

Domestic gas and electricity suppliers, energy consumers and their representatives, and other interested parties

Email: Consumers.Directorate@ofgem.gov.uk

Date: July 16 2018

Decision on implementing the CMA's recommendation to remove the Whole of Market requirement

Today Ofgem are publishing new rules for our voluntary accreditation scheme for energy price comparison websites, known as the Confidence Code (the **Code**). On 2 May 2018, Ofgem consulted on removing the Whole of Market (**WoM**) requirement from the Code¹ in response to a recommendation from the Competition and Market Authority (**CMA**)². This letter confirms that our minded-to proposal comes into effect on the date of this letter's publication. Appendix 3 sets out the revised wording of the Confidence Code, which has minor alterations from the proposed wording set out in our May consultation. For illustrative purposes, Appendix 4 sets out the Code with wording that is specified in Requirement 10 of Appendix 3 applied.

Appendix 1 sets out a summary of the consultation responses to the May 2018 consultation and our responses. Appendix 2 outlines how the Code requirements compare with the CMA's principles for Digital Comparison Tools (**DCT**)³.

In our May consultation, we proposed to remove all testing obligations from the Confidence Code⁴, and to allow accredited PCWs to exclusively show fulfillable deals⁵ on their results page provided they displayed a link to a comparison tool operated by Citizens Advice (the **Citizens Advice Comparison Tool/CACT**). We asked stakeholders the following questions:

- Do you agree that our minded-to option is the best means of achieving the benefits and mitigating the risks of removing the WoM requirement?
- Do you agree that our proposed drafting of the Code is the best means of achieving the benefits and mitigating the risks of removing the WoM requirement?

¹ [Consultation on the Implementation of the CMA's Whole of Market recommendation](#), May 2018, Ofgem

² This recommendation was made in the [CMA Energy Market Investigation, Final Report Summary](#), paragraph 239 (p56), and the [Digital comparison tools market study. Final report](#). Paragraphs 4.124

³ [Digital comparison tools market study. Final report](#).

⁴ These testing obligations required accredited PCWs to undertake tests to assess whether their customers can quickly and easily access a Wide Results page, and whether the messaging or filtering on their website that directs consumers to a Partial View is prominent, clear and intelligible.

⁵ A fulfillable tariff is one for which a PCW can facilitate the switch and is paid a commission for doing so. A PCW will receive no commission for displaying results for non-fulfillable tariffs.

Stakeholder feedback

We received 21 consultation responses in total. 10 responses favoured Ofgem's proposed approach; 7 responses favoured removing the WoM requirement without an obligation to display a link to the Citizens Advice Comparison Tool; 2 responses highlighted the risks of our minded-to option; and a further 2 responses disagreed with removing the WoM requirement. The majority who responded agreed with the proposed drafting of the Code, but some minor changes were suggested.

Way forward and rationale

Following the decision to implement the CMA's recommendation, all accredited PCWs now have the option of exclusively showing deals that consumers can switch to directly through their website provided they display a link to the Citizens Advice Comparison Tool. In addition, all testing obligations placed on accredited PCWs have been removed.

A review of consultation responses and evidence gathered indicate that this change in the Code will help achieve the benefits of removing the WoM requirement whilst mitigating against the risks.

Allowing accredited PCWs to omit a Wide Results⁶ page can increase incentives for suppliers to work with accredited PCWs as well as incentives for PCWs to invest in their energy offering. Requiring PCWs who do not display a Wide Results page to display a prominent, clear and intelligible link to the Citizens Advice Comparison Tool can help to ensure that all consumers who want to see a wider range of tariffs across the market are able to. In addition, by removing testing obligations from the Code, accredited PCWs can divert more resources to advertising and innovating their service, so more consumers use it to switch. To ensure consumer protections are maintained in the absence of testing obligations, Ofgem will continue to monitor messages on accredited PCWs and raise any instances of PCWs being unclear or misleading as a breach, which could lead to removal of accreditation.

Ofgem will review the impact of the Code change once it has been in place for at least a year. By analysing data over an extended period, we will be able to make stronger conclusions on the impacts of the policy. Further details of the monitoring and evaluation of the Code change can be found in the Impact Assessment on removing the WoM requirement that has been released jointly with this decision letter.

Yours faithfully,

Anthony Pygram
Director, Consumers & Markets,
Duly authorised on behalf of the Gas and Electricity Markets Authority

⁶ means all tariffs within the scope of requirement 2A(i) taking into consideration any opt-in filters selected by the consumer

Appendix 1 – Consultation responses and Ofgem responses

Stakeholder feedback

We received 21 consultation responses in total. 10 responses favoured Ofgem’s proposed approach; this included one PCW, a mix of small, medium and large suppliers, Citizens Advice, and Energy UK, who represent over 100 stakeholders in the energy industry. 7 responses favoured removing the WoM requirement without an obligation to display a link to the Citizens Advice Comparison Tool. 2 responses highlighted the risks of our minded-to option, and a further 2 responses disagreed with removing the WoM requirement. The majority who responded agreed with the proposed drafting of the Code, but some minor changes were suggested.

Concerns with the policy proposal can be broken down into the following themes that are addressed below:

The proposal could reduce consumer benefits

Some responses said that our proposal would diminish the consumer benefits of the Confidence Code by requiring consumers to fill out their details on the Citizens Advice Comparison Tool (**CACT**) to see non-fulfillable deals, which could put consumers off switching. It was also questioned whether vulnerable non-internet users could benefit from an increase in fulfillable and exclusive deals on PCWs.

Our response:

As CMA research indicates PCW users generally use more than one PCW⁷, it is unlikely that consumers putting their details in an accredited PCW and the CACT will be problematic for most PCW users.

When considering the impact of removing the WoM requirement, Ofgem are particularly interested in the impact on customers who use PCWs at present or those who might be more likely to start using them (e.g. those who already use PCWs in other sectors). For consumers who do not use PCWs at present, the CMA database remedy will encourage disengaged consumers to become more active and provide them with an additional tool to compare tariffs. This will complement the benefit of removing the WoM requirement leading to greater investment than there would be otherwise, which can increase consumer engagement.

The CMA found that consumers with characteristics that may make them more likely to be vulnerable (e.g. household income below £18,000, no qualifications, or living in social rented accommodation) were less likely to have switched supplier in the past three years, compared to consumers as a whole⁸. The CMA also found that consumers with these characteristics were less likely to have used PCWs to find information the last time they switched⁹. Consumers in vulnerable situations could therefore possibly benefit if removing the WoM requirement led to greater investment to engage consumers to use PCWs more and switch more. However, we recognise that PCWs may not be relevant to all consumers – for example, changes to the regulation of PCWs will not be relevant to consumers without

⁷ [CMA \(2017\) Digital comparison tools market study – Final Report](#). Paragraph 3.18.

⁸ [CMA \(2016\) Energy Market Investigation final report](#), paragraph 9.10.

⁹ *Ibid*, paragraph 9.174 and figure 9.8

internet access, for whom these changes will have no impact. Other tools can help consumers in vulnerable situations to get a better deal, such as the database remedy.

To understand the impacts of new Code rules, we will be reviewing the impacts it has had when it has been in place for at least a year. By analysing data over an extended period, we will be able to make stronger conclusions on whether the expected benefits of the policy change have occurred.

