

Ofcom General Conditions of Entitlement

C7 Switching

This condition aims to protect domestic and small business customers during the process of switching their landline and/or broadband services, either when moving from one communications provider to another, or staying with the same communications provider when moving location, or changing services with the same communications provider.

It also aims to protect domestic and small business customers when switching mobile provider, whether or not they bring their mobile number with them when they switch.

Scope

C7.1 The provisions of this Condition apply as follows:

(a) Conditions C7.3 – C7.15 apply to any Communications Provider which provides Fixed line Telecommunications Services and/or DSL Broadband Services to Switching Customers when a Communications Provider Migration is taking place within Openreach's or KCOM's Access Network;

(b) Conditions C7.16 – C7.20 apply to any Communications Provider which provides Fixedline Telecommunications Services and/or Broadband Services to Switching Customers when a Migration is taking place within Openreach's or KCOM's Access Network;

(c) Conditions C7.21 to C7.44 apply to the following persons in respect of any Mobile Switching involving fewer than 25 Mobile Numbers:

(i) Conditions C7.21 to C7.25 and Conditions C7.33 to C7.36 apply to any Communications Provider which provides a Mobile Communications Service, from whom a Mobile Switching Customer is, or is considering, transferring;

(ii) Conditions C7.26 to C7.28 apply to any Communications Provider which provides a Mobile Communications Service, from whom a Mobile Switching Customer on a Residential Mobile Tariff is, or is considering, transferring;

(iii) Conditions C7.29 to C7.32 apply to any Communications Provider which provides a Mobile Communications Service, from whom a Mobile Switching Customer on a Business Mobile Tariff is, or is considering, transferring;

(iii) Condition C7.37 applies to any Communications Provider which provides a Mobile Communications Service, to whom a Mobile Switching Customer is, or is considering, transferring; and

(iii) Conditions C7.38 to C7.44 apply to any Communications Provider which provides a Mobile Communications Service.

Each person to whom a provision applies is a 'Regulated Provider' for the purposes of that provision.

C7.2 For the purposes of Conditions C7.3 to C7.20: any Fixed-line Telecommunications Services and/or Broadband Services are 'Relevant Communications Services'.

Obligations to prevent mis-selling

C7.3 When selling or marketing Relevant Communications Services, the Regulated Provider that is the Gaining Provider must ensure that:

- (a) it does not engage in Slamming;
- (b) any information it provides to the Switching Customer is accurate and not misleading, including information about:
 - (i) its Relevant Communications Services;
 - (ii) the impact on other Relevant Communications Services which the Switching Customer is currently receiving, as a result of buying the Relevant Communications Services being sold or marketed by the Gaining Provider; and
 - (iii) the impact on the Switching Customer's existing contractual obligations with other Regulated Providers, as a result of buying the Relevant Communications Services being sold or marketed by the Gaining Provider; and
- (c) it asks Switching Customers if they also want the information provided in a Durable Medium and, if they do, the Regulated Provider must provide the information in that form.

Information at point of sale

C7.4 The Regulated Provider that is the Gaining Provider must take all reasonable steps to ensure that before entering into a contract for the provision of Relevant Communications Services, the Switching Customer who is requesting a Communications Provider Migration:

- (a) is authorised to do so;
- (b) intends to enter into the contract; and
- (c) is provided with the information set out below in a clear, comprehensible, prominent and accurate manner, in paper or another Durable Medium which is available or accessible to the Switching Customer or, where the Switching Customer enters into the contract during a sales call, by telephone:
 - (i) the identity of the legal entity the Switching Customer is contracting with and its telephone, website and/or e-mail contact details; and
 - (ii) a description of the Relevant Communications Services requested; the key charges; payment terms; the existence of any termination right, termination procedures and the Switching Customer's right to cancel at no cost from the point of sale to the completion of the Transfer Period; the arrangements for provision of the service, including the order process and, as accurately as possible, the likely date of provision of the service and any Fixed Commitment Period. For the purposes of this provision, key charges include minimum contract charges, any Early Termination Charges and, if the Switching Customer is a Consumer, the Access Charge to be applied by the Regulated Provider for the purpose of calculating the amounts payable by that Switching Customer for calls to Unbundled Tariff Numbers in accordance with Condition B1.

