

MARCH 2016 BULLETIN

Inclusive Communications Roundtables

This month Panel Chair, Jo Connell, and members of the Communications Consumer Panel have been in Belfast, Cardiff and Glasgow to meet with stakeholders to discuss the recommendations outlined in our recent [‘Inclusive Communications’](#) research. The research explores in detail how accessible communications providers are to customers with additional communication support needs, such as people with disabilities, and older consumers (aged 75+).

It found that communications services can have a greater significance for older and disabled people by helping to mitigate some of the potentially disempowering effects of age or disability. They can help to reduce vulnerability by giving people access to information and services they cannot easily obtain through other channels, and by facilitating participation and inclusion. However the consumer experiences outlined in the Panel’s research highlighted a number of systemic issues, along with opportunities for improvements, including recommendations around:

- Enhancing customer service to provide a service that offers equal access to all users regardless of any impairment they may have.
- Communications providers and Alternative Dispute Resolution (ADR) services ensuring contact channels are inclusive or provide and promote alternative, appropriate, equivalent methods of access and communication
- Communications providers having a dedicated disability team
- Better promotion of equivalent access channels

Events also included a presentation from Ofcom on the results of its [mystery shopping exercise](#) about information on telecommunications services for disabled consumers. The results suggested that disabled consumers may not consistently be getting the information they need in order to find out about the services that are available to them via in-store, online or telephone interactions. We agree with Ofcom that this gives rise to a serious concern that there is a risk of significant consumer harm within the UK communications market. For all enquiries, telephone yielded more specific information about key services relevant to the scenario provided, compared to online or in-store enquiries. This is of particular concern, given that our research has identified that some older and disabled consumers specifically choose to contact their communications provider online or in-store as they find these channels more accessible than via the telephone.

Discussions at the events were based around our recommendations and the issues highlighted by the research, with the aim of providing tangible actions for providers to not only improve the experience of older and disabled consumers, but to also increase the attractiveness of their businesses to those people.

Rick Hill, the Communications Consumer Panel member for Northern Ireland, said; “The event in Belfast involved useful discussion on the report and commitment from stakeholders to work with Ofcom to provide and circulate Northern Ireland specific advice on regulation.”

Mairi Macleod, Communications Consumer Panel member for Scotland, said; “The round table in Glasgow provided an opportunity for the Panel and communications providers to hear from a range of organisations who support the most vulnerable in Scotland, providing some really useful insights.”

Rhys Evans, the Communications Consumer Panel for Wales said; “The discussion in Cardiff following the presentations was wide ranging and included topics such as the nature of regulation and whether it was more effective to issue process-focussed or outcome focussed regulations; and how to make customer service future-proof for an ageing population who may move in and out of vulnerability.”

Update on Communications Consumer Panel and ACOD activities

The Communications Consumer Panel and ACOD have continued to meet with communications providers and stakeholders to discuss a range of consumer issues with a particular focus on our recent Inclusive Communications research, reported above.

We have written to the Alternative Dispute Resolution services (ADR) to outline our proposals to strengthen consumers’ access to redress. These proposals include the publication of complaints data from the ADR services in a form that is regular, digestible and useful to consumers as well as shortening the length of time before a consumer can use ADR from the current eight weeks to four weeks.

We’ve also written to Government to highlight our concerns about inconsistent policies on lost and stolen caps on mobile bills amongst virtual mobile network operators.

The Panel was represented this month at the BSG Executive meeting and the PhonePayPlus Vulnerability Working Group.

Consultation Responses

Citizens Advice and Citizens Advice Scotland draft work plan for 2016/17

The Panel looks forward to working with Citizens Advice (CA), Citizens Advice Scotland (CAS) and Citizens Advice Cymru (CAC) to promote and protect consumers’ interests within the telecommunications industry. This year, for the first time, a fully integrated plan for both CA and CAS has been published. In our response, we agreed that, in the face of rapid technological change, particular attention must be given to protecting consumers, especially consumers in more vulnerable circumstances. We therefore welcomed the planned research in this area.

