmonising effect of the Decision or create a barrier to the development of pan-European services. Any Additional Specific Service Conditions should follow the rules of the European regulatory framework, in particular Article 6 of the Authorisation Directive⁷ and Part C of its Annex, which sets out the type of conditions which may be attached to rights of use of telephone numbers. Furthermore, such conditions must be objectively justified, non-discriminatory, proportionate and transparent in what they are intended to achieve.

Duties of the Member States

- 3.10 The Decision sets out a number of measures that NRAs responsible for administering telephone numbers must take to implement the Decision. These duties fall to Ofcom in the UK and cover:
- (i) taking all necessary measures to ensure that 116 numbers reserved by the Commission can be allocated in the UK;
 - (ii) making known when a new 116 number is available for the provision of the associated service and the process for applying for the allocation of the number;
 - (iii) ensuring that 116 numbers reserved by the Commission are only used for the specified service and that 116 numbers not reserved by the Commission are not used; and

⁷ Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive) http://ec.europa.eu/information_society/topics/telecoms/regulatory/new_rf/documents/l_10820020424en00210032.pdf

- (iv) keeping a publicly available register of 116 numbers available in the UK and reporting on service availability periodically to the Commission.

3.11 For the avoidance of doubt, the Decision confirms that the reservation of a 116 number for a specified service does not carry an obligation for Member States to ensure that the service in question is provided within their territory.

Format of 116 numbers

3.12 The Commission has initially made 199 numbers potentially available for reservation in the format 116000 to 116199 inclusive, excluding 116112 to avoid confusion with the European emergency number '112'. Other parts of the 116 number range may be made available for reservation at a later stage in light of experience and depending on demand.

Reservation of 116 numbers

3.13 Reservation of 116 numbers for specified services is carried out at the European level and the process is the responsibility of the Commission. To reserve a 116 number, the Commission amends its Decision to include the following details:

- the 116 number;
- the Name of Service as given by the Commission;
- the Service Description, which is the Commission's description of the main elements of the service; and
- any Specific Service Conditions attached by the Commission to the rights of use of that number.

Reservation of the first three 116 numbers

3.14 The Decision of 15 February 2007 included one number in the Annex – 116000 for the service 'Hotline for missing children'. On 29 October 2007, the Commission issued a decision amending the initial Decision ('the Amending Decision')⁸ in order to reserve two additional numbers beginning with 116 and to include the Service Description and Specific Service Conditions for 116000. The numbers currently reserved by the Commission, their Name of Service and their Service Description are set out in the following table.

⁸ Commission Amending Decision of 29 October 2007
http://ec.europa.eu/information_society/policy/ecomm/doc/current/Amendment.pdf
The Amending Decision is reproduced at Annex 7.

Number	Service for which this number is reserved	
	Name of Service	Service Description
116000	Hotline for missing children	The service (a) takes calls reporting missing children and passes them on to the police; (b) offers guidance to and supports the persons responsible for the missing child; (c) supports the investigation into the missing child.
116111	Child helplines	The service helps children in need of care and protection and links them to services and resources; it provides children with an opportunity to express their concerns, talk about issues directly affecting them and contact someone in an emergency situation.
116123	Emotional support helpline	The service enables the caller to benefit from a genuine human relationship based on non-judgemental listening. It offers emotional support to callers suffering from loneliness, in a state of psychological crisis, or contemplating suicide.

Figure 3.1: 116 numbers reserved by the Commission as at 1 October 2008

Reservation of additional 116 numbers

- 3.15 Requests for the reservation of a chosen 116 number for a particular service of social value may be submitted to the Commission by any party at any time. Applications must include detailed service descriptions explaining how the proposal fits with the definition of a harmonised service of social value and how it justifies the reservation of a 116 number. It is important to note that reservation by the Commission of a 116 number for a specific service does not give any rights to the person or organisation that applied to the Commission for the reservation in any given national environment. Applications for 116 number reservations should be sent to the Commission at INFSO-116numbers@ec.europa.eu.
- 3.16 Applications will be considered by the Communications Committee ('COCOM').⁹ COCOM follows a 'comitology' or committee procedure for assessing whether applications meet the Commission's criteria for reservation of 116 numbers. In practice, this procedure has included detailed analysis of service applications in COCOM ad hoc 116 meetings, followed by discussion of the resulting recommendations at the main COCOM meeting, and then public consultation on the reservation of any 116 numbers proposed. Ofcom and the Department of Business, Enterprise and Regulatory Reform ('DBERR') are represented at all stages of the committee procedure. We will continue to work with the Commission to ensure that services reserved a 116 number are limited to those with a real case for pan-European harmonisation, that are highly likely to be launched in a number of countries and which meet an overwhelming social need.
- 3.17 The Commission expects to consult on reserving additional 116 numbers periodically, probably every six or twelve months depending on demand. Following a positive outcome to a consultation, the Commission will amend the Decision to include the details set out in paragraph 3.13.

⁹ COCOM consists of officials from Member State authorities responsible for electronic communications and assists the Commission in carrying out its executive powers under the Framework Directive.

- 3.18 The Commission will allow a period of time between amending the Decision and when Member States should be in a position to accept applications for the allocation of the new 116 number(s). This will allow NRAs to implement the necessary arrangements to make the numbers available for allocation from their national numbering plans.

Impact and potential support for 116 numbers

- 3.19 The Commission is of the view that the initiative for harmonised numbers for services of social value is potentially of greater value to citizens if extended beyond Member States to include other European countries. This has been recognised by the Commission in marking the Decision as having relevance for the European Economic Area. In addition, the ECC published a Decision on reserving 116 numbers for harmonised services of social value in national numbering plans on 6 July 2007¹⁰, and amended its Decision on 26 February 2008 to include 116111 and 116123 in line with the Commission's Amending Decision. Implementation timelines aside, the ECC Decision essentially mirrors the Commission's Decision, extending the requirements to reserve the 116 number range beyond Community Member States to cover the 48 CEPT member countries.
- 3.20 There have been a number of public statements in support of the 116000 hotline for missing children service, which suggest an intention to contribute to the implementation of the 116 concept at the national level. In particular, the EU telecoms industry, represented by Cable Europe, the European Competitive Telecommunications Association (ECTA), the European Telecommunications Network Operators (ETNO) and GSM Europe issued a press release on 8 June 2007 supporting the missing children hotline.¹¹ The press release announced industry guidelines for implementing 116 numbers with minimal delays and encouraged all communications providers to carry calls to 116 numbers. Also, the ECC and Missing Children Europe¹² signed a statement of intent covering a number of implementation issues designed to facilitate service provision and a commitment to expand the reservation of the 116000 number to the CEPT member countries.

Timelines for implementation

- 3.21 The Decision of 15 February 2007 and the Amending Decision of 29 October 2007 included details of the Commission's intended timetable for implementation. Article 5 of the Decision on the assignment of harmonised numbers states that-

"Member States shall take all necessary measures to ensure that as from the 31 August 2007 the competent National Regulatory Authority can assign the numbers referred to in the Annex".

- 3.22 The number referred to in Article 5 of the Decision is 116000 for the service 'Hotline for missing children'; this being the only number reserved at the time the Decision was published.

- 3.23 Article 2 of the Amending Decision included timelines for 116111 and 116123 numbers, stating that-

"Member States shall take all necessary measures to ensure that as from 29 February 2008 the competent National Regulatory Authority can assign the numbers referred to in the Annex".

¹⁰ www.erodocdb.dk/Docs/doc98/Official/word/ECCDec0703.doc

¹¹ http://www.etno.be/Portals/34/press_corner/Joint%20industry%20PR_missingchildren_080607.pdf

¹² Missing Children Europe is the European Federation for Missing and Sexually Exploited Children. Missing Children Europe made the request to the Commission for the reservation of 116000 for Hotline for Missing Children services.

- 3.24 Despite the Decision being published in February 2007, discussions on various implementation issues with the Commission, COCOM and within European numbering forums continued throughout 2007. These issues were not fully resolved until earlier this year. Ofcom, together with a number of other Member States, informed the Commission that we would not be able to meet the timelines for implementation set out in the Decision, but that we are working towards implementation in a manner that best promotes the goals of harmonised 116 numbers in a transparent and considered manner as quickly as possible. We have kept the Commission informed of progress towards implementation of 116 numbers.

Ofcom action

- 3.25 The Decision gives NRAs a number of responsibilities in terms of implementing the Decision's requirements. These are set out in Articles 3 to 6 and include taking the necessary measures to ensure 116 numbers reserved by the Commission (and only those 116 numbers) can be allocated in the UK and that the process for applying is known.
- 3.26 We believe that a new allocation process is required as 116 numbers are the first UK number range where only one number is available for a specified service and potentially multiple eligible applicants for the allocation exist. We also believe that intervention is required in relation to charging arrangements. These issues are the subject to the proposals described in the following sections of this consultation document.
- 3.27 Ofcom must maintain a publicly available register of 116 numbers available in the UK, monitor the use of the numbers, and report on these to the Commission. We propose to fulfil this requirement by maintaining a dedicated area of our website within the 'numbering information' section to provide information on 116 numbers. This will include status information on 116 number availability; guidance on applying for number allocation; the outcome and reasoning behind allocation decisions; and other relevant information.

Section 4

Allocation of 116 numbers

Introduction

- 4.1 Ofcom is required under the Decision to take all action necessary to make the 116 numbers reserved by the Commission available for allocation in the UK. We have already set aside the 116 number range for possible European harmonisation and therefore the numbers are free to be designated for harmonised European services of social value.
- 4.2 Our role in the allocation of 116 numbers is to make the numbers reserved by the Commission available in the UK and to take decisions on which parties should be allocated the numbers. **The decision to allocate a 116 number to a service provider is not a form of accreditation.** The decision would be based on what appears to us to be the best use of the number given the information provided. We would be responsible for ensuring that the service using the 116 number meets the Service Eligibility Criteria (see paragraph 4.6). We would not, however, be responsible for monitoring the day-to-day provision of the service or for monitoring the content of individual calls.
- 4.3 In order to make 116 numbers available, decisions need to be made on the allocation process. This section of the document examines the options for allocation, sets out our preferred approach and seeks views on our proposals. Further analysis of the options is provided in the impact assessment at Annex 5.

Policy objectives

- 4.4 There are three top-level questions on the allocation of 116 numbers which this consultation seeks to answer:
- who can apply for a 116 number?
 - what form of selection process should be used to allocate 116 numbers?
 - how should that selection process be run?
- 4.5 There are a number of ways these questions could be answered. We consider that the most appropriate options would help us to meet our duties to:
- secure the best use of each 116 number; and
 - further the interests of citizens and consumers in the UK and the European Union.

Service Eligibility Criteria

- 4.6 The Commission has attached General Service Conditions to the right of use of all 116 numbers. These are set out in the Decision (see paragraph 3.7). Also, the Commission, in its Amending Decision and future amending decisions, sets out for each 116 number, the Name of the Service, the Service Description and any Specific Service Conditions attached to the rights of use for that 116 number. In addition, as set out in paragraph 3.9, there is limited scope for Member States to attach, subject to consultation, Additional Specific Service Conditions to each 116 number. Together,

the above form the Service Eligibility Criteria that must be met by all services using 116 numbers

Who can apply for a 116 number?

- 4.7 Allocation in the context of a telephone number is about which organisation is given the number to use and be contacted on. It indicates the communications provider that terminates the call and has no bearing on the ability of all other communications providers to originate calls from their customers to the service provided on the number.¹³
- 4.8 We only allocate telephone numbers to communications providers (that is, providers of electronic communications networks and services). We have not put into place procedures to allocate numbers to non-providers, and although there is provision to do so under the Communications Act 2003 ('the Act'), we are not proposing a numbering condition to allow for the allocation of numbers to non-providers at this time. Generally, current technical processes for carrying calls effectively and efficiently rely on originating and transit communication providers routing calls to the termination point of the communications provider allocated the number.¹⁴ We do not consider it necessary to propose changes to this established process for 116 numbers and therefore we are only considering options that involve allocation to communications providers.

Options for who can apply for a 116 number

- 4.9 We have identified four options for determining who can apply for a 116 number. These options are:

- | | |
|----------------------|---|
| Allocation Option 1: | any communications provider without application to Ofcom |
| Allocation Option 2: | allocation to a communications provider following an application to Ofcom |
| Allocation Option 3: | allocation to a communications provider / single service provider partnership following an application to Ofcom |
| Allocation Option 4: | allocation to a communications provider / single or multiple service provider partnership following an application to Ofcom |

Allocation Option 1: any communications provider without application to Ofcom

- 4.10 We could make 116 numbers generally available for use by any communications provider to route their customers' calls to their choice of service provider, on condition that the service provided meets the Service Eligibility Criteria. This approach has been taken for services that may benefit from a range of service providers or by having network specific provision, such as operator assistance.

¹³ Call origination is a commercial issue. Only BT has an obligation to provide its customers with access to all telephone numbers in service (including 116 numbers) in accordance with the terminating communications provider's request. This is due to BT's access-related obligation to provide end-to-end connectivity. For more information see Ofcom's statement *End-to-End Connectivity* published on 13 September 2006 available on our website at:

http://www.ofcom.org.uk/consult/condocs/end_to_end/statement/statement.pdf

¹⁴ The exceptions to this general practice are some access codes (ie Type A and Type C). These are listed in the Annex to the Numbering Condition and may be adopted or otherwise used in accordance with their designation without application to Ofcom.

- 4.11 In order to make 116 numbers generally available to all communications providers without application, we would need to amend the Annex to the Numbering Condition to include 116 numbers as 'Type A Access Codes'.¹⁵
- 4.12 While this option would represent a simple process for Ofcom to make 116 numbers available for use, we do not believe that making the numbers generally available without application would result in the numbers being put to best use or in the delivery of a consistent level of service to consumers.
- 4.13 Under this option, we would play no part in verifying whether services comply with the Service Eligibility Criteria. Instead, communications providers would have the duty of ensuring that they route calls to services that are in accordance with the Service Eligibility Criteria. This would create an administrative burden on communications providers and it would be difficult for us to undertake the required monitoring of service provision and compliance. A harmonised approach would be difficult to achieve, particularly if multiple service providers emerge, leading to possible consumer confusion and a detrimental variation in levels of provision. For these reasons, we do not favour an option that makes 116 numbers available for all communications providers to use without application.

Allocation option 2: allocation to a communications provider following an application to Ofcom

- 4.14 The vast majority of telephone numbers are allocated directly to an individual communications provider. As mentioned, this allows for efficient and effective routing of calls.
- 4.15 In order to make 116 numbers available for individual allocation by Ofcom to a communications provider, the numbers would need to be designated as a type of access code known as 'Type B Access Codes'. These are short digit numbers, allocated individually by Ofcom to communications providers, which provide access to a variety of services. Directory Enquiry (DQ) services on 118 numbers are an existing example of Type B Access Codes. Type B Access Codes are set out in the Numbering Plan. This ensures, through the requirement in the Numbering Condition, that only numbers allocated to a communications provider may be adopted or used.
- 4.16 Under Allocation Option 2, the allocation of the 116 number would be made in the name of the communications provider only. The service provider would not be specified as a condition of allocation and the communications provider may make this decision itself provided that the service meets the Service Eligibility Criteria.
- 4.17 We have some concerns about not specifying the provider of the service as this would allow the communications provider to select and change service provider without application to Ofcom. This could lead to the provision of a service different from the one put forward as part of the original application for the 116 number and may result in a less harmonised service or one that does not adequately meet the needs of consumers.

Allocation option 3: allocation to a communications provider / service provider partnership following an application to Ofcom

- 4.18 Under the current allocation process, we may only allocate numbers to communications providers. Therefore it is a communications provider which must submit an application to us for the allocation of a 116 number. However, the likely

¹⁵ Type A Access Codes are defined in the Numbering Plan as being "available for use by all providers of a Public Telephone Network and are used in such a way as to enable End-users to access designated services across all Public Telephone Networks".

providers of the types of services of social value for which 116 numbers would be reserved are non-communication providers. Under Allocation Option 3, partnerships of communications providers and service providers could apply for 116 numbers and the allocation would be made in the name of the communications provider only for use in conjunction with the named service provider.

- 4.19 The names of the communications provider and the service provider allocated the 116 number would be recorded in the National Numbering Scheme ('the Scheme')¹⁶ and on the notification of allocation. This proposal is similar to the process in place for the allocation of '118' DQ numbers and ensures that services accessed via 118 numbers may only be provided by the named communications provider and service provider partnership, preventing the number being sub-allocated without our approval. This is secured by clause 17.1 of the Numbering Condition.¹⁷
- 4.20 If the service provider is unable or decides not to continue to provide the service, the 116 number would be returned to Ofcom to make available for allocation to another communications provider / service provider partnership. We would consider requests for a change to either the communications provider or the service provider on receipt of a joint application by the parties concerned.
- 4.21 We believe that the service provider is the most important party in the provision of a service of social need and therefore it would be the details of the service provider that would be given paramount consideration when assessing applications for 116 numbers. Therefore, we consider it appropriate to take into account the service provider as part of the allocation process.
- 4.22 Our concern with Allocation Option 3 is that it only allows for one service provider. Unlike the situation preventing multiple communications providers, there is no technical restriction on the number of service providers who could work together to provide the service on the 116 number.
- 4.23 For each 116 number, there could be a multitude of organisations interested in providing the associated service. Limiting the right to use the 116 number to just one service provider could unnecessarily restrict options for service provision and create competition between service providers offering similar or complementary services.

Allocation option 4: allocation to a communications provider / single or multiple service provider partnership following an application to Ofcom

- 4.24 To the extent that services of social value are currently provided by a multitude of service providers, it is likely that there will be a number of service providers who could meet the Service Eligibility Criteria for each number. For various reasons, some may decide not to pursue the allocation. However, it is conceivable that there will be multiple providers who wish to use the single 116 number available for their service type.
- 4.25 Provided that they can work together effectively and agree arrangements for the routing of calls based on factors such as location of call origination or time of day specifications, calls could be routed by the terminating communications provider to different service providers named as parties in the communications provider / service provider partnership.

¹⁶ The National Numbering Scheme is the day to day record of telephone numbers allocated by Ofcom in accordance with the Numbering Plan as provided for in section 56(3) of the Act.

http://www.ofcom.org.uk/telecoms/loi/numbers/numbers_administered/#access

¹⁷ The Numbering Condition is published as an Annex to the Numbering Plan at <http://www.ofcom.org.uk/telecoms/loi/numbers/numplan170608.pdf>

- 4.26 We are aware that our decisions on 116 number allocation could have an impact on the positioning of services of social value in consumers' consciousness. Providers allocated 116 numbers will benefit from a having a short memorable number that is harmonised across Europe, raising consumer awareness of their service. However, there may be a number of organisations providing services that complement each other and work together to answer a variety of citizens' needs within the same broad service category. We do not want to create unnecessary competition for 116 numbers between providers of similar or complementary services who are not in competition for consumers' calls. We therefore contend that as only one 116 number will be made available for each type of service, applications from partnerships of multiple service providers should be permitted.
- 4.27 Allowing multiple service providers to use a 116 number could also benefit consumers in their overall experience of service provision. For example, a partnership of service providers could ensure 24 hour, seven days a week availability across the whole of the UK, whereas individual service providers may only offer service in particular geographic areas or during limited times of day.
- 4.28 We therefore propose to permit and, if in the interest of consumers to do so, encourage eligible service providers to work together to submit joint applications for the allocation of a 116 number by forming a collective service provider partnership with their chosen communications provider.

Ofcom's preferred option for who can apply for a 116 number

- 4.29 We have examined the options for who can apply for a 116 number and assessed them in line with our duties to secure the best use of each 116 number and to further the interests of citizens and consumers in the UK and the EU (as mentioned in paragraph 4.5).
- 4.30 We consider it essential that there is a process for selecting one communications provider to whom the 116 number is allocated rather than making the number generally available for use without application to Ofcom.
- 4.31 In addition, we believe that it is important for the provider(s) of the service to be considered as part of the allocation decision process and to be named as the provider(s) who will offer the service. In order for the greatest opportunity to be given to all service providers to use the 116 number applicable to their service, and to promote the best possible service for consumers, we support flexibility in service provision and the ability for multiple service providers to work together to provide a comprehensive service where this would benefit consumers.
- 4.32 Given this view, we prefer Allocation Option 4: allocation of 116 numbers to a communications provider / single or multiple service provider partnership following application to Ofcom.

What form of selection process should be used to allocate 116 numbers?

