



Communications Consumer Panel & Advisory Committee for Older and Disabled People

Making a Difference for Telecoms Consumers: Draft Priorities and Work Plan 2019/20

This is the 2019/20 draft Work Plan for the Communications Consumer Panel and Ofcom's Advisory Committee for Older and Disabled people (ACOD). It sets out our proposed priorities for the coming year.

The Panel is a statutory body, established under the Communications Act 2003. Our [members](#), who are appointed by Ofcom with the approval of the Secretary of State, have substantial knowledge and experience of consumer issues in the communications sector and beyond.

We would welcome views from all interested stakeholders. Please send comments to contact@communicationsconsumerpanel.org.uk by **18 March 2019**.

Work areas

We highlight in this draft plan areas of focus where consumer harm has been identified, where the scope of the impact on consumers is significant and where the Panel has the ability to make a difference.

Across all of these areas we will pay particular attention to the needs of people in vulnerable circumstances - who for one reason or another may be less able to participate in the market and are put at a disadvantage financially or otherwise - as well as the needs of micro-businesses.

What we want to achieve for consumers

Communications services are integral to the everyday lives of consumers, citizens and micro businesses, so their interests must be at the heart of regulation, policy making and industry practices. In a complex and rapidly developing sector this is crucial.

We want all communications consumers across the UK to be able to enjoy high quality, affordable, reliable services supported by excellent customer service whatever their needs.

A high-level summary of our aims is shown below, and we give more detail on page five:

- 1) Ubiquitous availability of communications services:**
So that all UK consumers have access to affordable, reliable communications services.
- 2) Excellent standards of services and of customer service:**
So that all consumers get a high-quality customer experience and are treated fairly on an individual and collective basis.
- 3) Prevention of consumer harm:**
Highlighting and acting on evidence of current and potential future consumer harm in the communications sector.
- 4) More consumer and citizen participation and greater inclusion in the communications sector:**
So that no-one is left behind regardless of circumstance.
- 5) Research into issues affecting consumers in the sector:**
So that we can provide robust evidence that can be used to command and support action on behalf of consumers.

Who we are and how we represent the needs of consumers



Members (left to right): Jo Connell, OBE DL (Chair); Chris Holland; Kay Allen OBE; Rick Hill MBE; Rick Williams; Karen Lewis; Richard Spencer; Amanda Britain; Craig Tillotson.

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. Our unique relationship with Ofcom, made possible by a Memorandum of Understanding, means we have early, confidential access to the regulator’s thinking and information and can proactively influence decisions by making early, robust, high quality interventions. We also provide advice to Governments, and champion consumers’ interests with industry.

We aim to ensure that the citizen, consumer and micro business voice is represented in communications policy development. Highlighting the interests of those who may not always be heard by the industry (for example, consumers in a range of vulnerable circumstances¹) is an important part of our role, as is working with Communications

¹ As Ofcom notes, some people’s ability to participate in communications markets and society is affected by factors such as their age, disability, income or geographical location. Life events such as bereavement or illness can temporarily reduce people’s ability to participate in society and/or increase their dependence on certain communications services. Vulnerability is about people’s circumstances, which can change over time. In relation to communications, it can have a range of negative consequences.

Providers, Ofcom and other policy and industry stakeholders.

Collaboration, constructive challenge and clarity of purpose remain central to our approach. We will continue to strive to ensure that the interests of consumers, citizens and micro businesses are protected and promoted, so that the opportunities offered by existing and emerging communications services are inclusive and fair, and so that the market succeeds in meeting the needs of us all. Treating all consumers fairly, including facilitating improvements in broadband and mobile coverage and quality of service, continue to be at the forefront of our agenda.

We pay particular attention to the needs of people whose circumstances make them permanently or temporarily more vulnerable when navigating the communications market, for example; older people and people with additional needs arising from a disability; people in rural and urban areas; people on low incomes; and micro businesses, which face many of the same issues as individual consumers. Members, in their ACOD capacity, also provide advice to Ofcom on issues relating to older and disabled people encompassing broadcasting matters such as portrayal; and access services on on-demand programming (subtitles, audio description and signing).

