



## Response of T-Mobile (UK) Limited to the Public Petitions Committee of the Scottish Parliament in respect of Petition PE 1285

### Introductory Comments

T-Mobile welcomes the opportunity to engage with the Scottish Parliament on the issues raised in Petition PE1285.

As a preliminary point, we note that the petition was sent to the Scottish Government (for NHS 24), Ofcom, and four of the five UK mobile network operators. The issues surrounding the routing of calls to telephone numbers for special services, and the retail and wholesale charges that are applied, involve a number of parties, all of whom would need to be consulted and engaged in order to address the various issues raised in the petition. We think that there are other interested parties whose views on the matters raised in the petition might be of value to the Public Petitions Committee. These would include: Hutchison 3G UK Limited (the fifth mobile network operator, trading as '3'); virtual mobile operators, such as Virgin Mobile, Tesco Mobile, Lycamobile, Lebara (and many others); fixed telecommunications network operators (in particular BT, but also others such as Cable & Wireless and Virgin Media); and the Cabinet Office Contact Council of the UK national government. Of these, we think it would be particularly useful for the Public Petitions Committee to make contact with the national government's Cabinet Office Contact Council, as they have been considering similar issues recently. See, for example, the Clarification Statement on Telephone Number Ranges published by the Cabinet Office in May 2009<sup>1</sup>.

### Numbering Ranges in the United Kingdom

Ofcom has a duty under the Communications Act 2003 to publish a national Telephone Numbering Plan<sup>2</sup>, which sets out the conditions that apply to different numbering ranges. The NHS 24 number is currently hosted on an 0845 number. This is what is known as a 'number translation service', which means that there is an ordinary 'geographic number' (a number starting with an 01 or 02 prefix) sitting behind it<sup>3</sup>.

It is important to note that each of the different number ranges in the Numbering Plan has its own rules and conditions. The only condition on 0845 numbers (the range on which NHS 24 chose to host this service) is that it must be charged at BT's Standard Local Call Retail Price for BT landline customers. There are no conditions as to what any other fixed or mobile telecommunications provider may charge for calls to 0845 numbers.

This should be compared with the conditions attached to other number ranges, in particular the 030 number range which is described in the Numbering Plan as:

"UK-wide Numbers at a geographic rate: to be used by public sector bodies and not-for-profit bodies, calls charged at up to the same rate the customer would pay to call a UK Geographic Number, with calls to 030 numbers counting towards inclusive call minutes if the customer has remaining inclusive minutes to UK Geographic Numbers, and included in any discount structures that apply to UK Geographic Numbers".

Also of relevance is the 034 range, which has been especially reserved for people and organisations migrating from the 084 number range.

All numbers starting with the 03 prefix are charged at the same rate as standard 01 and 02 geographic numbers by all communications providers, fixed and mobile, and calls to 03 numbers are included in bundles of inclusive minutes for mobile contracts. As such, it is our view that rather than seek to change the charging arrangements for 0845 numbers, the more appropriate course of action would be for NHS

<sup>1</sup> [http://www.cabinetoffice.gov.uk/media/218872/numbering\\_clarification.pdf](http://www.cabinetoffice.gov.uk/media/218872/numbering_clarification.pdf).

<sup>2</sup> The current Numbering Plan is available on Ofcom's website, see <http://www.ofcom.org.uk/telecoms/loi/numbers/>.

<sup>3</sup> When a caller dials the NHS 24 0845 number, their call is routed via various telecommunications networks and somewhere en route the number is 'translated' by one of the networks from the 0845 number that was dialled to the ordinary geographic number sitting behind it. Once the geographic number has been revealed, the telecommunications network concerned knows (from the geographic prefix) where physically to route the call.



24 to migrate to a number on the 03 range, either instead of the current 0845 number or as an alternative parallel number that would be cheaper to call from mobiles.

We note that the report prepared for the Committee referred to recent moves to migrate NHS numbers from higher rate numbers to standard rate numbers and noted that "NHS 24 is not affected by this as it already charges a local rate for calls". We would respectfully disagree with this statement. 0845 numbers are only subject to "local rate" charges for calls from BT landlines. They are not appropriate for public health services, and we would strongly recommend that the service be moved to an 03 number (or, at the very least, that an alternative 03 number be provided).

A further alternative is the setting up of a special three digit number for non-emergency healthcare enquiries. This is the approach that has been proposed in England and Wales, where discussions have begun on introducing a special three digit number to replace the current NHS Direct number.

#### **The questions raised in the Petition:**

##### **- Should NHS 24 not be seen as an emergency service? If not, why not?**

In our view, NHS 24 should categorically not be seen as an emergency service. NHS 24 is for general medical advice, it is not an emergency number. In an emergency, people should always dial 999 (or 112). This is clearly stated on NHS 24's website. For reasons of public safety, it is extremely important not to blur the distinction between emergency and non-emergency services.

