fair telecoms campaign **consultation response**

Response to Ofcom consultation -
"Trialling Consumer Remedies"

We respond to the consultation "Trialling Consumer Remedies" with apologies for a failure to engage fully so as to understand more clearly the reasons for the proposal and the scope of the intended use of the measure, if adopted.

We would welcome the opportunity for further engagement with Ofcom to discuss this matter. It is regretted that the abandonment of the Consumer Forum for Communications has denied Ofcom the opportunity to discuss this proposal more fully with representatives of all organisations representing the consumer interest.

We will be happy to provide evidence (as requested) to support comments in the future consultation on the proposed General Condition after its effects have been seen in operation.

Consultation title	Trialling consumer remedies
Full name	David Hickson
Contact phone number	See covering email
Representing (delete as appropriate)	~~Self /~~ Organisation
Organisation name	Fair telecoms campaign
Email address	See covering email

Confidentiality

Your details: We will keep your contact number and email address confidential. Is there anything else you want to keep confidential? Delete as appropriate.	Nothing ~~/ Your name / Organisation name / Whole response / Part of the response (you will need to indicate which question responses are confidential)~~
Your response: Please indicate how much of your response you want to keep confidential. Delete as appropriate.	None ~~/ Whole response / Part of the response (you will need to indicate below which question responses are confidential)~~
For confidential responses, can Ofcom publish a reference to the contents of your response?	~~Yes / No~~ N/A

Response to Ofcom consultation -
"Trialling Consumer Remedies"

Your response

Question	Your response
Question 1: Do you agree with the proposal to make a general condition to protect end-users' interests requiring all providers to participate in trials of customer engagement remedies, as directed by Ofcom?	Yes - subject to the following qualifications: • This must not be allowed to become a necessary means of collecting data to support all policy making. The "evidence-based" concept can get out of hand, by impeding all appropriate action. • Voluntary engagement in the pursuit of consumer interests must not be, nor be seen to be, discouraged by the introduction of a mandatory requirement. Provider initiatives must be encouraged, not replaced by Ofcom initiatives. • It must be noted that trials only provide limited evidence of the likely effectiveness of proposed measures. Trial results should never become the primary means of assessing the benefit of a regulatory measure.
Question 2: Do you agree with our proposed approach for determining whether it is appropriate to conduct a trial in future cases?	The proposed criteria may present indicative guidelines, but intelligent action cannot be expected to be prescribed in this way. Policy makers must retain the freedom to act with wisdom and judgement.
Question 3: Do you agree with the proposed criteria for selecting which provider(S) we would direct to take part in a trial?	See response to previous question.
Question 4: Do you have any comments on our assessment and provisional conclusions set out in Section 5?	It is unfortunate that this has come about as a result of a failure to gain voluntary participation in a particular proposed trial. Efforts to secure and recognise voluntary engagement in the trialling of remedies must not be abandoned.
Question 5: Do you have any comments on the draft condition set out in Annex 5 to this document?	The extent of the wording creates a worrying impression in relation to the tying of the hands of both Ofcom and the providers. If the likely degree of voluntary co-operation is so poor and the constraints imposed on Ofcom are so great as to require such a degree of definition, one wonders whether the whole exercise is truly worthwhile.
Question 6: Do you have any other comments on our proposals?	What is laid out implies a very unhealthy situation, which is to be regretted. A review of this condition, with a further consultation covering its revision and / or continuation should be scheduled in the light of trials that may be conducted using its terms.