

Communications Consumer Panel and ACOD Minutes

Minutes of the meeting of the Communications Consumer Panel and ACOD

on 12 December 2019 at 10.30

Riverside House, 2A Southwark Bridge Road, London SE1 9HA

Present

Consumer Panel/ACOD

Rick Hill (Chair)
Kay Allen
Amanda Britain
David Holden
Karen Lewis
Richard Spencer
Craig Tillotson
Richard Williams

Apologies

No apologies

In attendance

Jenny Borritt
David Edwards
Fiona Lennox
Chloe Newbold
Representatives from Hassell Inclusion (item 9)
Ofcom colleagues

Item
<p>1. Welcome and introduction</p> <p>1.1 The Chair welcomed Members and attendees to the meeting.</p> <p>1.2 The Chair noted that it was Karen Lewis' last meeting and thanked Karen for her contributions as Member for Wales since May 2018 and wished her all the best for the future.</p> <p>1.3 The Chair also thanked David Edwards, outgoing Panel Secretary, for his longstanding support to Members, particularly during Panel meetings.</p>
<p>2. Declarations of Members' interests</p> <p>2.1 Kay Allen declared that she had previously worked with an employee of Hassell Inclusion (Item 9).</p>
<p>3. Minutes of the meeting on 14 November 2019 and matters arising</p> <p>3.1 The minutes of the meeting of 14 November were APPROVED, subject to minor amendments.</p> <p>3.2 The Panel asked to be updated on information available for consumers in relation to the debate about any possible detrimental effects of 5G signals. The item would be added to an upcoming Panel meeting agenda.</p>

4. Consumer update

4.1 The Panel was updated on Ofcom's consumer priority work areas.

4.2 The Panel was advised that a consultation would shortly be published on implementation of the European Electronic Communications Code (EECC). The consultation would cover switching, end-user rights and price comparison tools.

4.3 Topics discussed by Members included:

4.3.1 Nuisance calls

- The Chair had attended Stop Scams UK, an event hosted by Ofcom and FCA.
- The Panel had recently commissioned qualitative research, which would focus on scams, excluding nuisance calls.

4.3.2 Broadband USO

- The Panel asked the Ofcom Board's views on the Broadband USO proposals, at its meeting in December. The Ofcom colleague would speak to the project team and respond to the Panel.

4.3.3 Fairness

- The Panel reiterated concerns that non-coterminous contracts for different services could be a barrier to switching. It was noted that fairness of contracts featured in the EECC consultation to be published. The Panel would respond to the consultation.
- Initial meetings with signatories of the Fairness Commitments had been positive, but further progress was required. The Panel would receive an update at a future meeting.
- The Fairness Framework would be published early next year and circulated to the Panel in advance.

4.3.4 Price Differentials and Fixed Broadband Pricing

- The Panel raised concerns that deals offered to customers varied and some could be potentially misleading. It was noted that from February 2020, customers would be provided with both annual best tariff notifications and end of contract notifications. Any provider which did not comply with the regulations could face enforcement action.

4.3.5 Vulnerability

- The Panel noted that annual best tariff and end of contract notifications would enhance engagement with customers. Also, the CPs' commitment to treating vulnerable consumers fairly was a positive step. However, the Panel remained concerned that customers who proactively engaged with providers received better deals than customers who did not, potentially causing greater harm to vulnerable consumers.

4.3.6 Migration to VOIP

- The Panel asked how vulnerable customers would be protected throughout the migration process, particularly in relation to effective implementation of emergency services e.g. telecare.
- The Panel noted that the migration process could be a channel for scams and urged the Broadband Stakeholder Group to address scams in its material. The Panel Executive team would stay in contact with the Broadband Stakeholder Group on this.

4.3.7 Participation in trials

- The Panel commended the initiative and requested that a thorough assessment of impact be undertaken in all trials to help protect different groups of consumers from discrimination, particularly vulnerable consumers.