Switching customer's termination rights

C7.5 Where the Regulated Provider is the Gaining Provider:

(a) when the Switching Customer enters into a contract for the provision of Relevant Communications Services, the Regulated Provider must allow the Switching Customer to terminate the contract from the point of sale to the completion of the Transfer Period without charge or any other form of compensation being required to be given by the Switching Customer to the Regulated Provider; and

(b) the Regulated Provider must have procedures in place to enable the Switching Customer to exercise their right to terminate their contract pursuant to Condition C7.5 without unreasonable effort. These procedures must include the ability to contact the Regulated Provider to terminate the contract by any of the following contact methods:

(i) telephone;

(ii) e-mail;

(iii) post.

Records retention

C7.6 Without prejudice to Condition C7.7, the Regulated Provider that is the Gaining Provider must use reasonable endeavours to create and keep all records regarding the sale of its Relevant Communications Services, for a period of not less than six months. Such records must include the date and approximate time of the contact with the Switching Customer, the means through which the contract was entered into, the place where the contract was entered into, where relevant, and be such as to allow subsequent identification of the salesperson(s) involved and to assist in dealing with any complaint or query.

Record of consent

C7.7 For each contract entered into with a Switching Customer for the provision of Relevant Communications Services, the Regulated Provider that is the Gaining Provider must create and keep individually retrievable records of the following, for a period of not less than twelve months:

(a) a direct record of consent, as provided by the Switching Customer, to:

(i) migrate from the Relevant Communications Services supplied by the Regulated Provider that is the Losing Provider to the Relevant Communications Services supplied by the Gaining Provider; or, as relevant,

(ii) begin acquiring Relevant Communications Services over the Target Line;

(b) a record of the explanation from the Regulated Provider that they are required to create a record of the Switching Customer's consent;

(c) the name and address of the Switching Customer;

(d) the time, date and means by which the consent in sub-section (a) above was given;

(e) where appropriate, the place where the consent in sub-section (a) above was given and the salesperson(s) involved;

(f) the Target Address; and (g) where appropriate, the Calling Line Identification of the Target Line.

C7.8 The Regulated Provider that is the Gaining Provider shall keep the records in accordance with Condition C7.7 irrespective of whether the contract for the provision of the Relevant Communications Services is cancelled or terminated within the minimum twelve-month period specified in Condition C7.7.

Notification letters

C7.9 When a Switching Customer enters into a contract for the provision of Relevant Communications Services, the Regulated Provider that is the Gaining Provider must send that Switching Customer a letter.

The letter shall set out in clear and intelligible terms:

- (a) the date of the letter;
- (b) that the Switching Customer is transferring their Relevant Communications Services;
- (c) all Relevant Communications Services that will be transferred;
- (d) where relevant, the Calling Line Identification of all Relevant Communications Services that will be transferred;
- (e) a reasonable estimate of the Migration Date;
- (f) the right of the Switching Customer to terminate the contract as set out in Condition C7.5, the means by which the right to terminate can be exercised and the date by which the right to terminate must be exercised; and
- (g) relevant contact details.

C7.10 The Regulated Provider that is the Losing Provider must, in accordance with the industry agreed process, send the Switching Customer a letter. The letter shall set out in clear, intelligible and neutral terms:

- (a) the date of the letter;
- (b) that the Switching Customer is transferring their Relevant Communications Services;
- (c) all Relevant Communications Services that will be transferred;
- (d) where relevant, the Calling Line Identification of all Relevant Communications Services that will be transferred;
- (e) all Relevant Communications Services or other types of services provided by the Losing Provider that the Losing Provider reasonably expects to be directly or indirectly affected by the transfer;
- (f) all Relevant Communications Services provided by the Losing Provider that the Losing Provider reasonably expects to remain unaffected by the transfer;
- (g) a reasonable estimate of the Migration Date; and
- (h) relevant contact details.