With regards to postal services, The Panel highlighted their support of CA and CAS to promote the needs of vulnerable postal users in a digital economy. The Panel believes that it is particularly important that all consumers and citizens continue to have access to an affordable, reliable and universal postal service and that those who either can't, or choose not to, access the internet are not penalised as a result. Given the significance that the particular demographics of age and rurality have in this area of work, the Panel highlighted their interest in learning more about how the work of CA, CAC and CAS reflects the relative importance of these demographics in each of the nations.

In terms of complaint and redress, the Panel welcomed any steps CA and CAS take in raising consumers' awareness of their rights and choices. The Panel also agreed that it should be far easier to switch, highlighting that we have long called for improvements in switching processes in telecoms and how we are pleased to see action being taken by Ofcom in this area. We therefore indicated our support of the CA and CAS' proposed cross-sectoral work on switching and on helping to engage unengaged consumers.

A copy of the full response can be found [here](#).

Ofcom's proposed Annual Plan

The Communications Consumer Panel and ACOD wrote to Ofcom's Chair, Dame Patricia Hodgson, in relation to Ofcom's proposed Annual Plan. The Panel made reference to particular points in the proposed plan, including:

Coverage and quality of service

- We highlighted that in the Panel's view, universally consistent coverage must be the aim for both fixed broadband and mobile voice and data services. The Panel also stated its belief that Openreach's current minimum service standards are insufficiently challenging and suggested that the Plan state that those minimum standards- which we also believe should be targets, not merely standards - will be reviewed and re-set to better reflect consumer needs.
- We recommended close monitoring of the 4G coverage obligations and the MNOs' undertakings and urged Ofcom to encourage MNOs to develop contingency plans for the very predictable areas which might be adversely affected.
- We also encouraged Ofcom to undertake work to establish an agreed and commonly used definition of what constitutes an acceptable threshold level for making 2G voice calls.

Postal services

- The Panel continues to encourage clarification of the definition of the term "regulated postal operator" - and we are pleased to see that Ofcom intends to review this as part of its wider review of Royal Mail's regulation. We believe that clearer terminology will make it easier for consumers to understand their rights and how to assert them.
- We also welcomed that during 2016/17 Ofcom will publish the results of its fundamental review into the regulation of Royal Mail. It is vital that Ofcom

continues to ensure that the postal services provided are high quality, affordable and accessible.

Switching and Clarity of information

- Although we welcomed Ofcom's plans to improve consumers' ability to switch, we highlighted our concern about the time these initiatives are taking to implement.
- The Panel highlighted that it was their belief that Ofcom's strategic aim should be a harmonised switching process for all communications services such as mobile, pay TV and cable services.

Nuisance calls

- Our response highlighted that despite some progress, nuisance calls/texts from businesses - including live marketing calls, silent calls, abandoned calls, and recorded marketing message calls - remain a major cause of consumer irritation, anxiety and distress.
- The Panel has long called for free calling line identification (CLI) by default to consumers and urged Ofcom to do all that it can to support this as well as to continue to work with a range of partners to help reduce both the incidence and impact of this type of call.

Customer Service and treating consumers fairly

- The Panel highlighted its on-going concern about customer service standards. Our recent research, *Inclusive Communications: We're Not All the Same*, highlighted that these issues could have a greater impact on older and disabled people. We therefore particularly welcomed the reference to Ofcom's ongoing programme to drive improvements in the area of complaints handling, including ensuring that providers make consumers aware of Alternative Dispute Resolution (ADR).
- We highlighted our proposal that complaints data from the ADR services should be published regularly in a form that is digestible and useful to consumers, so that all consumers and micro businesses can be aware of the performance of their providers and engage more with the market.
- The Panel also raised its particular concerns in relation to stand alone voice customers, the majority of these being elderly or on low income. While wholesale costs have reduced significantly, line rentals have increased which has a particular impact on these consumers.

Access services and equality

- We highlighted that it is our belief that, as far as practicable, all users should have equivalent access to content across platforms. We were therefore glad to see the emphasis in *Securing Standards and improving quality* on the importance of monitoring the implementation and user experience of next generation text relay.
- We also welcomed the forthcoming consultation on deciding whether to change the rules and guidance for live subtitling.

A copy of the Panel's full response can be found [here](#).