- 4.33 We have identified three alternative options for selecting which party should be allocated each 116 number. These options are:

Selection Option 1: 'first come first served'

Selection Option 2: comparative selection process

Selection Option 3: competitive selection processes

Selection option 1: 'first come first served'

- 4.34 We currently assess applications for telephone numbers on a 'first come first served' basis. This allows communications providers to select their choice of number from an available stock and works well when there is an adequate supply of a particular type of telephone number.
- 4.35 116 numbers are in a different position from most other number ranges as there will only be one 116 number available for a particular type of service. In line with our duty to secure the best use of numbers, the allocation process should concentrate on which service provider would make best use of the 116 number rather than which communications provider is first to apply. As such, we do not think that the existing 'first come first served' selection process would be suitable.

Selection option 2: comparative selection process

- 4.36 Comparative selection would represent a new process for how we allocate telephone numbers. It would allow applications to be assessed in terms of relative merits so that the application that offers the best use of the 116 number would result in the allocation. A comparative selection process would involve:
- setting out the Service Eligibility Criteria for each 116 number. This criteria would include the Service Description, the General Service Conditions, the Specific Service Conditions and any Additional Specific Service Conditions for that 116 number (see paragraphs 3.7 to 3.9);
 - interested parties submitting details of how their service would fulfil the Service Eligibility Criteria and any supporting information specified by Ofcom to provide a more detailed understanding of the proposed service, such as proposed timescales of service launch on the 116 number; plans for advertising the number; ability to fund the cost of service provision; history of service and current volume of calls, etc;
 - comparing each application to the Service Eligibility Criteria; and
 - allocating the 116 number to the applicant that has demonstrated best use of the number:
 - through its ability to meet the Service Eligibility Criteria; and
 - in comparison to the way that other applicants would meet those criteria.

- 4.37 We believe that a comparative selection process would be suitable for the allocation of 116 numbers given their uniqueness and the social value of the services to be provided on the numbers, which further emphasises the need to ensure their best use.

Selection option 3: lotteries and auctions

- 4.38 There are selection processes available whereby communications providers compete against each other for the allocation of specific telephone numbers. These include lotteries and auctions.
- 4.39 A lottery process was used to allocate the initial '118' DQ numbers. This process suited the unique situation of DQ numbers, for while there was competition for specific numbers, there was an abundant supply available so that all eligible providers could get an allocation for their service, albeit perhaps not their preferred choice of number.

- 4.40 We do not consider that a lottery would be a suitable method for allocating 116 numbers. Unlike DQ numbers, it is not a case of communications providers competing for what they consider to be the best number – they are competing for the only 116 number available for their service. Therefore selection of the appropriate communications provider to be allocated the number should not be the random result of a lottery.
- 4.41 We have not used auctions for the allocation of any type of telephone numbers. Nor do we charge for allocations of numbers. There is a provision in the Act to allow us to do so, and it has been considered in the past as a means to encourage efficiency. However, we do not consider that allocating unique 116 numbers to the highest eligible bidder would ensure that 116 numbers are used in the best way to further citizens' and consumers' interests.

Ofcom's preferred option for the selection process used to allocate 116 numbers

- 4.42 We have examined the options for the selection process for allocating 116 numbers and assessed these in line with our duties to secure the best use of numbers and to further the interests of citizens and consumers in the UK and the European Union.
- 4.43 We favour the comparative selection process, as it would allow us to evaluate the merits of each service against the Service Eligibility Criteria and make an informed decision on the allocation.
- 4.44 We do not consider that the 'business as usual' approach of 'first come first served', or the options of lotteries or auctions, would ensure best use of 116 numbers as they do not sufficiently recognise and evaluate the individual merits of each potential service provider and their service.
- 4.45 For the avoidance of doubt, while we believe that a comparative selection process is ideal for 116 numbers, we are not proposing that the allocation process for other telephone numbers is changed.

How should the selection process be run?

- 4.46 Each of the options for selection process would need to be run in a different way. If 'first come first served' was selected, it would be run according to current processes. Communications providers could submit completed application forms to us, together with supporting information, at any time from the date the 116 number is made available for allocation.
- 4.47 If we were to run lotteries or auctions for 116 numbers, we would need to devise a new set of rules and these would be the subject of a further consultation.
- 4.48 We favour comparative selection and recognise that the process would need to have clear guidelines and timescales to ensure that it is conducted in a fair and transparent manner. We suggest that the following elements would be suitable for a comparative selection process for 116 number allocations.

Ofcom to be assisted in the comparative selection process by Government run advisory committees convened specifically for each 116 number allocation decision

- 4.49 The comparative selection process would involve us making judgements on the suitability of service providers to deliver services of social value in accordance with the Service Eligibility Criteria. We recognise that evaluating the merits of service providers and the types of service to be offered on 116 numbers requires knowledge substantially different from that acquired during our usual number allocation processes.

- 4.50 We have given careful consideration to how we could best develop a comparative selection process that would incorporate the required expertise and experience of the type of services and service provider environment that is likely to operate on 116 numbers. We have explored a number of options with central Government and reached agreement that Ofcom should be the ultimate decision-maker, but that our decisions would be made with the support of advisory committees set up by Government. This support would ensure that we have the required competency to make the decision.
- 4.51 We have developed a process that benefits considerably from channelling the experience of Government and non-Government contacts into advisory committees set-up by the Cabinet Office. The Cabinet Office is well placed to provide this assistance given its responsibility for the Contact Council, which has oversight across the public sector on all matters relating to customer contact. The Cabinet Office also incorporates the Office for the Third Sector¹⁸ and is responsible for Transformational Government strategy, which involves designing and delivering public services around the needs of the citizen. The Cabinet Office, therefore, can set up advisory committees that can supply the requisite knowledge and experience of potential service providers, and the areas within which their services operate, to assist us with 116 number allocation decisions.
- 4.52 We have received explicit Ministerial commitment for the Cabinet Office to support us in 116 number allocation decisions by setting up advisory committees specifically for each 116 number, which will take part in the decision-making process. The Cabinet Office's Contact Council would be responsible for establishing and running each advisory committee, drawing on the experience and expertise of relevant Contact Council members (which includes Government and non-Government representatives) and other independent contacts with experience relevant to the service. The types of services to be provided on each 116 number could vary greatly and the advisory committees would consequently benefit from different membership specifically geared towards the particulars of each service.
- 4.53 It is proposed that the advisory committees would work with Ofcom on the two key elements of the selection process:
- setting out the information to be supplied to us by interested service providers; and
 - assessing that information and providing recommendations on which service providers should be allocated the 116 numbers.

Consultation and statement on making new 116 numbers available for allocation

- 4.54 Whenever the Commission reserves a new 116 number for a service of social value, we will need to take measures to be in a position to allocate that number in the UK. We propose to do this by consulting on modifications to the Numbering Plan to include each new 116 number.
- 4.55 The entry in the Numbering Plan would include the Name of Service, the Service Description and the Specific Service Conditions attached to the right of use for that number. These would be set by the Commission and would not be subject to change as part of the consultation. We may consult on Additional Specific Service Designations that we consider should be attached to the rights of use of that 116

¹⁸ The Office of the Third Sector leads work across Government to support the environment for a thriving third sector (voluntary and community groups, social enterprise, charities, co-operatives and mutuals) enabling the sector to campaign for change, deliver public services, promote social enterprise and strengthen communities.

number in order to ensure best use and promote the interests of citizens and consumers (see paragraph 3.9).

- 4.56 Consultations on adding new 116 numbers to the Numbering Plan would, depending on the outcome of our charging proposals (see Section 5 of this document), include our proposal for the appropriate charging arrangements for that particular 116 number.
- 4.57 We will publish a statement setting out our conclusions on the consultation. At the same time, we will publish the modified Numbering Plan, including the entry of the new 116 number. We will also publish a 'call for interest' (see below), including the Service Eligibility Criteria, the information to be included in applications and details on how interested service providers can apply for the allocation of the 116 number.

'Call for interest' period as part of the comparative selection process

- 4.58 In order to allow service providers sufficient time to adequately express their interest in applying for a 116 number, we propose to introduce a 'call for interest' period into the allocation process. This period would need to be of sufficient time for service providers to become aware of the 'call for interest'; to consider whether they want to apply for the 116 number; and, if so, to select a communications provider to form a partnership and put together a comprehensive application.
- 4.59 We propose to set a period of six weeks for each 'call for interest'. This period would commence once we have consulted on making the 116 numbers available and modified the Numbering Plan accordingly. We would set out details of the process on the forthcoming 116 section in the numbering information part of our website.
- 4.60 Under the 'call for interest' proposal, service providers, with support from their chosen communications provider, may submit expressions of interest in the 116 number at any time during the 'call for interest' period. Provided that the specified information is provided, applications may be made in any format, thus giving the service provider flexibility to present all the details of its service.
- 4.61 Applications submitted during the 'call for interest' period would not constitute the submission of a numbering application form. This is because we have a requirement under section 58 of the Act to determine an application for the allocation of numbers within three weeks of receipt (or, if further information is requested, receipt of that information). We do not regard three weeks, which would start from the receipt of the first application for the 116 number, as sufficient time for other service providers to register their interest in adequate detail and for us to fully consider the application(s). For this reason, we propose to incorporate an additional level in the application process – the 'call for interest' period - ahead of accepting access code application forms.

Ofcom would subsequently invite communications providers to formally apply for the allocation of the 116 number by submitting an access code application form

- 4.62 Ofcom and the advisory committees would consider the applications received during the 'call for interest' period, request any further information required to make an assessment and decide which, if any, of the applicants meet the Service Eligibility Criteria. Those that are considered to have done so, would be invited to submit a completed access code application form formally requesting the allocation of the 116 number. Applicants invited to submit an access code application form would be requested to do so on a set date so that we would have a three week period to consider all the applications.

- 4.63 We would consider the application forms together with the recommendation from the advisory committee and, by the end of the three week period, determine the outcome of the application(s) and allocate the 116 number to the most appropriate communications provider / service provider partnership.

Process if number remains unallocated after the 'call for interest' period

- 4.64 There is no obligation for 116 numbers to be allocated and we will not make an allocation unless we are confident that the number would be used appropriately and the service provided would further consumer interests. If we receive no applications as a result of the proposed six-week 'call for interest' period, or the services described in the applications received are not considered to meet the Service Eligibility Criteria and result in rejection, then the 116 number would remain available for allocation.
- 4.65 If the number remains unallocated following the 'call for interest' period, interested service providers may, at any time, apply to Ofcom for the allocation of the 116 number by submitting an expression of interest which includes all the information previously requested for applications during the 'call for interest'. We will set out the information requested on our website for reference.
- 4.66 We would ask Government to reconvene the advisory committee for that 116 number and for the advisory committee to advise us on whether the application meets the Service Eligibility Criteria. If considered to have done so, the submission of an access code application form requesting the allocation of the 116 number will be invited. Provided that no information contained therein affects the eligibility of the applicant, the 116 number will be allocated.

Post allocation processes

Monitoring of number use

- 4.67 Ofcom has a duty under Article 6 of the Decision to report periodically to the Commission on the use of 116 numbers in the UK. In order to meet the obligation and to ensure that allocated 116 numbers are actually in service and being used in accordance with the Service Eligibility Criteria, we will audit those to whom allocations have been made in accordance with the Commission's monitoring timetable (expected to be every six to twelve months).

Ensuring compliance from communications providers allocated 116 numbers

- 4.68 We propose to include the General Service Conditions in the Numbering Plan. We also propose to list each 116 number reserved by the Commission individually in the Numbering Plan to provide transparency in the Service Description, the Specific Service Conditions and any Additional Specific Service Conditions applicable to that number. These measures are necessary to ensure that the requirements and restrictions on the adoption and use of 116 numbers are enforceable as, under the Numbering Condition, communications providers must adopt or otherwise use numbers in accordance with the Numbering Plan. Failure to comply could lead to us taking enforcement action pursuant to sections 94 to 96 of the Act.

Number withdrawal

- 4.69 Conditions for the withdrawal of telephone numbering allocations are set out in section 61 of the Act. Further to Section 61(2)(e) and (f) and clause 17.11 of the Numbering Condition, we may withdraw an allocation of numbers from a communications provider if those numbers are not in use within six months of allocation (or other period specified by Ofcom). We expect those to whom we allocate

116 numbers to work towards putting their numbers into service as soon as is practicable and in accordance with the planned 'in-service' date they provided on the application form. We recognise that new number ranges can take longer to activate and, provided that action has been taken towards getting the number in service, we will work with the relevant parties to agree acceptable timescales should the forecasted 'in service' date prove unachievable.

- 4.70 Section 61(2)(a) allows for withdrawal with the consent of the person to whom the numbers have been allocated. We would use this process should the provider of the service no longer wish to retain the allocation of the 116 number.
- 4.71 There are also processes under section 61(3) of the Act for withdrawal if there have been serious or repeated contraventions of the Numbering Condition by the person to whom the numbers have been allocated and it appears to us that the taking of other steps in respect of the contraventions is likely to prove ineffective for securing future compliance. Provided all conditions are met, we would, under this provision, be able to withdraw 116 numbers where the requirements and restrictions set out in the Numbering Plan are not complied with, i.e., the Service Eligibility Criteria.

Appeals against Ofcom's decision on number allocation

- 4.72 Appeals against Ofcom's decisions in relation to number allocation may be brought to the Competition Appeal Tribunal (the CAT) pursuant to section 192 of the Act. The CAT is a specialist judicial body, which has the function of hearing and deciding certain appeals and other applications or claims involving competition or economic regulatory issues.

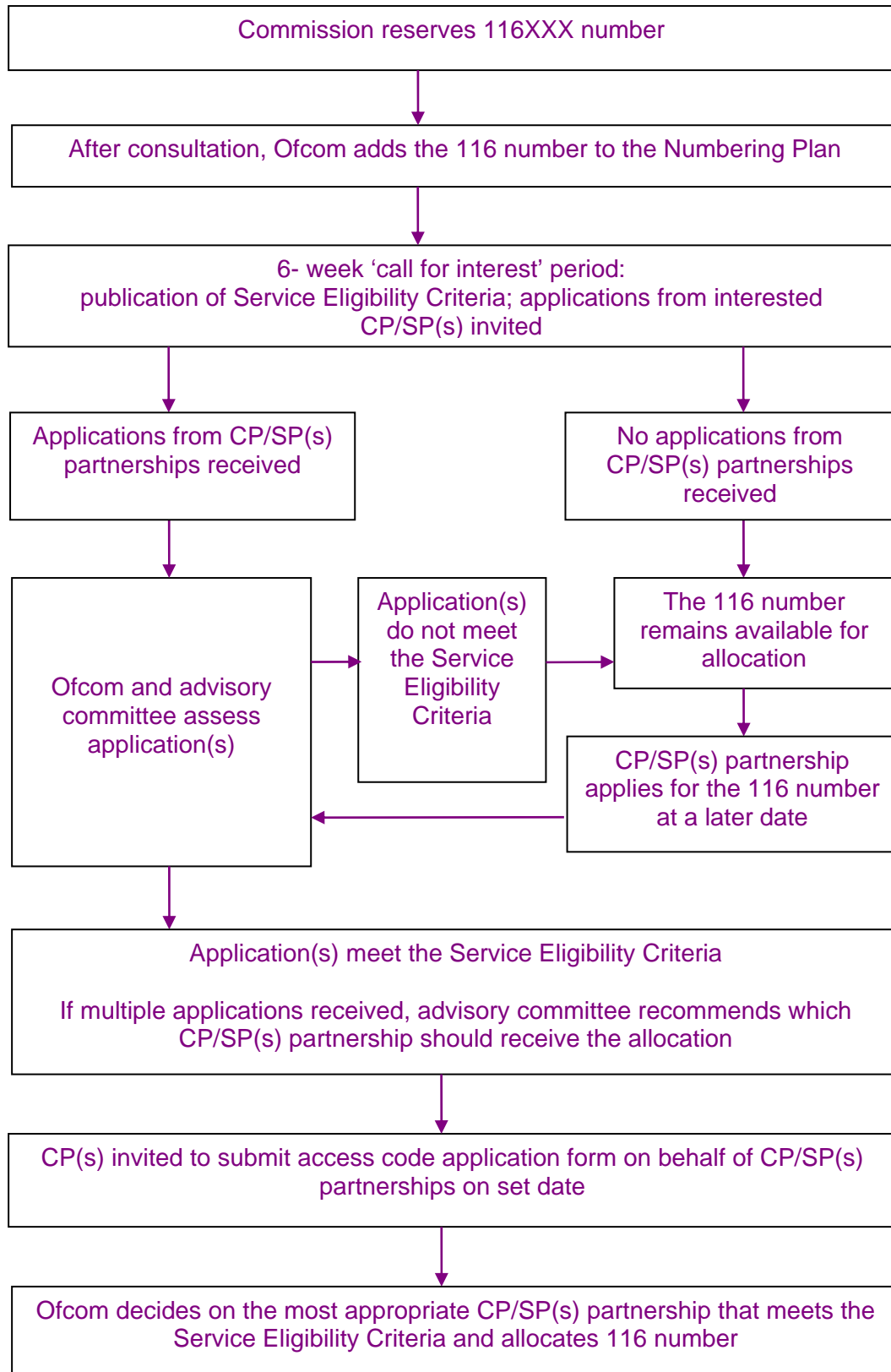
Impact assessment

- 4.73 This section has set out the options for allocation of 116 numbers and explains why we initially prefer the following proposals as the best approach for this range of numbers:
- allocation to a communications provider / single or multiple service provider partnership;
 - selection of that partnership via a comparative selection process;
 - the comparative selection process to include a 'call for interest' period of six weeks;
 - communications provider / service provider(s) partnerships whose services meet the published Service Eligibility Criteria would be invited to submit an access code application form requesting allocation of the 116 number on a set date; and
 - Ofcom to be assisted in the comparative selection process by Government run advisory committees convened specifically for each 116 number allocation decision.
- 4.74 As mentioned, there are alternatives to these proposals. The impact assessment in Annex 5 provides further detail on our reasoning as to why we favour the above proposed approach.

Proposed modifications to the Numbering Plan, the Numbering Condition and the application form for access codes

4.75 Our proposals in relation to 116 numbers would require modifications to the Numbering Plan, the Numbering Conditions and the access code application form. The proposed modifications are set out in Annexes 9 to 11 and the legal tests for the modifications in Annex 8.

Figure 4.1: process flow diagram for proposed allocation process for 116 numbers



Consultation questions on allocation of 116 numbers

Question 1: Do you agree that communications provider / single or multiple service provider partnerships are the most appropriate parties to apply for allocation of 116 numbers?

Question 2: Do you agree that a comparative selection process is the most appropriate way of determining applications for 116 numbers?

Question 3: Do you have any comments on the proposal for a 'call for interest' period? Do you think that six weeks allows sufficient time to make a submission of interest?

Question 4: Do you have any comments on the proposal for Government coordinated advisory committees to assist Ofcom with the 116 number allocation process? Do you have any views on the possible membership of the advisory committees?

Section 5

Charging arrangements

Introduction

5.1 Article 2 of the Commission's Decision states that a "Harmonised service of social value' is a service meeting a common description to be accessed by individuals via a freephone number. (...)". This is also reflected in the preamble to the Commission's Decision, which states that-

"In order to reflect the social function of the services in question, the harmonised numbers should be freephone numbers, without this meaning the operators would be obliged to carry calls to 116 numbers at their own expense. The freephone nature of the numbers is therefore an essential component of the harmonisation being carried out".

5.2 Following discussions with the Commission, it is clear that its aim for 116 numbers is that calls are free for all callers. However, the Commission has also recognised that in some Member States the charging arrangements for freephone numbers allow customers to be charged in certain circumstances, and that such charging arrangements would be consistent with its Decision.

5.3 In the UK, all communications providers, with the exception of BT, are free to decide whether to open access to telephone numbers, including in relation to 116 numbers. BT is obliged to do so under the obligations of its access-related condition.¹⁹ Therefore, if a communications provider (other than BT) is unhappy with the associated charging or commercial arrangements it may take the decision not to open access to all or some 116 numbers, meaning that their customers would be unable to call the services on those numbers.

5.4 We are supportive of the pan-European provision of 116 numbers and of achieving the Commission's aims in the UK. We want to bring about a situation where communications providers choose to open access to 116 numbers for the benefit of their customers. Establishing the appropriate charging arrangements for 116 numbers would contribute to that situation.

5.5 This section of the document discusses:

- what 'freephone' means;
- the concept of 'free to caller';
- the policy aims behind the charging arrangements; and
- the options for charging available within the terms of the Decision.