There were concerns that our proposal would increase costs for small suppliers and negatively affect competition in the retail market

Some suppliers suggested in their response that by increasing the incentive for fulfillable deals, removing the WoM requirement would cause PCWs to increase commission rates on suppliers, who may increase consumer bills in response. It was suggested that commission costs would be particularly high for small suppliers as they represent less financial return to PCWs. It was also suggested that the policy change may not help competition amongst energy PCWs, and could help large accredited PCWs gain market dominance.

Our response:

In a competitive market, if faced with uncompetitive conditions set by a PCW, a supplier could use a different PCW or an alternative route to market. The number of viable routes to market for suppliers to take will thus affect whether high PCW commission rates negatively affect retail market competition.

To get an indicative view of the impacts of removing the WoM requirement, Ofgem collected data from accredited PCWs and suppliers¹⁰ about routes to market and PCW commission rates during the first few months of the Partial Remedy (July – December 2017). 1 out of 31 suppliers reported an increase in PCW commission rates as an issue. Responses from accredited PCWs in a 2016 RFI and a 2017 RFI also found little evidence that smaller suppliers receive worse commission rates than other sizes of suppliers¹¹. In addition, 21 out of the 31 suppliers who responded to the RFI did not highlight any difficulties in alternative routes to market or working with PCWs. 5 out of 31 reported difficulties with PCWs but noted other routes to market. 3 out of 31 reported difficulties in using other routes to market but did not have difficulties working with PCWs. Only 2 out of 31 reported difficulty with both working with PCWs and using alternative routes.

Separately an Ofgem survey also found that 49% of consumers who had switched in the past 12 months used an online price comparison service¹². This indicates that although PCWs are an important route to market, suppliers can and do use other routes to acquire consumers.

Although commission rates and routes to market for suppliers are not an issue now, they may become one in the future after the impact of the WoM requirement has taken effect. To address this, Ofgem will monitor the impacts of this policy after it has been in place for at least a year. Further details of this can be found in the Impact Assessment released alongside this decision letter.

There were a mix of views on the impact of the market coverage statement and the link to the Citizens Advice Comparison Tool

Some responses raised concerns that if the WoM requirement is removed, consumers who have become used to accessing a Wide Results page may assume they are seeing a wide

¹⁰ Four accredited PCWs and 31 energy suppliers responded to the RFI, 6 large suppliers, 5 medium suppliers and 20 small suppliers.

¹¹ Impact assessment for decision on Whole of Market removal. Paragraph 1.46

¹² [Consumer Engagement Survey 2017](#). Ofgem. Page 61

range of deals despite only being shown a Partial View¹³. Some responses suggested different ways accredited PCWs should display the CACT link and how they should explain the range of deals they cover. One response suggested that accredited PCWs that only show a Partial View should state on their homepage that they do not show all suppliers/tariffs and that consumers should go to the CACT to view them. Another response suggested that accredited PCWs should list all the suppliers they work with on their homepage so consumers can decide whether to search elsewhere.

Citizens Advice outlined desktop research that indicates consumers may miss savings if they did not use the CACT or did not use more than one accredited PCWs' Partial Views. Citizens Advice suggested that messages on market coverage and the CACT link should be based on the search preferences of PCW users. For example, a PCW user with low energy usage looking for prepayment deals could be told how many or what percentage of all prepayment deals are shown on an accredited PCWs' Partial View and told that they could see more using the CACT.

More responses noted that the requirement to link to the CACT was not needed and would undermine the benefits of removing the WoM requirement. One response stated that requiring Code members to display a market coverage statement was also not needed as CMA research indicates most consumers believe that PCWs do not show all suppliers, and that they use more than one PCW. Another response noted that directing customers to a third party website that they do not control like CACT, could reflect badly on the PCW and reduce switching through their site.

Another response suggested that the link to the CACT should be replaced with a link to any accredited PCW that chooses to display a Wide Results page as a default so consumers would be directed to a site that shows both fulfillable and non-fulfillable deals. Other responses noted that if the CACT started to display fulfillable deals it would undermine the benefits of removing the WoM requirement.

Our response:

We think it is important for PCWs to clearly explain their services and how they make money as suggested by CMA's DCT Study¹⁴. This is why the Code requires accredited PCWs to list suppliers they work with, give details of their business model, and explain how much of the market they show. This can ensure consumers who are not familiar with PCWs make an informed decision about switching when using an accredited PCW. The new obligation to display a link to the CACT website (in the absence of a Wide Results page) with an accompanying statement on the difference between what is on the CACT and what is on a PCW's Partial View can also help ensure consumers make an informed decision.

Ofgem considered research evidence¹⁵ on how consumers react to messages on PCWs when drafting Code requirements on market coverage and CACT link statements. This research found a tension between informing consumers and ensuring that messages were not off-putting, particularly when taking into account consumers' different levels of understanding of PCWs. This suggests market coverage and CACT link statements based on consumer profiles would be the best approach for PCWs to take to ensure that they can inform customers whilst not putting them off. Some PCWs may have experienced switchers using their site, whereas others may have those who have not switched before or rarely do.

Ofgem consider it proportionate to leave it to PCWs to decide how best to display messages on their service based on the insights they have on the typical profiles of their website visitors. Obligating accredited PCWs to undertake this level of testing to inform their market

¹³ means a view of only those tariffs the consumer can apply to switch to or enter into contracts for, via the Service Provider's Price Comparison Service

¹⁴ [Digital comparison tools market study. Final report](#). Page 9

¹⁵ Community Research (2017), Ofgem Price Comparison Website (PCW) Research - Testing message options. (Unpublished). This involved interviewing 20 energy consumers who had previously used PCWs.

coverage statement will pull resources that may have otherwise been spent on advertising and innovating their service so more consumers switch.

Ofgem will continue to follow up with sites in instances of non-compliance, such as by being misleading to consumers or not clearly linking to the CACT. Ofgem also reserves the right to treat a lack of transparency on market coverage from any accredited PCW as a serious breach of the Confidence Code. In accordance with the Enforcement Procedure set out in the application agreement entered into by each accredited PCW to accede to the Code, Ofgem can remove accreditation from a PCW immediately if they are in a serious breach of the Code.

The impact of the CACT link has been tested with consumers and accredited PCWs¹⁶. Survey responses during the WoM removal trial indicated that consumers valued access to the CACT; this does not indicate that it would reflect poorly on PCWs. Replacing the link to the CACT with a link to another accredited PCW that showed a Wide Results would be an untested alternative to linking to the CACT. In the event that the CACT starts to show fulfillable tariffs, we will undertake a further review of the Code to consider what changes are appropriate.

Incentive for suppliers to give tariff information to PCWs will be reduced

Two responses noted that removing the obligation to show a Wide Results page would reduce the incentives for suppliers to pass their tariff information to accredited PCWs, making it harder to comply with Requirement Two (B) and Requirement Seven (Q). One of the two responses emphasised the need for Ofgem to ensure suppliers provide tariff information to accredited PCWs.

Our response:

The new Code wording gives accredited PCWs the choice to display a link to the CACT alongside their Partial View, or display a Wide Results page. Any accredited PCW omitting a Wide Results page can decide at any time to show it. By providing accredited PCWs with their tariff details, suppliers can ensure that if the accredited PCW decides to show a Wide Results page their tariffs will be included. With this in mind, we do not think our proposal significantly undermines the incentive for suppliers to pass on their information to accredited PCWs.

In relation to suppliers' obligations on sharing data with accredited PCWs, we would note that Ofgem is currently working with Government on the midata in energy initiative¹⁷. This will seek to understand the wide range of data requirements that will help third party intermediaries improve consumer engagement whilst protecting the rights and privacy of consumers. Further details about this work and the opportunity for comments will be published in July 2018.

