



Communications Consumer Panel and Advisory Committee for Older and Disabled People: Priorities and Work Plan 2016/17

Introduction

This is the 2016/17 Work Plan for the Communications Consumer Panel and Ofcom's Advisory Committee for Older and Disabled people (ACOD). It sets out our priorities for the coming year.

The limit of the Panel's resources - both financial and the executive team - directly impact upon the extent of its work so there is a need to focus on key areas of consumer interest. Accordingly, the Plan strives to encompass and prioritise those issues most likely to impact significantly upon consumers, citizens and micro businesses in the communications sector, including postal services. At the same time it seeks to enable effective monitoring of a broader range of topics so that the Panel and ACOD can react flexibly to emerging areas.

Role

The Communications Consumer Panel is an independent panel set up under the Communications Act 2003. The Panel pays particular attention to the needs of: more vulnerable people; older people and people with disabilities; the needs of people in rural and urban areas; people on low incomes; and micro businesses, which face many of the same issues as individual consumers.

The Panel has eight members who between them have experience in many different fields, including accessibility, consumer advocacy, dispute resolution, the telecoms, digital and content industries, access services, micro and small business, the third sector, social policy and market research. There are four members of the Panel who represent the interests of consumers in England, Northern Ireland, Scotland and Wales respectively. They liaise with the key stakeholders in the Nations to understand the perspectives of consumers and citizens in all parts of the UK and input these perspectives to the Panel’s consideration of issues. These Members also attend meetings of the Ofcom Advisory Committee for each Nation and seek to ensure a two-way communication of ideas.

To take advantage of the synergy between the Panel and ACOD and to avoid potential duplication, cross-membership of the two bodies was established in Summer 2012. The remits of the bodies remain unchanged. This means that Members, in their ACOD capacity, also provide advice to Ofcom on issues relating to older and disabled people including television, radio and other content on services regulated by Ofcom.

The Panel and ACOD engage with stakeholders to help inform the advice that they give to Ofcom and to keep the interests of consumers, citizens and micro businesses on the agenda across the sector. We also engage with a range of other organisations working on behalf of these constituencies - including those representing older and disabled people.

The Panel is often described as a ‘critical friend’ to Ofcom. We provide robust and independent advice that is constructive, realistic and cognisant of the trade-offs which regulatory decisions often involve. This is made possible by the fact that Ofcom shares information and ideas with the Panel early in the regulatory process before consulting formally with other stakeholders. We publish information about our advice and activities on our own website <http://www.communicationsconsumerpanel.org.uk>

The Panel’s objective

The Panel’s objective is to:

protect and promote the interests of consumers, citizens and micro businesses in the communications sector by giving advice to Ofcom, the EU, Governments, industry and others.



Context

Given our role to influence Ofcom, it is vital that we take into account the work to be undertaken by Ofcom in the coming year, as well as wider developments in the area of communications. Our Work Plan is therefore informed by Ofcom's priorities and workstreams, as outlined in its Annual Plan¹, in addition to other significant developments that will affect consumers, citizens and micro businesses in the UK.

We will remain alert to issues that may arise during the course of the year; and for many of the areas that we have identified there are specific dimensions arising from the devolved Nations. Our work with the Advisory Committees and other stakeholders in the Nations will inform our approach to these matters. Additionally, we will undertake close co-operation and explore joint working with other consumer-focussed organisations on a range of issues that relate to the topics that are listed on page 4, or those that arise during the year.

Wider developments

In addition to Ofcom's Plan for the year and its Strategic Review Of Digital Communications there are a number of other developments under way or anticipated during 2016/17 which are relevant to consumers, citizens and micro businesses in the UK. These include:

- The changing consumer landscape;
- Changing telecommunications industry structure and proposed consolidation;
- Anticipated European Commission initiatives e.g. revision of the Telecoms Framework, implementation of the Digital Single Market Strategy, proposed Accessibility Directive;
- The UK Government's Digital Strategy

Priorities for 2016/17

We have developed our Work Plan by applying two questions to each issue that it might address:

- What is the scale of the issue for consumers, citizens and micro businesses?
- What difference can the Panel and ACOD make?