Freephone Numbers

5.6 The charging arrangements for freephone numbers are obviously different from those of other number ranges. With most number ranges, the caller pays for some or all of

¹⁹ BT has an access-related obligation to provide end-to-end connectivity. For more information see Ofcom's statement *End-to-End Connectivity* published on 13 September 2006 available on our website at: http://www.ofcom.org.uk/consult/condocs/end_to_end/statement/statement.pdf

the cost of conveying the call and, for some numbers, additional payment is made for the content of the call. With freephone numbers, consumers are encouraged to contact the service by making the call free. The cost of conveyance and supply of information is covered by the provider of the service (and may be subsidised by the communications provider terminating the call).

5.7 In the UK, 'Freephone Number' is defined in the Numbering Plan as-

“a number that is reached free of charge to the Customer except where a charge is notified to the End-User at the start of the call”.

5.8 In the UK, therefore, the definition of Freephone Number allows for calls to be charged for provided that there is a non-chargeable announcement at the start of the call to inform the caller. The announcement does not have to provide tariff information, just a message that the call is not free. The pre-announcement requirement is a consumer protection measure, as consumers are likely to assume that a number known as 'freephone' will be free to call.

5.9 It is common for calls to numbers in freephone ranges, such as 0800 and 0808 numbers, to be charged for when the call is made from a mobile telephone. However, mobile providers sometimes make the commercial decision not to charge their customers for calls to certain freephone numbers. For example, the Telephone Helplines Association has worked with mobile providers to ensure that calls to 080880 freephone 'confidential helpline numbers' are not charged and do not appear on itemised telephone bills, thus ensuring confidentiality. Also, calls to some national services of social value, such as the 0800 1111 Childline service, are commonly free to call from mobiles.

Free to caller numbers

5.10 The situation in the UK, whereby freephone calls may be chargeable, is also found in some other Member States. However, there are some European countries where regulation ensures that freephone calls are always free to the caller regardless of whether the call is made from a fixed or mobile network.

5.11 In the UK the only numbers which are always free to call are the Emergency Call numbers 112 and 999 - the requirement for which is set out in Article 26 of the Universal Service Directive and transposed via General Condition of Entitlement 4 on Emergency Call Numbers.

5.12 In order to distinguish between different charging arrangements in this document, the term 'freephone' is used to describe the situation where calls can be charged for provided there is a non-chargeable announcement at the start of the call to inform the caller, i.e. calls which are commonly charged from mobiles. The term 'free to caller' is used to describe the situation where calls are always free, including from mobiles.

Policy objectives

5.13 As shown in the preamble to the Decision (see paragraph 5.1), the Commission has intervened on the matter of charging arrangements. We agree that the strong social function of the services already identified means that regulatory attention should be given to the appropriate tariff arrangements for calling 116 numbers.

5.14 In considering the appropriate charging arrangements for 116 numbers, we consider that our duty to further the interests of citizens and consumers in the UK and the EU is particularly relevant. We believe that this can be best achieved by taking measures to remove barriers to calling 116 numbers at times when it is vital that citizens can

make the call, while ensuring that any regulatory intervention on this matter is proportionate.

Imposing charging arrangements as part of 116 service designations

5.15 As explained in paragraphs 3.4 and 3.5, the Decision is made pursuant to Article 10(4) of the Framework Directive. This article allows the Commission to take appropriate technical implementing measures to harmonise numbering resources within the Community where that is necessary to support the development of pan-European services. Charging arrangements are an important element in the harmonisation of numbering resources. Member States are required to implement such measures. We can therefore make charging arrangements part of the 116 service designation in the Numbering Plan.²⁰

Options for charging arrangements

5.16 Within the constraints of the Decision, the options for charging arrangements are:

- | | |
|--------------------|---|
| Charging option 1: | all 116 numbers are 'freephone' |
| Charging option 2: | all 116 numbers are 'free to caller' |
| Charging option 3: | 116 numbers are either 'freephone' or 'free to caller' on an individual basis |

Charging option 1: all 116 numbers are 'freephone'

5.17 Freephone is an established charging concept in the UK. To implement 116 numbers as freephone would be to facilitate a 'business as usual' approach, enabling the communications industry to implement 116 services using the existing national freephone model and interconnection arrangements.

5.18 A 'freephone' service designation in the Numbering Plan would not prevent calls from being free from any or all networks, including mobiles. Communications providers may take into account the economic and social impact of charging for calls to the type of services provided on 116 numbers and decide, for wider social responsibility motives, not to charge.

5.19 On this point, however, we note the GSM Europe²¹ response to the European Commission consultation on 116 numbers. This response sets out the mobile providers' position in the Executive Summary as-

"from the mobile operators' perspective 116 XXX implementation is exactly the same as existing national free-phone arrangements. This means that the practical implementation steps and charging models are to follow existing national free phone models".²²

5.20 We take this response to indicate that, were we to make all 116 numbers freephone, the mobile communications providers in the UK would implement 116 numbers according to UK freephone charging models and would be likely to charge for calls to 116 numbers. This understanding was supported through discussions at the

²⁰ The service designation is Ofcom's description of the service in Part A1 of the Numbering Plan.

²¹ GSM Europe (GSME) is the European interest group of the GSM Association and represents around 147 operators in 50 countries/areas in Europe, serving around 558 million subscribers. GSM Europe is the public face of European mobile operators and a representative forum for the European wireless industry.

²² The response is available on the GSM Europe website at

http://www.gsmworld.com/gsm europe/documents/positions/2007/g sme_response_ec116_consultation.pdf

Numbering Naming and Addressing Working Group Workshop on 116 numbers on 19 September 2007.

- 5.21 We are concerned that the ‘all 116 numbers are freephone’ option might result in calls incurring a charge when made from mobile phones (and possibly through some fixed line providers), thus creating barriers to calling 116 numbers at times when it is vital that citizens can make the call. Callers finding themselves in a situation where it is vital for their welfare or the welfare of others that they can call the service on the 116 number, may not be sufficiently protected by a freephone charging arrangement due to the ability to apply charges and play a recorded charging announcement.
- 5.22 In addition, tariff transparency may be difficult to achieve for freephone numbers if a charge is applied. Although an announcement must be made informing the caller at the start of the call, the actual price is complex to calculate and may depend on a number of elements, such as the caller’s tariff plan. It is not generally possible for the pre-call announcement to state the actual tariff and therefore the likely call charge is not transparent. The charge can typically range from 10p to 40p per minute for a call from a mobile to a freephone number. This can lead to larger than expected bills for mobile contract customers or the running out of credit for pre-pay customers. In some situations, this might have serious consequences for the caller at a time when the mobile phone provides the only means of contact.
- 5.23 In addition, a freephone service designation might serve to confuse callers, particularly travellers. Citizens travelling to the UK from other Member States may be accustomed to calls to 116 numbers being free from mobiles in their country of residence. They might assume, due to the harmonised nature of the service, that calls to 116 numbers would also be free in the UK. If some networks choose to charge for calls to some or all 116 numbers, while other networks decide that calls will be free, charging arrangements for freephone numbers could become a lottery for roaming consumers depending on which mobile network they happen to connect.
- 5.24 In summary, we believe that if all 116 numbers were made freephone, it is highly likely that consumers would be charged for calls from mobiles and that citizen and consumer interests would not be furthered at precisely the time when they most need to be protected. We therefore do not favour making all 116 numbers freephone.

Charging option 2: all 116 numbers are ‘free to caller’

- 5.25 Article 10(4) of the Framework Directive states that “Member States shall support the harmonisation of numbering resources within the Community where that is necessary to support the development of pan European services”.
- 5.26 With pan-European harmonisation in mind, Missing Children Europe instigated a statement of intent on 25 May 2007 to further the implementation of the 116000 Hotline for missing children number. The ECC, of which the UK is a member, supported this initiative. The ECC agreed to take a number of steps including “investigating the feasibility of a common approach according to which the calls to the 116000 number are free to the caller”. This statement can be considered as a general intention for harmonisation of the important free to caller element of the service.
- 5.27 Ensuring that calls to 116 numbers are always free regardless of how the call is made would make sure that there were no financial restrictions to calling the required service. This option would enable us to meet our policy objective of furthering the interests of citizens and consumers by removing barriers to calling 116 numbers at times when it is vital that citizens can make the call.

- 5.28 Funding of calls is, however, an issue, as the cost of receiving calls originating from mobile phones can be considerably higher than the cost from fixed lines. While free to caller has obvious benefits for the calling party, it needs to be borne in mind that if the caller is not paying for the call, someone else has to bear the costs. The Decision is clear that communications providers are not required to finance the call provision. Therefore the service provider receiving the call needs to find a way to cover the cost. Considering the type of services likely to be offered on 116 numbers, the service provider may often be a charity and funds are likely to be limited. If the cost of receiving calls to a 'free to caller' number can not be covered, then the service can not be provided on the 116 number. This could ultimately jeopardise consumer interests if socially valuable services are not provided on 116 numbers.
- 5.29 If the 'free to caller' option is implemented, we propose to address the issue of funding by encouraging communications providers to work with 116 service providers to help alleviate the financial burden of receiving calls on 116 numbers. This might be done through sponsoring services, subsidising calls or agreeing special freephone tariffs with 116 service providers.
- 5.30 The ECC has also been considering ways to address the funding of 116 calls. It has consulted on a draft recommendation which suggested that some commercial organisations, including communications providers, may be willing to assist the objectives of 116 services by paying for the calls and sponsoring the services. The draft recommendation confirmed that sponsorship was permissible as a solution to the funding problem. The only constraint is that advertising and marketing may not take place during the call in accordance with Article 4e²³ of the Decision. It is, however, permissible for sponsors to be identified on adverts and notices about the service in question. The draft recommendation encourages NRAs to explain to organisations to whom they allocate 116 numbers that they may use sponsorship to fund the cost of their calls within the above constraints. The recommendation is expected to be published in October/November 2008 on the ERO website.²⁴
- 5.31 While 'free to caller' furthers the interests of consumers in terms of call cost and tariff transparency, we are conscious that it represents a significant intervention in the market, in that it sets the absolute tariff at which originating communications must charge for calls. For certain services considered to be of extreme social value, it is important to remove any barriers to making the call in times of need. These barriers include payment for calls and the understanding of pre-announcements. We consider that the benefits in terms of promoting the interests of citizens and consumers when they find themselves in situations where they need to call services of extreme social value are paramount. As such they outweigh other considerations such as the costs to the service provider of funding the calls and Ofcom's bias against intervention in industry's charging arrangements.
- 5.32 However, we need to be certain that such intervention is proportionate and we are concerned that making the entire 116 range free to caller may be not be justified. We do not know what new services will be given 116 numbers, and we must assume that a range of services will be reserved numbers, covering the spectrum of social need. Services may emerge that although convenient, are not addressed to callers in a situation of urgent need. For such services, the need to remove all barriers to calling the service may not be as justified and the case for intervention in how charging is realised may not be as strong.

²³ Article 4e of the Decision states that "the following activities are excluded during a call: advertisement, entertainment, marketing and selling, using the call for the future selling of commercial services".

²⁴ The European Radiocommunications Office (ERO) document database website: <http://www.eroocdb.dk/>

- 5.33 There is also the possibility that making the 116 range ‘free to caller’ might increase the risk of hoax/nuisance calls, particularly from mobiles, and that the service provider would find itself funding the receipt of such calls.
- 5.34 Given that we have little visibility of the extent and nature of services to be reserved 116 numbers in the future, and therefore the appropriateness and impact of making the entire 116 range ‘free to caller’ from the outset, we do not favour this option.

Charging option 3: 116 numbers are either ‘freephone’ or ‘free to caller’ on an individual basis

- 5.35 As set out in the analysis of the first two charging options, there are valid arguments both for making 116 numbers freephone and free to caller. The majority of these arguments turn on the characteristics of each service, in particular the level of social need and the likely situation of the caller. Given this, we believe that it would be sensible not to conclude the policy on charging arrangements for the entire range at this time.
- 5.36 We also consider that the position of the service in its market, in terms of the number and nature of similar services, gives further justification for making individual decisions on charging arrangements for 116 numbers. We are mindful of how our actions in relation to charging might potentially crowd out alternative services to the one allocated the 116 number.
- 5.37 Charging Option 3 would combine the benefits of the other two charging options and would allow us to agree a set of factors for determining the appropriate charging arrangements for each 116 service (see paragraphs 5.39 to 5.57 below). When appropriately applied, those factors would further the interests of citizens and protect consumers by removing financial barriers to calling 116 numbers at times when it is vital that they can make the call.
- 5.38 The factors for deciding the appropriate charging arrangements for each 116 number would be designed to ensure that regulatory intervention is kept proportionate and does not unduly impact on the market for service provision by considering the particulars of the specific service. We would use these factors to reach a proposal on the appropriate charging arrangements and would consult on our proposal as part of the process of making each 116 number available in the Numbering Plan.

Factors for deciding whether a service should be ‘freephone’ or ‘free to caller’

- 5.39 We consider that there are three main factors in determining the appropriate charging arrangements and establishing whether a service merits a ‘free to caller’ or ‘freephone’ service designation. These are:
- the level of social value or need met by the service;
 - the likely situation of the caller when he/she needs to call the service; and
 - the market environment in which the service operates.

Level of social value or need

- 5.40 Within the potentially broad scope of services of social value, services may emerge that meet different levels of social need. We believe that the difference between these can be distinguished as:
- services of ‘extreme social value’; and

- services of 'social value'.

Services of 'extreme social value'

- 5.41 Services of 'extreme social value' will generally meet a vital and/or extremely urgent need at a time of emotional distress or threat to welfare. The situation where a call to one of these numbers is likely to be needed is one in which it is crucial that the caller can make the call for reasons of their safety or well-being, or the wellbeing of others. In other words, they provide a life-line for people in distress.

Services of 'social value'

- 5.42 Services of 'social value' are likely to meet relatively less urgent or stressful needs, and may provide a convenient tool for gaining information and/or have a commercial element, such as a traffic information helpline. While the situation of the caller may still be urgent and stressful, it is not of such an acute social value or need. The situation here would be one in which making the call is useful and furthers the interests of the consumer, but is not crucial for the caller or someone else's safety or well-being.
- 5.43 We consider that 116 numbers used for services that are best categorised as services of 'extreme social value' will be stronger candidates for being free to caller numbers than services which are of 'social value'.

Likely situation of the caller

Situations where the caller requires increased consumer protection

- 5.44 If a citizen is in a situation where they need to make a call to a service of 'extreme social value', for instance if they have lost a child or are in a state of emotional crisis, certain consumer protection measures beyond those generally afforded to consumers may be necessary.
- 5.45 In particular, the caller should not be prevented or discouraged from making the call using the most convenient method (e.g. a mobile phone) due to lack of financial means or concern over call cost/pre-paid credit availability.
- 5.46 In such situations, callers are likely to be in a position of distress or vulnerability and will need the calling process to be as straightforward as possible. An announcement regarding an unspecified level of call charges may confuse the caller and act as a deterrent to making the call.
- 5.47 In addition, when citizens are in a situation where they need to contact a service of extreme social value, they may require privacy and confidentiality. The caller may need to achieve this by using a mobile phone and may need to be sure that a large bill or loss of pre-paid credit will not occur, and that the call will not appear on itemised bills.

Situations where the caller is in a relatively safe and comfortable state

- 5.48 If a citizen is in a situation where they need to call a service to get information of a non-urgent nature, then the caller is more likely to be in a position to make considered decisions on, for example, convenience versus cost when deciding whether to make a call from a fixed or mobile telephone. They would also be able to make decisions on whether to continue with the call if a charge has been notified without being placed in a vulnerable or dangerous position. Also, if privacy and confidentiality are not strong requirements, the caller will usually have more options for how to make the call.

- 5.49 We believe the likely situation of the caller is relevant when deciding the charging arrangement for a particular 116 service. When the caller is likely to be in a position of emotional distress or vulnerability, for example, the particular 116 service would generally be a stronger candidate for a 'free to caller' service designation.

Market environment of service provision

- 5.50 Services of social value may operate in different markets where:

- there is a single provider of the service;
- there are multiple providers of complementary services; or
- there are multiple providers of competing services.

- 5.51 The options for charging arrangements have potentially different impacts depending on which of the three market situations the service operates in and provide a further consideration for whether a service should be freephone or free to caller.

Single provider of the service

- 5.52 Some services of a social nature are only provided by a single party. This will often be the case for services of extreme social value, as the number of organisations in a position to provide the service will be limited and there is no commercial incentive to create alternatives. In this situation, decisions on charging arrangements will only affect one service provider and can be taken purely on the basis of social need and caller situation as there will be no impact on the positioning of alternative services.

Multiple providers of complementary services

- 5.53 For other services of a social nature, there may be a number of organisations providing services that complement each other and answer a variety of citizens' needs within the same broad service category. For instance, in the provision of services for missing children, there might be services that concentrate on lost children, others that focus on runaway children and others that deal with child trafficking. These services complement each other to provide comprehensive coverage of needs relating to lost children and are not in competition for calls. Decisions on charging arrangements would not generally interfere with the positioning of players in the market and can be taken on the basis of social need and caller situation.

Multiple providers of competing services

- 5.54 A further situation for service provision is one in which multiple service providers compete for consumers' calls. These are likely to be services with a commercial element and/or no charitable funding. The financial aspects of service provision are clearly a crucial element in running these services and regulatory intervention on charging arrangements would limit or remove any flexibility on call tariffs which may be relied upon to help fund the services.
- 5.55 Regulatory actions in relation to charging could crowd out services that might be provided by the private or voluntary sector and which have been established using existing freephone charging arrangements. For instance, there could be a situation where two similar providers offer a service for which a 116 number has been reserved. Provider A is allocated the 116 number and it is designated as 'free to caller'. Provider B continues to use a 0800 freephone number. Callers become aware that a call from a mobile to Provider A is free, whereas it incurs a charge when made

to Provider B, and therefore they call Provider A. In addition, commercial sponsorship has been given to Provider A due to the higher profile of using a 116 number. Eventually Provider A secures all or the majority of calls to its service and Provider B ceases to operate.

5.56 We consider that when making a decision on charging arrangements for 116 services, it is appropriate to take into account the following aspects of the service provision market:

- the nature of the players in the market for the provision of the service, e.g. are they charities, public or private sector organisations?;
- the number of service providers offering the service;
- the likely effect on existing services if one was to be allocated a ‘free to caller’ 116 number, given that such charging arrangements would not be guaranteed for any other service; and
- the likelihood of a service provider emerging who could offer the service on a ‘free to caller’ basis.

Summary of factors to be taken into account when determining charging arrangements

Factors to be taken into account	Tendency towards ‘Free to caller’	Tendency towards ‘Freephone’
Level of social need	<ul style="list-style-type: none"> ➤ extremely urgent need at a time of emotional distress ➤ vital that the call is made 	<ul style="list-style-type: none"> ➤ urgent or routine need with no / low level of emotional distress ➤ useful/convenient if the call is made
Caller situation	<ul style="list-style-type: none"> ➤ in a position of vulnerability; distress ➤ privacy/confidentiality important ➤ in stressful situation ➤ too distressed to be concerned or confused by cost of call/ call announcement 	<ul style="list-style-type: none"> ➤ in a position where information is required ➤ privacy/confidentiality not required ➤ in non-stressful situation ➤ in a position to decide whether to continue the call if notified there is a charge
Market for service provision	<ul style="list-style-type: none"> ➤ single provider of service or multiple providers of complementary services ➤ likely that a service provider will emerge who could/would offer ‘free to caller’ 	<ul style="list-style-type: none"> ➤ competing service options available, perhaps provided by the private or voluntary sector, which would be unduly impacted if calls to 116 numbers were always free ➤ unlikely that a service provider will emerge who could/would offer ‘free to caller’

Ofcom's preferred option for charging arrangements

- 5.57 We have assessed the three options for charging arrangements for 116 numbers and considered these in line with our duties to secure the best use of 116 numbers and to further the interests of citizens and consumers in the UK and the European Union. We favour 'Charging option 3 - 116 numbers are either freephone or free to caller on an individual basis' as the most suitable course of action. This is because it allows for individual decisions on the most appropriate charging structure for each 116 number based on a set of determining factors, which should ultimately secure the best use of 116 numbers and further the interests of citizens and consumers in a proportionate manner.
- 5.58 In order to make the difference between the two charging concepts clear, we propose to retain the current definition for 'Freephone Number' and, subject to consultation, incorporate the following definition for 'Free to caller Number' in the Numbering Plan:
- "Free to caller Number' means a number that is reached at no charge to the Customer and, in the case of a Pay Telephone, without having to use coins and cards".
- 5.59 To make the two charging concepts enforceable, 'Freephone Number' and 'Free to caller Number' would form part of the 116 number's service designation in the Numbering Plan.

