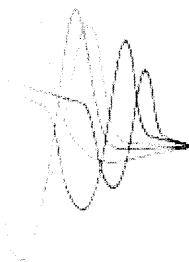




**Consumer
Focus**
Campaigning for a fair deal

COMMUNICATIONS
CONSUMER
PANEL



MEMORANDUM OF UNDERSTANDING Consumer Focus and Communications Consumer Panel

Aspirations

1. The National Consumer Council (Consumer Focus) and the Communications Consumer Panel (the Consumer Panel) are committed to developing a relationship which avoids unnecessary duplication, strengthens the consumer voice where appropriate, and recognises the expertise and unique competences of the other to achieve their shared objectives.
2. The two bodies are independent and have separate responsibilities and functions. These responsibilities and functions overlap in some areas. Both bodies recognise that it will be beneficial to work together and that to achieve the best outcomes for consumers it is essential they fully understand and respect each others' roles, responsibilities and contributions.

Aims

3. This Memorandum has been prepared to explain how Consumer Focus and the Consumer Panel will work together to help consumers. It does not modify or supersede any laws or regulatory requirements in force.
4. As required under Section 20 of the Consumer Estates and Redress Act 2007 (the Act), this Memorandum of Understanding aims to:
 - a. secure cooperation and the exchange of information between Consumer Focus and the Consumer Panel;
 - b. secure the coordination of activities that they carry out in connection with their functions relating to the provision of advice or information to consumers;
 - c. secure consistent treatment of matters which affect them both;
 - d. set out the procedure for the potential appointment to the Consumer Focus Board of a member of the Consumer Panel; and
 - e. set out the procedure for the potential appointment to the Consumer Panel of a member of the Consumer Focus Board.

Role of Consumer Focus and the Panel

5. The Consumers, Estate Agents and Redress Act established the new National Consumer Council, to be known as Consumer Focus. It will champion the interests of consumers across England, Wales, Scotland, and, for postal consumers only, Northern Ireland.
6. Its statutory duties are to act as a consumer advocate and liaise with Government, industry and other consumer organisations; carry out consumer research; provide information; and investigate matters of general interest to consumers.
7. Consumer Focus has a particular focus on the interests of postal and energy consumers that are “designated” in legislation as requiring additional, proactive consumer advocacy. It will investigate complaints made by vulnerable designated consumers.
8. The Consumer Panel was set up in accordance with section 16 of the Communications Act 2003 to advise Ofcom, the communications regulator, and such other persons as the Panel think fit, on consumers’ interests in relation to communications markets in the UK.
9. The Consumer Panel focuses on access to communications regardless of whether this affects people as citizens or consumers. It has a particular focus on issues affecting older people, people with disabilities, low-income households, people living in rural and urban areas and small businesses.

Fostering effective working relationships

10. There will be mutual recognition of the spheres of influence and expertise that each institution has.
11. The Consumer Panel has a particular expertise and influence in relation to the communications sector and a special relationship with the sectoral regulator (Ofcom). The Panel will therefore generally take the lead on communications policy.
12. Consumer Focus has particular expertise in inter-sectoral consumer issues, special powers of investigation, and has the ability to make super-complaints. There may be occasions when it is appropriate for Consumer Focus to take the lead on a communications issue, particularly in the context of the exercise of particular powers or a public-facing campaign.
13. In relation to their work plans and future strategies, including their forward work programmes, Consumer Focus and the Consumer Panel will consult

each other early and separately to the wider stakeholder consultation and engagement processes. As a result of this process of consultation, Consumer Focus and the Consumer Panel will seek to identify areas of mutual interest and agree who will be responsible for addressing such areas.

14. Consumer Focus and the Consumer Panel will meet as often as required, but not less than quarterly, at Principal (Consumer Panel) and Programme Lead level (Consumer Focus), with these meetings being used in part to keep under review existing areas of mutual interest and identify any new areas of mutual interest. In relation to any new areas, Consumer Focus and the Consumer Panel will seek to agree who will be responsible for addressing them.
15. Consumer Focus and the Consumer Panel will act so as to ensure that, where appropriate and so far as practicable, there are 'no surprises' for either organisation as a result of activities of the other organisation in relation to agreed areas of mutual interest.
16. Taken together, the preceding paragraphs of this section mean that efforts by Consumer Focus and the Consumer Panel to foster an effective working relationship will include efforts to do the following wherever practicable:
 - a. Each take all reasonable steps to facilitate the ability of the other to operate effectively.
 - b. In relation to agreed areas of mutual interest, minimise duplication of effort by undertaking research and other information-gathering jointly, and by sharing of the findings of research that they have commissioned.
 - c. Provide early warning to each other of planned contact with each other's sponsoring bodies (The Department for Business, Enterprise and Regulatory Reform in the case of Consumer Focus and Ofcom in the case of the Consumer Panel).
 - d. Provide early notice of emerging issues of concern to consumers.
 - e. Consult each other on matters of mutual interest.
 - f. Have ongoing bilateral discussions on areas of mutual interest with the aspiration of joint-working or partnership where possible and appropriate with at a minimum, appropriate opportunities to influence the policy development process.
 - g. Consult the other body before referring to the other body or its work in public documents and to allow, if appropriate, a pre-publication right to respond.
 - h. In relation to agreed areas of mutual interest, give each other advance notice of planned publications, including the timing of news releases and other media activity.
 - i. In relation to agreed areas of mutual interest, give each other advance sight of news releases.