Types of engagement

We organise our work by focusing our ongoing effort on areas of key engagement, using research to inform our work and keeping a wider range of topics under ongoing review. We will also use our body of research and knowledge to provide advice on other issues where we feel we can have a positive influence on behalf of consumers.

The fast changing communications environment means that we must also build flexibility into our plans in order to be responsive to new challenges. We may receive requests for

¹ <http://www.ofcom.org.uk/about/annual-reports-and-plans/annual-plans/annual-plan-2015-16/>

advice in relation to issues that are not in our Work Plan, and the Panel itself is likely to identify new issues which are of importance to consumers and which warrant its attention. We will continue to monitor issues in the communications field and liaise with a wide range of organisations representing the interests of consumers to gather - and share - intelligence about developments.

Our work areas are set out below.

Work areas 2016/17

Key areas of engagement

- Broadband/mobile coverage and quality of service
- Nuisance calls and ease of reporting
- Treating consumers fairly including customer service and complaints handling
- Digital engagement/detriment
- Postal services

Research

- Digital Footprints - the use of personal data
- Access to broadcast and on-demand content

Review

- Progress on consumer related objectives highlighted in the Strategic Review of Digital Communications including pricing complexity, consumer information and switching
- Affordability and debt
- Consumer implications of changing industry structure
- Micro businesses' experience of communications
- Mobile Payments
- Non-geographic calls
- Spectrum Strategy
- Traffic management

Additional ACOD specific work areas

- Inclusion and Accessibility
- Portrayal and participation

Key Areas of Engagement:

Broadband/mobile coverage and quality of service (including future of voice/10Mbit/s Universal Service Obligation)

Consumers, citizens and micro businesses remain ever more reliant on communications services in growing numbers of ways - and particularly via mobile devices. The Panel's view remains consistent: sub-optimal delivery of communications services as a result of inadequate infrastructure - be it a lack of reliable, fast broadband or the absence of robust mobile voice and/or data coverage - has long since ceased to be a cause of simple irritation for consumers and micro businesses; it is, today, an issue of real and significant detriment.

The Panel considers that 10 Mbit/s is the absolute minimum for an acceptable broadband user experience. But according to Ofcom's Connected Nations Report 2015, 8% of UK premises are unable to obtain speeds of 10 Mbit/s; and 2% are unable to achieve 2Mbit/s. The problem is worse in rural areas, where 48% of UK premises - approximately, 1.5 million households - are unable to achieve download speeds of 10Mbit/s; and 9% are unable to achieve 2Mbit/s. The Panel welcomed DCMS' announcement last year regarding a Universal Service Obligation (USO) of 10Mbit/s and is looking forward to seeing an implementation plan as soon as possible.

The Panel believes that there should be much greater (and ideally 100%) mobile coverage for all consumers - including indoor, road and rail coverage. Rural areas also experience disproportionate problems with mobile coverage: only 55% of the UK's total land area is covered by all four operators to give a basic (2G) voice service. Coverage inside buildings tends to be worse than outside, and indoor coverage in rural areas is particularly poor. So while 72% of rural premises in the UK have voice call coverage from all networks outdoors, only 31% of rural premises have the same level of coverage indoors. And 13% of rural premises have no coverage at all indoors, with 3% having no coverage at all outdoors.

We have welcomed initiatives to improve mobile quality of service such as the 4G coverage obligation of 98% indoor coverage UK wide, and 95% in each Nation by the end of 2017. We hope that the undertakings given by Mobile Network Operators (MNOs) to Government - guaranteed outdoor voice and text coverage from each operator across 90% of the UK geographic area by 2017 and full coverage from all four mobile operators increasing from 69% to 85% of geographic areas by 2017 - will make a significant impact. However, for now, there is still some way to go.

