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## **Broadband Speeds Codes of Practice: Consultation on proposals to revise the Residential and Business Voluntary Codes of Practice**

### **Summary**

- Which? welcomes the work that Ofcom is doing to ensure that consumers have clear information to help them compare broadband offers, and to protect them if the actual speed they receive is below a minimum guaranteed level.
- Which? welcomes Ofcom's decision to publish a consumer guide to the code to increase consumer awareness and to empower them to use their right to exit. Ofcom must trial and test the best way to make this available to consumers. We would welcome the opportunity to engage with Ofcom on both the design of the guide, and in helping to ensure that consumers have access to the guide.
- Which? supports Ofcom's proposals particularly that the speed information provided at point of sale is be reflective of peak-time congestion and that customers should always be provided with their guaranteed minimum speed at the point of sale.
- Consumers must be provided with clear and consistent information on the evidence that they need to provide to their provider when their speed falls below the minimum guaranteed e.g. which speedchecker should be used. This will ensure that consumers are able to have the issue investigated by their provider, and exit the contract if the problem cannot be solved within 30 days.
- Which? agrees that the codes should be technology neutral. It is essential that consumers have the necessary information to compare across all broadband technologies, this will help them in choosing a package that is most suitable for their needs. Making the codes technology neutral will make this comparison easier.
- These proposed changes should be implemented as soon as possible, and monitored for compliance on an ongoing basis.

### **Background**

Which? welcomes the work that Ofcom is doing to ensure that consumers have clear information to help them compare broadband offers, and to protect them if the actual speed they receive is significantly below a minimum guaranteed level. Which? research found that



76% of consumers consider speed to be important when making a decision about broadband deals.<sup>1</sup> The research also found that 21% of consumers had experienced much slower speeds than usual for a day or more.<sup>2</sup>

**Q1. Do you agree that the codes should require the provision of speed estimates that reflect peak-time network congestion?**

It is important that consumers are able to make informed choices about their broadband connection. Which? research, undertaken in September 2016, found that 76% of consumers reported that speed is important when making a decision about broadband deals; being the second most important factor after price.

Which? agrees that the speed information provided at point of sale should be reflective of peak-time congestion. As we previously stated in our response to the Committee of Advertising Practice consultation on speed claims, peak time speed is the most appropriate information to present to consumers. This would be the speed that consumers are most likely to experience when using their broadband connection as by definition it reflects the time of day when customers are most likely to use their service.

Consistency between Ofcom and the CAP on the presentation of broadband speeds will help consumer understanding, reduce confusion and enable consumers to make an informed choice.

**Q2. Do you agree that the minimum guaranteed speed should always be given to customers at point of sale?**

Yes. Customers should always be provided with their guaranteed minimum speed at the point of sale. This should provide consumers with access to clearer information and help them understand the broadband service they are purchasing and whether it is suitable for their needs. We support Ofcom's approach of providing consumers with information about what common activities they will be able to do online with a given speed.

**Q3. Do you agree that, where a customer's speed falls below the minimum guaranteed level, there should be a limit on the length of time providers have to fix the problem before offering the right to exit? Do you agree that the limit should be 30 calendar days?**

Which? welcomes the proposed changes relating to a consumer's right to exit. Which? research found that 90% of UK consumers consider broadband essential,<sup>3</sup> therefore any problem with the speed of their connection needs to be rectified as quickly as possible, and if it is not fixable, they must be given the right to exit their contract.

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<sup>1</sup> Populus for Which?, September 2016

<sup>2</sup> Populus for Which?, January 2017

<sup>3</sup> Populus for Which?, September 2016



It is essential that consumers are clear about what information they need to provide to demonstrate that their speed falls below the minimum guaranteed level, for example, because speedchecker information can vary.. In particular, Which? has found that consumers have experienced confusion and problems when using some speed checkers to illustrate speed issues to suppliers.

We support the introduction of a limit of the length of time providers have to fix the issue when a customer's speed falls below the minimum guaranteed level. We do not have any evidence to determine if 30 days is the right amount of time. We note that Ofcom's last 'Comparing Service Quality Report' did not publish the actual time taken to repair services by provider. It is essential that Ofcom has adequate data to assess whether 30 days is reasonable given the importance of broadband to consumers.

**Q4. Do you agree that the right to exit should also apply to a landline service sold over the same line, and to pay-TV services purchased at the same time, as the broadband service?**

Yes. Which? is pleased to see that Ofcom has included a provision to protect consumers who purchase broadband as part of a bundle. This will ensure that those customers will also be able to easily exit their broadband contract if they experience problems with their broadband service. It is essential that this is clearly communicated to consumers so that they understand that they will also be able to leave the other services purchased as part of a bundle without incurring additional charges.

**Q5. Do you agree that the codes should be capable of being applied in full to all standard fixed broadband technologies, including cable and FTTP?**

The codes should be technology neutral. This will encourage more suppliers to sign up and fully comply with the codes. It is essential that consumers have information made available to them that helps them to more easily compare across all broadband technologies, this will help them in choosing a package that is most suitable for their needs. Making the codes technology neutral will make this comparison easier.

Research that we undertook in June 2017<sup>4</sup> found that consumers think that cable and Fibre to the Premises (FTTP) will deliver speeds much closer to or even in excess of headline figures than they do of Asymmetric Digital Subscriber Line (ADSL) or Fibre to the Cabinet (FTTC). Ensuring that the codes apply to all fixed broadband technologies should help to manage consumer expectations for cable and FTTP, particularly as the variation in speeds at busy times is more noticeable for cable.

**Q6. How long do you consider that signatories should be given to implement the proposed changes following publication of the final version of the codes?**

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<sup>4</sup> Populus for Which?, June 2017



The signatories should implement the proposed changes as soon as possible. This will ensure that consumers can benefit from the changes as soon as possible.

### **Further comments on the consultation**

Which? welcomes Ofcom's decision to publish a consumer guide to the code to increase consumer awareness and to empower them to use their right to exit. It is essential that this guide provides meaningful information to consumers and empower them to take action. Ofcom should trial and test a range of ways to provide this information to consumers to ensure that it is presented in the best way for consumers to engage. Which? would welcome the opportunity to engage with Ofcom on both the design of the guide, and in helping to ensure that consumers have access to the guide. There is also an opportunity for Ofcom to ask suppliers to provide a copy of the guide to consumers with their contract to further increase awareness and place greater responsibility on the supplier.

Furthermore, we support the approach Ofcom proposes to the presentation of speed information at point of sale, in particular providing consumers with information relating to what they can actually do with a given download speed. This is a clearer and more tangible way for consumers to understand broadband speed and will help them make an informed choice as to whether the service they intend to purchase is suitable for their needs.

It is important that Ofcom continues to regularly monitor compliance with the codes. This will ensure that those signed up to the codes are incentivised to comply and that it delivers benefits for consumers.

### **About Which?**

Which? is the largest consumer organisation in the UK with more than 1.7 million members and supporters. We operate as an independent, a-political, social enterprise working for all consumers and funded solely by our commercial ventures. We receive no government money, public donations, or other fundraising income. Which?'s mission is to make individuals as powerful as the organisations they have to deal with in their daily lives, by empowering them to make informed decisions and by campaigning to make people's lives fairer, simpler and safer.

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