



ITSPA CODE OF PRACTICE (version 1.0)

Introduction to the ITSPA Code of Practice

ITSPA exists to encourage the development of a vigorous and competitive industry in providing voice telephony services using IP and other internet technologies. It sets and monitors basic customer related standards for its members in order to ensure that customers who choose to use an ITSPA member will have confidence that they will be provided with high standards of service and customer care.

ITSPA members recognise that internet telephony services are different in some respects from traditional public telephone services. The ITSPA Code of Practice is designed to help customers by ensuring that they receive suitable information in advance of agreeing to buy internet telephony services in order that they can have confidence in the way that an ITSPA member will do business with them.

ITSPA members are required to comply with current legislative and regulatory requirements supplemented by the ITSPA Code of Practice, which provides guidance and information to members and their customers.

To give customers even more confidence, in the unlikely event that a complaint cannot be settled locally, the ITSPA Code of Practice contains an easily accessible dispute resolution scheme for the purpose of bringing such complaint to a satisfactory conclusion.

This initial version of the ITSPA Code of Practice is specifically addressing the requirements of services which are offered to the residential customers. The next version, due shortly, will also address the requirements of services which are offered to business customers.

The ITSPA Code of Practice is monitored and administered by the Council of ITSPA.

Aims of the ITSPA Code of Practice

- To promote the best interests of users of internet telephony services by ensuring a free and open market between ITSPA members and other providers of telephony services to the public;
- To provide a framework which enables members to achieve and demonstrate compliance with regulatory requirements designed to protect the interests of citizen-consumers;
- To ensure there is clear pre-contractual information readily available regarding the terms and conditions on which internet telephony services are provided, including pricing, payment and service availability;
- In the event of any form of dissatisfaction or complaint, to make available an easily accessible procedure so that these can be addressed and resolved in the most speedy and cost effective manner;
- To ensure that ITSPA members comply with current legal and regulatory requirements; and
- To enhance the reputation of the internet telephony industry by promoting standards over and above those required by law and regulation.



Definitions

“Home Telephone”; a standard domestic telephone handset or a device that has the appearance of a standard domestic telephone handset

How the ITSPA Code of Practice applies

- 1 This ITSPA Code of Practice and members' obligations derived from it apply when a member is engaged in providing telephony services to residential end-users in the UK by means of a public packet data network, with inbound and outbound access to and from the PSTN, and where the end-user is not required to access the service by means of a computer.
- 2 Every ITSPA member must subscribe to this ITSPA Code of Practice and comply with its mandatory provisions. Members are also encouraged to comply with those provisions that are recommendations but are not mandatory.
- 3 In addition to complying with this ITSPA Code of Practice, every ITSPA member, where required by regulation, must have an Individual Code of Consumer Practice, which contains information for customers and prospective customers that is specific to that member,.
 - 3.1 The Individual Code must say in plain English:
 - Who the member is;
 - What services it provides;
 - That the purpose of the Code is to inform customers of their relationship with the member;
 - How to contact the member, with different contact information for different purposes, if necessary;
 - How to contact ITSPA and other relevant organisations, including, in particular OFCOM; and
 - That the member is a member of ITSPA and subscribes to this ITSPA Code of Practice.
 - 3.2 This Individual Code and the ITSPA Code of Practice must be made available to any person who is a customer or who is considering buying services from the member, on request. This must be done by giving printed copies of them to that person or by posting them on the member's website with a prominent link. The ITSPA Code of Practice may be posted by means of a link to the ITSPA web page containing the ITSPA Code of Practice.
 - 3.3 To comply with the Disability Discrimination Act 1995, a member must take reasonable steps to enable customers with disabilities to make use of its services and to benefit from its individual Code of Conduct. To this end, members must take reasonable steps to follow accepted practices and standards of accessibility, such as:
 - (a) Producing all information in an accessible way, including the use of good line spacing, a reasonable sized font and sufficient contrast between type and background;



- (b) Following industry standard accessibility criteria for websites and
 - (c) Making copies of the Code of Practice available in alternative formats.
- 3.4 The ITSPA Code of Practice will apply to every member's activities in the areas that it covers. A member may adopt stricter standards in its Individual Code. Where a member does so, it will be bound by those stricter standards.
- 3.5 A member may not opt out of a mandatory provision of the ITSPA Code of Practice or reduce or qualify its effect.
- 3.6 In addition to the Codes of Practice, a member shall comply with all applicable legislation and other legal and regulatory requirements in the country in which it operates. Compliance with the ITSPA Code of Practice does not in itself amount to compliance with any legal or regulatory requirement.
- 3.7 This ITSPA Code of Practice is administered and enforced by ITSPA, acting through its Council and its authorised committees. It does not form part of the contract between a member and its customer except where the contract expressly provides for this.