In her detailed [response](#), Dame Patricia thanked the Panel and ACOD for the response, stating that the Board very much valued the independent and expert input Members provided. She stated that our ability to hold Ofcom to account in these areas is important. Dame Patricia referred to the Strategic Review of Digital Communications and highlighted that Ofcom had set demanding targets for itself and industry to improve the consumer experience.

A copy of Ofcom's work plan for 2016/17 can be found [here](#).

Government open Broadband Universal Service obligation consultation

The Communications Consumer Panel has consistently called for a commitment to a Universal Service Obligation (USO) for broadband of 10 Mbps, so we welcome the consultation from the Department of Media Culture and Sport (DCMS) which is seeking views on the Government's proposed approach to introducing a new broadband USO.

This first step is to clarify in primary Legislation the Government's powers to implement a broadband USO. The Government intends to introduce a new enabling power in primary legislation which will give the Secretary of State an explicit power to introduce a broadband USO to provide for the functional internet access considered appropriate for today's needs. Secondary Legislation would then be developed setting out the scope, including specific requirements and guidance for the design of the USO, which Ofcom will then be responsible for implementing.

The Government is also considering an additional measure in primary legislation which would provide the Secretary of State with a power to require Ofcom to review the USO, as appropriate, to ensure that in future it continues to reflect connectivity needs, including whether the minimum speed needs to be updated.

DCMS is also commissioning Ofcom to undertake detailed analysis of the key factors that will help inform the design of the USO and to report on its finding by the end of the year. A second consultation to cover the details and the design of the USO as well as how it is to be implemented will follow. The consultation will run for four weeks, closing on 18 April. Further details can be found [here](#).

Ofcom launches Mobile and Broadband Checker

The Panel has frequently stated that people need to have clear information about communications services in order to make an informed choice about what they're buying. We've therefore welcomed a new interactive tool from Ofcom - the [Mobile and Broadband Checker](#) - which uses coverage, availability and speeds data, collected directly by Ofcom from major communications providers to enable users to check mobile coverage, the availability of superfast broadband and average download speeds - all in one place.

The new tool includes latest information on mobile coverage, and adds important statistics on the availability and quality of home and office broadband in a given postcode. It shows:

- whether superfast broadband services are available;
- the average download speeds delivered by standard and superfast broadband;²
- where there is coverage for voice calls, and 3G or 4G data networks; and
- the quality of mobile coverage inside and outside of buildings.

Businesses looking to relocate or expand to new premises, as well as house-hunters, can use the tool to help assess the quality of communications services in different areas. Similarly, customers looking to upgrade their broadband package can check whether faster services are locally available and, if so, how superfast and standard broadband speeds compare on average.

People and businesses can also investigate whether their existing broadband service is underperforming, by comparing their connection speed against the average for neighbouring properties. This could provide useful evidence when contacting a provider with a service problem.

Update on 700 MHz clearance implementation; and request for information

In November 2014, Ofcom decided that the 700 MHz spectrum band - which currently houses digital terrestrial television (DTT) and wireless microphones used for programme making and special events (PMSE) - would be repurposed for mobile data services. Ofcom intends to avoid undue disruption to DTT viewers and to safeguard the benefits provided by PMSE and has now issued a [Call for Input on the 700 MHz clearance programme](#).

Ofcom state that the vast majority of DTT viewers will only need to retune their digital television or set-top box during clearance. Less than 1% of viewers may also need aerial work, while some PMSE users will need to replace their equipment. The Government will take decisions on public funding for viewer support and PMSE equipment changes.

With this in mind, Government is currently considering:

- what support viewers might require, and whether any public funding should be made available; and
- whether support might be made available to PMSE users that need to replace their equipment as a result of the clearance programme; and, if so, what would be an appropriate level.

In order to inform these decisions, the Government has asked Ofcom for advice on the impact clearance would have on DTT viewers and PMSE users, and the measures and associated costs to mitigate these effects. Ofcom's call for inputs invites initial evidence to feed into this advice. Ofcom is also inviting PMSE stakeholders that are likely to be

affected to fill in a separate, confidential financial questionnaire. The closing date for responses is 13 May.