Formal regulation of PCWs required

A number of responses to the consultation said that PCWs should be subjected to formal regulation.

Our response:

As part of Ofgem's focus on future retail market arrangements¹⁸, we are considering the need for wider consumer protection in respect of digital comparison tools. We want a regulatory framework that enables new ways of offering energy supply and associated

¹⁶ Ibid & Ofgem WoM removal trials, September 2017

¹⁷ [Call for evidence: implementing midata in the energy sector](#), Department for Business, Energy & Industrial Strategy

¹⁸ [Future of supply market arrangements – call for evidence](#), Ofgem

services, where it is in consumers' interests. As we enter a period of price protection in the retail market, we are taking a step back to consider whether current market arrangements are working for current and future consumers and will be able to deliver the level of innovation and competition we expect. Further information about Ofgem's thinking on future retail market arrangements will be published in the summer of 2018.

Draft wording of the Confidence Code

- Requirement Two (A) (iii)

Requirement Two (A) (iii) obligates accredited PCWs to provide a statement on the Wide Results page listing the categories of tariffs that are excluded from this page¹⁹. This is to ensure consumers have a clear understanding of an accredited PCW's market coverage.

One response suggested that Requirement Two (A) (iii) be amended so accredited PCWs are only required to tell consumers of categories of tariffs not included in the Wide Results page if the consumer would have been eligible for them. It was noted that listing categories of tariffs that a consumer would not be able to switch to would do little to encourage switching or improve engagement.

Our response:

We agree that mentioning categories of tariffs that consumers are not eligible for may confuse consumers. We would note that Ofgem previously had concerns that costs may arise by requiring accredited PCWs to identify what tariffs their customers are and are not eligible for.

We have not heard further concerns around this from accredited PCWs, and have made a change to the Code to ensure PCWs can exclude any categories of tariffs that the consumer is not eligible for, from this messaging to comply with Requirement Two (A) (iii). Below is the new Code drafting for Requirement Two (A) (iii) that will now be part of the Code.

Any results page displaying Wide Results must identify the limitations of this view and communicate to consumers what categories of tariffs covered by Requirement two(A)(i) are not shown on the Wide Results page. A service provider is permitted to omit categories of tariffs from this communication if the consumer is not eligible for them.

- Requirement Five (A)

One response suggested that the Code should retain the need for accredited PCWs to display 10 of the cheapest tariffs to ensure consumers have visibility of a sufficient range of options. It was suggested that Requirement Five (A) be amended so it specifies 10 of the cheapest available fulfillable tariffs.

Our response:

In line with the DCT Study recommendation, Ofgem is keen to remove prescription from the Confidence Code where appropriate. As detailed in our consultation, the Code already specifies that Code members list deals in price order unless a consumer specifies otherwise. Provided accredited PCWs are clear about their market coverage, consumers can search elsewhere if they consider that a PCW is not showing enough deals.

Ofgem also reserves the right to treat a lack of transparency on market coverage from any accredited PCW as a serious breach of the Confidence Code. In accordance with the Enforcement Procedure set out in the application agreement entered into by each

¹⁹ A list of these tariffs can be found in Requirement Two (A) (i). These are social tariffs, regional tariffs, exclusive deals, and deals that a supplier has asked a PCW to remove from their site.

accredited PCW to accede to the Code, Ofgem can remove accreditation from a PCW immediately if they are in a serious breach of the Code.

- Requirement Seven (A)

One response asked for clarity that the reference to VAT in prices in Requirement Seven (A) was applicable to bills, rather than unit rates and standing charges.

Our response:

Ofgem can confirm that Requirement Seven (A)'s reference to VAT in prices applies to bills rather than unit rates and standing charges.

- Requirement Ten

One response questioned the need for a separate requirement (Requirement 10) to allow accredited PCWs to omit a Wide Results page if they displayed a link to the CACT, and whether the Code could not be re-drafted as a whole to meet Ofgem's policy proposal.

Our response:

We consider the proposed drafting to be the best way to illustrate the two alternatives means by which a PCW can comply with the amended Code. The first means of complying is by the PCW continuing to offer a Partial View and a Wide Results page. Secondly, PCWs may opt to omit a Wide Results page but, instead, show the CACT link. In the latter case, certain other rules apply as outlined in Requirement 10. This drafting makes it easier to identify which requirements of the Code apply according to the website display that that PCW has opted for.

- Requirement Changes to Requirement Seven (N) as part of Requirement Ten

One response questioned why the addition to Requirement Seven (N) (detailed below) applied to Requirement Ten was only applied to Code members who omitted a Wide Results page, rather than being applied to the Code as a whole.

A Service Provider should not include a new or updated tariff on their Price Comparison Service more than six weeks before it becomes available to consumers.

Our response:

We accept that the changes made to Requirement Seven (N), which applies to Requirement Ten as a condition of omitting a Wide Results page, could be applied across the whole Code. We also consider that Requirement Seven (O) within Requirement 10 can be applied to the Code as a whole without negative consequences. We have therefore changed the Code so that changes to Requirement Seven (N) and (O) are applied across the Code, rather than as a condition to Requirement 10.

Appendix 2 – The Confidence Code in relation to the Competition and Market Authority’s Digital Comparison Tool principles

DCT Principle	Description of Code Requirement	Code req.
Clear – Explain their services and how they make money	<ul style="list-style-type: none"> The Service Provider must clearly identify any supplier they have a commission arrangement with in a single list, which identifies all suppliers from whom they receive commission. The list must be prominently displayed/accessible from a prominent and clearly labelled link at least once during the journey and on the Partial View results page. They must also provide a brief description of their business model if they take commission and a statement explaining how commission arrangements influence the tariffs displayed on the results page. Messaging must be prominent, clear and intelligible. 	Req 1 (G), (H), (I), (J)
	<ul style="list-style-type: none"> The Service Provider must not use wording that would imply that it contains every possible tariff available from all suppliers unless this statement is factually accurate. Any results page displaying Wide Results must identify the limitations of this view and communicate to consumers what categories of tariffs covered are not shown on the Wide Results page (not applicable under Req 10). 	Req 2 (A)
	<ul style="list-style-type: none"> When displaying a partial view, the Service Provider must provide a prominent, clear and intelligible statement summarising the extent of the market coverage, which is reflective of the service the customer is actually offered and is not misleading. 	Req 2 (H)
	<ul style="list-style-type: none"> A Service Provider may make its tariff database and calculator available to third parties. Where it does so: <ul style="list-style-type: none"> (i) the third party may state that it uses the Service Provider’s calculator or tariff database and state that the Service Provider is accredited to the Confidence Code, but the third party must not use the Confidence Code logo. (ii) the Service Provider’s arrangements with the third party must provide that the third party may only make such statements in (i) if it has followed the same rules as the Service Provider for making the comparisons and meets the requirements of the Confidence Code; and (iii) the Service Provider is responsible for ensuring that the third party complies with the arrangements in (ii). Any failure by the third party to meet the requirements of the Confidence Code can be determined as a breach of the Confidence Code by the Service Provider. 	Req 3 (D)
	<ul style="list-style-type: none"> In developing a supplier ratings methodology and, where appropriate, when using supplier ratings, explanatory messaging around the ratings should be clear and objective. 	Req 6 (C)
Accurate – Provide information that is complete, correct, relevant, up to date and not misleading	<ul style="list-style-type: none"> The Service Provider must not present any information or data in such a way that is deemed by Ofgem to be, or potentially to be, misleading or confusing to consumers. 	Req 1 (C)
	<ul style="list-style-type: none"> A Service Provider is responsible for obtaining, updating and ensuring the accuracy of all data displayed on its Price Comparison Service covering all licensed supplier tariffs 	Req 2 (F)
	<ul style="list-style-type: none"> Prices and price comparisons must be accurate and state when they were last updated and state the date that its Price Comparison Service and database has been updated. 	Req 7 (A), (B)
	<ul style="list-style-type: none"> In developing a supplier ratings methodology and, where appropriate, when using supplier ratings, the rating values should be refreshed at least once every 12 months and the last updated date should be displayed to consumers; 	Req 6 (C)
	<ul style="list-style-type: none"> A Service Provider must use all reasonable endeavours to: update tariffs; add tariffs for a new supplier (not applicable under Req 10); correct any errors/issues highlighted by Ofgem; add new tariff information in a manner that complies with the Confidence Code (not applicable under Req 10). 	Req 7 (L) (M) (N)