The Panel's remit covers the UK and, by statute, it has members who represent the interests of consumers in Scotland, Wales, Northern Ireland and England. They liaise with the key stakeholders in the Nations to understand the perspectives of consumers in all parts of the UK so that those perspectives can inform the Panel's consideration of issues. These members attend meetings of the Ofcom Advisory Committee for each Nation and ensure a two-way communication of ideas. Cross-membership of the Panel with ACOD was established in 2012 to improve effectiveness and efficiency.

We engage with a wide variety of stakeholders and organisations to help inform the advice that we give to Ofcom and to keep the interests of consumers, citizens and micro businesses on the agenda across the sector. Our role is not to campaign publicly nor expend resources on seeking a significant public profile - we contribute expert advice to Ofcom and others based on a trusted relationship to ensure consumers' interests are high on the agenda and we do not shrink from airing issues more widely when necessary. When we anticipate consumer detriment, or identify it occurring, we work with those who can make a difference.

Areas of expertise

Panel members have a wide range of expertise and experience, including in fixed and mobile telecoms; technology; business and SMEs; customer service and complaint-handling; broadcasting; public services; disability issues; accessibility; the needs of older people; social exclusion and vulnerability. Our work is broad and diverse covering not just all telecommunications services but also aspects of post, and the portrayal of older and disabled people in broadcasting.

We have a unique role in ensuring that the consumer voice is heard early on in policy development in relation to infrastructure and the allocation of spectrum. This has wide ranging implications for consumers and citizens - affecting not only mobile coverage and broadband provision but also Freeview, radio and a panoply of white space devices. The Panel's understanding has enabled it to advocate for key changes that would lead to significant benefits for consumers across the UK - such as national roaming² (being able to receive a signal from another UK operator if the one that a consumer subscribes to is

² Also known as domestic roaming.

unavailable), should it be introduced. We continue to ensure that spectrum planning changes take into account the need to support and protect vulnerable consumers.

Positive outcomes for consumers and citizens

Our work results in positive outcomes for consumers and significant policy changes - for example, free Calling Line Identity, the development of more consumer-focused General Conditions by Ofcom, and lower prices for BT's fixed line only customers. We are also able to shine a light on areas where communication providers should be doing better, such as customer service and complaints handling.

Over the past five years we have published well-received research that has led to increased regulatory focus in a number of areas including:

- access to broadcast and on-demand content, including subtitling, audio-description and signing,
- data privacy,
- meeting the requirements of older and disabled telecoms consumers,
- micro-businesses experience of communications services,
- the consumer experience of problems with communications services, and
- sustaining online engagement.

Our sector specialism and expertise mean we can challenge in a constructive environment, offer comprehensive advice and influence the development of policy so it delivers for consumers and citizens. We publish information about our advice and activities on our website <http://www.communicationsconsumerpanel.org.uk>

Wider context

Given our role as a 'critical friend', 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 in the UK and beyond.

Our Work Plan is informed by Ofcom's priorities and workstreams, as outlined in its Annual Plan³, in addition to other significant developments that will affect consumers, citizens and micro businesses in the UK.

We take no view on the means or merits of Brexit. However continued effective regulation is vital and we will continue to advise to ensure that consumers' needs are met.

We outlined in our [response to the Modernising Consumer Markets Green Paper](#) a series of measures that we believe would strengthen the consumer voice across the UK; and, should plans to strengthen the Panel be confirmed, we look forward to discussing these further with stakeholders. As the statutory consumer panel for telecoms, we strongly believe that, to effect real change in the telecoms sector, there needs to be much greater collaboration between consumer bodies, who can bring to bear a range of vital expertise and evidence. This can be achieved through a variety of means, enabling a stronger voice for the Nations and resulting in greater input into Government thinking and policy development.