We are particularly concerned that progress towards the 4G coverage obligation should be closely monitored and that currently there is no agreed definition of what constitutes an acceptable threshold level to determine 2G voice call coverage. Ofcom's drive testing research conducted for 2014's Infrastructure Report identified that a signal level of at least -86dBm was needed to provide good 2G voice call coverage. Mobile operators use a lower (-93dBm) signal threshold to determine 2G voice call coverage. While it is possible to make calls at these lower signal levels, it is more likely from the drive test results to lead

to consumers experiencing interrupted and/or dropped calls. While Ofcom's most recent research supports the historic use of -86dBm for traditional phones, a more realistic threshold for modern smartphones is -81dBm. We will be encouraging work to establish an agreed and commonly used definition of what constitutes an acceptable threshold level. It is also vital that people can access clear, accurate and understandable information about coverage, speeds and tariffs.

Specific objective

We will help ensure that the needs of consumers, citizens and micro businesses are central to policy making, that delivery of a high quality service experience is consistently achieved and that consumers and citizens are not excluded from participating effectively in the digital world. To do this, we will continue to engage with Governments, Ofcom, Broadband Delivery UK (BDUK) and industry so that consumer and citizen interests are taken into account in relation to both the provision of infrastructure and quality of experience.

Nuisance calls/texts and ease of reporting

Ofcom has estimated that the overall number of nuisance calls made to UK consumers is around 5 billion per year. Silent calls comprise about 1.5 billion calls, abandoned calls around 200 million, live sales 1.7 billion calls and recorded sales messages 940 million, annually. Ofcom estimate the harm caused by all nuisance calls to landlines is £406m per year.

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. They can cause micro businesses to waste their resources. There is also a risk that these unwanted contacts adversely affect people's likelihood of engaging with commercial services by phone, which in turn could mean lost business for some firms. The potential loss of people's trust in their communications service is bad both for consumers and businesses.

Nuisance calls remain a significant concern for the Panel. We have worked closely with a range of stakeholders and have seen some tangible progress in this area e.g. the DCMS Nuisance Calls Action Plan, the Which? Taskforce's report, the budget announcement of a £3.5 million package to explore ways of protecting vulnerable people from nuisance calls, the lowering of the Information Commissioner's Office's (ICO) threshold for enforcing the regulations and the amendment of the legislation to make it easier to exchange information between Ofcom and the ICO and some CPs' moves to block nuisance calls at a network level.

Specific Objective

To help reduce both the incidence and the impact of nuisance calls/texts including silent calls and unrequested marketing calls and texts, the Panel will continue to work with

Governments, Ofcom, the Telephone Preference Service (TPS), the ICO, the Direct Marketing Association (DMA), industry and other consumer groups to encourage: implementation of the recommendations of the taskforce's review of consumer consent; co-operative efforts between agencies; effective use of the available technology; and support for consumers and micro businesses wishing to report nuisance calls - so that people are well informed and better protected. We will continue to urge communications providers to provide free caller line identification (CLI) for consumers, and look to consolidate progress following our call for all business calls to carry an authentic and returnable CLI - with an exemption process for those that may have a legitimate reason for withholding e.g. abuse shelters.

Treating consumers fairly including customer service and complaints handling

The Panel's recent research [*Inclusive Communications: We're Not All the Same*](#)² has highlighted many of the customer service issues we originally identified in our 2013 research [*Going round in circles? The consumer experience of dealing with problems with communications services*](#).³ The reports and the Panel's detailed recommendations are on our website.⁴ We will continue to seek regular updates on these areas of concern with communications providers so that we can understand and monitor progress on the initiatives they are undertaking.

We have been particularly concerned about the communications providers' referral of complaints to the Alternative Dispute Resolution (ADR) Services and will continue to call for publication of information about ADR complaints, the shortening of the eight week referral period and greater publicity of the Services.