	<ul style="list-style-type: none"> • They must add new tariff information as soon as possible, but no later than two working days after the details and confirmation of the effective date being provided to it, or from the tariff being made available to consumers, whichever is the latter. • A Service Provider should not include a new tariff on their Price Comparison Service more than six weeks before it becomes available to consumers. 	
Responsible – Protect people’s details and be easy to deal with	<ul style="list-style-type: none"> • The Service Provider must establish and operate an effective consumer complaint and enquiry handling procedure and respond to any complaint or enquiry within seven working days of receipt. • A Service Provider must provide Ofgem with a contact name and number for complaint referrals received in relation to the Service Provider. They must acknowledge a complaint referred by Ofgem within two working days and use all reasonable endeavours to resolve this complaint within seven working days. 	Req 9 (A), (B)
	<ul style="list-style-type: none"> • The Service Provider must comply with an annual audit done by an auditor independent of the Service Provider • The Service Provider must comply with audits and monitoring undertaken internally by Ofgem. • The Service Provider must provide the auditor with access to its premises and to its systems, and all other assistance, that the auditor reasonably requests. • The Service Provider must provide Ofgem with any information and assistance that it reasonably requests. 	Req 8 (A), (B),(C), (D)
Easy to Use – Make information easy to find and understand	<ul style="list-style-type: none"> • At a minimum, a Service Provider must provide a link or message on the results page explaining: what is included in the Estimated Annual Cost, what it is and what it is used for, and outlining any assumptions that have been made in its calculation; details of any alternative methodology where offered; and that the consumer may incur a termination fee if switching to a new tariff. • Where a Service Provider displays an estimate of the savings a consumer could make by switching to a tariff, as a minimum, a Service Provider must provide a link or messaging on the results page explaining how the savings figure is calculated, including: what two figures are used to calculate savings and assumptions behind these figures; and that the savings figure is an estimate only, and will change if the consumer’s situation changes. 	Req 7 (H), (I), (J)
	<ul style="list-style-type: none"> • A Service Provider must display the details of a consumer’s current tariff, based on the information the consumer has entered, in the format of a Tariff Information Label. The Tariff Information Label must be accessible either within or from the main results page. • They must give the consumer the Estimated Annual Costs before the consumer completes a switch to a tariff through the Service Provider’s Price Comparison Service. 	Req 7 (Q) (R)
	<ul style="list-style-type: none"> • A Service Provider must provide a copy of the Tariff Information Label, accessible either within or from the main results page, for each tariff displayed on the main results page. 	Req 2 (D)
	<ul style="list-style-type: none"> • A Service Provider must provide consumers with an explanation of the following payment methods: Standard credit by cash/cheque; Monthly and quarterly direct debit; Prepayment meter 	Req 4
	<ul style="list-style-type: none"> • A Service Provider must clearly explain the potential impact to consumers who select an opt-in filter, so that consumers are fully aware of the effect and limitations this may have on the results 	Req 5 (C)

	<ul style="list-style-type: none"> • At any point where the Service Provider displays a Partial View (either as a default or after a filter is applied), the Service Provider must, on the results page: <ul style="list-style-type: none"> (i) ensure that the consumer can quickly and easily access the page that shows the Wide Results without re-entering their details or going back to a previous page or link; (not applicable under Req 10) (ii) provide a clear and intelligible statement prominently on the results page explaining that the consumer is seeing a Partial View on the results page, and that they are able to access the Wide-Results; (not applicable under Req 10) (iii) provide a prominent, clear and intelligible statement summarising the extent of the market coverage provided by the Partial View which is reflective of the service the customer is actually offered and is not misleading; (iv) display a clear, prominent and accessible link to the Citizens Advice Comparison Tool with an accompanying statement to indicate that a wider view of the market, including the tariffs available on the Service Provider’s website and other tariffs, is available on the Citizens Advice Comparison Tool. Such statement must not be misleading (applicable under Req 10) 	Req 5 (H)
	<ul style="list-style-type: none"> • A Service Provider must provide signposting to independent sources of advice on energy efficiency matters that will be of benefit to all energy consumers. At a minimum, we require that the following sources should be clearly signposted by the Service Provider: i. Energy Saving Trust; ii. Government energy grants calculator; and iii. Citizens Advice. This signposting should be prominent, clear and intelligible, so that consumers are aware what information is available within these sources. 	Req 6 (E), (F)
	<ul style="list-style-type: none"> • A Service Provider must, during the Consumer Journey, alert relevant consumers to the possibility that if they move to certain suppliers, they could lose support from government energy support schemes such as the Warm Home Discount benefit. 	Req 6 (G)

Appendix 3 – Revised Confidence Code wording

Definitions

This section sets out the defined words and expressions used in the Confidence Code and gives their definitions next to them.

Citizens Advice Comparison Tool	means an energy price comparison tool on the Citizens Advice website.
Consumer Journey	means the steps a consumer may take when using a Price Comparison Service. Such steps include the Price Comparison Service’s energy homepage, the consumer data entry stage, and any other steps before an agreement is made on a specific tariff.
Estimated Annual Cost	has the same meaning as defined in Standard Licence Condition 1.
Historic Tariffs	means those tariffs that have legacy customers on them but are no longer available to new customers.
Partial View	means a view of only those tariffs the consumer can apply to switch to or enter into contracts for, via the Service Provider’s Price Comparison Service.
Price Comparison Service	means an internet-based price comparison service for domestic gas and electricity consumers, which can be a website or app.
Service Provider	means the provider of a Price Comparison Service.
Standard Licence Conditions	means the standard licence conditions for gas and electricity suppliers which are available at https://www.ofgem.gov.uk/licences-codes-and-standards/licences/licence-conditions
Tariff Information Label	has the same meaning as defined in Standard Licence Condition 1.
Wide Results	means all tariffs within the scope of requirement 2A(i) taking into consideration any opt-in filters selected by the consumer.

The requirements

Requirement one – Independence and impartiality

- (A) The Service Provider must be independent of any gas or electricity supplier.

A Service Provider will be considered independent of any gas or electricity supplier when it is not an affiliate or related undertaking of any supplier or of a company that is an affiliate of any energy supplier.

- (B) A Service Provider must provide impartial advice, not advice that is biased in favour of or against any particular gas or electricity supplier. It can take commission from suppliers but this must not influence how it provides any information or data to consumers.