Impact assessment

- 5.60 This section sets out our proposals for the charging arrangements for 116 numbers and explains why we believe these proposals to be the best approach for this range of numbers. The impact assessment in Annex 5 provides further detail on the arguments for favouring the proposed approach.

Proposed modifications to the Numbering Plan and the Numbering Condition

- 5.61 Our proposals in relation to charging arrangements for 116 numbers require modifications to the Numbering Plan and the Numbering Condition. The proposed modifications are set out in Annexes 9 and 10 and the legal tests for the modifications in Annex 8.

Ensuring compliance from communications providers originating calls to 116 numbers

- 5.62 In order to enforce charging arrangements, we are proposing to add 116 numbers to clause 17.12 of the Numbering Condition which covers requirements in connection with use of numbers for making calls. This is to ensure that originating communications providers comply with the service designations for 116 numbers, including charging arrangements, set out in the Numbering Plan.
- 5.63 Non-compliance with the requirements in the Numbering Condition, for instance by not complying with the charging arrangements in accordance with the service designations for calls to 116 numbers, may result in the communications provider being the subject of enforcement action by Ofcom.

Consultation questions on charging arrangements for 116 numbers

Question 5: Do you have any comments on Ofcom's assessment of the three charging options for 116 numbers?

Question 6: Do you agree with Ofcom's conclusion that Charging option 3: 116 numbers are either 'freephone' or 'free to caller' on an individual basis is the most appropriate option?

Question 7: Do you agree with the suggested factors for deciding whether a service should be 'freephone' or 'free to caller'? Do you think any other factors should be taken into account?

Section 6

Inclusion of 116000, 116111 and 116123 in the Numbering Plan – specific proposals and impact assessment

6.1 The Commission has reserved the following three 116 numbers for services of social value and attached Specific Service Conditions to the right of use of the numbers:

Number	Service for which this number is reserved	Specific Service Conditions
116000	<p><i>Name of Service:</i> Hotline for missing children</p> <p><i>Service Description:</i> The service (a) takes calls reporting missing children and passes them on to the Police; (b) offers guidance to and supports the persons responsible for the missing child; (c) supports the investigation.</p>	Service continuously available (i.e. 24 hours a day, 7 days a week, nation-wide).
116111	<p><i>Name of Service:</i> Child helplines</p> <p><i>Service Description:</i> The service helps children in need of care and protection and links them to services and resources; it provides children with an opportunity to express their concerns, talk about issues directly affecting them and contact someone in an emergency situation.</p>	Where the service is not continuously available (i.e. 24 hours a day, 7 days a week, nation-wide), the service provider must ensure that information about availability is made publicly available in an easily accessible form, and that, during periods of unavailability, callers to the service are advised when the service will next become available.
116123	<p><i>Name of service:</i> Emotional support helplines</p> <p><i>Service Description:</i> The service enables the caller to benefit from a genuine human relationship based on non-judgemental listening. It offers emotional support to callers suffering from loneliness, in a state of psychological crisis, or contemplating suicide.</p>	Where the service is not continuously available (i.e. 24 hours a day, 7 days a week, nation-wide), the service provider must ensure that information about availability is made publicly available in an easily accessible form, and that, during periods of unavailability, callers to the service are advised when the service will next become available.

Table 6.1: 116 numbers reserved by the Commission as at 1 October 2008

- 6.2 In order to implement the Decision and Amending Decision, we must take the necessary action to make the 116 numbers reserved by the Commission available for allocation in the UK. In order to do this, the Numbering Plan must be amended to include the three 116 numbers and the associated information set out in Table 6.1 above. Annex 9 of this document provides the legal notification required to do this.
- 6.3 The Name of Service, the Service Description and the Specific Service Conditions for each 116 number, as well as the General Service Conditions attached to all 116 numbers²⁵ are taken from the Amending Decision and have been determined by the Commission. They are not open to further consultation. We are not proposing any Additional Specific Service Conditions to be attached to the right of use of these 116 numbers.

Proposed charging arrangements for 116000, 116111 and 116123

116 number charging arrangements permitted by the Commission's Decision

- 6.4 Article 2 of the Commission's Decision states that "Harmonised service of social value' is a service meeting a common description to be accessed by individuals via a freephone number. (...)". This is also reflected in the preamble to the Commission's Decision, which states that harmonised numbers should be freephone numbers.
- 6.5 The Commission recognises that in some Member States the charging arrangements for freephone numbers allow customers to be charged in certain circumstances, and that such charging arrangements would be consistent with its Decision. In the UK, the definition of 'Freephone Numbers' allows for calls to be charged for provided that there is a non-chargeable announcement at the start of the call advising of this. The announcement does not have to provide tariff information, just a message that the call is not free. It is common in the UK for calls to freephone numbers to be charged for when the call is made from a mobile telephone.
- 6.6 There are some European countries where regulation ensures that freephone calls are always free to the caller regardless of whether the call is made from a fixed or mobile network.
- 6.7 To distinguish between the two different types of freephone charging arrangements, the term 'freephone' is used to describe the situation where calls can be charged for provided there is a non-chargeable announcement at the start of the call to inform the caller, while the term 'free to caller' is used to describe the situation where calls are always free, including from mobiles.

Charging arrangement options for 116 numbers

- 6.8 Within the bounds of the Decision, there are three charging arrangement options available for 116 numbers (see Section 5 of this document for more detail). These options are:
- Charging Option 1: all 116 numbers are 'freephone'.
- Calls to 116 numbers would either be free for the caller or chargeable with a pre-call announcement. Calls to freephone numbers are commonly charged from mobiles (with an announcement advising of this).
- Charging Option 2: all 116 numbers are 'free to caller'

²⁵ The General Service Conditions attached to the use of 116 numbers are set out in paragraph 3.7.

A charging arrangement known as ‘free to caller’ would be introduced, which would ensure that all calls, regardless of whether they are made from a mobile or fixed line, would be free for the caller.

- Charging Option 3: 116 numbers are either ‘freephone’ or ‘free to caller’ on an individual basis

The decision on whether a 116 number is ‘freephone’ or ‘free to caller’ is made on an individual basis for each 116 number. A set of guiding factors would be established which would help determine the appropriate charging arrangement depending on certain characteristics of each service.

6.9 Under Charging Option 3, the proposed guiding factors for determining the most appropriate charging arrangement for each 116 service would be:

- the level of social value or need met by the service. Services of social value can be broadly categorised as:
 - ‘services of extreme social value’ – these will generally meet a vital and/or extremely urgent need at a time of emotional distress or threat to welfare; or
 - ‘services of social value’ – these are likely to meet relatively less urgent or stressful needs, and may provide a convenient tool for gaining information and/or have a commercial element.
- the likely situation of the caller when he/she needs to call the service. These can be broadly categorised as:
 - ‘situations where the caller requires increased consumer protection’, such as the removal of barriers which might prevent or discourage citizens from making essential calls; or
 - ‘situations where the caller is in a relatively safe and comfortable state’, for example, where the call is to get information of a non-urgent nature and the caller is in a position to make considered decisions on whether and how to make the call.
- the market environment in which the service operates. These can be broadly categorised as:
 - ‘a single provider of the service’, where the service is the only one of its type within its service category;
 - ‘multiple providers of complementary services’, where a number of organisations provide services that complement each other and answer a variety of citizens’ needs within the same broad service category; or
 - ‘multiple providers of competing services’, where a number of organisations compete with each other to answer citizens’ needs within the same broad service category.

6.10 We are consulting on the above charging options. Our initial view is that Charging Option 3: ‘116 numbers are either ‘freephone’ or ‘free to caller’ on an individual basis’ is the most appropriate charging arrangement for 116 numbers. Our reasoning is set out in Section 5 of this document and in the impact assessment on charging arrangements in Annex 5.

- 6.11 Subject to the outcome of this consultation, introduction of the charging option of 'freephone' or 'free to caller' on an individual basis', would see us applying the charging factors to each service reserved a 116 number by the Commission. Having reached our initial view, we would consult on our proposed charging arrangements when making each 116 number available for allocation.
- 6.12 In order not to delay implementation of the 116000, 116111 and 116123 numbers further, we are consulting on our proposed charging arrangements for those numbers in this document.

Analysis of appropriate charging options for 116000, 116111 and 116123

- 6.13 The impact assessment below considers whether each of the first three 116 numbers should be 'freephone' or 'free to caller'. Based on Charging Option 3, it evaluates the services using the proposed factors for charging decisions (see paragraph 6.9) and gives our initial view on the appropriate charging arrangements for the 116000, 116111 and 116123 numbers.

116000 Hotline for missing children service

- 6.14 The 'Hotline for missing children' service would provide a lifeline to persons who have lost a child or are affected by the loss of a child, offering guidance and support in a time of crisis. It would handle calls reporting the child's loss; provide a coordination point between the person(s) experiencing the loss of the child and the police; and would support the investigation into the missing child. The service would be continuously available nationwide.

Level of social value or need met by the service

- 6.15 We consider that the 'Hotline for missing children' service should be categorised as a service of 'extreme social value'. It would meet a vital and extremely urgent need at a time of emotional distress. The loss of a child is a situation where it is crucial that persons experiencing or affected by the loss of the child, or persons with information supporting the investigation, can make the call and that any barriers preventing or discouraging the call are removed.

Likely situation of the caller when he/she needs to call the service

- 6.16 Persons experiencing or affected by the loss of a child, or persons with information supporting an investigation into a lost child, would find themselves in a crisis situation and may need increased consumer protection measures to ensure that they can make the call to 116000. The safety of the lost child may depend on the call being made and therefore steps may need to be taken to ensure that the caller is not prevented or discouraged from doing so. The caller may also require privacy and confidentiality and there should be no barriers to prevent how the call is made to achieve this.

Market environment of service provision

- 6.17 The Hotline for missing children service is likely to form part of a network of complementary services supporting child welfare and is considered to operate in an environment of multiple providers of complementary services. Within the provision of services focussing on missing children, there could be, for example, services that provide support to those whose child is lost, has run away or is involved in child trafficking. These services would have their own areas of expertise and would complement rather than compete with each other for calls relating to missing children.

Conclusions on appropriate charging arrangements for 116000

6.18 As set out above, the 116000 Hotlines for missing children service is considered:

- to fit within the category of ‘extreme social value’;
- is likely to be called when the caller is in state of emotional stress and needs increased consumer protection to ensure that the call is not prevented or hindered; and
- to be offered by multiple providers of complementary services.

6.19 Taking into account our proposed factors for setting charging arrangements for 116 numbers, this suggests that 116000 should be free to caller.

116111 Child helplines

6.20 The ‘Child helplines’ service would help children in need of care and protection, linking them to required services and resources and providing a contact point in emergency situations. It would provide an opportunity for children to express their concerns and to talk about issues directly affecting them.

Level of social need

6.21 We consider that the ‘Child helplines’ service should be categorised as being of ‘extreme social value’, providing a helpline for children in distress or danger to which they can turn for comfort, advice or protection. As the child may be in a situation where it is essential that they can make the call to the helpline, increased consumer protection may be required to ensure that barriers preventing or discouraging the call are removed.

Likely situation of the caller

6.22 Children that find themselves in a situation where they need to call the ‘Child helplines’ service are likely to be in a vulnerable position and may be desperate to make contact with the helpline. It is also likely that the subject matter of the call will be confidential and that the child will require privacy for the conversation. It is highly likely that the child will want to make the call to the helpline using a mobile phone and therefore anything that might prevent the call being made, such as financial barriers (e.g. lack of pre-call credit) or confusion created by a charging announcement, should be prevented.

Market environment of service provision

6.23 There are a variety of child helplines providing support and advice to children with issues that they need to discuss. These form a complementary market in service provision and the different helpline services co-exist to cover the diversity of child welfare issues. As such, child helpline service providers operate in an environment of complementary services and are not considered to compete with each other to receive calls.

Conclusions on appropriate charging arrangements for 116111

6.24 As set out above, the 116111 child helplines service is considered:

- to fit within the category of ‘extreme social value’;

- likely to be called when the caller is in state of emotional stress and needs increased consumer protection to ensure that the call is not prevented or hindered; and
- to be offered by multiple providers of complementary services.

6.25 Taking into account our proposed factors for setting charging arrangements for 116 numbers, this suggests that 116111 should be free to caller.

116123 Emotional support helplines

6.26 The 'Emotional support helplines' service would provide a genuine human relationship based on non-judgemental listening. It would offer emotional support to callers suffering from loneliness, in a state of psychological crisis, or contemplating suicide.

Level of social need

6.27 We consider that 'Emotional support helplines' should be categorised as a service of 'extreme social value', providing a genuine lifeline to persons at a time of emotional distress or despair. The caller is likely to be in a state of crisis and contact with the Emotional support helpline may be essential for the caller's wellbeing.

Likely situation of the caller

6.28 A caller that is in a situation where they need to call the Emotional support helpline is likely to be experiencing feelings of distress or despair, including those that could lead to suicide. They are likely to feel vulnerable and require a private and confidential environment to make the call. Increased consumer protection to remove barriers to making the call in the most suitable way possible are therefore required. Such barriers would include any financial concerns resulting from using a mobile phone to make the call or potentially confusing or worrying messages regarding call charges.

Market environment of service provision

6.29 There are a variety of Emotional support helplines in existence, which provide a network of complementary support and advice opportunities for persons in need of someone to talk to. Emotional support helplines do not compete for calls but co-exist in a multiple provider environment to meet a range of citizens' emotional support needs.

Conclusions on appropriate charging arrangements for 116123

6.30 As set out above, the 116123 Emotional support helplines service is considered:

- to fit within the category of 'extreme social value';
- likely to be called when the caller is in state of emotional stress and needs increased consumer protection to ensure that the call is not prevented or hindered; and
- to be offered by multiple providers of complementary services.

6.31 Taking into account our proposed factors for setting charging arrangements for 116 numbers, this suggests that 116123 should be free to caller.

Conclusions on our analysis of the appropriate charging arrangements for 116000, 116111 and 116123 numbers

- 6.32 As set out above, we consider that the free to caller charging arrangement is appropriate for the 116000 Hotlines for missing children service, the 116111 Child helplines service and the 116123 Emotional support helplines service. This is because the services meet an extremely urgent need at a time of emotional distress and it is therefore crucial that citizens are able to call these services when they require the advice and support that they offer. Increased consumer protection measures are required to ensure that the caller is not prevented or discouraged from calling the hotline/helpline when it is essential for their welfare or the welfare of others that they can do so.
- 6.33 The benefits of free to caller over freephone for these three services are that there are no financial concerns or barriers to prevent callers from making their essential call in the most suitable way and the potential for confusion or alarm created by a charging message is removed.
- 6.34 The free to caller charging arrangement would represent no direct costs to consumers as calls to 116 numbers would always be free. Indeed, consumers would realise a cost saving in cases where a call to the service would previously have been to a freephone number chargeable from mobiles or other chargeable number. In contrast, the freephone charging arrangement would have a significantly greater impact on consumers due to the likelihood that calls would be charged from mobiles. It might also provide a barrier to making the call in times of need.
- 6.35 In terms of impact, the free to caller option would require further regulatory intervention to ensure that all calls to 116 numbers are free. It could also be costly for the chosen service providers for the 116000, 116111 and 116123 numbers to fund the delivery of all 116 calls to their services. The level of such costs would depend on call volumes and duration and their commercial arrangements with their communications provider.
- 6.36 Given the impact and costs, there is a risk that making the initial three services free to caller might be costly for providers and could even result in no service providers emerging who are able to fund all 116 calls to their service. However, we must balance this with the risk of the freephone charging arrangement resulting in calls to the three 116 numbers being prevented or hindered due to the cost, or lack of transparency of the cost, when calling from mobiles. There is a strong likelihood that mobile phones will be the most suitable or only means available of making vital contact with the three services reserved 116 numbers. The strong concern that essential calls would not be made outweighs the potential cost to service providers of funding 116 calls to their service.
- 6.37 In addition, the three services have been categorised as operating in an environment where there are multiple providers of complementary services. Where a service is provided alongside other services that complement each other and answer a variety of citizens' needs within the same broad service category, we believe that decisions on charging arrangements can be taken without impacting other service providers in the same broad service category. This is because the services are not in competition for the same calls. Decisions on charging arrangements can therefore be based on the level of social value or need and the likely situation of the caller without impacting the provision of similar services.
- 6.38 Given the above analysis, our initial conclusion is that the 116000, 116111 and 116123 numbers should be free to caller numbers. We propose that the numbers'

service designation in the Numbering Plan includes the charging arrangement as set out below:

116000	Free-to-caller Number used to access 'Hotline for missing children' service ('Type B Access Code')
116111	Free-to-caller Number used to access 'Child helplines' service ('Type B Access Code')
116123	Free- to-caller Number used to access 'Emotional Support Helplines' service ('Type B Access Code')

Table 6.2: proposed service designations for the initial 116 numbers in the Numbering Plan

Question 8: Do you agree that the initial three 116 services (116000 hotline for missing children; 116111 child helplines; 116123 emotional support helplines) should be 'free to caller'? If not, please give your reasons.

Section 7

Next steps

The consultation process

- 7.1 We consider that the allocation and charging arrangements for 116 numbers are potentially of interest to a wide range of stakeholders and that a 10-week consultation period is appropriate. The consultation period will therefore last from 1 October 2008 to 10 December 2008.
- 7.2 Once the consultation period has closed, we will consider the submissions and decide whether to implement or amend our proposals. Subject to that decision, we will publish a statement explaining our decision and the Notifications bringing into effect the necessary changes to the Numbering Plan, the Numbering Condition and the access code application form. We plan to publish the statement in late January / early February 2009.
- 7.3 The process and timelines for the next steps detailed below are based on our proposed arrangements for 116 number allocation and are therefore subject to the outcome of this consultation.

Proposed 'call for interest' period for 116000, 116111 and 116123

- 7.4 At the time of publishing the statement on 116 arrangements, we propose to launch the first six-week 'call for interest' period. This 'call for interest' will invite applications from potential service providers (in conjunction with their chosen communications provider) in support of their request for the allocation of the following numbers:

116000	Hotline for missing children
116111	Child helplines
116123	Emotional support helplines

- 7.5 We will maintain a dedicated area on our website for 116 numbers as part of the numbering information section. This page will provide all the relevant information on 116 numbers, including information on how to apply for particular 116 numbers and the required supporting information. It will also provide the Service Eligibility Criteria for each 116 number against which applications will be assessed.
- 7.6 Once the 'call for interest' period has closed, we will consider all applications with assistance from the Government coordinated advisory committees. We may need to seek additional information from applicants to reach our decision. The advisory committees will advise on whether the communications provider / service provider(s) partnerships meet the Service Eligibility Criteria for each of the three 116 numbers and will recommend the most appropriate communications provider / service provider(s) partnerships to be allocated each 116 number.
- 7.7 Communications provider / service provider(s) partnerships that meet the Service Eligibility Criteria for the 116 numbers will be invited to submit an access code application form. We will consider the application forms and the advisory committees' recommendations and decide to which communications provider / service provider(s) partnerships we will allocate each 116 number. We will publish the outcome and reasoning behind our allocation decision on the dedicated 116 area of our website.

- 7.8 If we do not receive a suitable application requesting the allocation of any of the 116 numbers during the 'call for interest' period, the number(s) will remain available for allocation. Communications provider / service provider(s) partnerships may, at any time following an unsuccessful call for interest, apply to Ofcom for the unallocated 116 number.
- 7.9 The application must include the same supporting information as requested in the 'call for interest'. The information required will be set out in the 116 area of our website. Ofcom and the advisory committee will assess the application against the Service Eligibility Criteria for that number and the advisory committee will recommend whether the 116 number should be allocated. If the application does meet the Service Eligibility Criteria, we will invite the submission of an access code application form and will consider this alongside the advisory committee's recommendation and decide whether to allocate the 116 number.

Proposed process for allocation of subsequent 116 numbers

- 7.10 The Commission will consider requests for new 116 number reservations periodically and has indicated that this is likely to be every six to twelve months depending on demand. The Decision will be amended to include new 116 numbers, the Name of Service, the Service Description and the Specific Service Conditions. We will be given a period of time to make the necessary arrangements for the new 116 number(s) to be included in the Numbering Plan.
- 7.11 Each time the Decision is amended to make new 116 number(s) available, we will consult on a modification to the Numbering Plan to include the number(s), including our proposal on whether the number should be freephone or free to caller and any Additional Specific Service Conditions that we consider should be attached to the rights of use of that number..
- 7.12 Further to the amendment to the Numbering Plan, we will commence the 'call for interest' period.
- 7.13 An indicative timetable of the activities proposed for the allocation of the initial 116 numbers is shown in figure 7.1 below.