The Panel is concerned about some consumers who are more likely to be disproportionately affected by industry trends and who do not seem best served by the market. Standalone voice consumers - 10% of UK households - are a key issue for the Panel, as we raised in last year's response to Ofcom's draft Annual Plan. Major providers have increased line rentals from between 23% and 44% since 2010, whilst wholesale costs have reduced significantly. A majority of these consumers are elderly (78% over 65 and 59% over 75) and on low incomes - 47% are in the DE socio-economic group and 89% are not in work. They are also affected by lower savings offered on advance line rental and rising call costs. Additionally, promotional pricing may lead to those who are not engaged in the market paying higher prices. Increasingly complex pricing makes it harder still for people to compare prices and get the best deals.

² <http://www.communicationsconsumerpanel.org.uk/research-and-reports/we-re-not-all-the-same-inclusive-communications>

³ <http://www.communicationsconsumerpanel.org.uk/downloads/going-round-in-circles.pdf>

⁴ <http://www.communicationsconsumerpanel.org.uk/going-round-in-circles/going-round-in-circles>

In our report [*Realising the potential: micro businesses' experiences of communications services*](#)⁵, we called for greater support for micro businesses from governments, industry and communications providers to help them maximise the opportunities presented by communications services.

Specific Objective

The Panel will continue to urge the communications industry to treat consumers - including micro businesses - fairly and to raise the level of customer service throughout the industry so that people enjoy better protection and improved, holistic standards. We will continue to promote the findings of our research studies and encourage implementation of our related recommendations with communications providers and Ofcom, and will review progress during in the year. We will pay particular attention to the needs of older and disabled people (and other potentially vulnerable consumers) with specific communication needs.

Digital engagement/detriment

The Panel and ACOD believe that all consumers should be able to benefit from the opportunities and enjoyment that communications services can bring. It remains the Panel's belief that fundamental action needs to be taken to mitigate the increasing risk of the digital divide becoming an ever greater digital gulf as the distance increases between those who are online and those who remain firmly rooted in the offline world. We live in an era in which we are seeing many Government services become "digital by default" and when being online is becoming a necessity of life rather than an optional extra.

While the advantages of online connectivity apply to all groups in the community, they are especially relevant to disabled people, those on a low income and older people, many of whom may be less mobile than younger people. And yet we know that the take-up of the digital world is unequal amongst the population. According to Ofcom's latest Adult Media Use and Attitudes Report⁶, 14% of UK adults remain not online (for any reason) and are more likely to be aged over 65, and in DE households. Two in three people aged 75+ are non-users of the internet. Internet access is also significantly lower for those consumers with a disability (65%) than for non-disabled consumers (88%).⁷ Ofcom's recently published research on disabled consumers' access to, and use of, communication devices and

⁵ <http://www.communicationsconsumerpanel.org.uk/downloads/panel-micro-business-report-final.pdf>

⁶ <http://stakeholders.ofcom.org.uk/market-data-research/other/research-publications/adults/media-lit-10years/>

⁷ http://stakeholders.ofcom.org.uk/market-data-research/other/cross-media/disabled-consumers-ownership-comms-services/Disabled-consumers-use-of-communications-services/?utm_source=updates&utm_medium=email&utm_campaign=Disabled-consumers-use-of-communications-services&utm_term=disability%20disabled%20communications%20services%20mobile%20phone%20tv%20landline%20research

services also 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.

Building on our previously published [Consumer Framework](#)⁸, which remains as current as ever, and informed by our [Bridging the Gap: Sustaining Online Engagement](#)⁹ research, the Panel has identified a number of areas for strategic focus and made a series of recommendations for Governments, policy makers and those delivering on the ground. Whilst solutions may be complex, the issue itself is straightforward: as Go ON UK note, 23% of UK adults still don't possess the basic digital skills necessary to take advantage of technology - and it is not just individuals that are missing out on the benefits of being online. 23% of small businesses don't have basic digital skills. The potential consequences of this exclusion are serious: for individuals, especially those who are more vulnerable; for society; for business; and for the UK economy.

Specific Objective

We will continue to place the consumer perspective, including that of people in the most deprived communities, at the heart of the digital engagement debate. We will do this by working with a range of stakeholders including Go ON UK and the Government Digital Service (GDS) so that we can help ensure that the full range of people's digital engagement needs are being met, supported by practical consumer information, choice and truly universal fast broadband for all. We will also encourage Governments and others to ensure that there are offline alternatives provided to online public service delivery for those who are unlikely, for whatever reason, to ever undertake these processes online.