A Service Provider will be treated as completely impartial only if it is not intended to operate, and does not have the effect of operating in practice, in a way that is biased in favour of or against any particular supplier.

For avoidance of doubt, where a Service Provider does not provide a Wide View in accordance with Requirement 10, including where they only display tariffs for which they receive commission, this would not amount to bias.

- (C) The Service Provider must not present any information or data in such a way that is deemed by Ofgem to be, or potentially to be, misleading or confusing to consumers.

- (D) Not used.

- (E) Advertisements from energy suppliers, their agents, affiliates, or brands operating under the licence of a supplier must not be displayed on the home/main page or on the energy price comparison pages of the Service Provider's Price Comparison Service.

- (F) Where a consumer chooses to search by price, or where a consumer does not choose what order their results should be in, results must be presented strictly by cheapest price first.

Commission arrangements messaging

- (G) The Service Provider must clearly identify any supplier with whom it has a commission arrangement for switches completed through the Service Provider's Price Comparison Service. The requirement for clear identification shall be met where the supplier's name is listed as part of a single list which identifies all suppliers from whom the Service Provider receives a commission.

- (H) The list required in (G) must be prominently displayed, or be accessible from a prominent and clearly-labelled link;
- i. at least once during the Consumer Journey; and
 - ii. on the Partial View results page.

- (I) The Service Provider must provide, alongside the list required in (G), (wherever it appears):
- i. a brief description of the Service Provider's business model if they take commission from suppliers. At a minimum, this description must state whether the Service Provider operates under a commission-based model; and
 - ii. a statement explaining if, and where applicable, how any commission arrangements from suppliers influence the tariffs displayed on any results page
- (J) Messaging to fulfil requirements (G) to (I) must be prominent, clear and intelligible.

Requirement two – Tariffs and price comparisons

- (A) (i) The Service Provider must use all reasonable endeavours to include price comparisons for all available domestic tariffs, where applicable for all available payment types, for licensed suppliers (including for any agents, affiliates, and brands operating under the licence of a supplier), for gas, electricity and dual fuel. The Service Provider is not required to show:
- social tariffs (ie tariffs where consumer eligibility is based upon social or financial circumstances, eg receipt of benefits); or
 - tariffs which the supplier has requested the Service Provider to remove from its Price Comparison Service; or
 - tariffs which are available only to consumers in a specified region, to consumers that are not within that specified region; or
 - tariffs which are exclusive deals between a supplier and another Service Provider.
- (ii) When signposting consumers to, or displaying any results page the Service Provider must not use wording that would in any way imply that it contains every possible tariff available from all suppliers via any means unless this statement is factually accurate. For the avoidance of doubt, descriptions that should not be used include, but are not limited to, wording to the effect of 'whole of market' or 'all tariffs'.
- (iii) Any results page displaying Wide Results must identify the limitations of this view and communicate to consumers what categories of tariffs covered by Requirement two(A)(i) are not shown on the Wide Results page. A service provider is permitted to omit categories of tariffs from this communication if the consumer is not eligible for them.
- (B) The Service Provider must use all reasonable endeavours to include information on Historic Tariffs for the purposes of comparison if a consumer's current tariff is a Historic Tariff.
- (C) A Service Provider must notify Ofgem in the event of being asked by an energy supplier to remove a tariff from its Price Comparison Service, which to the best of that Service Provider's knowledge is still available to consumers.
- (D) A Service Provider must provide a copy of the Tariff Information Label, accessible either within or from the main results page, for each tariff displayed on the main results page.

- (E) A Service Provider may include price comparisons for meters other than single rate and Economy 7 meters at its discretion.
- (F) A Service Provider is responsible for obtaining, updating and ensuring the accuracy of all data displayed on its Price Comparison Service covering all licensed supplier tariffs (including those of its agents, affiliates and any associated brands).
- (G) Service Providers must ensure that the length of the comparison period defaults to 12 months from the date of comparison; however filters can be created for other comparison periods.

Requirement three – Control and management

- (A) The Service Provider must manage and control its Price Comparison Service and use its own tariff database and calculator.
- (B) A Service Provider will be treated as managing its Price Comparison Service where:
 - i. it has full control over the information content provided on the Price Comparison Service and how that content is presented; or
 - ii. it has that degree of control referred to in (i), even where the Price Comparison Service is maintained by a third party on behalf of the Service Provider.
- (C) However, where:
 - i. a Price Comparison Service is maintained by a third party; and
 - ii. that third party also maintains a Price Comparison Service on behalf of any other Service Provider (whether accredited by Ofgem or not),

the Service Provider will be treated as managing the Price Comparison Service only where that third party maintains the Price Comparison Service entirely independently of the Price Comparison Service of the other provider. But, in any event, the Price Comparison Service may not be maintained by a third party that also manages another Ofgem accredited Price Comparison Service.

- (D) A Service Provider may make its tariff database and calculator available to third parties. Where it does so:
 - i. the third party may state that it uses the Service Provider's calculator or tariff database and state that the Service Provider is accredited to the Confidence Code, but the third party must not use the Confidence Code logo;
 - ii. the Service Provider's arrangements with the third party must provide that the third party may only make such statements in (i) if it has followed the same rules as the Service Provider for making the comparisons and meets the requirements of the Confidence Code; and
 - iii. the Service Provider is responsible for ensuring that the third party complies with the arrangements in (ii). Any failure by the third party to meet the requirements of the Confidence Code can be determined as a breach of the Confidence Code by the Service Provider.

Requirement four – Payment methods

- (A) A Service Provider must provide consumers with an explanation of the following payment methods:
- Standard credit by cash/cheque;
 - Monthly and quarterly Direct Debit;
 - Prepayment meter.

Requirement five – Results and filters

Opt-in filters

- (A) Not used
- (B) A Service Provider may provide filters so that consumers may search results based on different criteria selected by the consumer (eg the different types of tariff available or an energy supplier's service rating etc), but these must be opt-in only.
- (C) A Service Provider must clearly explain the potential impact to consumers who select an opt-in filter, so that consumers are fully aware of the effect and limitations this may have on the results.
- (D) Where the Service Provider provides a filter for green or environmental tariffs, it must explain the methodology for filtering these tariffs. Green results should be displayed by order of fuel mix then price.
- (E) A Service Provider must provide a facility or follow-through page(s) so that consumers have the ability to view a list of their price comparison results free from any opt-in filters selected.

The display of a Partial View

- (F) A Service Provider may (subject to requirement 5(G) below) display a Partial View as a default option or by offering a filter option before the results page.
- (G) At any point of filtering which may lead to a Partial View, the Service Provider must ensure that messaging around this choice is prominent, clear and intelligible, so that consumers are aware what view of the market they will see on the results page.
- (H) At any point where the Service Provider displays a Partial View (either as a default or after a filter is applied), the Service Provider must, on the results page:
- ensure that the consumer can quickly and easily access the page that shows the Wide Results without re-entering their details or going back to a previous page or link;
 - provide a clear and intelligible statement prominently on the results page explaining that the consumer is seeing a Partial View on the results page, and that they are able to access the Wide-Results; and
 - provide a prominent, clear and intelligible statement summarising the extent of the market coverage provided by the Partial View which is reflective of the service the customer is actually offered and is not misleading.
- (I) Not used.