C7.11 Where a contract is entered into with a Switching Customer for the provision of Relevant Communications Services, the letter sent by the Regulated Provider that is the Losing Provider in accordance with Condition C7.10 shall, in addition to the information listed therein, set out in clear, intelligible and neutral terms:

- (a) an explanation that the transfer will automatically take effect on the Migration Date and that no contact is required with the Regulated Provider that is the Losing Provider to cancel their existing service;
- (b) an explanation that after the transfer, the Switching Customer will receive a final Bill including any Early Termination Charge that is due;
- (c) an explanation of the applicable Early Termination Charge as set out in the contract;
- (d) the means by which the Early Termination Charge must be paid;
- (e) the amount of the Early Termination Charge due at the estimated Migration Date; and
- (f) where applicable, the impact of the transfer on the prices of all continuing Relevant Communications Services.

C7.12 The letters under Conditions C7.9 to C7.11 must be sent in paper or another Durable Medium. Such letters must be sent by normal post, unless the Switching Customer has explicitly agreed to receive correspondence electronically, such as through verbal consent in a call or through electronic confirmation when ordering online.

Simultaneous transfers

C7.13 Where the Regulated Provider is a Gaining Provider which elects to co-ordinate a Communications Provider Migration on behalf of a Switching Customer who has requested a transfer of Broadband and Fixed-line Telecommunications Services to be provided by it over the same line, it shall ensure that, as applicable, an order is submitted to Openreach or to KCOM, where available, for the simultaneous transfer with minimal loss of service of both Relevant Communications Services.

C7.14 Where the Regulated Provider is a Gaining Provider which elects to co-ordinate a Communications Provider Migration, on behalf of a Switching Customer, and which does not involve a change of the location where the Relevant Communications Services are supplied:

- (a) both the Gaining Provider and the Regulated Provider that is the Losing Provider shall comply with the provisions of Annex 1 to this Condition;
- (b) both the Gaining Provider and the Regulated Provider that is the Losing Provider shall ensure that the Switching Customer is not required to make contact with the Losing Provider in order for a Communications Provider Migration to be put into effect;
- (c) the Regulated Provider that is the Losing Provider shall not require, in particular, the granting of consent by it, nor the provision of any information by it to the Switching Customer, in order for a Communications Provider Migration to be put into effect.

C7.15 Where the Regulated Provider is a Gaining Provider which elects to carry out a Working Line Takeover within Openreach's or KCOM's Access Network (as applicable) pursuant to a Home-Move Request, it shall comply with the provisions of Annex 2 to this Condition.

Other migrations of broadband services

C7.16 In relation to Migrations of Broadband Services not falling within the scope of Condition C7.14, Regulated Providers shall:

(a) facilitate the Migration (or where applicable, connection) of the Broadband Service in a manner that is fair and reasonable;

(b) ensure that the Migration (or where applicable, connection) of the Broadband Service is carried out within a reasonable period; and

(c) ensure that the Migration (or where applicable, connection) of the Broadband Service is carried out with minimal loss of the Broadband Service.

General requirements

Responsibility

C7.17 Where Regulated Providers engage representatives or agents, they shall procure that such representatives or agents comply with the requirements of this Condition.

Training

C7.18 Regulated Providers must ensure that their staff or any representatives of any agency engaged by them, are appropriately trained to comply with this Condition.

Monitoring

C7.19 Regulated Providers must monitor, including conducting regular audits, their compliance with this Condition, including compliance on their behalf by any representatives or agency engaged by them, and take appropriate steps to prevent the recurrence of any problem(s) identified.

Publication of information

C7.20 Regulated Providers must:

(a) publish a copy of Condition C7, or a link to a copy of Condition C7, published on Ofcom's website, in an easily accessible and reasonably prominent manner on their website or, where there is no such website, in such manner and form as directed by Ofcom; and

(b) provide a copy of Condition C7 to the Switching Customer free of charge upon reasonable request

Mobile switching

Providing the PAC or the N-PAC, and Switching Information on request

C7.21 Regulated Providers must provide a PAC or an N-PAC and/or (as applicable) Switching Information to their Mobile Switching Customers on request.