Timing	Activity
1 October 2008	Publication of consultation document
10 December 2008	Consultation closes
End January / Early February 2009	Publication of statement 'Call for interest' period for 116000, 116111 and 116123 numbers launched
Mid-March 2009	'Call for interest' period closes
March 2009	Applications reviewed by Ofcom and the advisory committees
Early April 2009	Communications providers whose applications meet the Service Eligibility Criteria invited to submit an access code application form on behalf of the communication provider /

	service provider partnership on a set date
April 2009	Ofcom considers the submitted access code application forms and the advisory committees' recommendations and reaches a decision on allocation of 116000, 116111 and 116123 numbers
Every 6-12 months	Commission to review requests for additional 116 numbers. Reservation of new 116 numbers would require process to restart.

Figure 7.1 Proposed timetable for allocation of 116 numbers

Annex 1

Responding to the consultation

How to respond

- A1.1 Ofcom invites written views and comments on the issues raised in this document, to be made by **5pm on 10 December 2008**.
- A1.2 We strongly prefer to receive responses using the online web form at <http://www.ofcom.org.uk/consult/condocs>, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 3) and, among other things, to indicate whether or not there are confidentiality issues. The response cover sheet is incorporated into the online web form questionnaire.
- A1.3 For larger consultation responses - particularly those with supporting charts, tables or other data - please email elizabeth.greenberg@ofcom.org.uk attaching your response in Microsoft Word format, together with a consultation response coversheet.
- A1.4 Responses may alternatively be posted or faxed to the address below, marked with the title of the consultation:
- Elizabeth Greenberg
4th Floor, Riverside House
2A Southwark Bridge Road
London SE1 9HA
Fax: 020 7783 4109
- A1.5 Note that we do not need a hard copy in addition to an electronic version. We will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.
- A1.6 It would be helpful if your response could include direct answers to the questions asked in this document, which are listed together at Annex 4. It would also help if you can explain why you hold your views, and how our proposals would impact on you.

Further information

- A1.7 If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Elizabeth Greenberg on 020 7783 4163.
- A1.8 We believe it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, www.ofcom.org.uk, ideally on receipt. If you think your response should be kept confidential, can you please specify what part or whether all of your response should be kept confidential, and specify why. Please also place such parts in a separate annex.
- A1.9 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and will try to respect this. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.

- A1.10 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Our approach on intellectual property rights is explained further on our website at <http://www.ofcom.org.uk/about/accoun/disclaimer/>

Next steps

- A1.11 Following the end of the consultation period, we intend to publish a statement in late January / early February 2009.
- A1.12 Please note that you can register to receive free mail Updates alerting you to the publications of relevant Ofcom documents. For more details please see: http://www.ofcom.org.uk/static/subscribe/select_list.htm

Ofcom's consultation processes

- A1.13 We seek to ensure that responding to a consultation is easy as possible. For more information please see our consultation principles in Annex 2.
- A1.14 If you have any comments or suggestions on how we conduct our consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at consult@ofcom.org.uk . We would particularly welcome thoughts on how we could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.15 If you would like to discuss these issues or our consultation processes more generally you can alternatively contact Vicki Nash, Director Scotland, who is Ofcom's consultation champion:

Vicki Nash
Ofcom
Sutherland House
149 St. Vincent Street
Glasgow G2 5NW

Tel: 0141 229 7401
Fax: 0141 229 7433

Email vicki.nash@ofcom.org.uk

Annex 2

Ofcom's consultation principles

A2.1 Ofcom has published the following seven principles that we will follow for each public written consultation:

Before the consultation

A2.2 Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. If we do not have enough time to do this, we will hold an open meeting to explain our proposals shortly after announcing the consultation.

During the consultation

A2.3 We will be clear about who we are consulting, why, on what questions and for how long.

A2.4 We will make the consultation document as short and simple as possible with a summary of no more than two pages. We will try to make it as easy as possible to give us a written response. If the consultation is complicated, we may provide a shortened version for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

A2.5 We will normally allow ten weeks for responses to consultations on issues of general interest.

A2.6 There will be a person within Ofcom who will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. This individual (who we call the consultation champion) will also be the main person to contact with views on the way we run our consultations.

A2.7 If we are not able to follow one of these principles, we will explain why. This may be because a particular issue is urgent. If we need to reduce the amount of time we have set aside for a consultation, we will let those concerned know beforehand that this is a 'red flag consultation' which needs their urgent attention.

After the consultation

A2.8 We will look at each response carefully and with an open mind. We will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

Annex 3

Consultation response cover sheet

- A3.1 In the interests of transparency, we will publish all consultation responses in full on our website, www.ofcom.org.uk, unless a respondent specifies that all or part of their response is confidential. We will also refer to the contents of a response when explaining our decision, without disclosing the specific information that you wish to remain confidential.
- A3.2 We have produced a cover sheet for responses (see below) and would be very grateful if you could send one with your response. This will speed up our processing of responses, and help to maintain confidentiality by allowing you to state very clearly what you don't want to be published. We will keep your completed cover sheets confidential.
- A3.3 The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore we would encourage respondents to complete their cover sheet in a way that allows us to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A3.4 We strongly prefer to receive responses in the form of a Microsoft Word attachment to an email. Our website therefore includes an electronic copy of this cover sheet, which you can download from the 'Consultations' section of our website.
- A3.5 Please put any confidential parts of your response in a separate annex to your response, so that they are clearly identified. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your cover sheet only so that we don't have to edit your response.

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title: Harmonised European numbers for services of social value

To (Ofcom contact): Elizabeth Greenberg

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

What do you want Ofcom to keep confidential?

Nothing	<input type="checkbox"/>	Name/contact details/job title	<input type="checkbox"/>
Whole response	<input type="checkbox"/>	Organisation	<input type="checkbox"/>
Part of the response	<input type="checkbox"/>	If there is no separate annex, which parts?	

If you want part of your response, your name or your organisation to be confidential, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response. It can be published in full on Ofcom's website, unless otherwise specified on this cover sheet, and I authorise Ofcom to make use of the information in this response to meet its legal requirements. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

Annex 4

Consultation questions

Questions from Section 4: Allocation of 116 numbers

Question 1: Do you agree that communications provider / single or multiple service provider partnerships are the most appropriate parties to apply for allocation of 116 numbers?

Question 2: Do you agree that a comparative selection process is the most appropriate way of determining applications for 116 numbers?

Question 3: Do you have any comments on the proposal for a 'call for interest' period? Do you think that six weeks allows sufficient time to make a submission of interest?

Question 4: Do you have any comments on the proposal for Government coordinated advisory committees to assist Ofcom with the 116 number allocation process? Do you have any views on the possible membership of the advisory committees?

Questions from Section 5: Charging arrangements

Question 5: Do you have any comments on Ofcom's assessment of the three charging options for 116 numbers?

Question 6: Do you agree with Ofcom's conclusion that Charging option 3: 116 numbers are either 'freephone' or 'free to caller' on an individual basis is the most appropriate option?

Question 7: Do you agree with the suggested factors for deciding whether a service should be 'freephone' or 'free to caller'? Do you think any other factors should be taken into account?

Question from Section 6: Inclusion of 116000, 116111 and 116123 in the Numbering Plan – proposals and impact assessment

Question 8: Do you agree that the initial three 116 services (116000 hotline for missing children; 116111 child helplines; 116123 emotional support helplines) should be 'free to caller'? If not, please give your reasons.

Question from Annex 5: Impact Assessment

Question 9: Do you have any comments on the Impact Assessment on the options for allocation of 116 numbers and charging arrangements? Do you agree with Ofcom's conclusions?

Question from Annex 8: Legal framework and tests

Question 10: Do you have any specific comments on the proposed modifications to the Numbering Plan, Numbering Condition and/or the access code application form as set out in Annexes 11 to 13?

Annex 5

Impact Assessment

Introduction

- A5.1 The analysis presented in this Annex represents an impact assessment, as defined in section 7 of the Communications Act 2003 (the Act).
- A5.2 You should send any comments on this impact assessment to us by 10 December 2008, the closing date for this consultation. We will consider all comments before deciding whether to implement our proposals.
- A5.3 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 we have to carry out impact assessments where our 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. However, as a matter of policy we are committed to carrying out and publishing impact assessments in relation to the great majority of our policy decisions. For further information about our approach to impact assessments, see the guidelines, *Better policy-making: Ofcom's approach to impact assessment*, which are on our website:
http://www.ofcom.org.uk/consult/policy_making/guidelines.pdf

The citizen and/or consumer interest

- A5.4 Ofcom has a duty under section 63(1) of the Act to ensure that best use is made of telephone numbers and to encourage efficiency and innovation for that purpose.
- A5.5 We also have a general duty to further the interests of citizens in relation to communications matters and to take into account the community requirement to promote the interests of all persons who are citizens of the European Union.
- A5.6 The Commission's Decision to introduce a harmonised numbering range for services of a social value across Member States was taken primarily to benefit European citizens. Harmonised 116 numbers are intended to assist citizens across Europe by providing a greater understanding of the number to call if they are in difficulty or require practical or emotional help when in their own country and particularly while travelling. The effective implementation of the Decision in the UK would therefore contribute to the well-being and safety of citizens, or particular groups of citizens, or help citizens who are in difficulty.

Ofcom's policy objective

- A5.7 Our objective is to implement the Decision's requirements in the most effective way possible so as to:
- secure the best use of each 116 number; and
 - further the interests of citizens and consumers in the UK and the European Union.

The 'do nothing' option

A5.8 Impact assessments usually consider an option under which the current status quo is maintained. In terms of the policy issues covered by this consultation, the 'do nothing' option would mean us taking no action to implement the Decision in the UK. However, the Decision is binding on Member States and if we did not take the necessary actions we would be in breach of our obligations to implement Community law. In order to meet the requirements of the Decision, the numbers need to be made available for allocation, which requires a consultation on modifications to certain documents. We are not, therefore, proposing the 'do nothing' option.

Analysis of the different options for allocation of 116 numbers

Options for who can apply for a 116 number

Allocation Option 1: any communications provider without application to Ofcom

A5.9 Under this option, we would make the 116 numbers generally available for use by any communications provider to deliver calls to their choice of service provider without application to Ofcom, on the condition that the service provided is in accordance with the Service Eligibility Criteria.²⁶

A5.10 Arguments that could be made for Allocation Option 1:

- ease of process for communications providers and service providers, as no application to Ofcom would be necessary to deliver calls and provide services on 116 numbers;
- decisions on service provision can be made independently by communications providers, who can decide how they want to terminate calls. For instance, a number of service providers may provide the relevant service and each communications provider could route calls to their choice of these service providers; and
- no limit on the number of communications providers who could terminate calls to 116 numbers and service providers who may provide services on each 116 number.

A5.11 Arguments that could be made against Allocation Option 1:

- communications providers may apply inconsistent methods for determining whether the service meets the Service Eligibility Criteria for each 116 number. This could jeopardise the harmonisation of services;
- communication providers may be placed in a difficult position if they have to determine which service provider they want to route calls to and whether the service provided would be in accordance with the Service Eligibility Criteria in the Numbering Plan;
- consumers are likely to experience an inconsistent approach to service provision, which may be confusing and impact the reputation of 116 services; and
- it would be difficult for us to monitor service availability (a requirement for Ofcom under the Decision) and to ensure compliance with the Service Eligibility Criteria in the Numbering Plan.

²⁶ The Service Eligibility Criteria consists of the Service Description, the General Service Conditions, the Specific Service Conditions and any Additional Specific Service Conditions attached to the right of use of that 116 number. See paragraphs 3.7 to 3.9 for an explanation of these criteria.

Allocation Option 2: allocation to a communications provider following application to Ofcom

A5.12 Under this option, Ofcom would determine which communications provider would make best use of the 116 number. However, the actual service provider would not be made part of the allocation and therefore the communications provider could route calls to any service provider.

A5.13 Arguments that could be made for Allocation Option 2:

- we would apply a consistent method of determining whether the proposed service would be in accordance with the Service Eligibility Criteria in the Numbering Plan; and
- use can be monitored and enforcement action taken if required.

A5.14 Arguments that could be made against Allocation Option 2:

- unless the service provider is made a 'condition of use' as part of the allocation, the communications provider may decide to change that provider (and potentially the level or quality of service provided) at any time;
- the communications provider allocated the number could make independent decisions on the suitability of service providers and may take into account factors other than meeting the Service Eligibility Criteria, i.e. favour service providers with whom they already have a commercial relationship; and
- the service provider providing the service on the 116 number would have no 'rights' over the number as they are not named as part of the allocation. As a consequence, they may feel a lack of ownership over the number and therefore less incentive to promote it and develop the service.

Allocation Option 3: allocation to a communications provider / single service provider partnership following application to Ofcom

A5.15 Under this option, Ofcom would not only determine the communications provider to be allocated the number but would also make it a condition of use that only the specified service provider may provide the service.

A5.16 In addition to those set out for Option 2, the following arguments could be made for Allocation Option 3:

- increased service provider 'ownership' of number, which may encourage investment in service, advertising, innovation etc; and
- consistency of service – the service provider can not be changed without application to Ofcom.

A5.17 Arguments that could be made against Allocation Option 3:

- may create inappropriate competition for the number between providers of services of social value who offer the same or complementary services, as only one service provider may provide the service on the 116 number; and
- there might not be one single service provider who can meet all the eligibility criteria, for example UK-wide coverage; 24 hour/7 days a week availability.

Allocation Option 4: allocation to a communications provider / single or multiple service provider partnership following application to Ofcom

A5.18 Under this option, Ofcom would determine the communications provider to be allocated the number and would make it a condition of use that the named single or multiple service provider partnerships would provide the service.

A5.19 In addition to those set out for Options 2 and 3, the following arguments could be made for Allocation Option 4:

- reduces unnecessary competition for the 116 number between providers of the same or complementary services of social value. This would lessen the potential for 'crowding out' of services, which could ultimately result in reduced service provision to the detriment of consumers; and
- a partnership of service providers may benefit consumers through better provision of service, e.g. in terms of geographic coverage; constant availability; languages offered; more extensive skill/experience base; contingency arrangements etc.

A5.20 Arguments against Allocation Option 4:

- potential for difficulties with practical implementation and co-ordination created by multiple service providers delivering the service.

Impact of the Allocation Options

A5.21 We have no visibility of the likely level of costs of the different allocation options for different stakeholders. It is important to note, however, that these particular costs would be incurred voluntarily, as service providers are not required to apply for the allocation of a 116 number reserved for their type of service.

A5.22 Allocation Options 1 and 2 would require less collaboration between Ofcom, communications providers and service providers as part of the allocation process. The biggest impact of Options 3 and 4 would be on service providers who would not normally be part of the Ofcom/communication provider allocation process.

Risks associated with the Allocation Options

A5.23 The risk with Allocation Options 1 and 2 is that unless the service provider and its specific service are explicitly referred to as a condition of use, there are no assurances that the service described in the application will be the service provided. Given the social value of services on 116 and the uniqueness of the number range, we consider that assurances that the service described is the service provided are required.

A5.24 There is a potential risk that the more complex the application process, the more time consuming and confusing it will become and this may dissuade service providers from expressing an interest. This is more of a risk for service providers with Options 3 and 4 who may have had no previous experience of Ofcom allocation procedures.

A5.25 Allocation Option 3 does not allow for multiple eligible service providers and may not offer the optimum solution to service provision. It could also result in the 'crowding out' of similar services that cannot use the 116 number. On the other hand, the risk with Allocation Option 4 is that a multiple service provider scenario may create confusion and difficulties in terms of reaching an agreement on call routing and termination.

The preferred option for who can apply for a 116 number

- A5.26 We have considered the options for who can apply for 116 numbers and assessed these in line with our policy objectives for 116 number allocation of securing the best use of the numbers and furthering the interests of citizens and consumers in the UK and the European Union. Our preferred option of 'allocation to a communications provider / single or multiple service provider partnership following application to Ofcom' would enable us to reach a decision that would deliver the "best use" of the single 116 number available for a particular service. Also, the interests of citizens and consumers in the UK and the European Union would be furthered by pan-European harmonisation of 'same number – same service', delivered through adherence to the Service Eligibility Criteria in the Numbering Plan.
- A5.27 We do not know the level of costs of each of the allocation options. However, applying for numbers is a necessary part of the provision of communications services. The application process will be kept to the minimum required to make a judgement on which applicant would make best use of the 116 number.
- A5.28 Allocation Option 4 would manage the risks associated with the other options in terms of ensuring that named service providers are accountable for delivering the service set out in the application. We believe that while some negotiation will be required to reach agreements between multiple service providers on shared service provision, this would be manageable and is preferable to the risk of other services being crowded out due to the increased popularity of the 116 service. We also believe that such partnerships could offer benefits for consumers in terms of quality of service provision.

Analysis of the different options for the selection process

Selection Option 1: 'first come first served'

- A5.29 Under this option, Ofcom would decide whether an applicant meets the Service Eligibility Criteria on a 'first come first served' basis. In other words, we would allocate the 116 number to the communications provider that submits the first application form that meets all the criteria following the addition of the 116 number to the Numbering Plan.
- A5.30 Arguments that could be made for Selection Option 1:
- 'first come first served' is Ofcom's established process for the allocation of telephone numbers and is therefore straightforward to implement and quick to administer; and
 - it provides an objective means of determining whether an applicant should be granted the allocation of the number, as provided the first application describes a service that meets the Service Eligibility Criteria, the allocation is made regardless of the merits of other potential applicants.
- A5.31 Arguments that could be made against Selection Option 1:
- the first communications provider (and its proposed service provider) to apply for the allocation of the number may not be the applicants that offer the best use of the number;
 - only one number is available for each type of service and multiple eligible service providers may want to apply. A process that gives providers sufficient opportunity to put applications together, rather than race to be the first to apply,

would allow us to make a considered decision from a selection of eligible applicants; and

- due to the social value of 116 services, an eligibility criteria based decision-making process, which can judge an application on its own merits and against the merits of similar or complementary services, is required.

Selection Option 2: comparative selection process

A5.32 Under this option, Ofcom would compare potential services against Service Eligibility Criteria, and against each other, to establish which service would offer the best use of the number.

A5.33 Arguments that could be made for Selection Option 2:

- ensures that service providers whose services meet the Service Eligibility Criteria have sufficient opportunity to apply and be considered for the allocation of the 116 number; and
- furthers consumer interests as the service provider who compares best to the Service Eligibility Criteria is allocated the memorable number.

A5.34 Arguments that could be made against Selection Option 2:

- requires us to make judgements about services based on criteria outside of our normal range of expertise (although advice from additional parties may be sought – see paragraphs A5.45 to A5.47 on how Ofcom would be assisted in the selection process by Government run advisory committees); and
- detailed and time-consuming process for the applicants, Ofcom and the parties advising Ofcom during the selection process.

Selection Option 3: lottery and auctions

A5.35 Under this option, communications providers whose services meet the Service Eligibility Criteria would compete against each other through an auction or lottery for the allocation of the number.

A5.36 Arguments that could be made for Selection Option 3:

- selection on an objective basis, in that the communications provider who bids the most money in an auction or is randomly selected via a lottery receives the allocation.

A5.37 The following arguments could be made against Selection Option 3:

- it would be inappropriate for the type of organisations likely to provide services of social value to fund the acquisition of a 116 number via auction;
- due to the social value of 116 services, a criteria based decision-making process, which can judge an application on its own merits and against the merits of similar or complementary services, is required; and
- a new process would need to be devised for a lottery or auction, unnecessarily increasing the time for implementation of 116 numbers.

Impact and costs associated with the Selection Options

- A5.38 Selection Option 1 would result in no change to our normal application processes and would consist of communications providers submitting an access code application form. Under our obligation in the Act, we would determine the outcome of the application within three weeks of receipt of all the necessary information.
- A5.39 Selection Option 2 would increase the impact and costs of the selection process for both communications providers and service providers applying for 116 numbers. An additional layer would need to be incorporated into the selection process to allow us time beyond three weeks from the receipt of the first application to conduct the comparative selection process. The costs of Selection Option 2 would expand beyond the applicants and Ofcom to include any parties that would assist us in reaching the decision on the comparative selection process.
- A5.40 Under Selection Option 3, an auction could considerably increase the costs of the selection process for both communications providers and service providers. The attractiveness of the short 116 numbers may result in the need to bid large amounts of money to secure the number. This would be inappropriate for the potential service providers, which are likely to be organisations operating in the third sector.
- A5.41 A lottery would have similar costs to Selection Option 1 for communications providers and service providers, relying on the submission of an access code application form meeting the Service Eligibility Criteria for entry into the lottery. The costs would be higher for Ofcom and any other parties assisting us in devising and running the lottery process.