Requirement six – Quality of service and signposting to information

Quality of service

- (A) The Service Provider may assign ratings to a supplier's performance and invite the consumer to consider quality of service issues, including any such supplier service ratings.
- (B) The Service Provider may assign supplier performance ratings provided they either:
 - i. send their methodology to Ofgem for review; or
 - ii. use ratings adopted by other recognised consumer organisations (eg Citizens Advice).
- (C) In developing a supplier ratings methodology and, where appropriate, when using supplier ratings, a Service Provider should adhere to the following principles:
 - i. the methodology should be evidence-based and objective;
 - ii. the methodology should be applied consistently across suppliers;
 - iii. the resultant ratings should offer a comprehensive coverage of suppliers. Where a supplier is not assigned a rating, where appropriate, it should be clear that this is not necessarily an indication of poor performance;
 - iv. the data used should be statistically significant;
 - v. the rating values should be refreshed at least once every 12 months and the last updated date should be displayed to consumers; and
 - vi. explanatory messaging around the ratings should be clear and objective.
- (D) If a Service Provider either:
 - i. has applied their current supplier ratings methodology prior to 25 March 2015;
 - ii. plans to apply any supplier ratings for the first time; or
 - iii. plans to amend any existing supplier ratings methodology,it should provide Ofgem with evidence and an explanation of how its methodology meets the principles in (C).

Energy efficiency information

- (E) A Service Provider must, on the homepage or during the Consumer Journey, provide signposting to independent sources of advice on energy efficiency matters that will be of benefit to all energy consumers. At a minimum, we require that the following sources should be clearly signposted by the Service Provider:
 - i. Energy Saving Trust;
 - ii. Government energy grants calculator; and
 - iii. Citizens Advice.
- (F) This signposting should be prominent, clear and intelligible, so that consumers are aware what information is available within these sources.

Warm Home Discount scheme

- (G) A Service Provider must, during the Consumer Journey, alert relevant consumers to the possibility that if they move to certain suppliers, they could lose support from government energy support schemes such as the Warm Home Discount benefit. This messaging may include signposting to relevant websites.

Requirement seven – Accuracy and updating tariffs

- (A) Prices and price comparisons must be accurate and state when they were last updated. The prices must include VAT (and state that they do so).
- (B) A Service Provider must state the date that its Price Comparison Service and database has been updated.
- (C) Ofgem may review any new form of tariff and issue Service Providers a formal direction as to how such a tariff should be treated in relation to compliance with the Confidence Code. The formal direction shall have effect as if it were part of this document.

Estimating the consumer's consumption

- (D) A Service Provider can estimate a consumer's current spend if the consumer is unable to provide certain information. For example, a Service Provider can estimate consumption by asking questions about the size of property, number of bedrooms, etc. In these cases, it should be clear that this information is estimated.

However, Service Providers must emphasise to consumers the importance of entering accurate information to get the best comparison and should encourage consumers to input their annual consumption figures in order to do this.

Calculation methodology and assumptions

- (E) Where a Service Provider provides a comparison for a time period, the estimated costs of all tariffs (including a consumer's current tariff) must be calculated as a default based on Estimated Annual Cost.
- (F) Not used.
- (G) A Service Provider may, if it wishes, provide an additional alternative methodology to calculate estimated costs for the consumer's current tariff and, where applicable, estimated savings, but this methodology must not be used as a default.

Calculation messaging

- (H) At a minimum, a Service Provider must provide a link or message on the results page explaining:
- (i) what is included in the Estimated Annual Cost, what it is and what it is used for, and outlining any assumptions that have been made in its calculation;
 - (ii) details of any alternative methodology where offered; and
 - (iii) that the consumer may incur a termination fee if switching to a new tariff

- (I) Where a Service Provider displays an estimate of the savings a consumer could make by switching to a tariff, as a minimum, a Service Provider must provide a link or messaging on the results page explaining how the savings figure is calculated, including:
- i. what two figures are used to calculate savings and assumptions behind these figures; and
 - ii. that the savings figure is an estimate only, and will change if the consumer's situation changes.
- (J) If an alternative methodology is offered under (G), the consumer must be provided with a link on the results page allowing the consumer to switch from the default methodology to the alternative and vice versa.
- (K) Messaging to fulfil requirements (H), (I) and (J) must be prominent, clear and intelligible.

Updating tariffs

- (L) A Service Provider must use all reasonable endeavours to:
- update tariffs;
 - add tariffs for a new supplier;
 - correct any errors/issues highlighted by Ofgem;
 - add new tariff information in a manner that complies with the Confidence Code.
- (M) A Service Provider must add new tariff information as soon as possible, but no later than two working days after the details and confirmation of the effective date being provided to it by the relevant energy supplier (or Ofgem), or from the tariff being made available to consumers, whichever is later.
- (N) A Service Provider should not include a new or updated tariff on their Price Comparison Service more than six weeks before it becomes available to consumers.
- (O) For the purposes of requirement (N), where the tariff is new or updated because of changes in price of an existing tariff, the date it is 'available to consumers' is to be determined as the date that the price change takes effect.
- (P) A Service Provider must inform Ofgem immediately of any circumstance that prevents it from complying with requirements (L), (M), (N) or (O). Ofgem will consider each individual case on its own merits and determine whether the Service Provider has used all reasonable endeavours to comply with the requirement or is in breach of the Confidence Code.

Displaying current tariff and spend details

- (Q) A Service Provider must display the details of a consumer's current tariff, based on the information the consumer has entered, in the format of a Tariff Information Label. The Tariff Information Label must be accessible either within or from the main results page.

- (R) A Service Provider must give the consumer an Estimated Annual Cost before the consumer completes a switch to a tariff through the Service Provider's Price Comparison Service.

Requirement eight – Audits and monitoring

- (A) The Service Provider must comply with an annual audit done by an auditor independent of the Service Provider, working according to terms of reference supplied by Ofgem. The cost of each audit will be borne by the Service Provider, unless otherwise advised by Ofgem prior to commencement.
- (B) The Service Provider must comply with audits and monitoring undertaken internally by Ofgem.
- (C) The Service Provider must provide the auditor with access to its premises and to its systems, and all other assistance, that the auditor reasonably requests.
- (D) The Service Provider must provide Ofgem with any information and assistance that it reasonably requests.

Requirement nine – Complaint handling

- (A) The Service Provider must establish and operate an effective consumer complaint and enquiry handling procedure and respond to any complaint or enquiry within seven working days of receipt.
- (B) A Service Provider must provide Ofgem with a contact name and number for complaint referrals received in relation to the Service Provider. A Service Provider must acknowledge a complaint referred by Ofgem within two working days and the Service Provider must use all reasonable endeavours to resolve this complaint within seven working days. Ofgem should be copied into any response to the consumer.

Requirement ten – application of rules where no Wide Results are provided

- (A) Requirements 1 to 9 apply in full, unless the Service Provider chooses not to display Wide Results anywhere on its Price Comparison Service, in which case:
 - i. The Service Provider must provide a clear, prominent and accessible link to the Citizens Advice Comparison Tool on the Partial View;
 - ii. The link described in (i) above must be accompanied by a statement to indicate that a wider view of the market, including tariffs available on the Service Provider's website and other tariffs, is available on the Citizens Advice Comparison Tool. This statement must not be misleading; and
 - iii. Requirements 1 to 9 apply subject to the amendments detailed in (B) to (D) below.
- (B) How Requirement 2 applies where no Wide Results are provided:
 - i. 2(A)(i) is omitted.
 - ii. 2(A)(iii) is omitted.