General Requirements

4 Illegal use of services

Members must not promote the use of their services for illegal purposes and must take appropriate steps to guard against their services being used for such purposes.

5 Awareness

Members must use reasonable efforts to communicate to their staff that their company is a member of ITSPA and to ensure that all relevant members of staff are familiar with the obligations arising under the ITSPA Code of Practice.

6 Promotion

6.1 Members must use all reasonable endeavours to ensure that promotional material complies with all applicable legislation and non-statutory regulation, including in particular that:-

- (a) If transmitted by radio, television, teletext, telephone, facsimile or any other form of communication, it observes the provisions of this ITSPA Code of Practice and the Codes of Practice published by the Independent Television Commission and the Radio Authority (where relevant) in the manner most reasonable and appropriate to the technology employed;
- (b) It complies with the provisions of the British Codes of Advertising and Sales Promotion supervised by the Advertising Standards Authority; and
- (c) Promotional material and all associated services comply with the Code of Practice applied by ICSTIS when access to them is made via a premium rate telephone call.

7 Customer information



- 7.1 This section applies only when
- (a) a member provides services to residential customers;
 - (b) the member's service is designed to allow calls to be made primarily from a Home Telephone; and
 - (c) the member is not running the underlying packet data network and is not responsible for the quality of service provided over it.

7.2 **Service reliability**

- 7.2.1 It is recommended that the following message is included in the terms and conditions of all contracts for internet telephony service.

"IMPORTANT INFORMATION: This is a Voice over Data Network service, and as such, it is dependent on your connection to the data network and the data network itself. Your service may therefore cease to function if there is a power failure or a failure in the underlying data network."

- 7.2.2 Members must take active steps to draw its customers' attention to any significant differences in service reliability between the member's service and circuit switched public telephony networks. This must be done at the point of sale and in any user guide issued by the member.

7.3 **Emergency Calls**

- 7.3.1 Members may choose to offer or not to offer access to emergency service calls. Where access is offered, the reliability of this access may be affected by circumstances beyond the control of the member, in particular by power failure or by failure of the packet data network. This section 7.3 is intended to ensure that ITSPA members provide their customers with relevant information in order that they are able to understand the implications of using a Voice over Data service.

7.3.2 **No Access to Emergency Calls**

Where the service does not provide access to 999 and 112

- (a) Clear information to this effect must be provided to all potential users of the service at the point of sale and in any user guide issued by the member.
- (b) The member must supply stickers clearly indicating that calls to emergency services cannot be made from the handset.
- (c) If the emergency numbers are dialled, the member shall provide a network announcement, stating, "Calls to Emergency Services cannot be made from this handset, please hang up and redial from an alternative network".

7.3.3 **Best Efforts Access to Emergency Calls**

- 7.3.3.1 Where the service does provide access to 999 and/or 112 but does not offer substantially the same level of reliability as circuit switched public telephony, clear information to this effect must be provided to all potential users of the service in any user guide issued by the



member. The same information must also be included in materials describing the service that are made available to prospective customers in advance of the point of sale.

7.3.3.2 It is recommended practice, that where the service is expected to be significantly used from a Home Telephone in a residential environment, the member will provide the option to the customer, to request the supply of stickers which clearly indicate that calls to emergency services may fail, in particular if there is a loss of power or a fault in the packet data network.

7.3.3.3 Members should encourage customers to register their address information with the member so that this information may be passed to the emergency services where appropriate and necessary.

7.4 **Ability to port numbers**

If a member is unable to offer a number porting facility, this must be clearly stated in materials describing the service that are made available to prospective customers in advance of the point of sale and in the member's customer service contract.

7.5 **Other information for customers**

The materials describing the service that are made available by a member to prospective customers in advance of the point of sale must clearly state if the following facilities are not available by means of the member's service:

- Access to "100" Operator service
- Itemised Billing
- Non-itemisation of "0800" free calls
- Access to DQ
- Text relay services
- Withholding of Caller Line Identifier (CLI) information

7.6 **Calling Line Identification**

Members shall comply, where relevant, with the regulations concerning Caller line Identification (CLI) as documented in the Ofcom "Guidelines for the provision of Calling Line Identification facilities and other related services over Electronic Communications Networks".

8 **Best practice recommendations**

ITSPA recommends that members adhere to the following best practice guidelines where possible:

8.1 **ITSPA identification**

Members should include on their web-sites the ITSPA logo, with a link to the ITSPA web-site.