##### **- Do you agree that calls from mobile phones to NHS 24 should be free of charge to patients? If not, why not?**

In considering this question, it is important to bear in mind that significant costs are incurred in making and carrying any call over a mobile phone network. The costs of running a mobile network are far higher than those of running a fixed network, and such costs must be recovered by mobile operators, either from the person making the call or from the person receiving the call.

The UK retail market for mobile communications is one of the most competitive mobile markets in Europe, with five network operators and a very large number of virtual network operators and resellers. Mobile operators set their call charges at competitive levels in the context of that fierce competition between providers. The specific charges for calls to 0845 numbers cannot be considered in isolation. They are part of the overall basket of charges that make up the mobile operators' overall retail proposition. Our market research consistently tells us that what matters most to consumers is that the monthly recurring charge for contract customers is as low as possible, that the volume of inclusive call minutes included in call bundles is as high as possible and that the best handsets are available.

Under UK and European communications law, Ofcom (the national communications regulator) has no powers to fix retail prices in a market that is truly competitive, such as this one. It is for operators to choose and set their own retail rates. Nor can NHS 24 set the retail rate for calls to its number, though there are a number of alternative options available to it, in particular, NHS 24 could move to a more appropriate number range or could negotiate directly with telecommunications companies so that it, as the recipient of the call, pays for the call rather than the caller.

##### **- Will you consider making any such calls free? If not, will you consider rescinding any minimum charge that may already apply? If not, why not?**

As explained above, mobile network operators incur costs when a call is made over their network and those costs need to be recovered either from the caller or from the call recipient. NHS 24 is a public service, and public services ought to be funded out of public funds. It cannot be expected that private companies should subsidise a public service such as this. We would, however, be willing to negotiate suitable arrangements with the Scottish Government or NHS 24 if a decision were taken to move the NHS 24 service to a number which could be free to call for all callers, on the understanding that NHS 24, as the call recipient, would pay for the calls and cover the costs of making the calls. Similar arrangements are already under discussion with other government departments and public bodies.



However, in order for such an arrangement to be practicable, we think it would be necessary for NHS 24 to move away from its current 0845 number. It would not be appropriate to market an 0845 number as 'free to call', as this would lead to significant customer confusion over the charges for different number ranges. If the Scottish Government were to propose to make NHS 24 free to call (and was willing to pay for the costs of those calls), it seems to us that the most appropriate number ranges for the service would either be an 0800 number or a special 3-digit number.

Furthermore, the introduction of any such special arrangements would be dependent on the co-operation of BT. BT is involved in the transiting and routing of most calls to special numbers. BT currently charges all operators an interconnection fee for connecting these calls to its network (even if the call is only transiting through their network en route to another operator). BT's termination charges for calls to 0845 numbers are currently up to 13 pence per minute. BT would need to agree to waive this fee (or NHS 24 would have to cover the fee) for the calls to be made free to callers.

#### **Other issues raised in the petition and concluding comments**

The petition has touched on a number of other issues on which we would like to comment briefly.

- As recognised in the petition, mobile phones generally offer better overall value and convenience than fixed landlines for low income consumers as there are no monthly line rental charges for pre-pay phones. This is an important factor that must not be overlooked.
- NHS 24 have chosen to operate this services on an 0845 number, rather than an 01, 02 or 03 numbers which would be cheaper for mobile phone users and would usually be included within monthly call bundles.
- We understand that NHS 24 already has a call-back facility. If NHS 24 were to advertise this service more widely it would significantly reduce the cost of these calls for people calling from a mobile phone.
- We do not know whether NHS 24 currently offers a service by which mobile phone users can send a text requesting a call-back. If such a service is not currently offered, we would strongly advise it be introduced.
- The petition mentions the swine flu emergency helpline, which is free to call for all T-Mobile customers. The swine flu emergency helpline was a one-off exceptional case. Swine flu is a real public health emergency, though the pandemic (and the need to provide a free number) is expected to be of limited duration. T-Mobile chose to zero-rate this number and absorb the costs of the calls in the interests of the public and out of our duty as a good public citizen.
- Similarly, we also support a number of charities and good causes by providing free calls to emergency helplines (such as Crimestoppers and Childline) and by absorbing the cost of all calls to those helplines. It costs our business money to support initiatives like these, but we do so out of corporate and social responsibility and because we believe it is the right thing to do.
- In contrast, NHS 24 is a permanent non-emergency public service. As such, we believe it should be funded by the public purse, and private companies should not be expected to bear the costs.

We hope that these comments are useful for the deliberations of the Committee. We would be more than happy to provide further comments or assistance if requested.

T-Mobile (UK) Limited

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