- iii. 2(C) is omitted.
- iv. 2(F) is replaced with "A Service Provider is responsible for obtaining, updating and ensuring the accuracy of all data displayed on its Price Comparison Service covering licensed supplier tariffs (including those of its agents, affiliates and any associated brands)."

(C) How Requirement 5 applies where no Wide Results are provided:

- i. 5(F) is omitted.
- ii. 5(G) is omitted.
- iii. 5(H)(i) is omitted.
- iv. 5(H)(ii) is omitted.
- v. 5(H)(iii) is replaced with: "iii. provide a prominent, clear and intelligible statement summarising the extent of the market coverage provided by the Partial View which is reflective of the service the customer is actually offered and is not misleading; and"
- vi. 5(H)(iv) is added, which reads, "iv. display a clear, prominent and accessible link to the Citizens Advice Comparison Tool with an accompanying statement to indicate that a wider view of the market, including the tariffs available on the Service Provider's website and other tariffs, is available on the Citizens Advice Comparison Tool. Such statement must not be misleading."

(D) How Requirement 7 applies where no Wide Results are provided:

- i. 7(L) the second bullet point ("add new tariffs for a new supplier") and the fourth bullet point ("add new tariff information in a manner that complies with the Confidence Code") are omitted.
- ii. 7(M) is replaced with "A Service Provider must update tariff information as soon as possible, but no later than two working days after the details and confirmation of the effective date being provided to it by the relevant energy supplier (or Ofgem), or from the updated tariff being made available to consumers, whichever is later".

Confidence Code Change Process

Any future changes to the Code will involve the following:

- Ofgem to outline issue with recommendations;
- Send recommendations to Service Providers to get their views;
- Ask for supplier views if required (depending on issue);
- Response to be returned to Ofgem in agreed timeframe;
- Ofgem to make definitive ruling and alert all interested parties.

Appendix 4– Confidence Code (under Requirement 10)

Requirement one – Independence and impartiality

- (A) The Service Provider must be independent of any gas or electricity supplier.

A Service Provider will be considered independent of any gas or electricity supplier when it is not an affiliate or related undertaking of any supplier or of a company that is an affiliate of any energy supplier.

- (B) A Service Provider must not provide advice that is biased in favour of or against any particular gas or electricity supplier. It can take commission from suppliers but this must not influence how it provides any information, data or advice it gives to consumers.

A Service Provider will be treated as completely impartial only if it is not intended to operate, and does not have the effect of operating in practice, in a way that is biased in favour of or against any particular supplier.

For avoidance of doubt, where a Service Provider does not provide a Wide View in accordance with Requirement 10, including where they only display tariffs for which they receive commission, this would not amount to bias.

- (C) The Service Provider must not present any information or data in such a way that is deemed by Ofgem to be, or potentially to be, misleading or confusing to consumers.

- (D) Not used.

- (E) Advertisements from energy suppliers, their agents, affiliates, or brands operating under the licence of a supplier must not be displayed on the home/main page or on the energy price comparison pages of the Service Provider's Price Comparison Service.

- (F) Where a consumer chooses to search by price, or where a consumer does not choose what order their results should be in, results must be presented strictly by cheapest price first.

Commission arrangements messaging

- (G) The Service Provider must clearly identify any supplier with whom it has a commission arrangement for switches completed through the Service Provider's Price Comparison Service. The requirement for clear identification shall be met where the supplier's name is listed as part of a single list which identifies all suppliers from whom the Service Provider receives a commission.

- (H) The list required in (G) must be prominently displayed, or be accessible from a prominent and clearly-labelled link;
- i. at least once during the Consumer Journey; and
 - ii. on the Partial View results page.

- (I) The Service Provider must provide, alongside the list required in (G), (wherever it

appears):

- iii. a brief description of the Service Provider's business model if they take commission from suppliers. At a minimum, this description must state whether the Service Provider operates under a commission-based model; and
- iv. a statement explaining if, and where applicable, how any commission arrangements from suppliers influence the tariffs displayed on any results page.

(J) Messaging to fulfil requirements (G) to (I) must be prominent, clear and intelligible.

Requirement two – Tariffs and price comparisons

(A) (i) Not used.

(ii) When signposting consumers to, or displaying any results page the Service Provider must not use wording that would in any way imply that it contains every possible tariff available from all suppliers via any means unless this statement is factually accurate. For the avoidance of doubt, descriptions that should not be used include, but are not limited to, wording to the effect of 'whole of market' or 'all tariffs'.

(iii) Not used.

(B) The Service Provider must use all reasonable endeavours to include information on Historic Tariffs for the purposes of comparison if a consumer's current tariff is a Historic Tariff.

(C) Not used.

(D) A Service Provider must provide a copy of the Tariff Information Label, accessible either within or from the main results page, for each tariff displayed on the main results page.

(E) A Service Provider may include price comparisons for meters other than single rate and Economy 7 meters at its discretion.

(F) A Service Provider is responsible for obtaining, updating and ensuring the accuracy of all data displayed on its Price Comparison Service covering licensed supplier tariffs (including those of its agents, affiliates and any associated brands).

(G) Service Providers must ensure that the length of the comparison period defaults to 12 months from the date of comparison; however filters can be created for other comparison periods.

Requirement three – Control and management

(A) The Service Provider must manage and control its Price Comparison Service and use its own tariff database and calculator.

(B) A Service Provider will be treated as managing its Price Comparison Service where:

- i. it has full control over the information content provided on the Price Comparison Service and how that content is presented; or

- ii. it has that degree of control referred to in (i), even where the Price Comparison Service is maintained by a third party on behalf of the Service Provider.

(C) However, where:

- i. a Price Comparison Service is maintained by a third party; and
- ii. that third party also maintains a Price Comparison Service on behalf of any other Service Provider (whether accredited by Ofgem or not),

the Service Provider will be treated as managing the Price Comparison Service only where that third party maintains the Price Comparison Service entirely independently of the Price Comparison Service of the other provider. But, in any event, the Price Comparison Service may not be maintained by a third party that also manages another Ofgem accredited Price Comparison Service.

(D) A Service Provider may make its tariff database and calculator available to third parties. Where it does so:

- i. the third party may state that it uses the Service Provider's calculator or tariff database and state that the Service Provider is accredited to the Confidence Code, but the third party must not use the Confidence Code logo;
- ii. the Service Provider's arrangements with the third party must provide that the third party may only make such statements in (i) if it has followed the same rules as the Service Provider for making the comparisons and meets the requirements of the Confidence Code; and
- iii. the Service Provider is responsible for ensuring that the third party complies with the arrangements in (ii). Any failure by the third party to meet the requirements of the Confidence Code can be determined as a breach of the Confidence Code by the Service Provider.

Requirement four – Payment methods

- (A) A Service Provider must provide consumers with an explanation of the following payment methods:
- Standard credit by cash/cheque;
 - Monthly and quarterly Direct Debit;
 - Prepayment meter.

Requirement five – Results and filters

Opt-in filters

- (A) Not used.
- (B) A Service Provider may provide filters so that consumers may search results based on different criteria selected by the consumer (eg the different types of tariff available or an energy supplier's service rating etc), but these must be opt-in only.
- (C) A Service Provider must clearly explain the potential impact to consumers who

select an opt-in filter, so that consumers are fully aware of the effect and limitations this may have on the results.

- (D) Where the Service Provider provides a filter for green or environmental tariffs, it must explain the methodology for filtering these tariffs. Green results should be displayed by order of fuel mix then price.
- (E) A Service Provider must provide a facility or follow-through page(s) so that consumers have the ability to view a list of their price comparison results free from any opt-in filters selected.