Risks associated with the Selection Options

- A5.42 The risk with Selection Options 1 and 3 is that provided Ofcom is satisfied that the Service Eligibility Criteria is met in the application form, there would be no further judgement made on suitability and limited opportunity to seek independent advice on eligibility. Instead, the selection decision would be based on speed of submitting the application, funds available or chance. As a result, each 116 number may not be allocated to the most suitable communications provider / service provider(s) partnership and the best use of the numbers may not result.
- A5.43 The risk with Selection Option 2 is that making judgements on applicants' suitability to provide services of social value is outside Ofcom's usual areas of competence. This risk can be mitigated by taking advice from an independent panel of advisers (see paragraphs A5.45 to A5.47 below).

The preferred option for the selection process

- A5.44 In line with our policy objectives for 116 number allocation, which are to secure the best use of 116 numbers and to further the interests of citizens and consumers in the UK and the European Union, the selection process that we deliver needs to provide for the assessment of the service provider and its proposed service against a) a transparent set of Service Eligibility Criteria; and b) other potential providers of similar or complementary services. Given this, we initially prefer Selection Option 2, the comparative selection process.

Analysis of proposals for how the comparative selection process should be run

Ofcom to be assisted in the allocation decision process by Government run advisory committees

- A5.45 Under this proposal, we would be assisted in the comparative selection process for the allocation of each 116 number by advisory committees set up by Government. The advisory committees would consist of individuals with knowledge and expertise in the provision of services of social value, which would assist us in assessing applications for 116 numbers against the Service Eligibility Criteria.
- A5.46 The following arguments could be made in support of advisory committees set up by Government (as opposed to Ofcom making selection decisions without additional guidance):
- Ofcom makes number allocation decisions based on the applicant's technical ability to provide the service and their justified demand for numbers. Knowledge of the type of services of social value likely to be provided on 116 numbers may in some cases go beyond our expertise. Specially convened advisory committees, with the required knowledge of the type of services and service provider environment that is likely to operate on 116 numbers, could greatly assist us in assessing whether applications meet those criteria;
 - the Cabinet Office has offered to run the advisory committees and has given a commitment to convene committees specifically for each 116 number. The Cabinet Office's Contact Council, which has oversight across the public sector on all matters relating to customer contact, would draw on its membership as appropriate for the advisory committees, as well as other Government and non-Government contacts with relevant expertise and experience;
 - convening advisory committees specifically for each 116 number would allow the membership of the committees to include those with knowledge of the particular type of service. Over time it is likely the type of services given 116 numbers will differ considerably and therefore the committees' experience may also need to be varied;
 - ultimately, advisory committees should help us reach the most appropriate decision on allocation and thus further the interests of consumers through quality of service provision; and
 - while the advisory committees would help us to reach a decision on allocation, the decision (and thus ultimate responsibility) would remain with Ofcom.

A5.47 The following arguments could be made against Government co-ordinated advisory committees:

- there will be additional cost and time involved in convening advisory committees for each number.

'Call for interest' period

A5.48 Under this proposal, a 'call for interest' period of six weeks would commence once a 116 number has been made available for allocation. During this period, interested service providers (with support from their chosen communications provider) would send submissions of interest in the allocation of the 116 number to Ofcom, setting out how their service would meet the published Service Eligibility Criteria and supplying supporting information as requested by Ofcom.

A5.49 Once the 'call for interest' period has closed, Ofcom and the advisory committees would consider the applications received. The communications provider(s) who

meet the Service Eligibility Criteria would be requested to submit an access code application form requesting the allocation of the 116 number on behalf of their communications provider / service provider(s) partnership. Ofcom would consider the application form(s) together with the recommendations from the advisory committee and determine which communications provider / service provider(s) partnership is allocated the 116 number.

A5.50 The alternative to the 'call for interest' period is that the selection process would move straight to the submission of access code application forms from all interested parties. We have a duty under the Act to determine numbering applications within three weeks of receipt and therefore service providers would need to submit on a set date to allow us the opportunity of considering all applications for the same period of time.

A5.51 The following arguments could be made for a 'call for interest' period:

- allows service providers sufficient time to consider whether they are interested in applying for the allocation of the 116 number; form a partnership with a communications provider; and put together detailed supporting information on their service; and
- the additional time before the application process should result in applicants submitting comprehensive service descriptions, allow the advisory committees to consider applications and make recommendations and allow Ofcom to reach a more informed decision on the suitability of different service providers.

A5.52 The following arguments could be made against the 'call for interest' period:

- adds a further level to the allocation process, thereby extending the time taken to allocate the numbers; and
- it would create additional administrative work for all parties involved, in particular the service providers applying for the numbers.

Impact and costs associated with the proposals for how the comparative selection process should be run

A5.53 We have a commitment from Government that the Cabinet Office will set-up and run the advisory committees. As yet, we do not know the likely demand for 116 numbers to be reserved for a service at European level or the probable level of interest in allocation of the numbers that will develop in the UK. We can not therefore provide transparency on the potential impact and costs for co-ordinating and running the advisory committees.

A5.54 The 'call for interest' proposal would provide more flexibility for service providers in how and when they submit requests for the allocation of a 116 number. This is important, as service providers may be unfamiliar with the Ofcom allocation process and additional time may be required to adequately set out the details of their proposed service and explain how it would meet the Service Eligibility Criteria.

The preferred option for running the comparative selection process

A5.55 The allocation process for 116 numbers would be different from that for other numbers, as there is only one number available for a particular type of service. For this reason, a far more detailed assessment of the potential services is required in order to establish how close they are to delivering the Service Eligibility Criteria. In

some cases, this is beyond Ofcom's general expertise and therefore we welcome the commitment provided by the Cabinet Office to set up advisory committees to assist us with the allocation process. We therefore favour taking advice from Government co-ordinated advisory committees as part of the proposed comparative selection process for each 116 number.

A5.56 We are mindful that service providers would be applying as part of the communications provider / service provider partnership and it may be the first time they have applied for numbers from Ofcom. Also, given that we will require more information than usually requested to perform the comparative selection process, we consider that extra time needs to be built into the application timetable. For these reasons, we favour the introduction of a 'call for interest' period of six weeks into the allocation process.

Analysis of the different options for charging arrangements

Charging Option 1: all 116 numbers are 'freephone'

A5.57 Under this option, calls to 116 numbers would either be free for the caller or chargeable with a pre-call announcement. Calls to freephone numbers are commonly charged from mobiles (with an announcement advising of this).

A5.58 The following arguments could be made for Charging Option 1:

- ease of 'business as usual' approach to charging arrangements, which could be implemented according to the UK established charging and interconnection arrangements for freephone numbers;
- originating providers, in particular mobile providers, may voluntarily agree not to charge for calls to some or all 116 numbers. This voluntary approach happens currently for some services of high social value such as 0800 1111 Childline and services using numbers from the 'Confidential Helplines' 080880 number range; and
- with freephone, the service provider funds the cost of incoming calls, and this cost is generally higher when the call originates from a mobile phone. Under current freephone arrangements, calls are commonly charged from mobiles, which means that the caller pays for all or part of the cost of the call, thus reducing the impact on the service provider. As funds may be limited for organisations providing services of social value, this may be an important consideration.

A5.59 The following arguments could be made against Charging Option 1:

- the ability for communications providers to charge may create a barrier to calling which could place the consumer in further distress or danger;
- unless mobile providers voluntarily agree not to charge for calls to 116 numbers, calls will not be free from mobiles. It can be assumed that a significant proportion of 116 calls will originate from mobiles;
- the intended concept of a free call for consumers at times of social need will not be delivered and freephone arrangements may not further the interests of consumers who need to call 116 services at times of extreme social need;

- although providers are obliged to place a free announcement at the start of the call advising that there is to be a charge, the announcement does not provide tariff information. The lack of clarity on the call charge may leave callers uncertain as to whether they can afford to continue with the call; and
- the pre-call announcement may confuse callers and act as a deterrent to making the call.

Charging Option 2: all 116 numbers are 'free to caller'

A5.60 Under this option, we would introduce a charging arrangement that is free to caller regardless of whether calls are made from a mobile or fixed line telephone.

A5.61 The following arguments could be made for Charging Option 2:

- delivery of the Commission's intended free call concept to consumers, thus furthering their interests;
- tariff transparency, in that a 'free' call is actually free at all times for all consumers;
- consumers have no financial barriers to calling a 116 number in times of need; and
- callers are not confused or concerned on hearing a pre-call announcement advising that there will be a charge for making the call.

A5.62 The following arguments could be made against Charging Option 2:

- as the cost of incoming calls are generally funded by the service provider, free to caller may be costly for service providers as the higher cost of incoming calls from mobiles would need to be met;
- if the cost of receiving calls from mobiles can not be covered, then the service can not be provided on the 116 number. This could jeopardise consumer interests if services of social value are not provided on 116 numbers due to financial barriers to service provision;
- requires regulatory intervention to set the tariff at zero from all networks. This could be disproportionate for some services of less extreme social need, for instance those which offer a tool for convenience or have a commercial element;
- in the UK, all communications providers, with the exception of BT, are free to decide whether to open access to telephone numbers, including in relation to 116 numbers (BT is obliged to do so under the obligations of its access-related condition). Therefore, if a communications provider (other than BT) is unhappy with the associated charging or commercial arrangements it may take the decision not to open all or some 116 numbers, meaning that their customers would be unable to call the services on those numbers. Setting the tariff for all 116 numbers as free to caller from the outset may result in some communications providers, particularly mobile providers, choosing not to open access to some or all 116 numbers; and
- where similar or complementary services compete with each other for consumers' calls, free to caller may result in crowding out of similar services not on 116 numbers and which can not be guaranteed the same charging

arrangements on freephone numbers (i.e. numbers beginning with the digits '080'). This could result in reduced choice for consumers.

Charging Option 3: 116 numbers are either 'freephone' or 'free to caller' on an individual basis

- A5.63 Under this option, the decision on whether a 116 number is freephone or free to caller is made on an individual basis for each 116 number. A set of guiding factors would be established which would help determine the appropriate charging arrangement depending on certain characteristics of each service.
- A5.64 As part of the process of making each 116 number available for allocation, we would consult on the most appropriate charging arrangements for that particular 116 service based on our proposed set of factors.
- A5.65 The following arguments could be made for Charging Option 3:
- freephone or free to caller charging arrangements would be determined for each service individually using a set of guiding factors and would be proportionate to the social value of the service; the situation of the caller; and the market conditions for the service;²⁷
 - stakeholders would be consulted on the charging arrangements for each 116 number; and
 - all the benefits of Charging Options 1 and 2 would be realised in a manner proportionate to the particular 116 service's needs.
- A5.66 The following arguments could be made against Charging Option 3:
- possible confusion for callers if some 116 numbers are freephone while others are free to caller. Further, although a pre-call announcement would inform the caller where a charge would be made, the actual cost would not be transparent; and
 - potential service providers may lobby for one charging arrangement to suit their own needs regardless of whether it would be more appropriate to have a different charging arrangement.

Impact and costs associated with the Charging Options

- A5.67 Option 1 would not require Ofcom intervention to create a new charging designation. It would also have the least impact on service providers' funding arrangements as current cost plans based on existing freephone arrangements could be retained.
- A5.68 However, Option 1 would be the most costly charging option for consumers due to the likelihood that calls would be charged from mobiles. This could provide a barrier to consumers making a call to a 116 number in times of need.
- A5.69 Under Option 2, a requirement ensuring that all calls to 116 numbers are free to caller would be introduced before knowing what the services will be. It could also be

²⁷ The market conditions for the service includes a) the nature of the players in the market for the provision of the service, e.g. whether they are charities, public or private sector organisations; b) the number of service providers offering the service; c) the likely effect on the existing services if one was to be allocated a 'free to caller' 116 number, given that such charging arrangements could not be guaranteed for any other service; and d) the likelihood of a service provider emerging who could offer the service on a free to caller basis.

costly for all 116 service providers (although we are unable to quantify this cost) as they would need to fund the delivery of all calls to their 116 numbers.

- A5.70 Option 2 would represent no direct costs to consumers as calls to 116 numbers would always be free. Indeed, consumers would realise a cost saving in cases where a call to the service would previously have been to a freephone number chargeable from mobiles or other chargeable number. However, there may be an impact on the provision of competing services which do not benefit from free to caller charging arrangements. As a consequence, those services may attract fewer calls and may ultimately be withdrawn with reduced choice for consumers.
- A5.71 Option 3 would allow the impact and costs associated with Options 1 and 2 to be incurred in a manner proportionate to agreed factors such as the social value of the service, the likely situation of the caller and the market conditions for the service.

Risks associated with the Charging Options

- A5.72 Under Option 1, current freephone charging arrangements would be adopted for all 116 numbers (i.e. chargeable with an announcement) and this may not be suitable for the extreme social value of some services, where any financial barrier to calling should be avoided.
- A5.73 The risk with Option 2 is that as more services are reserved 116 numbers by the Commission, there are likely to be some services which are not of extreme social value and where it would be more acceptable for a charge to be made to call the service from a mobile.
- A5.74 The risk with Option 3 is that despite having an agreed set of factors to take into account when considering the appropriate charging arrangements, it may still be challenging to determine how these factors should be applied to each service reserved a 116 number. However, this risk could be mitigated by taking advice from the advisory committees and consulting on the appropriate charging arrangement for each 116 number.

The preferred option for charging arrangements

- A5.75 In considering which would be the most appropriate charging arrangement for the 116 range, we are looking to further the interests of citizens and consumers in the UK and the European Union. This includes protecting consumers from detriment by removing barriers to calling 116 numbers at times when it is vital that the citizens can make the call. For services of extreme social value that fulfil a vital need at times of distress or urgent requirement, we believe that the charging arrangements should deliver the free call expected by the consumer.
- A5.76 However, this objective must be balanced by ensuring that regulatory intervention is proportionate to the social value of the service and does not unduly impact on the market for service provision. We are mindful that the 116 concept is new and the types of services that are to be provided are yet to be decided. In order to ensure that the level of intervention in charging arrangements is proportionate to the service, we favour the flexibility of determining the appropriate arrangements on a service by service basis, and consulting on charging proposals as part of the process for making each 116 number available. Given this, we initially favour Charging Option 3: 116 numbers are either freephone or free to caller on an individual basis.
- A5.77 We are conscious that we have little visibility of how Charging Option 3 might increase communication costs for service providers. The cost of receiving freephone calls is generally a matter for commercial negotiation between the service provider

and their communications provider and forms part of the overall communications package agreement. We would welcome comments, and if possible any indications of resulting costs (which can be marked as confidential in a response) on the likely implications of introducing a free to caller charging arrangement for 116 numbers.

Consultation question on the Impact Assessment

Question 9: Do you have any comments on the Impact Assessment on the options for allocation of 116 numbers and charging arrangements? Do you agree with Ofcom's conclusions?

Annex 6

Commission Decision on 116 numbers issued 15 February 2007

COMMISSION DECISION

of 15 February 2007

on reserving the national numbering range beginning with '116' for harmonised numbers for harmonised services of social value

(notified under document number C(2007) 249)

(Text with EEA relevance)

(2007/116/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (the Framework Directive)⁽²⁸⁾, and in particular Article 10(4) thereof,

Whereas:

- (1) It is desirable for citizens of the Member States, including travellers and disabled users, to be able to reach certain services that have a social value by using the same recognisable numbers in all Member States. At present there is a patchwork of numbering and dialling schemes in the Member States and no common numbering scheme is in operation to reserve the same telephone numbers for such services in the Community. Community action is therefore required for that purpose.
- (2) The harmonisation of numbering resources is necessary to allow these services provided in different Member States to be accessed by end-users using the same number. The combination 'same number – same service' will ensure that a

specific service in which ever Member State it is provided is always associated with a specific number within the Community. This will provide the service with a pan-European identity to the benefit of the European citizen who will know that the same number dialled will give access to the same type of service in different Member States. This measure will encourage pan-European services to develop.

- (3) In order to reflect the social function of the services in question, the harmonised numbers should be freephone numbers, without this meaning that operators would be obliged to carry calls to 116 numbers at their own expense. The freephone nature of the numbers is therefore an essential component of the harmonisation being carried out.
- (4) It is necessary to attach conditions closely related to controlling the nature of the service provided to ensure that the harmonised numbers are used for the provision of the particular type of service covered by the Decision.
- (5) It may be necessary that specific conditions are attached to the right of use for a specific harmonised number, for example, that the associated service should be provided 24 hours a day and 7 days a week.
- (6) In accordance with the Framework Directive, national regulatory authorities are responsible for the management of national numbering plans and for controlling the assignment of national

²⁸

OJ L 108, 24.4.2002, p. 33.

numbering resources to specific undertakings. In accordance with Article 6 and Article 10 of Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive)⁽²⁹⁾, conditions may be attached to the use of numbers and penalties may be applied in case of non compliance with those conditions.

- (7) The list of specific numbers in the numbering range beginning with '116' should be regularly updated in accordance with the procedure in Article 22(3) of the Framework Directive. Member States should make known the existence of such numbers in a manner that is accessible to all interested parties, for example, via their websites.
- (8) The Commission will consider revision or further adaptation of the present Decision in the light of experience gained, based on reports provided to the Commission by the Member States, in particular whether a specific service for which a number has been reserved has developed on a pan-European basis.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Communications Committee,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter and scope

The numbering range beginning with '116' shall be reserved in national numbering plans for harmonised numbers for harmonised services of social value.

The specific numbers within this numbering range and the services for which each number is reserved are listed in the Annex.

Article 2

Harmonised service of social value

'Harmonised service of social value' is a service meeting a common description to be accessed by individuals via a freephone number, which is potentially of value to visitors from other countries and which answers a specific social need, in particular which contributes to the well-being or safety of citizens, or particular groups of citizens, or helps citizens in difficulty.

²⁹ OJ L 108, 24.4.2002, p.21.

Article 3

Reservation of specific numbers within the '116' numbering range

Member States shall ensure that:

- a) numbers listed in the Annex are used only for the services for which they have been reserved;
- b) numbers within the '116' numbering range that are not listed in the Annex are not used;
- c) the number 116112 is neither assigned nor used for any service.

Article 4

Conditions attached to the right of use for harmonised numbers

Member States shall attach the following conditions to the right of use of harmonised numbers for the provision of harmonised services of social value:

- a) the service provides information, or assistance, or a reporting tool to citizens, or any combination thereof;
- b) the service is open to all citizens without any requirement of prior registration;
- c) the service is not time-limited;
- d) there is no payment, or payment commitment as a pre-requisite to use the service;
- e) the following activities are excluded during a call: advertisement, entertainment, marketing and selling, using the call for the future selling of commercial services.

In addition, Member States shall attach specific conditions to the right of use of harmonised numbers as set out in the Annex.

Article 5

Assignment of harmonised numbers

1. Member States shall take all necessary measures to ensure that as from the 31 August 2007 the competent National Regulatory Authority can assign the numbers referred to in the Annex.
2. The listing of a specific number and the associated harmonised service of social value does not carry an obligation for Member States to ensure that the service in question is provided within their territory.
3. Once a number has been listed in the Annex, Member States shall make known at national level that the specific number is available for the provision of the

associated harmonised service of social value, and that applications for the rights of use for this specific number may be submitted.

4. Member States shall ensure that a register of all harmonised numbers, with their associated harmonised services of social value, available in their territory is maintained. The register shall be easily accessible to the public.

Article 6

Monitoring

Member States shall report periodically to the Commission on the actual use of numbers listed in the Annex for the provision of the related services within their territory.

Article 7

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 15 February 2007.

For the Commission

Viviane REDING

Member of the Commission

ANNEX

List of reserved numbers to harmonised services of social value

Number	Service for which this number is reserved	Specific conditions attached to the right of use for this number
116000	Hotlines for missing children	

Annex 7

Commission Decision on 116 numbers issued 29 October 2007

COMMISSION DECISION

of 29 October 2007

amending Decision 2007/116/EC as regards the introduction of additional reserved numbers beginning with '116'

(notified under document number C(2007) 5139)

(Text with EEA relevance)

(2007/698/EC)

updated and additional reserved numbers introduced.