Simpler and speedier switching for mobile customers

The Panel has long expressed concerns about the barriers to switching which face all consumers, but particularly those who are older, disabled, or on lower incomes. The number of different switching processes operated, lack of clarity regarding timescales and charges and the fact that switching processes are frequently in the hands of the losing provider all leave consumers open to harm and detriment.

We therefore welcome [Ofcom's consultation on mobile switching](#). The consultation outlines two alternative options to make mobile switching quicker and simpler to address consumer harm, and support competition in the market.

Ofcom's preferred option is a 'gaining provider-led' process for switching. This would place responsibility for the switch, including the transfer of a customer's mobile phone number, entirely in the hands of their new provider. The customer need only deal with the company they are switching to. Ofcom is also seeking views on an alternative option to simplify the current process, making it quicker and easier for customers to take their mobile number with them when switching.

Under this proposal, customers would no longer have to speak to their existing provider to request their 'PAC' - the code necessary to transfer their mobile telephone number. Instead, customers could ask to receive their PAC by text message, or online. The regulator is seeking views on its switching proposal by 1 June 2016 and will publish its final decision in autumn 2016.

Ofcom publishes latest complaints figures

The Panel believes that publishing data about complaints about telecommunications services provides consumers with useful information for comparing companies' performance, while ensuring the communications market works for consumers.

Ofcom's [latest report](#) covers the three-month period from October to December 2015 (Q4), and includes complaints made about 13 providers of fixed line telephone, fixed line broadband, pay monthly mobile and pay TV services. Complaints figures are presented per 100,000 customers.

PhonePayPlus publishes Vulnerability Guidance consultation

The Panel recognises that alongside the many benefits that the digital content market offers consumers come attendant risks - particularly as people who are in more vulnerable positions are more likely to use premium rate services (PRS) and can unknowingly and rapidly incur high bills.

PhonePayPlus's 2014/17 Strategic Plan emphasised protecting vulnerable consumers as central to their regulatory mission. Over the past few months, the Panel has contributed to their discussion document on vulnerability and has been part of the vulnerability working group to develop proposed vulnerability guidance. PhonePayPlus has now opened a public consultation on this vulnerability guidance.

The proposed Guidance is intended to:

- Assist providers to interpret the Code and remain compliant with it
- Assist providers to proactively ensure they mitigate any risks of taking unfair advantage of vulnerable consumers
- Contribute to building trust in the market
- Define who is likely to be considered as vulnerable consumers by detailing some of the characteristics and circumstances that may lead to a situation of vulnerability

The consultation runs until 18 May 2016. Further details can be found [here](#).

Government to review the small print

The Panel has consistently called for consumer information to be as simple and clear as possible in order for people to be able to make informed choices. We therefore welcome the Department of Business, Innovation and Skills (BIS) consultation on how terms and conditions (T&Cs) can be made more user-friendly.

BIS is asking consumers who have experienced issues when consulting their terms and conditions to respond to the [Call for Evidence](#). The government hopes to support consumers by reducing the risk of any 'nasty surprises' hidden within opaque or lengthy T&Cs. This could include being tied into long contracts or facing demands for the payment of unexpected fees.

As part of the Call for Evidence the government is also seeking views on the creation of a power to apply civil fines to businesses who do not comply with consumer protection rules in this area. The consultation closes on 25 April 2016.

Institute of Directors calls for broadband access speeds of 10 Gigabits per second

The Institute of Directors (IoD) has called for a new target for households and business to have access to broadband speeds of 10 gigabits per second (Gbps) by 2030, 1,000 times faster than the current official aim of 10 megabits per second (Mbps) by 2020.

In a new report, [Ultrafast Britain](#), the IoD has said that while the UK was a world leader in the internet economy, it was lagging behind many European nations when it came to installing the fibre optic cables that allow for the fastest broadband connections.

A survey of IoD members included in the report suggested that the potential benefits to businesses of better broadband are massive, with the results showing;

- 8 in 10 (78%) directors surveyed said significantly faster broadband speeds would increase the company's productivity
- Three-fifths (60%) thought it would make their business more competitive
- Significantly, over half (51%) felt that faster broadband would enable them to offer more flexible working to their staff.

A copy of the report can be downloaded [here](#).

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