

OCTOBER 2015 BULLETIN

Update on Communications Consumer Panel and ACOD activities

The Panel has met with several of the communications providers during the last month, to discuss a number of matters including the implementation of the lost and stolen mobiles bill cap, nuisance calls and the Panel's call for the provision of CLI to consumers without charge, complaints handling and ADR referral processes, support for disabled consumers and Pay As You Go disconnection policies.

We have also met with a range of other stakeholders and responded to four consultations including:

- The Panel responded to Ofcom's discussion document relating to its **Strategic Review of Digital Communications**. In our response we highlighted that we would like to see:
 - Telecommunications fully recognised as a fourth utility and for there to be an ambition for mobile and broadband to be truly ubiquitous.
 - A review of the EU Telecoms Framework which enables Ofcom to act in the best interests of consumers and citizens and not hamper their ability to intervene where justified and proportionate.
 - Ofcom acting quickly and decisively in cases of market failure, using its position to influence others to take direct action and the Government to develop public policy to address the gaps in the market.
 - The needs of all citizens, microbusinesses and consumers to be considered particularly those who are more vulnerable to detriment.
 - A broadband USO of 10 M/bits.
 - More effective targets for infrastructure provision and repair (whatever form it may take post review).
 - More effective provision of consumer information to facilitate well informed consumer choices.
 - Tangible improvements in consumer engagement, complaint handling and ADR access.

The full response can be found [here](#) (pdf)

- The Panel's response to the public consultation on the **BBC Charter Review** highlighted that:

- Members of the audience, and particularly older and disabled people should be able to have access to content by their preferred method; and they should have equal opportunity to consume and enjoy a range of high quality content.
- The participation of older and disabled people in programmes, and their accurate portrayal are central pillars to maintaining audiences' confidence and engagement with broadcast content.
- It is extremely important that the BBC provides excellent levels of accessibility - in its broadest sense - to content to ensure that, as far as practicable, users can enjoy equivalent access.
- Ipsos MORI research has highlighted however that many older people continue to watch television exclusively on a TV set. Not everyone has internet access nor does everyone go online, and this is more likely amongst older and disabled people.
- The Panel would encourage the development of an open-standard catch-up/on-demand player which would avoid consumers having to learn a number of different interfaces, with varying degrees of accessibility, in accordance with Government Digital Service guidelines on building for inclusion.

The full response can be found [here](#) (pdf)

- The Panel has responded to **DCMS' call for input on the EU Electronic Communications Regulatory Framework Review**. Our response highlighted that we believe that:

- A review of the Framework is required which enables the national regulator to act in the best interests of consumers and citizens and does not hamper their ability to intervene where justified and proportionate.
- Telecommunications should be fully recognised as a fourth utility and for there to be an ambition for mobile and broadband to be truly ubiquitous.
- Regulators need to act quickly and decisively in cases of market failure, using their position to influence others to take direct action and the Government to develop public policy to address the gaps in the market.

The Panel's full response can be found [here](#) (pdf)

- In its response to **Ofcom's consultation on consumer switching**, the Panel highlighted:

- Our concerns about the number of different switching processes operated,
- The lack of clarity around timescales and charges.
- Our belief that Ofcom should implement a clear, guaranteed, risk-free and robust switching process in all communications markets, for all consumers and micro businesses, as swiftly as possible.

The Panel's full response can be found [here](#) (pdf)

We also attended the recent autumn meeting of the Deaf Access to Communications group. Topics discussed included Ofcom's research into the Next Generation Text Service and Disabled People's Take-up of Communications Services, the on-boarding, marketing and use

of the NGTS app, video relay services and progress on Action on Hearing Loss' 'Subtitle It' campaign.

Panel calls on Communications Providers to provide free Caller Line Identification to combat nuisance calls

As evidenced by the House of Commons' debate this month, nuisance calls continue to be high on the agenda. The Panel has again called for communications providers to support consumers through the better use of technology such as Caller Line Identifier (CLI), which we believe should be offered free.

Jo Connell, the Panel's Chair, said, "Nuisance calls are a widespread problem for the majority of consumers, with older people more likely to experience such calls.

"CLI technology is a key feature to help protect people from these calls and one of the few defences available directly to the consumer. As the service provided by telephone companies, and paid for by consumers, is being abused, it seems logical for CLI to be freely available."

The Panel will continue to raise this issue with communications providers.

Need to improve provision of subtitling in on-demand content

The Panel and ACOD want to see everything possible is being done to improve the provision of subtitles on Video-On-Demand (VOD) content - and sooner rather than later. The business case for providers has been highlighted by a new report by charity Action on Hearing Loss (formerly RNID) into on-demand subtitling - including on catch-up TV and online film services. The report found that more than two thirds of people who pay for subscriptions would switch their TV service providers if more on-demand content with subtitles was available elsewhere.

The report, entitled '*Progress on pause: spelling out the case for subtitles on on-demand services*', comes off the back of the charity's Subtitle It! campaign over summer 2015. Over 3,750 people with hearing loss got involved and completed an online survey about how they watch on-demand content, and what barriers they face to accessing it.

89% of those who responded said that they rely on subtitles to watch TV at least some of the time, and 87% have started to watch a programme on demand and found that it had no subtitles. Nine out of ten people stated that they think the government should regulate to ensure subtitles are available for on-demand services.

Paul Breckell, chief executive at Action on Hearing Loss, said: "This report has unearthed some astonishing statistics about on-demand subtitling and highlighted huge barriers faced by people living with hearing loss when trying to access on-demand content. Whilst traditional television services are obliged by law to include subtitling, the way we watch TV has changed dramatically, and the law needs to be updated to include on-demand services.