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (the Framework Directive)⁽³⁰⁾, and in particular Article 10(4) thereof,

Whereas:

- (1) Commission Decision 2007/116/EC on reserving the national numbering range beginning with '116' for harmonised numbers for harmonised services of social value⁽³¹⁾ reserves the national numbering range beginning with '116' for harmonised numbers for harmonised services of social value. The Annex to that Decision contains a list of specific numbers within this numbering range and the services for which each number is reserved. This list may be adapted in accordance with the procedure referred to in Article 22(3) of Directive 2002/21/EC.
- (2) The service description associated with the number 116000 should be updated. Moreover, two services, namely Child Helplines and Emotional Support Helplines, have been identified as services of social value that may benefit from harmonised numbers. For these reasons, Decision 2007/116/EC should be

(3) Decision 2007/116/EC should therefore be amended accordingly.

(4) The measures provided for in this Decision are in accordance with the opinion of the Communications Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2007/116/EC is replaced by the Annex to this Decision.

Article 2

Member States shall take all necessary measures to ensure that as from 29 February 2008 the competent National Regulatory Authority can assign those numbers added to the list by virtue of this Decision.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 29 October 2007.

For the Commission
Viviane REDING
Member of the Commission

³⁰ OJ L 108, 24.4.2002, p. 33. Directive as amended by Regulation (EC) No 717/2007 of the European Parliament and of the Council (OJ L 171, 29.6.2007, p.32).

³¹ OJ L 49, 17.2.2007, p.30.

ANNEX

List of numbers reserved for harmonised services of social value

Number	Service for which this number is reserved	Specific conditions attached to the right of use for this number
116000	<p><i>Name of service:</i> Hotline for missing children</p> <p><i>Description:</i> The service (a) takes calls reporting missing children and passes them on to the Police; (b) offers guidance to and supports the persons responsible for the missing child; (c) supports the investigation.</p>	Service continuously available (i.e. 24 hours a day, 7 days a week, nationwide)
116111	<p><i>Name of the service:</i> Child helplines</p> <p><i>Description:</i> The service helps children in need of care and protection and links them to services and resources; it provides children with an opportunity to express their concerns, talk about issues directly affecting them and contact someone in an emergency situation.</p>	Where the service is not continuously available (i.e. 24 hours a day, 7 days a week, nationwide), the service provider must ensure that information about availability is made publicly available in an easily accessible form, and that, during periods of unavailability, callers to the service are advised when the service will next become available.
116123	<p><i>Name of the service:</i> Emotional support helplines</p> <p><i>Description:</i> The service enables the caller to benefit from a genuine human relationship based on non-judgemental listening. It offers emotional support to callers suffering from loneliness, in a state of psychological crisis, or contemplating suicide.</p>	Where the service is not continuously available (i.e. 24 hours a day, 7 days a week, nationwide), the service provider must ensure that information about availability is made publicly available in an easily accessible form, and that, during periods of unavailability, callers to the service are advised when the service will next become available.

Annex 8

Legal framework and tests

The legal framework

A8.1 Ofcom regulates the communications sector under the framework established by the Communications Act 2003 ('the Act'). The Act provides, amongst other things in relation to numbering, for the publication of the National Telephone Numbering Plan ('the Numbering Plan') and the setting of General Conditions of Entitlement relating to Telephone Numbers ('Numbering Condition'). It also sets out statutory procedures governing the modification of the Numbering Plan and the giving of directions under conditions such as the Numbering Condition.

The Numbering Plan

A8.2 Section 56(1) of the Act states that:

"It shall be the duty of OFCOM to publish a document (to be known as 'the National Telephone Numbering Plan') setting out -

- a) the numbers that they have determined to be available for allocation by them as telephone numbers;
- b) such restrictions as they consider appropriate on the adoption of numbers available for allocation in accordance with the plan; and
- c) such restrictions as they consider appropriate on the other uses to which numbers available for allocation in accordance with the plan may be put."

A8.3 The Act provides for Ofcom to review and revise the Numbering Plan. Section 56(2) states that:

"It shall be OFCOM's duty -

- a) from time to time to review the National Telephone Numbering Plan; and
- b) to make any modification of that plan that they think fit in consequence of such a review;

but this duty must be performed in compliance with the requirements, so far as applicable, of section 60."

A8.4 Section 60 of the Act provides for the modification of documents referred to in the Numbering Condition (which includes the Numbering Plan) and explains the procedures to be followed in order to conduct this process. Section 60(2) of the Act sets out the following test for revising or modifying the relevant provisions:

"OFCEM must not revise or otherwise modify the relevant provisions unless they are satisfied that the revision or modification is—

- (a) objectively justifiable in relation to the matters to which it relates;
- (b) not such as to discriminate unduly against particular persons or against a particular description of persons;

(c) proportionate to what the modification is intended to achieve; and

(d) in relation to what it is intended to achieve, transparent”.

A8.5 Section 60(3) further provides that:

”Before revising or otherwise modifying the relevant provisions, OFCOM must publish a notification -

a) stating that they are proposing to do so;

b) specifying the Plan and other document that they are proposing to revise or modify;

c) setting out the effect of their proposed revisions or modifications;

d) giving their reasons for making the proposal; and

e) specifying the period within which representations may be made to OFCOM about their proposal.”

The Numbering Condition

A8.6 Section 45 of the Act gives Ofcom the power to set conditions:

“(1) Ofcom shall have the power to set conditions under this section binding the persons to whom they are applied in accordance with section 46.

(2) A condition set by Ofcom under this section must be either –

(a) a general condition...”

A8.7 Section 58 states that general conditions may include conditions about the allocation and adoption of numbers, including conditions which impose restrictions on and requirements in connection with the adoption of telephone numbers by a communications provider.

A8.8 Section 47 of the Act sets out the test for setting and modifying conditions, while section 48 sets out the procedure for setting, modifying and revoking conditions which includes the publication of a notification setting out the modifications.

A8.9 The test set out in section 47(2) is that the condition or modification is:

“(a) objectively justifiable in relation to the matters to which it relates;

(b) not such as to discriminate unduly against particular persons or against a particular description of persons;

(c) proportionate to what the modification is intended to achieve; and

(d) in relation to what it is intended to achieve, transparent”.

The numbering application forms

A8.10 The General Conditions Notification that took effect on 25 July 2003 includes General Condition 17, which contains provisions relating to the allocation, adoption and use of telephone numbers.

A8.11 Clause 17.9 states that:

"When applying for an Allocation or reservation of Telephone Numbers, the Communications Provider shall:

- (a) use an appropriate application form as directed by the Director from time to time as he thinks fit;
- (b) provide such information as is required by such application form, (...)"

A8.12 By virtue of the Transitional Provisions³², references to the Director in the Numbering Condition should be read as references to Ofcom.

A8.13 Section 49(4) further provides that:

"Before the direction, approval or consent is given, modified or withdrawn, a notification must be published –

- a) stating that there is a proposal to give, modify or withdraw it;
- b) identifying the person whose proposal it is;
- c) setting out the direction, approval or consent to which the proposal relates;
- d) setting out the effect of the direction, approval or consent or of its proposed modification or withdrawal;
- e) giving reasons for the making of the proposal; and
- f) specifying the period within which representations may be made about the proposal to the person whose proposal it is."

Ofcom's general duty as to telephone numbering functions

A8.14 Ofcom has a general duty under section 63(1) of the Act in carrying out its numbering functions:

- "a) to secure that what appears to them to be the best use is made of the numbers that are appropriate for use a telephone numbers; and
- b) to encourage efficiency and innovation for that purpose."

General duties of Ofcom

A8.15 The principal duty of Ofcom to be observed in the carrying out of its functions is set out in section 3(1) of the Act as the duty:

- "a) to further the interests of citizens in relation to communications matters; and
- b) to further the interests of consumers in relevant markets, where appropriate by promoting competition."

³² 'Transitional Provisions' means sections 408 and 411 of the Act, the Communications Act 2003 (Commencement No.1) Order 2003 and the Office of Communications Act 2002 (Commencement No.3) and Communications Act 2003 (Commencement No 2) Order 2003.

Duties for the purpose of fulfilling Community obligations

- A8.16 In addition to our general duties and our duty regarding telephone numbers, Ofcom must also take into account the six Community requirements in carrying out its functions as set out in section 4 of the Act. These include the requirement to promote competition in the provision of electronic communications networks and services, as well as the requirement to promote the interests of European citizens.
- A8.17 The various legal tests and duties, and how Ofcom has complied with them in consulting on the proposals in this consultation document, are set out below.

Legal tests

- A8.18 It is Ofcom's duty, when proposing a modification to the Numbering Plan, the Numbering Condition and numbering application forms, to show how we consider that our proposals comply with the legal tests set out in sections 60(2), 47(2) and 49(2) of the Act. Ofcom is satisfied that the proposed modifications meet the tests being:
- **objectively justifiable**, because they will make 116 numbers available for allocation in the UK in accordance with the Commission's Decision. The proposed requirements and restrictions in relation to the use of 116 numbers are justified in order to achieve pan-European harmonisation of service and to ensure protection of the consumer in terms of the cost of services of extreme social value;
 - **not unduly discriminatory**, in that all communications providers eligible to apply for telephone numbers would be subject to the proposed modifications;
 - **proportionate**, in that the proposed modifications are considered the minimum necessary to ensure that the 116 number range is implemented in the most efficient and effective way possible; that pan-European harmonisation is achieved; that citizens will be able to call socially valuable services when necessary by having memorable pan-European numbers; and that a set of factors is developed which will inform decisions on the proportionality of services being 'freephone' or 'free to caller'; and
 - **transparent**, in that the Notifications proposing the modifications and their effects, are set out in this consultation document.
- A8.19 Ofcom considers that we are fulfilling our general duty as to telephone number functions as set out in section 63 of the Act by:
- **securing the best use of appropriate numbers**, in that the proposal would ensure that the 116 numbers are available for allocation in line with the Commission's Decision and that the numbers are allocated to the most appropriate service provider to provide a pan-European service for the benefit of European citizens; and
 - **encouraging efficiency and innovation**, in that the proposals ensure that appropriate numbering resource is available to provide the innovation of harmonised numbers for harmonised services of social value.
- A8.20 Ofcom considers that our proposals to modify the Numbering Plan, the Numbering Condition and the access code application form are consistent with our general duties in carrying out our functions as set out in section 3 of the Act. In particular, we consider that the proposals further the interests of citizens in relation to communications matters by implementing a process which will ensure the allocation of 116 numbers to the most suitable service provider and that the cost of calling 116 numbers is appropriate and transparent for consumers.

- A8.21 In proposing the modifications, Ofcom has also considered the Community obligations set out in section 4 of the Act, particularly the requirement to promote the interests of all persons who are citizens of the European Union by harmonising the 116 number range and services with other Member States to promote the interests and safety of consumers.

Notifications of modifications to the Numbering Plan, the Numbering Condition and the access code application form

- A8.22 The draft notifications of modifications to the Numbering Plan, the Numbering Condition and the access code application form are set out in Annexes 9 to 11 of this consultation document.

Question 10: Do you have any specific comments on the proposed modifications to the Numbering Plan, Numbering Condition and/or the access code application form as set out in Annexes 9 to 11?

Annex 9

Notification of proposals for a modification to provisions of the Numbering Plan under section 60(3) of the Act

1. Ofcom, in accordance with section 60 of the Act, hereby makes the following proposals for a modification to the provisions of the Numbering Plan.
2. The Condition has effect by reference to provisions of the Numbering Plan.
3. The draft modification to the Numbering Plan is set out in the Schedule to this Notification.
4. The reasons for making the proposal and the effect of the modifications are set out in the accompanying consultation document.
5. Ofcom considers that the proposed modification complies with the requirements in section 60(2) of the Act.
6. In making the proposals referred to above Ofcom have considered and acted in accordance with the six Community requirements in section 4 of the Act as well as performed their general duties under section 3 of the Act and their duty as to telephone numbering in section 63 of the Act.
7. Representations may be made to Ofcom about the proposal by **5pm on 10 December 2008**.
8. Copies of the Notification have been made available to the Secretary of State.
9. In this Notification-
 - 'Act' means the Communications Act 2003;
 - 'Condition' means General Condition 17 of the General Conditions of Entitlement set by the Director by way of publication of a Notification on 22 July 2003;
 - 'Ofcom' means the Office of Communications; and
 - 'Numbering Plan' means the National Telephone Numbering Plan published from time to time by Ofcom.

Signed by

Daniel Gordon

Competition Policy Director

A person authorised by Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2002.

1 October 2008

Draft Schedule

A. The following text shall be deleted from the Numbering Plan under Section 1 ‘Definitions and Interpretations’:-

‘Access Code’ means a short Non-Geographic Number, usually beginning with ‘1’, that allows End-Users to access a wide range of services. There are three types of Access Code:

- (i) Type A Access Codes are available for use by all providers of a Public Telephone Network and are used in such a way as to enable End-Users to access designated services across all Public Telephone Networks;
- (ii) Type B Access Codes are Allocated individually by Ofcom and are Adopted in such a way as to either (i) enable End-Users to access services provided by their Communications Provider or (ii) enable End-Users to access services provided by other Communications Providers (eg, Indirect Access and Directory Enquiry Facilities); and
- (iii) Type C Access Codes are available for use for service provision within a Communications Provider’s own Electronic Communications Network.

The use of Type A and Type C Access Codes is restricted through the Numbering Condition;

and replaced with the following text (proposed additions shown in bold type):

‘Access Code’ means a short Non-Geographic Number, usually beginning with ‘1’, that allows End-Users to access a wide range of services. There are three types of Access Code:

- (i) Type A Access Codes are available for use by all providers of a Public Telephone Network and are used in such a way as to enable End-Users to access designated services across all Public Telephone Networks;
- (ii) Type B Access Codes are Allocated individually by Ofcom and are Adopted in such a way as to either (i) enable End-Users to access services provided by their Communications Provider or (ii) enable End-Users to access services provided by other Communications Providers (eg, Indirect Access, Directory Enquiry Facilities **and Harmonised numbers for harmonised services of social value**); and
- (iii) Type C Access Codes are available for use for service provision within a Communications Provider’s own Electronic Communications Network.

The use of Type A and Type C Access Codes is restricted through the Numbering Condition;

B. The following text shall be inserted alphabetically in the Numbering Plan under Section 1 Definitions and Interpretations:-

‘Harmonised number for harmonised services of social value (116XXX numbers)’ means a type of Access Code used to provide the same service on the same 116XXX number throughout the Member States;

‘Free to caller Number’ means a number that is accessed at no charge to the Customer and, in the case of a Pay Telephone, without having to use coins and cards;

C. The following text shall be inserted numerically in the Numbering Plan under Part A1: Public Telephone Network Numbers:–

116000	Free-to-caller Number used to access ‘Hotline for missing children’ service (‘Type B Access Code’)
116111	Free-to-caller Number used to access ‘Child helplines’ service (‘Type B Access Code’)
116123	Free-to-caller Number used to access ‘Emotional Support Helplines’ service (‘Type B Access Code’)

D. The following shall be added to Part B: Specific Restrictions on Telephone Numbers as a new Section B3.7 condition in the Numbering Plan-

B3.7 Harmonised numbers for harmonised services of social value (116XXX numbers)

B3.7.1 General conditions attached to the right of use for 116 numbers:

- a) the service provides information, or assistance, or a reporting tool to citizens, or any combination thereof;
- b) the service is open to all citizens without any requirement of prior registration;
- c) the service is not time-limited;
- d) there is no payment, or payment commitment as a pre-requisite to use the service; and
- e) the following activities are excluded during a call: advertisement; entertainment; marketing and selling; using the call for the future selling of commercial services.

B3.7.2 Specific conditions attached to the right of use for individual 116 numbers:

Number	Service for which this number is reserved	Specific conditions attached to the right of use for this number
116000	<p><i>Name of service:</i> Hotline for missing children</p> <p><i>Description:</i> The service (a) takes calls reporting missing children and passes them on to the Police; (b) offers guidance to and supports the persons responsible for the missing child; (c) supports the investigation.</p>	Service continuously available (i.e. 24 hours a day, 7 days a week, nation-wide).
116111	<p><i>Name of the service:</i> Child helplines</p> <p><i>Description:</i> The service helps children in need of care and protection and links them to services and resources; it provides children with an opportunity to express their concerns, talk about issues directly affecting them and contact someone in an emergency situation.</p>	Where the service is not continuously available (i.e. 24 hours a day, 7 days a week, nation-wide), the service provider must ensure that information about availability is made publicly available in an easily accessible form, and that, during periods of unavailability, callers to the service are advised when the service will next become available.
116123	<p><i>Name of the service:</i> Emotional support helplines</p>	Where the service is not continuously available (i.e. 24

	<p><i>Description:</i> The service enables the caller to benefit from a genuine human relationship based on non-judgemental listening. It offers emotional support to callers suffering from loneliness, in a state of psychological crisis, or contemplating suicide.</p>	<p>hours a day, 7 days a week, nation-wide), the service provider must ensure that information about availability is made publicly available in an easily accessible form, and that, during periods of unavailability, callers to the service are advised when the service will next become available.</p>
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B3.7.3 Numbers will only be used in conjunction with the sub-allocatee(s) named in the National Numbering Scheme. The number cannot be sub-allocated without prior agreement from Ofcom.

Annex 10

Notification of a proposed modification under section 48(2) of the Act

Proposal for modification of General Condition 17 on Allocation, Adoption and Use of telephone numbers which is set out in the Schedule to the Notification under section 48(1) of the Communications Act 2003 published by the Director General of Telecommunications on 22 July 2003

1. Ofcom, in accordance with section 48(2) of the Act, hereby makes the following proposals for the modification of General Condition 17 on allocation, adoption and use of telephone numbers.
2. The draft modification is set out in the Schedule to this Notification.
3. The reasons for making the proposal and the effect of the modifications are set out in the accompanying consultation document.
4. Ofcom considers that the proposed modification complies with the requirements in sections 45 to 50 of the Act, as appropriate.
5. In making the proposals set out in this Notification, Ofcom have considered and acted in accordance with the six Community requirements in section 4 of the Act as well as performed their general duties under section 3 of the Act and their duty as to telephone numbering in section 63 of the Act.
6. Representations may be made to Ofcom about the proposal **by 5pm on 10 December 2008**.
7. Copies of the Notification have been made available to the Secretary of State.
8. In this Notification-
 - 'Act' means the Communications Act 2003;
 - 'Condition' means General Condition 17 of the General Conditions of Entitlement set by the Director by way of publication of a Notification on 22 July 2003;
 - 'Director' means the Director General of Telecommunications as appointed under section 1 of the Telecommunications Act 1984; and
 - 'Ofcom' means the Office of Communications.
9. Except insofar as the context otherwise requires, words or expressions shall have the meaning assigned to them in this Notification. Otherwise any word or expression shall have the same meaning as it has in the Act.
10. For the purposes of interpreting this Notification:
 - headings and title are to be disregarded;
 - the Interpretation Act 1978 applies as if this Notification were an Act of Parliament.
11. The Schedule forms part of this Notification.

Signed by

Daniel Gordon

Competition Policy Director

A person authorised by Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2002.

1 October 2008

Draft Schedule

Proposal for a modification to General Condition 17 (“Adoption, Allocation and Use of Telephone Numbers”) which is set out in the Schedule to the Notification under section 48(1) of the Communications Act 2003 published by the Director General of Telecommunications on 22 July 2003

A. The following text shall be deleted from General Condition 17.12:-

Requirements in connection with use of numbers for making calls

17.12 Where Customers of a Communications Provider are making calls to either UK-wide Numbers (03) or Personal Numbering Service (070) numbers, the Communications Provider shall comply with the designations for those numbers in the National Telephone Numbering Plan.

and replaced with the following text (proposed additions shown in bold type and deletions in strike-through):

Requirements in connection with use of numbers for making calls

17.12 Where Customers of a Communications Provider are making calls to ~~either~~ UK-wide Numbers (03), Personal Numbering Service (070) numbers **or Harmonised numbers for harmonised services of social value (116XXX numbers)**, the Communications Provider shall comply with the designations for those numbers in the National Telephone Numbering Plan.

Annex 11

Notification of proposals under section 49(4) of the Act

Proposal for making a Direction under paragraph 17.9(a) of the Condition relating to an application form for Access Codes

1. Ofcom hereby makes the following proposal for a Direction to be given under paragraph 17.9(a) of the Condition.
2. The draft Direction is set out in the Schedule to this Notification.
3. The reasons for making the proposal and the effect of the draft Direction are set out in the accompanying consultation document.
4. Representations may be made to Ofcom about the proposed draft Direction **by 5pm on 10 December 2008**.
5. Copies of this Notification have been made available to the Secretary of State.
6. Except as otherwise defined in this Notification, words or expressions used shall have the same meaning as they have been ascribed in the Act.
7. In this Notification:
 - “Act” means the Communications Act 2003;
 - “Condition” means General Condition 17 of the general Conditions of Entitlement set by the Director on 22 July 2003 pursuant to section 45 of the Act by way of publication of a Notification pursuant to section 48(1) of the Act;
 - “Director” means the Director General of Telecommunications as appointed under section 1 of the Telecommunications Act 1994; and
 - “Ofcom” means the Office of Communications.