5. Network resilience

- 5.1 The Panel received an overview of network resilience, with a focus on the telecoms industry. Ofcom confirmed that work was ongoing alongside industry to improve network resilience.
- 5.2 Collaborative working was vital to achieving a resilient network, alongside learning from incidents and enforcement work. In addition, providers could refer to the NISCC Good Practice Guide to Telecommunications Resilience and the EC-RRG Resilience Guidelines for Providers of Critical National Telecommunications Infrastructure.
- 5.3 The Panel suggested a number of ways to improve network resilience including:
- Independent auditing and assurance of providers;
 - Automatic compensation;
 - Automatic roaming for mobiles in the event of an outage; and
 - Providers implementing a self-assessment structure.

6. Artificial Intelligence

- 6.1 The Panel received an overview on Artificial Intelligence (including machine learning). This included its strengths and weaknesses in practice, potential implications, how it influences Ofcom's work; and planned future work.
- 6.2 The Panel raised a number of points, including:
- Consumer benefit remained unclear, particularly for vulnerable consumers who could face discrimination;
 - The role of ethical standards in practice;
 - The importance of ethical senior leadership in companies using AI and machine learning;
 - The impacts of unintended consequences;
 - How to ensure robust and transparent processes; and
 - The use of AI and machine learning in the operation of price comparison tools used by consumers. The Panel noted that Ofcom has the power to accredit price comparison tools through an existing scheme but that the scheme criteria had been designed before AI and machine learning had been considered.
- 6.3 Ofcom advised that work was ongoing, issues identified, and research commissioned. The team would return to an upcoming Panel meeting.

7. Tackling Malware

- 7.1 The Panel received an update and discussed Ofcom's work on tackling malware in mobile telecoms. Consumer reliance on mobiles phones continued to grow but instances of malware had increased, and its detection remained a challenge.
- 7.2 The Panel raised a number of concerns, including:

Communications Consumer Panel and ACOD Minutes

- That anti-malware developers should consider vulnerable consumers at design stage to avoid barriers as a result of difficult language and interfaces;
- That malware protection could be costly, particularly for low-income households and suggested that free antivirus should be built into mobiles phones 'front-end', as recommended in the Panel's 'digital footprints' research; and
- That further work in this area was required to raise consumer awareness of malware and encourage developers and mobile network operators to protect consumers from an early stage. The Panel encouraged Ofcom to incorporate this work into its fairness principles.

8. Consultations Review 2019/20

- 8.1 In 2015, the Panel had undertaken a review of Ofcom's consultation process. A number of recommendations had been proposed and a further review (2019/20) had commenced.
- 8.2 The Panel received an overview of the project which included analysis to determine the level of consumer input into Ofcom's consultations.
- 8.3 The Panel suggested further engagement with The Consultations Institute and the Consumer Stakeholder Hub and would consider draft recommendations early next year.

9. Accessibility/Universal Design

- 9.1 Representatives from Hassell Inclusion attended the meeting and discussed the accessibility of mobile apps and common issues that arise.
- 9.2 The Panel noted that customers are unable to test a provider's app prior to switching and should be able to exit a contract if an app was not accessible.
- 9.3 In the Panel's view, universal design should be implemented by app developers at design stage. Compliance with the ISO standard to build and maintain accessible software could be required by providers at procurement stage, to ensure that all platforms met the standard.

10. Vulnerability update

- 10.1 The Panel received an update on Ofcom's vulnerability programme, including data sharing, recording vulnerability and upcoming consultations on accessible formats and video relay.
- 10.2 Ofcom confirmed that it was considering responses to its draft guide to treating vulnerable consumers fairly. Engagement was high and responses would be published shortly.
- 10.3 Ofcom confirmed that providers would need to evidence how the Fairness Commitments had been implemented. The Panel suggested introducing a Consumer Charter, which would clearly outline what a consumer should expect. Ofcom advised that the commitments included subsidiary points that covered consumer expectations.
- 10.4 The Panel raised the subject of fixed broadband social tariffs, including how a consumer would qualify. The Panel would discuss this further with Ofcom at a future meeting.

11. Any other business

11.1 Having confirmed that Members had no conflicts of interest in relation to the potential project, the Panel discussed possible further research, which the team would develop further and report back on.