C7.22 Regulated Providers must ensure that the Switching Information provided in accordance with Condition C7.21 complies with the following requirements:

(a) it must be accurate as at the day on which it is sent by the Regulated Provider;

(b) it must set out the total charge payable by the Mobile Switching Customer, and where the request is for more than one Mobile Number, any charges payable must be aggregated across all Mobile Numbers for which the request was made;

(c) it must set out any outstanding credit balances in respect of Prepaid Mobile Services;

(c) when the Switching Information is provided online or by SMS it must contain a web link to the log-in page for the Mobile Switching Customer's account with the Regulated Provider;

(d) it must be provided in clear, intelligible and neutral terms.

How the PAC, N-PAC or Switching Information can be requested and received

C7.23 Regulated Providers must ensure their Mobile Switching Customers can request free of charge, a PAC, or an N-PAC and/or (as applicable) Switching Information via, at least, the following three means:

(a) SMS, but only where the request for a PAC or N-PAC is in respect of no more than one Mobile Number;

(b) online, via an account which must be provided by the Regulated Provider to its Subscribers; and

(c) by phone.

C7.24 In respect of the obligation under Condition C7.23(a), Regulated Providers must ensure that all their Mobile Switching Customers can request a PAC, or an N-PAC and/or (as applicable) Switching Information by using the respective unique numbers for each type of request as agreed by the relevant industry forum and approved by Ofcom.

When the PAC, N-PAC or Switching Information can be requested

C7.25 Regulated Providers must ensure that Mobile Switching Customers are able to request a PAC, an N-PAC, and/or (as applicable) Switching Information:

(a) by SMS and/or online in accordance with Condition C7.23(a) and

(b) at all times; or (b) by phone in accordance with Condition C7.23(c) during at least any Working Day.

How and when the PAC, N-PAC and/or Switching Information must be provided to residential tariff customers

C7.26 Regulated Providers must ensure that they always provide, free of charge, the PAC, N-PAC and/or Switching Information (as applicable) to a Mobile Switching Customer who has requested it:

(a) via the same means through which the request was made; and

(b) if the request was not made by SMS and does not relate to more than one Mobile Number, in addition via SMS.

C7.27 When Regulated Providers provide a PAC or N-PAC, to a Mobile Switching Customer they must at the same time also provide Switching Information.

C7.28 Regulated Providers must ensure that when they provide the PAC or N-PAC and/or (as applicable) the Switching Information in accordance with Condition C7.26 (a) and (b) to a Mobile Switching Customer, they do so no later than one minute from receipt of the request, save that, in the case of a request made by phone, the SMS required under Condition C7.26(b) may be sent at the latest up to one minute from the end of the phone call.

How and when the PAC, N-PAC, and/or Switching Information must be provided to business tariff customers

C7.29 Regulated Providers must ensure that they always provide, free of charge, a PAC or N-PAC, to a Mobile Switching Customer who has requested it in relation to a single mobile number:

(a) where the request was made by phone, immediately over the phone, or if this is not possible by SMS within two hours from the end of the phone call;

(b) where the request was made by SMS, by SMS within no more than two Working Days from the request;

(c) where the request was made online, via the account online and in addition via SMS within no more than two Working Days from the request.

C7.30 Regulated Providers must ensure that they always provide, free of charge, a PAC or N-PAC, to a Mobile Switching Customer whose request relates to more than one mobile number:

(a) where the request was made by phone, over the phone within two hours from the end of the phone call; or

(b) where the request was made online, via the account online within no more than two Working Days from the request.

C7.31 When Regulated Providers provide a PAC or N-PAC, in response to a request made by SMS or online from a Mobile Switching Customer they must at the same time also provide Switching Information.

C7.32 Regulated Providers must ensure that they always provide, free of charge, Switching Information to a Mobile Switching Customer who has requested it (whether the request is made by phone, SMS or online) by SMS (unless the request relates to more than one mobile number), or via the account online, within no more than two Working Days from the request.

Duration of validity of PAC and N-PAC

C7.33 A PAC and an N-PAC shall be valid from the day it is provided for a period of thirty calendar days.