- j. Respond to each other's requests for relevant information, as soon as reasonably practicable.
17. At Board/Panel level the following arrangements will be established:
- a. The Chairmen of Consumer Focus and the Consumer Panel will meet their equivalents informally and regularly to review matters of concern to consumers.
 - b. A member of the Consumer Focus Board may attend Consumer Panel meetings as often as agreed by the Chairmen to discuss shared interests.
 - c. A member of the Consumer Panel may attend Consumer Focus Board meetings as often as agreed by the Chairmen to discuss shared interests.
 - d. The two parties will exchange Consumer Focus Board and Consumer Panel meeting agendas to provide a further opportunity for the identification and discussion of shared interests.
18. The structure of Consumer Focus reflects the devolved nature of the UK and the Chairs of Consumer Focus Scotland, Consumer Focus Wales and Consumer Focus Post – Northern Ireland, will discuss relevant matters specific to consumers resident in those nations with the National Members of the Consumer Panel where appropriate.
19. Consumer Focus and the Consumer Panel recognise that information required in order to perform their functions may be subject to statutory and other obligations of confidentiality. Where either party discloses to the other a document in draft for comment or a decision taken but not yet announced, the other party undertakes to keep such information confidential.
20. When either Consumer Focus or the Consumer Panel cannot supply to the other information that in accordance with this memorandum of understanding it would ordinarily be expected to supply, it will provide an explanation.

Appointments process

21. Under section 40 of the Act, the Secretary of State (BERR) may direct Ofcom to appoint as a member of the Consumer Panel a person specified by the Secretary of State who:
- a. is a non-executive member of the Consumer Focus Board; and
 - b. is nominated for the purposes of this subsection by Consumer Focus after consultation with Ofcom.
22. In the event of such a direction, Consumer Focus will consult the Panel, in addition to Ofcom, on its nomination for a reasonable period, providing:

- a. the name and relevant experience of the nominated member(s);
 - b. the aims of the appointment; and
 - c. The proposed period of the appointment, not to exceed 5 years.
23. Consumer Focus will respond promptly to any issues raised.
24. Under paragraph 1(4) of Schedule 1 of the Act, the Secretary of State (BERR) may appoint a member of the Panel to the Consumer Focus Board. The Panel will consult Consumer Focus and Ofcom on its nomination for the appointment.
25. In proposing a nomination, the Panel will provide Consumer Focus and Ofcom with:
- a. the name and relevant experience of the potential nominee(s);
 - b. the aims of the appointment; and
 - c. the proposed period of the appointment, not to exceed 5 years.
26. The Panel will consult for a reasonable period and respond promptly to any issues raised. The Panel will inform Consumer Focus and Ofcom of its final nomination to the Secretary of State.
27. Members who are appointed to both the Panel and the Board are to declare any conflict of interest arising from their appointments in accordance with guidelines by the Cabinet Office (Model Code of Practice for Board Members of Advisory Non-Departmental Public Bodies, 2004).
28. In relation to appointments to either the Board or the Panel from among the members of the other body, it is not envisaged that such appointments will be made in the foreseeable future. However should this change at any point in the future, it is agreed that any such arrangements will be by mutual agreement and of a symmetric nature.

Review and Distribution

29. The Memorandum of Understanding was signed in February 2009. Consumer Focus and the Panel will keep this agreement under review with a formal annual review. Either party may suggest amendments to the Memorandum in the intervening period.
30. A copy of any revised versions of this document will be sent to the Secretary of State who will lay a copy before the House of Parliament.

**Signed on behalf of the
Consumer Focus Board by:**



Lord Larry Whitty
Chairman

Date: 26.2.09

**Signed on behalf of the
Communications Consumer Panel
by:**



Anna Bradley
Chairman

Date: 26.2.09