The fast-changing communications sector means that we must build flexibility into our

³ <https://www.ofcom.org.uk/consultations-and-statements/category-1/annual-plan-2019-20>

plans in order to be responsive to new challenges. We will continue to monitor issues and liaise with a wide range of organisations representing the interests of consumers to gather - and share - intelligence about developments.

Our priorities for 2019/20

We will focus on areas where we can best effect change. Based on our experience and remit, we have identified a set of work areas for 2019/20 which we believe can make the biggest difference for consumers, citizens and micro-businesses.

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? This may be in terms of the number of people affected, or the depth of impact on a specific group of people.
- What difference can the Panel (as the statutory consumer panel for telecoms) and ACOD (as an advisory committee to Ofcom) make?

Our proposed work areas

Our proposed work areas are set out below.

1) Ubiquitous availability: ensuring all consumers can access reliable communications services

➤ Universal broadband

Area of focus: implementation of the Broadband Universal Service Obligation (USO)

Issue: 2% of UK premises cannot access a decent fixed broadband service that delivers a download speed of at least 10 Mbit/s and upload speed of at least 1 Mbit/s. In Northern Ireland, this figure is 5%; in Scotland 4%; and in Wales 3%. Consumers suffer because they still do not have access to broadband speeds of 10Mbps or above. Additionally, 39,000 (0.1% of UK premises) can receive neither decent broadband nor 4G mobile coverage (rising to 3% of rural Scotland and 2% of rural Wales).⁴

Aim: to ensure the successful implementation of the broadband USO and to secure wider broadband coverage so that consumers have the best possible access to these services. We will continue to engage with Ofcom, Government and network providers to ensure that consumers' voices are heard in discussions about the way the USO is implemented and communicated.

➤ Mobile coverage including 5G, domestic roaming and use of the 700MHz spectrum band

Area of focus: better coverage and better collaboration between providers.

⁴<https://www.ofcom.org.uk/research-and-data/multi-sector-research/infrastructure-research/connected-nations-2018>

Issue: 96% of the UK geographic area has a lower speed mobile data service from at least one operator. The 4% that do not fall into this category therefore cannot switch, even if they want to and may be at risk of paying a loyalty penalty. This is within a context of 9% of UK landmass having a lack of good 4G coverage from any operator.⁵

Aim: to ensure spectrum management works for consumers so that they are not at risk of being disadvantaged by unfair commercial practices. We will work with Ofcom to encourage spectrum management policies that benefit consumers fully; and we will advocate for a “use it or lose it” policy in terms of allocation along with serious consideration of national roaming.

➤ **Universal postal services and Royal Mail**

Area of focus: making sure postal services operators regulated by Ofcom provide a reliable service and treat consumers and citizens fairly

Issue: Post remains an important channel of communication for many consumers and older people remain particularly reliant on the service. Maintaining a universally reliable postal service is essential as the market adapts to new business models.

Aim: to ensure that the Royal Mail is held to account for its performance and that action is taken if it fails to meet its delivery targets; and to monitor prices so that people who still rely on postal services are able to access, use and afford them.

➤ **Access to TV and video-on-demand programme services - including new on-demand platforms - and Electronic Programme Guides (EPGs) for people with access needs such as people with a loss of hearing or vision**

Area of focus: parity in expectations and experience for all viewers and listeners, including people with additional access needs

Issue: viewers and listeners with a loss of hearing or vision can be excluded from content that they have a right to access.

Aim: to achieve a position of equivalence of access between linear and on-demand programming so that all viewers and listeners can enjoy broadcast services. We will use our research as evidence to advise on Ofcom’s forthcoming Code on Access Services.

2) Excellent standards of services and of customer service

➤ **Excellent consumer experience: treating all consumers fairly, from pre-sales to end of contract and beyond, including Pay as You Go consumers**

Area of focus: urging industry and Ofcom to develop good practice guidance, in the form of a consumer charter for telecoms

⁵ <https://www.ofcom.org.uk/research-and-data/multi-sector-research/infrastructure-research/connected-nations-2018>

Issue: our ‘Still Going Round in Circles’⁶ and Ofcom’s ‘Comparing Service Quality’⁷ (May 2018) research highlight the need for the telecommunications industry to improve the service it offers to consumers.

