



11 February 2009

Dear Ed,

We welcome Ofcom's Draft Annual Plan and agree overall with Ofcom's strategic priorities for the year 2009/10. This letter focuses on the three issues that the Panel believe, are particularly important for consumers and citizens: universal service; consumer and citizen empowerment; and next generation access (NGA).

We would like to take this opportunity to thank the Ofcom Annual Plan project team for keeping the Panel informed from the outset as it scoped and developed the publication and for incorporating our views. Going forward, we very much look forward to working with Ofcom as it develops its strategy for the three years starting from 2010/11.

The coming year will be an important one for the communications sector as Ofcom and the Government make some key decisions in areas such as: NGA and universal service. We think it is critical that the interests of consumers and citizens are at the heart of these discussions to ensure that the UK's communications policy provides the right framework for meeting their needs.

Universal Service

We are pleased to see that Ofcom is looking at the issue of universal service. We too have this issue as a policy priority for the year. Our recent research suggests that it is not the speed or size of a pipe that is used to deliver services that matter, but the services themselves. We start from the proposition that it is access to services which will be key to people's inclusion in society. The nature and number of these services will change rapidly as consumers, industry, and Government utilise 'online/ internet' service delivery mechanisms. This rapid change will also alter the speed of connection that people will need. The definitions of universal service need to be flexible enough to take account of this changing situation.

We are undertaking further research into what services people think it is essential for everyone to be able to access now and how this might develop in the future. The research will be completed in April 2009 and we will share the findings with Ofcom at an early stage. This research will feed also into the Digital Britain project.

Consumer and citizen empowerment

We welcome Ofcom's work streams on 'Empowering Citizens and Consumers and Improving Regulatory Compliance Where Necessary' and its workstream 'Promoting Media Literacy'. Our recent research shows that people lack knowledge, confidence and skills in relation to communications products and services and are asking for help to enable them to take appropriate action as consumers and citizens. Empowering consumers and citizens, therefore, is a key priority for the Consumer Panel this year.

We think that from a consumer perspective, there would be a value in drawing together the thinking on consumer empowerment and media literacy to ensure that there is a comprehensive picture of the needs consumers and citizens have and the ways in which these needs might be addressed. Consumers and citizens do not differentiate between their citizen and consumer needs. Instead they see a continuum that covers everything from: having the skills to articulate their own needs for communications services; to choosing and using the right products and services; protecting themselves and their dependants; and getting redress where necessary.

We think that the review of media literacy that has been commissioned by Digital Britain and the outcome of the consultation on Topcomm, provide two opportunities to think broadly and strategically about what will be required if consumers are to have the skills and confidence to negotiate their way through the communications world of the future. Ofcom is an important actor in this debate. We look forward to working with you on this issue and support your continuing engagement with Government and other stakeholders on the subject.

Next Generation Access and avoiding another digital availability divide

We support the priority attached to Ofcom's work on superfast broadband. The finalising of a NGA regulatory environment will promote competition and innovation and provide the necessary regulatory certainty for companies to invest in these new networks and deliver market rollout from which consumers will benefit.

We note however, that work undertaken by the Broadband Stakeholder Group (BSG) shows that the reach of a commercial only rollout of NGA is likely to be to only 60% of the UK population. We think Ofcom, working with others, can help avoid the creation of a new UK availability divide for such services – a divide that the evidence shows will primarily affect rural or less densely populated areas.

We think there are lessons to be learned from first generation broadband rollout which could help to avoid a second, superfast broadband divide. For example, there could be value in the use of 'trigger' schemes which could reveal the level of demand in each area. Ofcom, Government, Regional Development Agency and local authority support for such schemes could help support the establishment of and provide the necessary focus for community groups to demonstrate their interest in NGA.

We will continue to engage on NGA throughout the year by working with others - primarily Ofcom but also with the Digital Britain team, local and national government where appropriate, the BSG, and the Community Broadband Network (CBN) - to ensure the consumer and citizen voice is heard in the debate.

The wider communications landscape and other work

To conclude, we are pleased to see Ofcom has as a priority 'Developing and Enforcing Consumer Protection Policies'. There are a number of communication issues that the Panel thinks need to be resolved in the coming year. These issues are ones that we know Ofcom have been working on for a period of time but they are the building blocks for a consumer- and citizen-orientated communications market and we would like to see them resolved. We are thinking of mobile number portability, 999 roaming, access to usable equipment that meets the needs of the end-user (in particular for people with a disability), the updating of a text relay service - one that is not based on 30 year old technology - and a wider look and the possible implementation of new communication services for people with a disability such as a video relay service.

Also, we continue to see varying levels of mis-selling and silent calls across mobile and fixed products and we believe that the current economic climate will mean that Ofcom will need to keep a particularly watchful eye on mis-selling as companies try harder to win new consumers. We hope to see Ofcom continue to clamp down early on mis-selling so that rogue retailers are discouraged from using aggressive tactics.

In addition to the above priorities, the Panel will work to improve the focus of the mobile industry on consumer (and citizen) issues, monitor how Ofcom's policy on broadband speeds develops, monitor and engage with digital switchover stakeholders when appropriate, and work with Government as it implements its Digital Inclusion Action Plan to ensure those who most need help to get online receive it.

Yours Sincerely,

A handwritten signature in cursive script, appearing to read 'Anna Bradley', written in black ink.

Anna Bradley
Chair, Communications Consumer Panel

C.C. David Currie
C.C. Colette Bowe