Obligation to ensure Regulated Providers provide information where request for PAC or N-PAC or Switching Information is rejected

C7.34 Where a Regulated Provider receives a request for a PAC, an N-PAC and/or (as applicable) Switching Information, the Regulated Provider is only entitled to reject the request in accordance with the circumstances as agreed by the relevant industry forum and approved by Ofcom.

C7.35 Where the Regulated Provider rejects a request, it must immediately send confirmation of the rejection via SMS to the Mobile Number of the Mobile Switching Customer.

Obligation to ensure Mobile Switching Customers are not charged for Mobile Communications Service after the switching process has been completed

C7.36 On the Working Day on which the Porting Process or the Non-Porting Switching Process has been completed, any Regulated Provider must, after that process has been completed:

(a) cease providing the Mobile Communications Services it was providing to the relevant Mobile Switching Customer before the relevant Mobile Switching Customer switched using the Porting Process or the Non-Porting Switching Process; and

(b) ensure that any charges which the relevant Mobile Switching Customer may be required to pay, other than any Early Termination Charge, are charges incurred only as a result of the provision of the Mobile Communications Services up to and including the Working Day referred to in this paragraph, and do not include any charges in respect of any part of any period of notice that the relevant Mobile Switching Customer is required to provide in order to exit the contract with the Regulated Provider, that would otherwise extend beyond the Working Day referred to in this paragraph.

Submission of PAC or N-PAC at point of sale

C7.37 Before entering into a contract for a Mobile Communications Service with a Mobile Switching Customer, a Regulated Provider must ensure that the relevant Mobile Switching Customer is provided with the option of submitting the PAC or N-PAC that they have received or will receive from their current provider of Mobile Communications Service at the same time that they enter into the contract.

Obligation to ensure switching process is completed within one Working Day

C7.38 Regulated Providers must ensure that the Porting Process shall, unless the relevant Mobile Switching Customer agrees to defer the process, be completed within one Working Day from either:

(a) SIM Activation, where the relevant Mobile Switching Customer has already submitted the PAC to the Communications Provider to whom the relevant Mobile Switching Customer wants to switch at the time when they entered into the contract; or

(b) where SIM Activation has already taken place, submission of the PAC to the Communications Provider to whom the relevant Mobile Switching Customer wants to switch.

C7.39 Regulated Providers must ensure that the Non-Porting Switching Process shall, unless the relevant Mobile Switching Customer agrees to defer the process, be completed within one Working Day from either:

(a) SIM Activation, where the relevant Mobile Switching Customer has already submitted the N-PAC to the Communications Provider to whom the relevant Mobile Switching Customer wants to switch at the time when they entered into the contract; or

(b) where SIM Activation has already taken place, submission of the N-PAC to the Communications Provider to whom the relevant Mobile Switching Customer wants to switch.

Obligation to advertise means by which PAC or N-PAC or Switching Information can be requested

C7.40 Regulated Providers must ensure that the three means by which a Mobile Switching Customer must be able to request and receive a PAC or N-PAC and/or (as applicable) Switching Information, as set out in Condition C7.23, are well publicised and readily available, including ensuring that they are all easily accessible on Regulated Providers' websites, with either:

(a) a weblink being clearly visible on a Regulated Provider's primary webpage for all Subscribers (i.e. '1 click' access); or

(b) a weblink being clearly visible on a webpage that is directly accessible from a primary webpage for all Subscribers (i.e. '2 click' access).

Obligation to provide guidance on the switching process

C7.41 Regulated Providers must provide guidance for Subscribers on the Porting Process and Non-Porting Switching Process that is:

(a) concise and easy to understand; and

(b) only contains relevant information about the Porting Process and Non-Porting Switching Process.

C7.42 Regulated Providers must ensure that the guidance to be provided in accordance with Condition C7.41 is well publicised and readily available on their websites.

Obligation to provide compensation

C7.43 Where a Regulated Provider, delays the completion of the Porting Process or the NonPorting Switching Process beyond the one Working Day time limit set out in Condition C7.38 or Condition C7.39, or where there is an abuse of the Porting Process or the NonPorting Switching Process by them or on their behalf, the Regulated Provider, shall provide reasonable compensation as soon as is reasonably practicable to the relevant Mobile Switching Customer for such failure.