Aim: to ensure consistently high standards so that consumers have the best possible experience of the communications sector. Using 2018 research, we will highlight issues with CPs and facilitate communication between them to encourage good practice and to help ‘raise the bar’.

➤ **Quality of service**

Area of focus: ensuring that service quality is high across the sector - engaging with industry to raise standards

Issue: there is a need for improved quality of service across the sector, as illustrated by the detail in Ofcom’s Comparing Service Quality report.

Aim: to help bring about a sustained improvement in the consumer experience, so that customers get the service that they have a right to expect. We will endeavour to influence CPs’ practices and Ofcom’s policies.

➤ **Excellent customer service and complaints handling (including for people with specific access needs) - including the provision of timely, high quality and effective redress, such as Alternative Dispute Resolution (ADR) and automatic compensation**

Area of focus: improving customer service and complaints handling

Issue: our “Still Going Round in Circles” and Ofcom’s Comparing Service Quality research highlight failings in basic elements of good customer service; and a structural deficiency in the ADR regime in terms of timescales.

Aim: to ensure that it is easy for all consumers to make a complaint and seek independent redress where necessary; to make available more useful information for consumers on complaints volumes to help them compare providers; to see better signposting to ADR; and a reduction from the current eight-weeks to four weeks in the timescale before a consumer is eligible to use ADR without a deadlock letter.

➤ **Review of Ofcom’s new General Conditions including those in relation to consumers in more vulnerable circumstances**

Area of focus: Ensuring that the vulnerability policies that were required by October 2018 are fully implemented by CPs and are useful, accessible and meaningful

Issue: both Panel and Ofcom research shows that customer service across the sector needs to be improved and that people in vulnerable circumstances or with additional access needs are even more significantly affected.

⁶ <https://www.communicationsconsumerpanel.org.uk/research-and-reports/still-going-round-in-circles-complaints-handling-in-telecoms>

⁷ https://www.ofcom.org.uk/__data/assets/pdf_file/0023/113639/full-report.pdf

Aim: to ensure consumers in vulnerable circumstances are appropriately identified and receive a level of support commensurate with their wishes and their needs. Encouraging CPs to be consistent in the way that they collect data so that consumers know what to expect.

The General Conditions strengthened the requirement on CPs to engage with the Panel on vulnerability. As the statutory consumer panel for telecoms, we will work with CPs and Ofcom to ensure that policies are relevant, useful, accessible and meaningful.

We want to see CPs improve their culture and work to exceed the General Condition 5 requirement to provide 'sufficient consideration' of their customers'. We will share best practice and strongly encourage CPs to strive to provide positive, inclusive action in line with the social model of disability.

3) Prevention of consumer harm

➤ Robustness of services and resilience of networks

Area of focus: protecting consumers and citizens' access to a secure and reliable service

Issue: Outages of mobile or fixed networks can affect many millions of people and have an unacceptable impact on consumers and beyond that public services.

Aim: To ensure that network resilience remains an overriding priority for providers and Ofcom so that consumers and citizens are not subject to major disruption. We will engage with Ofcom, DCMS and providers to highlight the impact of such events and to ensure that the position of vulnerable consumers' is taken into full account.

➤ Fair pricing and charging, including:

- Differential pricing practices and personalised pricing
- Bundled mobile airtime and handset contracts
- Handset unlocking
- Non-co-terminus contracts
- Debt management practices
- Access charges to non-geographic numbers

Area of focus: ensuring that consumers are able to choose services and stay or switch without being penalised financially; fair and flexible policies to prevent consumers in vulnerable circumstances becoming more vulnerable due to disempowering treatment by providers

Issue: unfair practices (such as those listed above) can mean consumers overpay or do not get benefit from services to the extent that they could. Evidence relating to standalone landline prices and directory enquiries charges, as well as end-of-contract investigations, show that there are a number of unfair practices across the sector that need to be addressed. We have been heavily involved in these issues, and Ofcom have many of them in hand; we will continue to work with them.