Signed by Daniel Gordon

Competition Policy Director

A person authorised on behalf of Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2002

1 October 2008

Schedule

Direction under paragraph 17.9(a) of the Condition

WHEREAS-

- A.** paragraph 17.9(a) of the Condition provides that when applying for an Allocation or reservation of Telephone Numbers, the Communications Provider shall use an appropriate application form as directed by the Director from time to time as he thinks fit;
- B.** by virtue of the Transitional Provisions, references to the Director in General Condition 17 should be read as references to Ofcom;
- C.** for the reasons set out in the Statement accompanying this Direction, Ofcom are satisfied that the application form in the Annex to this Direction is appropriate for use by Communications Providers when applying for an Allocation or reservation of Telephone Numbers;
- D.** for the reasons set out in the Statement accompanying this Direction Ofcom are satisfied that, in accordance with section 49(2) of the Act, this Direction is:
- objectively justifiable in relation to the networks, services, facilities, apparatus or directories to which it relates;
- not such as to discriminate unduly against particular persons or against a particular description of persons;
- proportionate to what it is intended to achieve; and
- in relation to what it is intended to achieve, transparent.
- E.** for the reasons set out in the Statement accompanying this Direction Ofcom are satisfied that they have acted in accordance with the relevant duties set out in sections 3 and 4 of the Act;
- F.** a notification of a proposal to give this Direction was given under section 49(4) of the Act on 1 October 2008 (the 'Notification');
- G.** a copy of the Notification was made available to the Secretary of State in accordance with section 50(1)(b) of the Act;
- H.** in the Notification and accompanying consultation document Ofcom invited representations about any of the proposals therein **by 5pm 10 December 2008**;
- I.** by virtue of section 49(9) of the Act, Ofcom may give effect to the proposal set out in the Notification, with or without Modification, only if-
- i. they have considered every representation about the proposal that is made to them within the period specified in the notification; and
- ii. they have had regard to every international obligation of the United Kingdom (if any) which has been notified to them for this purpose by the Secretary of State;
- J.** Ofcom received X responses to the Notification and have considered every such representation made to them in respect of the proposals set out in the Notification and accompanying consultation document and the Secretary of State has not notified Ofcom of any international obligation of the United Kingdom for this purpose;

- K.** In considering whether to make the modification proposed in the Notification Ofcom have complied with all relevant requirements set out in section 49 of the Act;

NOW, THEREFORE, OFCOM PURSUANT TO PARAGRAPH 17.9(a) OF THE CONDITION, HEREBY DIRECT THAT-

1. Ofcom in accordance with Condition 17.9(a) hereby direct that for the time being the application form S10 in the Annex to this Direction shall be used by Communications Providers when applying for an Allocation of Access Codes.
2. In this Direction-
 - 'the Act' means the Communications Act 2003;
 - 'Allocation' shall have the same meaning as in the Condition;
 - 'Communications Provider' shall have the same meaning as in the Condition;
 - 'the Condition' means General Condition 17 of the General Conditions of Entitlement set by the Director on 22 July 2003 pursuant to section 45 of the Act by way of publication of a Notification pursuant to section 48(1) of the Act;
 - 'the Director' means the Director-General of Telecommunications as appointed under section 1 of the Telecommunications Act 1984;
 - 'Ofcom' means the Office of Communications;
 - 'Telephone Number' shall have the same meaning as in paragraph 1 of Part 1 of the Schedule to the Notification published by the Director on 22 July 2003 under section 48(1) of the Act;
 - 'Transitional Provisions' means sections 408 and 411 of the Act, the Communications Act 2003 (Commencement No.1) Order 2003 and the Office of Communications Act 2002 (Commencement No.3) and Communications Act 2003 (Commencement No 2) Order 2003.
3. Except in so far as the context otherwise requires, words or expressions shall have the meaning assigned to them. Otherwise, any word or expression shall have the same meaning as it has-
 - i. in the National Telephone Numbering Plan published by Ofcom from time to time pursuant to section 56 of the Act;
 - ii. if, and only if, it has no meaning ascribed as mentioned in (i) above, and only if the context so permits, in General Condition 17 (entitled 'Allocation, Adoption and Use of Telephone Numbers') set by the Director by way of publication of a Notification on 22 July 2003 under section 48(1) of the Act;
 - iii. if, and only if, it has no meaning ascribed as mentioned in (i) and (ii) above, and only if the context so permits, in paragraph 1 of Part 1 of the Schedule to the Notification published by the Director on 22 July 2003 under section 48(1) of the Act; and
 - iv. if, and only if, it has no meaning ascribed as mentioned in (i), (ii) and (iii) above, and only if the context so permits, in the Act.
4. The Interpretation Act 1978 shall apply as if this Direction were an Act of Parliament.
5. Headings and titles shall be disregarded.

Harmonised European numbers for services of social value

6. This direction takes effect on the date it is published.

Signed by Daniel Gordon

Competition Policy Director

A person authorised on behalf of Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2002

[insert date]

Annex to Schedule: proposed modification to the S10 Application Form

Form S10



ACCESS CODE APPLICATION

This form should be used to apply for '**Type B**' Access Codes only.

Type B Access Codes are commonly used for:

- i) **Directory Enquiry Facilities** (6-digit codes of the format 118XXX) – codes used by callers to access services available from their own provider of Public Electronic Communication Networks or from that of another;
- ii) **Harmonised numbers for harmonised services of social value** (6-digit codes of the format 116XXX) – codes used to provide pan-European harmonised services; and
- iii) **Indirect Access ("IDA")** (5-digit codes of the format 1XXXX) - codes used by the End-users of one provider of a Public Electronic Communication Network to have selected calls connected by another.

NB. If you are applying for Access Codes for Directory Enquiry Facilities (ie. 118XXX codes) on behalf of a sub-allocatee(s), you MUST enclose a signed, letter-headed 'statement of intent' from each sub-allocatee you are representing.

If you are applying for an Access Code for harmonised services of social value (ie a 116XXX code) you MUST enclose:

- a) a comprehensive description of the service for which the 116 number would be used;
- b) a statement explaining how the proposed service meets the service description and complies with the conditions attached to the use of the 116 number set out in the Numbering Plan;
- c) a letter of confirmation from the organisation(s) who wish(es) to provide the service; and
- d) confirmation that the applicant(s) were found to be eligible to apply for allocation following an expression of interest in the specific 116 number.

You may also enclose additional evidence to support the application.

Ofcom has also set aside two specific types of Access Codes – Type A and Type C:

Type A – to allow directly connected End-users access to services recognised as having such widely understood significance that they may be used throughout the United Kingdom by all providers of Public Electronic Communication Networks offering equivalent services (whether directly or through the agency of another), and will not be used by anyone for any other service e.g. 100 – operator assistance, 123 – speaking clock, etc. and

Type C – for independent use by providers of Public Electronic Communication Networks to allow directly connected end-users and employees access to services, other than services covered by Type A and Type B access codes.

Providers of Public Electronic Communication Networks should inform Ofcom in writing as and when they use Type A and Type C Access Codes, and provide details of the service.

1. In this application form -

- (i) "Act" means the Communications Act 2003;
- (ii) "Director" means the Director-General of Telecommunications as appointed under section 1 of the Telecommunications Act 1984;
- (iii) "OFCOM" means the Office of Communications; and
- (iv) "Wholesale Line Rental" shall have the same meaning as in Part 1 of Schedule 1 to the Notification published by the Director on 27 November 2003 pursuant to section 48(1) and section 79 of the Act relating to the identification of certain fixed narrowband wholesale exchange, call origination, conveyance and transit markets.

2. Except in so far as the context otherwise requires, words or expressions shall have the meaning assigned to them in paragraph 1 above. Otherwise, any word or expression shall have the same meaning as it has-

- (i) in the National Telephone Numbering Plan published by Ofcom from time to time pursuant to section 56 of the Communications Act 2003 (the 'Act');
- (ii) if, and only if, it has no meaning ascribed as mentioned in (i) above, and only if the context so permits, in General Condition 17 (entitled 'Allocation, Adoption and Use of Telephone Numbers') in Part 2 of the Schedule to the Notification published by the Director on 22nd July 2003 under section 48(1) of the Act;
- (iii) if, and only if, it has no meaning ascribed as mentioned in (i) and (ii) above, and only if the context so permits, in paragraph 1 of Part 1 of the Schedule to the Notification published by the Director on 22nd July 2003 under section 48(1) of the Act; and
- (iv) if, and only if, it has no meaning ascribed as mentioned in (i), (ii) and (iii) above, and only if the context so permits, in the Act.

3. The Interpretation Act 1978 shall apply as if this Application Form were an Act of Parliament.

(Applicants should ensure that all sections have been completed where relevant – incomplete Application Forms may not be processed within the 3-week deadline).

<p>1. <u>Your reference (optional):</u></p>	
<p>2. <u>Applicant details and date of application:</u></p> <p>Your name, company name, address, direct telephone, direct fax, direct e-mail, mobile.</p> <p><i>(Where you are acting on behalf of a Communications Provider (eg a consultant, solicitor, etc), and if you have not previously supplied one, you should enclose a letter from that Communications Provider confirming that you are authorised to represent it).</i></p>	<p><u>Date of application:</u></p>
<p>3. <u>Communications Provider details:</u></p>	

<p>If different from 2. above (eg where you are a consultant, solicitor, etc), provide the name and address of the Communications Provider on behalf of whom you are applying for Telephone Numbers.</p>	
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<p>4. <u>Declaration of ‘Public Electronic Communications Network’ or ‘Public Electronic Communications Service’</u></p> <p>The information requested in Annex A helps Ofcom to assess your eligibility to be Allocated Telephone Numbers.</p> <p>If you are a provider of a Public Electronic Communications Network:</p> <p>confirm whether you have previously supplied the information requested in Annex A (or information equivalent to it), to Ofcom’s Numbering Unit; or</p> <p>if not, you <u>must</u> complete in full all relevant questions in Annex A and submit it along with the form.</p> <p>If you have previously supplied the information in Annex A, then move onto the next question – you do not need to submit Annex A with this form.</p> <p>If you are a provider of Public Electronic Communications Services:</p> <p>you MUST complete all relevant questions in Annex A each time you apply for Telephone Numbers and submit it with this form.</p>	<p><i>(For providers of Public Electronic Communications Networks, please ensure you <u>have</u> previously supplied the information requested, before you confirm this – your application may be rejected if this is not the case).</i></p>
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5a. Telephone Numbers required - Access Code(s) for Indirect Access services:

The table below should be used only when applying for Access Codes for Indirect Access services. When completing the table below, you should:

- i) give a 1st, 2nd and 3rd choice for each Access Code required in case the code you have applied for is not available at the time the application is processed;
- ii) select only those codes listed as Type 'B', and which are shown as 'Free' or 'Free for Indirect Access data only', as appropriate, in the 'Status' column, and of the format '1XXXX'; and
- iii) apply for a maximum of 3 Access Codes on this Application Form. A new Form S10 should be completed for further codes for Indirect Access.

		Choice of Access Code (5-digit format ie. 1XXXX)	Is this Access Code to be used in conjunction with the British Telecommunications plc ("BT") Standard Interconnection Service known as Indirect Access?	³³ State the set-up of the code on the switch – either: Calling Line Identification ('CLI') - 1 stage or Personal Identification Number ('PIN') - 2 stage or Both CLI & PIN	If applying for an Access Code in the range '18600-18629', confirm that the code will be used for data traffic only (NB. codes outside of this range may be subject to Indirect Access call barring by providers of Wholesale Line Rental)	What is the name and the National Signalling Point Code of the switch where the Access Code will be set-up?	Is this your own company's switch, or that of another Public Electronic Communications Network Provider (please state name)?	Planned 'In-Service' Date (applications should not be submitted more than 6 months prior to in-service date)
e.g. 1 st Code	1 st Choice	18629	Yes	CLI	data only	London 1, 12630	Yes, own switch	mid Mar 2009
	2 nd Choice	18627	Yes	CLI	data only	London 1, 12630	Yes, own switch	mid Mar 2009
	3 rd Choice	18621	Yes	CLI	data only	London 1, 12630	Yes, own switch	mid Mar 2009
e.g. 2 nd Code	1 st Choice	14377	Yes	PIN		Leeds 2, 12625	No, J Bloggs Telecom	beg. Apr 2009
	2 nd Choice	16042	Yes	PIN		Leeds 2, 12625	No, J Bloggs Telecom	beg. Apr 2009
	3 rd Choice	18182	Yes	PIN		Leeds 2, 12625	No, J Bloggs Telecom	beg. Apr 2009
1 st Code	1 st Choice							
	2 nd Choice							
	3 rd Choice							
2 nd Code	1 st Choice							
	2 nd Choice							
	3 rd Choice							
3 rd Code	1 st Choice							
	2 nd Choice							
	3 rd Choice							

³³ Please note that the type of set-up (and whether the code is for data services only), will be shown on the 'Notification of Allocation' from Ofcom. The provider of Public Electronic Communications Network with whom you Interconnect will set-up the code **only** as stated. If you wish to change the type of set-up, you must seek permission from Ofcom and provide a suitable justification. If Ofcom agrees to the change of set-up, a new Notification of Allocation will be issued.

5b. Telephone Numbers required – Access Codes for Directory Enquiry Facilities - 118XXX - Access Code(s):

The table below should be used only when applying for codes for Directory Enquiry Facilities. When completing the table below, you should:

- i) give a 1st, 2nd and 3rd choice for each Access Code required in case the code you have applied for is not available at the time the application is processed;
- ii) select only those codes listed as Type 'B', and which are shown as 'Free' in the 'Status' column, and of the format '118XXX'; and
- iii) apply for a maximum of 3 DQ codes designated for Directory Enquiry Facilities on this Application Form. A new S10 Form should be completed for further 118XXX codes required.

		Choices of 118XXX DQ Code:	Name of sub-allocatee ³⁴ providing the Directory Enquiry Facility (where relevant)	Trading Name of Company (if different from Company Name):	Name of Directory Enquiry Facility to be Provided:	³⁵ Description of Directory Enquiry Facility to be Provided behind 118XXX Code (must be in accordance with definitions for NDQ and/or IDQ): (eg. Full National in English, IDQ for France in English, etc.)	Confirmation that this service will offer the caller the number requested if available from the database (YES/NO):	Planned 'In-Service' Date (applications should not be submitted more than 6 months prior to in-service date)
e.g. 1 st DQ Code	1 st Choice	118888	Zebra Telecom Ltd	Stripes 'R' Us	Find Friends in France	IDQ English language service providing numbers in Europe.	YES	December 2008
	2 nd Choice	118765						
	3 rd Choice	118567						
1 st DQ Code	1 st Choice							
	2 nd Choice							
	3 rd Choice							
2 nd DQ Code	1 st Choice							
	2 nd Choice							
	3 rd Choice							
3 rd DQ Code	1 st Choice							
	2 nd Choice							
	3 rd Choice							

³⁴ If you are applying for 118XXX codes on behalf of a sub-allocatee(s), you MUST enclose a signed, letter-headed serious 'statement of intent' from each sub-allocatee you are representing.

³⁵ Description of Directory Enquiry Facility must be sufficiently different from that of any code you have previously been allocated or from any others you are currently applying for – Ofcom will not allocate more than one code for the same type of service for the same provider. Also, the description should be worded in a way that is clear and conforms to either the National or International Directory Enquiry Facility or a combination of both. NB. The description you provide will be published on Ofcom's website – you may wish to ensure that the description does not contain commercially confidential information.

5c. Telephone Numbers required – Access Codes for Harmonised numbers for harmonised services of social nature - 116XXX numbers:

The table below should be used only when applying for 116 numbers.

	116XXX code applied for	Name of Service	Name of organisation(s) who will be providing the service ³⁶	Description of service to be provided on 116XXX Code (must be in accordance with the conditions set out in the Numbering Plan) ³⁷	Planned 'In-Service' Date (applications should not be submitted more than 6 months prior to in-service date)
Code	116000	Hotline for Missing Children	Missing Children Hotline A and Missing Children Hotline B	24 hours a day, 7 days a week nation-wide support service for those who are affected by a missing child	May 2009
Code					

³⁶ When you apply for a 116XXX code you MUST enclose a letter of confirmation from the organisation(s) who will be providing the service.

³⁷ You must also attach comprehensive details of the service to be provided, how the service meets the service description, how it meets the conditions attached to the use of the 116 number set out in the Numbering Plan and any other evidence to support the application.

6. Service and Market:

For each of the Access Codes applied for in 5a. above, give a brief description of the type of Public Electronic Communications Service for which the Access Codes will be Adopted, and the market to be served by the service. You do not need to answer this question for any Access Codes applied for in Section 5b or 5c.

7. Adoption of existing Telephone Numbers:

For each type of Access Code applied for above, you should provide details, in the table below, of any other Access Codes that you have been allocated to date where:

for Indirect Access Codes – the set-up is the same; or
for codes designated for Directory Enquiry Facilities – the service and provider is the same

- consistent with its duty in the Communications Act 2003 to secure best use of numbers Ofcom requires a justification for applying for further numbering capacity where there may be non-utilised numbers or a duplication of set-up (Indirect Access Codes) or same service and provider (Directory Enquiry Facilities).

You do not need to answer this question for any Access Codes applied for in Section 5c (116XXX numbers).

Existing Type B Access Codes: (1XX, 1XXX, 1XXXX format) or DQ codes – (118XXX format).	State the set-up of the Code on the switch – either: Personal Identification Number (1 stage) or Calling Line Identification (2 stage) or PIN & CLI (Indirect Access codes ONLY)	Is this Access Code used in conjunction with the BT Standard Interconnection Service known as Indirect Access, or for another service (please state the type of service)? (Indirect Access Codes ONLY)	What is the name and the National Signalling Point Code of the switch where the Access Code is set up? (Indirect Access Codes ONLY)	Is this your own company's switch, or that of another Public Electronic Communications Network Provider (please state name)? (Indirect Access Codes ONLY)
1251	PIN	Yes, Indirect Access	London2, 12680	Yes, own switch
12494	CLI	Yes, Indirect Access	Leeds3, 12627	Yes, own Switch

(You should e-mail this application form to numbering.applications@ofcom.org.uk)

Form S10 - Annex A

A1. Confirmation of Status:

Ofcom generally only Allocates Telephone Numbers to providers of Public Electronic Communications Networks.

Ofcom may also Allocate numbers, where number resource implications do not preclude allocation, to providers of a Public Electronic Communications Service. Ofcom would also normally expect to see that the provider has arrangements in place for its service to be carried over a network, and, where appropriate, would usually expect the provider to have taken reasonable steps to seek a sub-allocation of Telephone Numbers of the type applied for prior to making the application.

Providers of Public Electronic Communications Networks

Please provide details of:

- a) the Electronic Communications Network on which the Telephone Numbers applied for are intended to be Adopted;

(a diagram may be useful to assist Ofcom in assessing your eligibility for Telephone Numbers)

- b) the Electronic Communications Service which you are intending to provide over that network.

Providers of Public Electronic Communications Services

In order to determine whether or not you are a provider of a Public Electronic Communications Service, Ofcom needs certain information from you. Please provide details of:

- c) the Electronic Communications Service which you are intending to provide with the Telephone Numbers applied for. Please also provide details of the network on which the numbers you are applying for will be Adopted.

A2. Applications from providers of Public Electronic Communications Services

If you are applying for Telephone Numbers as a provider of Public Electronic Communications Services, where appropriate Ofcom would usually expect your company to have already taken reasonable steps to obtain a sub-allocation of Telephone Numbers of the type you are applying for from a provider of a Public Electronic Communications Network.

- a) Have you taken steps to obtain a sub-allocation of Telephone Numbers of the type for which you are applying? If not, would you please provide a justification for that; and
- b) If you have taken steps, would you provide a brief explanation of the steps you have taken, and state why did you not obtain a sub-allocation?

A3. Interconnection arrangements

Describe your Interconnection arrangements (or those of the provider of a Public Electronic Communications Network on whose network the Telephone Numbers applied for would be Adopted), if any, with other Communications Providers – a simple network diagram may be useful.

(You should e-mail this application form to numbering.applications@ofcom.org.uk)