8.2 **SPAM Protection**

- 8.2.1 Caller ID should be validated against the authenticated user to prevent fraud and spam.
- 8.2.2 Every member is recommended to develop an Acceptable Use Policy and to require its customers to adhere to it. The Acceptable Use Policy should also include restrictions on bulk unsolicited voice calls, SPAM.
- 8.2.3 Members should co-operate with each other in investigating and preventing instances of spamming and should have a nominated point of contact for these issues.
- 8.3 For the avoidance of doubt, breach of any of the rules of best practice set out in this section 8 shall not constitute a breach of the ITSPA Code of Practice and shall not cause ITSPA to invoke the Complaints Procedure.

9 **Customer contracts**

- 9.1 Members must ensure that steps be taken to ensure that the person entering into a contract is authorised to represent the customer in entering into the contract for telephone services at the premises.
- 9.2 Order forms and contract forms are to be designed so that the contractual nature of the document is clear to the customer and it contains a statement of the contractual nature of the document immediately adjacent to where the customer signs the document so the statement cannot easily be obscured or concealed.
- 9.3 Where a face-to-face approach to the customer takes place the customer should be given the information set out in this paragraph, in writing, in a clear and comprehensible manner:
 - (a) Essential information including the identity of the company, its address, telephone, fax and e-mail contact details;
 - (b) A description of the telephone service sufficient to enable the customer to understand the option that the customer has chosen, and how it works;
 - (c) Information about the major elements of the service, including the cost of any standing charges, the payment terms, line rental, key call types and details of "protected or special support" arrangements.
 - (d) The arrangements for provision of the service, including the order process and, as accurately as possible, the likely date of provision. Where there may be significant delay in the likely date of provision, the customer should be informed of this;
 - (e) The circumstances in which the service may be withdrawn and the procedure for a withdrawal;
 - (f) The existence of any right of cancellation and the process for exercising it;
 - (g) The period for which the charges remain valid; and
 - (h) The minimum period of contract, and minimum contract charges, if any.
- 9.4 Customers are to be made aware of the existence of this code and preferably provided with a summary.



9.5 In the case of internet orders, a well sign-posted hyperlink to the information required by paragraphs 9.2 to 9.4 above must be prominently displayed, with the information being capable of being easily downloaded and printed.

10 **Number Portability**

10.1 All number portability transactions with customers and other service providers must be undertaken in accordance with current legal and regulatory rules and guidelines and with any industry agreed processes and procedures.

11 **Pricing Information**

11.1 Members must ensure that charges for services are clearly stated in relevant promotional material and are readily available to customers. Members must make clear whether any such charges quoted are inclusive or exclusive of VAT. Where additional charges, for example on-line charges, are payable this should be stated.

11.2 Members must use reasonable endeavours to ensure that textual pricing information relating to charges for services is accurate, up to date, legible, prominent and presented in such a way that does not require close examination.

12 **Data Protection and Privacy**

12.1 Members shall comply with UK legislation relating to the protection of information held in relation to UK data subjects.

13 **Complaints Procedure and Sanctions**

13.1 **Members' obligations**

13.1.1 Every member shall have its own code of practice for handling complaints from residential users.

13.1.2 A member's code of practice for complaints shall include a Dispute Resolution Scheme within the meaning of Condition 14 of the general conditions of Entitlement. If a member does not select an alternative approved scheme, the Dispute Resolution Scheme adopted by ITSPA shall apply to all disputes involving the member.

13.1.3 Every member shall notify ITSPA of a single point of contact ("Contact") for the member authorised to deal with ITSPA complaints. The Contact shall be familiar with the ITSPA Complaints Procedure.

13.2 **Complaints about breaching the ITSPA Code of Practice**

13.2.1 Where a customer or other third party makes a complaint that a member has acted in breach of the ITSPA Code of Practice the complaint shall be investigated and adjudicated by ITSPA in accordance with its rules and procedures on complaints.

13.2.2 ITSPA may refuse to adjudicate on a complaint where the subject matter of the complaint is the subject of legal proceedings or for any other reason ITSPA sees fit, details of which must be supplied to the complainant.

13.2.3 Where a complaint appears to fall within the ambit of a particular regulatory body or self regulatory body (for example ICSTIS or the Advertising Standards Authority), ITSPA may



refer the complaint to that body as well as or instead of ITSPA adjudicating on the complaint.

14 Changes to the ITSPA Code of Practice

- 14.1 The ITSPA Council may amend this ITSPA Code of Practice by a simple majority vote at a duly convened meeting. Notice of such meeting must be given to all members of ITSPA at least 28 days in advance and must contain the text of the proposed amendment. The 28 day notice period may be reduced or waived by a two-thirds majority vote of all the members of ITSPA entitled to vote at general meetings of ITSPA.

To request a copy of the Code of Practice in alternative formats, please call +44 (0)207 043 7770 or email secretariat@itspa.org.uk .