The display of a Partial View

- (F) Not used.
- (G) Not used.
- (H) At any point where the Service Provider displays a Partial View (either as a default or after a filter is applied), the Service Provider must, on the results page:
 - i. Not used;
 - ii. Not used
 - iii. provide a prominent, clear and intelligible statement summarising the extent of the market coverage provided by the Partial View which is reflective of the service the customer is actually offered and is not misleading; and
 - iv. display a clear, prominent and accessible link to the Citizens Advice Comparison Tool with an accompanying statement to indicate that a wider view of the market, including the tariffs available on the Service Provider's website and other tariffs, is available on the Citizens Advice Comparison Tool. Such statement must not be misleading.
- (I) Not used.

Requirement six – Quality of service and signposting to information

Quality of service

- (A) The Service Provider may assign ratings to a supplier's performance and invite the consumer to consider quality of service issues, including any such supplier service ratings.
- (B) The Service Provider may assign supplier performance ratings provided they either:
 - i. send their methodology to Ofgem for review; or
 - ii. use ratings adopted by other recognised consumer organisations (eg Citizens Advice).
- (C) In developing a supplier ratings methodology and, where appropriate, when using supplier ratings, a Service Provider should adhere to the following principles:
 - i. the methodology should be evidence-based and objective;

- ii. the methodology should be applied consistently across suppliers;
 - iii. the resultant ratings should offer a comprehensive coverage of suppliers. Where a supplier is not assigned a rating, where appropriate, it should be clear that this is not necessarily an indication of poor performance;
 - iv. the data used should be statistically significant;
 - v. the rating values should be refreshed at least once every 12 months and the last updated date should be displayed to consumers; and
 - vi. explanatory messaging around the ratings should be clear and objective.
- (D) If a Service Provider either:
- i. has applied their current supplier ratings methodology prior to 25 March 2015;
 - ii. plans to apply any supplier ratings for the first time; or
 - iii. plans to amend any existing supplier ratings methodology,
- it should provide Ofgem with evidence and an explanation of how its methodology meets the principles in (C).

Energy efficiency information

- (E) A Service Provider must, on the homepage or during the Consumer Journey, provide signposting to independent sources of advice on energy efficiency matters that will be of benefit to all energy consumers. At a minimum, we require that the following sources should be clearly signposted by the Service Provider:
- i. Energy Saving Trust;
 - ii. Government energy grants calculator; and
 - iii. Citizens Advice.
- (F) This signposting should be prominent, clear and intelligible, so that consumers are aware what information is available within these sources.

Warm Home Discount scheme

- (G) A Service Provider must, during the Consumer Journey, alert relevant consumers to the possibility that if they move to certain suppliers, they could lose support from government energy support schemes such as the Warm Home Discount benefit. This messaging may include signposting to relevant websites.

Requirement seven – Accuracy and updating tariffs

- (A) Prices and price comparisons must be accurate and state when they were last updated. The prices must include VAT (and state that they do so).
- (B) A Service Provider must state the date that its Price Comparison Service and database has been updated.
- (C) Ofgem may review any new form of tariff and issue Service Providers a formal direction as to how such a tariff should be treated in relation to compliance with the Confidence Code. The formal direction shall have effect as if it were part of this document.

Estimating the consumer's consumption

- (D) A Service Provider can estimate a consumer's current spend if the consumer is unable to provide certain information. For example, a Service Provider can estimate consumption by asking questions about the size of property, number of bedrooms, etc. In these cases, it should be clear that this information is estimated.

However, Service Providers must emphasise to consumers the importance of entering accurate information to get the best comparison and should encourage consumers to input their annual consumption figures in order to do this.

Calculation methodology and assumptions

- (E) Where a Service Provider provides a comparison for a time period, the estimated costs of all tariffs (including a consumer's current tariff) must be calculated as a default based on Estimated Annual Cost.
- (F) Not used.
- (G) A Service Provider may, if it wishes, provide an additional alternative methodology to calculate estimated costs for the consumer's current tariff and, where applicable, estimated savings, but this methodology must not be used as a default.

Calculation messaging

- (H) At a minimum, a Service Provider must provide a link or message on the results page explaining:
- (i) what is included in the Estimated Annual Cost, what it is and what it is used for, and outlining any assumptions that have been made in its calculation;
 - (ii) details of any alternative methodology where offered; and
 - (iii) that the consumer may incur a termination fee if switching to a new tariff.
- (I) Where a Service Provider displays an estimate of the savings a consumer could make by switching to a tariff, as a minimum, a Service Provider must provide a link or messaging on the results page explaining how the savings figure is calculated, including:
- i. what two figures are used to calculate savings and assumptions behind these figures; and
 - ii. that the savings figure is an estimate only, and will change if the consumer's situation changes.
- (J) If an alternative methodology is offered under (G), the consumer must be provided with a link on the results page allowing the consumer to switch from the default methodology to the alternative and vice versa.
- (K) Messaging to fulfil requirements (H), (I) and (J) must be prominent, clear and intelligible.

Updating tariffs

- (L) A Service Provider must use all reasonable endeavours to:
- update tariffs;
 - correct any errors/issues highlighted by Ofgem;
- (M) A Service Provider must update tariff information as soon as possible, but no later than two working days after the details and confirmation of the effective date being provided to it by the relevant energy supplier (or Ofgem), or from the tariff being made available to consumers, whichever is later.
- (N) A Service Provider should not include a new or updated tariff on their Price Comparison Service more than six weeks before it becomes available to consumers.
- (O) For the purposes of requirement (N), where the tariff is new or updated because of changes in price of an existing tariff, the date it is 'available to consumers' is to be determined as the date that the price change takes effect.
- (P) A Service Provider must inform Ofgem immediately of any circumstance that prevents it from complying with requirements (L), (M), (N) or (O). Ofgem will consider each individual case on its own merits and determine whether the Service Provider has used all reasonable endeavours to comply with the requirement or is in breach of the Confidence Code.

Displaying current tariff and spend details

- (Q) A Service Provider must display the details of a consumer's current tariff, based on the information the consumer has entered, in the format of a Tariff Information Label. The Tariff Information Label must be accessible either within or from the main results page.
- (R) A Service Provider must give the consumer an Estimated Annual Cost before the consumer completes a switch to a tariff through the Service Provider's Price Comparison Service.

Requirement eight – Audits and monitoring

- (A) The Service Provider must comply with an annual audit done by an auditor independent of the Service Provider, working according to terms of reference supplied by Ofgem. The cost of each audit will be borne by the Service Provider, unless otherwise advised by Ofgem prior to commencement.
- (B) The Service Provider must comply with audits and monitoring undertaken internally by Ofgem.
- (C) The Service Provider must provide the auditor with access to its premises and to its systems, and all other assistance, that the auditor reasonably requests.
- (D) The Service Provider must provide Ofgem with any information and assistance that it reasonably requests.

Requirement nine – Complaint handling

- (A) The Service Provider must establish and operate an effective consumer complaint and enquiry handling procedure and respond to any complaint or enquiry within seven working days of receipt.
- (B) A Service Provider must provide Ofgem with a contact name and number for complaint referrals received in relation to the Service Provider. A Service Provider must acknowledge a complaint referred by Ofgem within two working days and the Service Provider must use all reasonable endeavours to resolve this complaint within seven working days. Ofgem should be copied into any response to the consumer.