C7.44 Regulated Providers shall set out in plain English and in an accessible manner for each relevant Mobile Switching Customer guidance on how they can access the compensation provided for in Condition C7.43, and how any compensation will be paid to them.

Annex 1 to Condition C7

[See Condition C7.14(a)]

Notification of transfer

1 Where a Gaining Provider elects to co-ordinate a Communications Provider Migration on behalf of a Switching Customer who has requested to transfer to a Relevant Communications Service supplied by it, that Gaining Provider shall, within a reasonable time, ensure a Transfer Order is placed.

Cancel other

2 The Losing Provider shall only be permitted to use Cancel Other in the following circumstances:

- (a) where Slamming has occurred;
- (b) at the Switching Customer's request, where the Gaining Provider has failed to cancel the Transfer Order after being directed by the Customer to do so ('Failure to Cancel');
- (c) where the telephone line is or will be, ceased during the Transfer Period ('Line Cease');
- (d) for other specified reasons not related to a Switching Customer's request to cancel a transfer, as agreed by the relevant industry forum and approved by Ofcom; and
- (e) in such other circumstances as directed by Ofcom.

3 Before using Cancel Other in cases of Slamming and/or Failure to Cancel, the Losing Provider shall take reasonable steps to establish that Slamming and/or Failure to Cancel has actually taken place.

4 After using Cancel Other, the Losing Provider shall confirm the cancellation of the order by Durable Medium to the Switching Customer, unless this is not possible or appropriate, including where the Switching Customer is deceased.

5 The Losing Provider shall record its reasons for using Cancel Other in each case, selecting the appropriate reason code from a list corresponding to permitted use of Cancel Other and consistent with one of the circumstances (a) to (d) set out below, as agreed by the industry and approved by Ofcom:

- (a) where the Switching Customer has never contacted, or has never been contacted by, the Gaining Provider;
- (b) where the Switching Customer has contacted, or has been contacted by, the Gaining Provider, but has not given the Gaining Provider authorisation to transfer some or all of their Relevant Communications Services;
- (c) where the Switching Customer has agreed to purchase a product or service from the Gaining Provider and the Gaining Provider has submitted an order for a different product or service which the Switching Customer has not agreed to purchase; or
- (d) where the Switching Customer has agreed to transfer some or all of their Relevant Communications Services to the Gaining Provider having understood as a result of a deliberate attempt by the Gaining Provider to mislead, that they are making an agreement with a different Regulated Provider.

Annex 2 to Condition C7

[See Condition C7.15]

Working line takeovers

1 Subject to paragraphs 2 and 3 of this Annex, where a Regulated Provider that is a Gaining Provider elects to carry out a Working Line Takeover pursuant to a Home-Move Request that Gaining Provider shall ensure a Working Line Takeover Order is placed.

Asset identification

2 Before a Working Line Takeover Order is placed, a Gaining Provider shall take reasonable steps, having regard to industry best practice, to identify the Target Line.

3 A Gaining Provider may only place a Working Line Takeover Order if it has identified an exact match for the Target Line.

Notification letter

4 After being notified of the Working Line Takeover Order, the Incumbent Communications Provider shall send the Incumbent Switching Customer a letter, in accordance with the industry agreed process, in paper or another Durable Medium, which clearly sets out:

- (a) the date of the letter;
- (b) a notification that an Inbound Switching Customer wants to take over the Target Line;
- (c) all Relevant Communications Services directly affected by the Working Line Takeover;
- (d) where relevant, the Calling Line Identification of all Relevant Communications Services that are directly affected;
- (e) the expected Migration Date;
- (f) that the Incumbent Switching Customer should notify the Incumbent Communications Provider if that Incumbent Switching Customer is not moving out of the Target Address or expects to move at a later date than the expected Migration Date; and
- (g) the relevant contact details.

5 The letter must be sent by post, unless the Switching Customer has explicitly agreed to receive correspondence electronically, such as through verbal consent in a call or through electronic confirmation when ordering online.