

**Petition Number PE1285:** Calling on the Scottish Parliament to urge the Scottish Government to make arrangements for all calls from mobile phones to NHS 24 to be free of charge to users

### **Ofcom response to specific issues raised in the petition and specific questions**

Ofcom is responsible for the administration of the UK's numbering resource. In this capacity, we are providing a written response on the specific *numbering* issues raised by the petition.

#### **Current number used for NHS 24**

NHS 24 is an online and telephone based service that provides health information and self care advice for people living in Scotland. The telephone based service is contactable on the number 08454 242424. The website states that calls to this number are charged at "local rate".

0845 numbers are designated by Ofcom as 'special services basic rate' numbers. Ofcom and the Advertising Standards Agency have stated that it can be confusing and misleading for consumers if organisations advertise 0845 numbers as 'local rate' when in fact calls to 0845 numbers are often considerably more expensive than calls to geographic numbers (ie numbers beginning with 01 and 02). In addition, calls to 0845 numbers are not always included in inclusive call packages. A higher call charge and exclusion from inclusive minutes are often the case when calling a 0845 (or any other 08 number) from a mobile. The cost of calling a 0845 number from a mobile can vary between 5p per minute and 40p per minute depending on the mobile provider, the customer's tariff plan and whether it is a contract or pay-as-you-go phone.

#### **Telephone numbering options and free to caller charging**

Currently, there is not a simple telephone numbering option for organisations who want to ensure that calls are always free for the caller when made from fixed and mobile telephones. The only numbers that guarantee that all communications providers provide access and that access is free to caller are the emergency call numbers '999' and '112'. This is due to a requirement in European legislation, which has been transposed into a general condition obligation<sup>1</sup> on communications providers in the UK.

There are two main options for achieving a free-to-caller telephone number – commercial negotiation and regulatory intervention. These approaches must be taken within the UK regulatory framework (which transposes the current European electronic communications framework) and be consistent with the National Telephone Numbering Plan.<sup>2</sup>

##### *a) Commercial negotiation*

##### 080 Freephone numbers

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<sup>1</sup> The requirement for Emergency Call number(s) to be free of charge is set out in Article 26 of the Universal Service Directive and transposed via General Condition of Entitlement 4 on Emergency call numbers.

<sup>2</sup> The National Telephone Numbering Plan sets out the telephone numbers available for use in the UK and their service designation <http://www.ofcom.org.uk/telecoms/ioi/numbers/numplan030809.pdf>

It is permissible for a charge to be made for calling a freephone number provided that a non-chargeable announcement is made at the start of the call to inform the caller.<sup>3</sup> It is common for mobile providers to charge their customers for making calls to freephone numbers from their mobile phone. As with 0845 numbers, the cost of calling a freephone number can vary considerably depending on the provider, the tariff plan and between contract and pay-as-you-go customers. Call costs can vary between being free and 40ppm.

Mobile providers sometimes take independent commercial decisions not to charge their customers for calls to certain freephone numbers. Some charities have negotiated with mobile providers to ensure calls to their helplines are free from mobiles (for example the NSPCC-run Childline service on 0800 1111). Also, The Helplines Association (THA) has worked with mobile providers to ensure that calls to confidential helplines using 080880 numbers are not charged and do not appear on itemised telephone bills, thus ensuring confidentiality. The THA is currently looking to extend such negotiations to public sector helplines. In addition, we understand that Orange, Virgin and 3 have taken the commercial decision to zero-rate any freephone number belonging to a THA member helpline.

#### Three-digit number for non-emergency healthcare services

Ofcom, as the regulator responsible for the administration of the UK's numbering resource, was asked by the Department of Health in England to make a three-digit telephone number available for the delivery of its proposed non-emergency healthcare service. The Department of Health plans to roll out the service in a number of 12-month pilots in spring 2010. We published a consultation in July 2009, which set out the different numbering options available for the service and sought stakeholders' views on the proposal to designate the number 111 for the non-emergency healthcare service. Responses to the consultation are published on our website.<sup>4</sup>

Because Ofcom has responsibility for telephone numbers across the whole of the UK, if 111 is designated in answer to the Department of Health in England's request, it will also be reserved for a non-emergency healthcare service in Scotland, Wales and Northern Ireland. We have therefore engaged with the Scottish Government to discuss its intentions with regards to using this three-digit number. The Scottish Government has confirmed that (depending on the outcome of the Department of Health's pilots) it will consider using the 111 number to serve the same function as the current NHS 24 number. Therefore if the three-digit number was adopted in Scotland, it is intended that all callers resident in Scotland who called 111 would be routed to the NHS 24 service. We understand the Scottish Government intends to take a decision on whether to launch the number in Scotland after the results of the Department of Health's pilots have been evaluated.

Our consultation also set out, on behalf of the Department of Health, a range of potential tariff options for the service and stakeholders' views were also sought on these tariff options, which included a free to caller option.

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<sup>3</sup> The National Telephone Numbering Plan defines a freephone number 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".

<sup>4</sup> [http://www.ofcom.org.uk/consult/condocs/three\\_number\\_non\\_emergency/responses/](http://www.ofcom.org.uk/consult/condocs/three_number_non_emergency/responses/)

The Department of Health has been considering the responses to the consultation in coming to a decision about the tariff for the 111 number. We intend to publish a statement before Christmas setting out our decision on the designation of the three-digit number, and the Department of Health's chosen tariff for the number.

*b) Regulatory intervention on tariff*

The pricing of calls to communications services is generally a matter for relevant communications providers and/or service providers, not Ofcom. Any intervention must, among other things, be objectively justifiable, non-discriminatory, proportionate and transparent.

Free-to-caller numbers in the 116XXX range

Ofcom recently introduced the 'free-to-caller' definition in the National Telephone Numbering Plan<sup>5</sup> and, to date, has applied this to three numbers in the 116XXX harmonised European numbers for services of social value range. We made this intervention to ensure barriers are removed that might prevent or discourage callers from making calls to specific 116XXX services considered to be of 'extreme social value', such as concern over cost of calling from a mobile/lack of pre-paid credit. Ofcom was able to intervene in the charging arrangements for this particular range of numbers due to their harmonised European aspect. Charging is an important element in the harmonisation of numbering resources within the European Community and is considered necessary to support the development of pan-European services.

The European Commission has recently reserved the 116117 number for 'Non-emergency medical on-call services'. Ofcom will consult in January 2010 on making the number available for allocation in the UK and on the most appropriate charging arrangement – 'freephone' or 'free-to-caller' – for this particular service. Following the conclusion of this consultation, we shall launch a comparative selection process to select the most appropriate organisation or partnership of organisations to run the 116117 service. We expect the selection process to commence April/May 2010.

**Response to the specific questions**

1. The extent to which the possible deployment of a three digit non-emergency health number will address the issues raised in the petition depends on a number of factors, firstly whether the Scottish Government decides to adopt the three-digit number for NHS 24 and secondly the tariff chosen for the number. The statement scheduled for publication before Christmas will give further information on the tariff for the service.
2. As above, this work may have relevance to the issue of free calls from mobile phones to NHS 24, because the Scottish Government is considering the adoption of the three-digit number for directing calls to NHS 24, in addition a 'free to caller' tariff is one of the options being considered for the service by the Department of Health.

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<sup>5</sup> The National Telephone Numbering Plan defines a 'free to caller' number as being "a number that is reached free of charge to the customer and, in the case of a pay telephone, without having to use coins and cards".