

## Communications Consumer Panel and ACOD response to Ofcom's consultation on its approach to enforcement

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The Communications Consumer Panel (the Panel) and the Advisory Committee for Older and Disabled People (ACOD) welcome the opportunity to comment on Ofcom's approach to enforcement.

The Panel works to protect and promote people's interests in the communications sector, including the postal sector. We are an independent statutory body set up under the Communications Act 2003. The Panel carries out research, provides advice and encourages Ofcom, governments, the EU, industry and others to look at issues through the eyes of consumers, citizens and micro businesses.

The Panel pays particular attention to the needs of older people and people with disabilities, the needs of people in rural areas and people on low incomes, and the needs of micro businesses, which have many of the same problems as individual consumers.

Four members of the Panel also 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 in all parts of the UK and input these perspectives to the Panel's consideration of issues. Following the alignment of ACOD with the Panel, the Panel is more alert than ever to the interests of older and disabled consumers and citizens.

### Response

We welcome Ofcom's review of its approach to enforcement and the renewed clarity and transparency Ofcom intends to bring to its investigations and enforcement procedures.

We have encouraged and continue to urge Ofcom to be clear about the context and reasoning behind any informal measures taken and to be bold and efficient in taking formal enforcement action where necessary; for example, ensuring that fines are set at a level appropriate to the degree of detriment caused and are paid promptly.

We believe it is vital that consumers and micro businesses can see that Ofcom is willing and able to take firm and decisive action to protect them, where its regulatory powers allow. In this respect publicising outcomes - especially those that have a direct impact on consumers - will be an important part of the overall process.

It is also essential that Ofcom's regulatees and licence holders understand where the boundaries lie. There should be no ambiguity, so that those with good intentions are not prevented from complying by misunderstanding and those demonstrating rogue behaviour cannot claim plausible deniability. Companies should be subject to proportionate penalties, to prevent reoffending.

The review proposes methods by which Ofcom will be clearer about the way it gathers information; keeps complainants and the subjects of investigations informed; shares information with relevant third parties; and how (and by whom) decisions are made - all of which we support.

The consultation document also sets out proposals for rationalising documents where information and guidance is found, including the creation of: “*Advice for complainants: Submitting a complaint to Ofcom*”. We agree that it is beneficial to provide complainants with advice relevant to them in a logical place, rather than inside the Enforcement Guidelines document.

We note that the guidance is not for individual consumers, but may be used by organisations to complain to Ofcom about situations that are unfair to consumers. The document must be easy to find on the Ofcom website and labelled clearly, so that complainants can readily distinguish between this and the separate complaints processes for individual consumers; and so that there are no barriers (for example, due to accessibility problems or confusion) to individual consumers being able to make a complaint. In other words, signposting to all relevant information for relevant audiences must be excellent.

We would also like to take the opportunity to encourage Ofcom to make all of its complaints processes available through accessible channels to all who are eligible to raise a complaint, including people who use assistive technology and to publish the outcomes of investigations that affect consumers in clear, easy-to-understand language.