“There’s a clear, demonstrable business case here for service providers to up their game and make their content fully accessible to everyone. There are 10 million people in the UK living with hearing loss and it is about time we ended their digital exclusion.”

According to the report, 83% of people with hearing loss have missed out on an on-demand programme, film or series altogether, due to a lack of subtitles, and the latest figures from the on-demand services regulator ATVOD found that 80% of UK on-demand services had no subtitles.

Lilian Greenwood MP has backed the campaign and has submitted a Private Members Bill to the House of Commons. To find out more about the Subtitle It! campaign and to take a look at the report, visit www.actiononhearingloss.org.uk/ProgressOnPause

Ofcom brings regulation of Video-On-Demand in-house

Given our belief about the need for greater levels of subtitling in VOD content, we were interested in Ofcom’s announcement that the regulation of ‘video-on-demand’ programme services is being brought fully within the regulator. The move follows an Ofcom review to ensure regulation of broadcast and on-demand content remains as effective and efficient as possible. The review included the current co-regulatory arrangements for video-on-demand services.

Ofcom designated the Authority for Television On Demand (ATVOD) in 2010 as a co-regulator to take the lead in regulating editorial content for video-on-demand services. ATVOD was designated by Ofcom to encourage Service Providers to ensure that their services are progressively made more accessible to people with disabilities affecting their sight or hearing or both.

From 1 January 2016, Ofcom will take sole responsibility for regulating video-on-demand programme services.

Disabled Consumers' Use of Communications Services

The Panel and ACOD believe that all consumers should be able to benefit from the opportunities and enjoyment that communications services can bring. Ofcom’s recently published [research](#) on disabled consumers’ access to, and use of, communication devices and services has revealed that access was generally lower among consumers with a disability than among those without. While internet access has increased among disabled people since Ofcom’s 2013 report, it remains significantly lower for those consumers with a disability (65%) than for non-disabled consumers (88%).

Disabled consumers are less likely to have access to a mobile phone (85%) than non-disabled consumers (89%); more likely to have a landline in the home (77% v. 72%); and more likely to have a free-to-air TV service (60% v. 50%) rather than a pay-TV service (48% v. 55%).

Further analysis found that not all disabled consumers with access to communication devices and services were making personal use of them. A fifth of disabled consumers said

their disability prevented their use of at least some communication devices and services, with differences seen among consumers with different disability types.

Ofcom wants to hear about your contract cancellation experience

The Panel has long called for the process of switching communications providers to become easier for consumers and micro businesses. Low switching levels lead to reduced competition and a worse deal for consumers across the board. If consumers are more aware of the potential benefits of switching and can switch between providers quickly and easily, consumers will benefit from enhanced competition and innovation in communications markets. In order to switch, people need to be able to cancel their existing contract without difficulty.

Ofcom is now inviting consumers who have recently tried to, or succeeded in, terminating their phone, broadband or pay TV contract to get in touch and [tell Ofcom about their experience](#). In June this year, the regulator launched a [monitoring and enforcement programme](#) to look closely at the cancellation and termination arrangements of different providers, identifying where they seem to be making it difficult for customers to leave. The responses to the questionnaire will not be published, but Ofcom will use them to inform its monitoring and enforcement work.

GO ON UK launches Digital Exclusion Heatmap

Digital inclusion has been a key area of work for the Panel over the last few years and we have worked with a number of stakeholders to encourage greater digital engagement. As part of Get Online week, GO ON UK launched a [Digital Exclusion Heatmap](#), an online mapping tool that shows a single nationwide measure of the likelihood of digital exclusion across the UK's Local Authorities. The Heatmap, developed in conjunction with the BBC, the Local Government Association and the London School of Economics and Political, uses data from the new [Basic Digital Skills report](#) produced in association with Lloyds Banking Group. Key findings include:

- Highest levels of Basic Digital Skills are found in Greater London (84%), Scotland and East Anglia (both 81%)
- In Wales, where internet access is at its lowest, we also find the lowest levels of Basic Digital Skills with only 62% of adults having the five Basic Digital Skills they need
- In addition, the report finds, men (80%) are more likely than women (74%) to have Basic Digital Skills
- Basic Digital Skills levels start to decline amongst the 45+ age bracket, with 65+ year olds having a Basic Digital Skills level of just 43%. This group also happens to have the lowest digital device ownership.

Alongside the research, Go ON UK launched [Go ON Local](#) Beta - an online community toolkit and collaborative platform designed to build on the successful Go ON UK North West, North East and NI programmes. Go ON Local has been developed, in association with

Google, to offer every organisation, local council, housing association and skills training provider (amongst others) online access to essential resources and to provide a platform for people to connect, share and promote best practice.

Do you know your fraud fact from fraud fiction?

As part of our support of digital engagement, we think it's important that people feel safe online and are confident about using the internet. Action Fraud and the City of London Police launched its Urban Fraud Myths campaign to highlight the truth about fraud and cybercrime.

Action Fraud and the City of London Police are currently highlighting common fraud myths and provide advice on the possible ways to avoid falling into the fraudsters trap. In the last financial year 3,543 people reported that they had been a victim of dating fraud to Action Fraud, with a total financial loss of £33,650,491. Dating fraudsters are often particularly convincing and if the person also thinks that they have already been vetted by the dating website, it makes it even easier for the fraudster to manipulate their victim.

The aim of the campaign is to bring people's attention to a range of myths and provide them with the alternate reality. Action Fraud is encouraging people to share some of the myths that they have come across and any questions that they may have about them, using the hashtag #UrbanFraudMyths.

Further information can be found at www.actionfraud.police.uk/resources-and-campaigns/urban-myths

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