Postal Services

We believe that it is vital to maintain a universal postal service that meets the needs of all consumers. This universal service must be financially sustainable, fit for purpose and, crucially, affordable - recognising both changes in market conditions and in consumer behaviour (both residential and microbusiness customers). We will continue 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, more meaningful, terminology will make it easier for consumers to understand their rights and how to assert them.

Given the absence of any meaningful competition, the Panel believes that consumers need to have a strong and active voice in the market. Continued progress on Royal Mail's

⁸ <http://www.communicationsconsumerpanel.org.uk/smartweb/digital-participation/the-consumer-framework-for-digital-participation>

⁹ <http://www.communicationsconsumerpanel.org.uk/smartweb/research/bridging-the-gap:-sustaining-online-engagement>

efficiency is vital - so that cost management and reduction can link directly to sustaining the universal service at an affordable price. The universal service must be affordable for all who choose - or need - to use it, including people on lower incomes and those who live or work in harder to reach addresses, such as remote rural locations or high-rise tower blocks.

Specific Objective

We will help to ensure that the needs of consumers, citizens and micro businesses are central to policy making, so that delivery of a high quality service experience is consistently achieved. To do this, we will engage with Royal Mail, Ofcom and other consumer stakeholders to ensure that consumer and citizen interests are taken into account.

Research:

In relation to our specific research projects, we aim to:

- ensure widespread awareness of our research and associated recommendations amongst relevant communications providers, policy makers and organisations working with disabled and older people and people in vulnerable circumstances; and
- to encourage actions as a result of Panel recommendations.

Digital Footprints - the use of personal data

As more and more data is collected about people - both as they knowingly disclose information on platforms such as social media and as they unknowingly share digital details about themselves whilst conducting everyday business - two fundamental questions arise:

1. What are the implications for our individual privacy?
2. How can we control and manage the use of our personal data more effectively?

Although the range of opportunities offered by the internet, mobile apps and micropayments provides consumers and citizens with a host of potential benefits, it is increasingly important that people understand the implications of the consent they are giving organisations for the use of their data and the precautions they can take to safeguard their personal information.

We have commissioned new research to build on our earlier research ([Online Personal Data - the Consumer Perspective](http://www.communicationsconsumerpanel.org.uk/online-personal-data/online-personal-data-1)¹⁰) and will explore how best to identify and highlight the

¹⁰ <http://www.communicationsconsumerpanel.org.uk/online-personal-data/online-personal-data-1>

pertinent issues that need to be considered as policy making and regulation develop in this area. We aim to publish this work in 2016.

Access to broadcast and on-demand content

The delivery of audio-visual content has been transformed in recent years. We believe that, as far as practicable, everyone should have the opportunity to take advantage of these developments and have equivalent access to both broadcast and on demand content. We continue to be concerned about the provision of access services and will undertake a study into the delivery and usage of services, people's attitudes to these and the barriers that stand in the way of better provision.

Additional ACOD specific work areas

Inclusion and accessibility (including speaking Electronic Programme Guides/Next Generation Text Relay/video relay/Audio Description (AD), signing and subtitling on TV and video on demand)

We will continue to engage with Ofcom's range of work on the accessibility of content which examines how effectively user requirements are being met, including on the provision of subtitling, audio description and signing, the accuracy and latency of live subtitling, and especially maintain our focus on the provision of access services on video on demand content, so that, as far as practicable, users have equivalent access. We will continue to engage with the work to inform potential users about Next Generation Text Relay, as well as its further development. We will also continue to advise Ofcom on the development of its Single Equality Scheme and particularly its disability action plan which sets out how Ofcom will ensure that it is a positive organisation for older and disabled employees and consumers. We will continue to encourage the BBC to publish information about its video on demand subtitling levels.

Portrayal and participation

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. We will engage with Ofcom's and broadcasters' work in this area.