Aim: to remove unfairness in the sector so that consumers get better deals, and have greater levels of confidence and trust in the market. We will continue to work

with CPs and provide advice to Ofcom on how to militate against unfair practices.

➤ **Provision of data to consumers to allow informed decision making**

Area of focus: ensuring data that is made available is meaningful, usable and accessible to all consumers who need it

Issue: some consumers are unable, or unwilling, to engage in the market.

Aim: to help stimulate greater engagement so that consumers have a better grasp of the market and know how to make it work for them. We will input to guidance that Ofcom produces for CPs, engage with CPs directly and facilitate good practice discussions.

➤ **Handling of the migration to all-IP networks, from the current copper network**

Area of focus: ensuring that consumers who rely on the copper network are supported through the switchover and do not incur extra costs, including steps and communication to protect vulnerable people

Issue: at risk consumers may be at greater risk if migration is poorly handled; the safety of people who rely on personal alarms could be compromised if the switchover is not carefully managed.

Aim: to use our expertise to continue to facilitate discussion and encourage engagement between all parties who have a direct link with consumers most at risk, so that all consumers are supported according to their needs throughout the migration process.

➤ **Nuisance calls, smishing, CLI spoofing and text fraud**

Area of focus: ensuring that people, especially those consumers who rely on their landline, are able to use the phone without fear of nuisance calls

Issue: Ofcom's standalone landline review showed that older and disabled people are more likely to be reliant on their landline. Volumes have decreased, but Ofcom's nuisance calls research shows that there were still at least 3.9 billion nuisance calls received in 2018.

Aim: to support initiatives on reducing nuisance calls and equipping consumers to protect themselves from such calls, so that the harm caused - especially to consumers in vulnerable circumstances - is reduced. We have previously been part of the Nuisance Calls Commission in Scotland, where there has been a disproportionate number of nuisance calls.

We supported the introduction of fines to Directors of companies making nuisance calls and messages⁸. We will continue to engage with industry, Ofcom and the ICO and at the time of writing look forward to the next Ofcom-ICO Joint Action Plan. We have encouraged Ofcom to look at the severity of impact on vulnerable consumers, who may find these calls more of a threat than a nuisance.

⁸ "On 17 December 2018, we saw the introduction of 'Director's Liability', through amendments to the Privacy and Electronic Communication Regulations 2003. The new law allows the ICO to serve monetary penalties, of up to £500,000, on directors and senior officers of companies held responsible for making nuisance calls or sending nuisance messages or emails" <https://ico.org.uk/action-weve-taken/nuisance-calls-and-messages/>

4) More consumer and citizen participation and greater inclusion in the communications sector:

➤ Optimum levels of consumer and citizen participation and engagement

Area of focus: ensuring that consumers and citizens are able to participate in, and make the most of the opportunities offered by the telecommunications sector

Issue: Across the sector, research finds that certain groups of people are more likely to be excluded from active participation in the market in terms of:

- Participation in the market including negotiation and switching
- Digital inclusion
- This heading encompasses the participation and portrayal of older and disabled people in broadcasting

Aim: to encourage greater participation and digital inclusion, whilst protecting the interests of those people who, for whatever reason, are not on-line. We will work with broadcasters, CPs and Ofcom to ensure both that policies and practices enable the participation and inclusion of as wider population as possible.

5) Research into issues affecting consumers in the sector

We will undertake analysis and research to support our work as the statutory consumer panel in telecoms, to promote the interests of consumers and citizens in the sector. We welcome stakeholders' suggestions for relevant research topics.

While these are the Panel's proposed key areas of engagement, we keep a number of other areas under review throughout the year.

We 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 affecting 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-focused organisations on a range of issues that relate to the topics that are listed below and others that arise during the year.