

Minutes of the meeting of the Communications Consumer Panel and ACOD

on 15 December 2022 at 10.30 am

Meeting held in hybrid format at Riverside House and via Microsoft Teams

Present

Consumer Panel/ACOD

Rick Hill (Chair)

Kay Allen

Amanda Britain (items 8 to 11)

Helen Froud

Clifford Harkness

Richard Spencer

Sian Phipps

Michael Wardlow (items 1 to 8)

Richard Williams

Apologies

Amanda Britain (items 1 to 8)

Michael Wardlow (items 8 to 11)

In attendance

Jenny Borritt

Fiona Lennox

Chloe Newbold

Ofcom colleagues

Item
1. Welcome and introduction
1.1 The Chair welcomed Members and attendees to the meeting. In her absence, the Chair thanked Magda Styles for her time observing the Panel as part of UKRN's Next Generation NEDs initiative and wished her the best of luck for the future.
2. Declarations of Members' interests
2.1 Sian Phipps declared that she had accepted an invitation to join the Senedd's Cross Party Group on consumer rights.
2.2 There were no other new declarations of interest.



3. Minutes of the meeting on 17 November 2022 and matters arising

3.1 The minutes of the meeting of 17 November 2022 were **APPROVED**.

4. Chair's update

4.1 The Panel noted the Chair's update, which provided an overview of the Panel's recent activities. The Panel's Nations' Members also provided updates on recent activity and stakeholder engagement across each of the UK Nations.

4.2 The Panel was interested in attending Ofcom's net neutrality event and the Panel's Executive team would circulate the invite.

4.3 The Panel remained concerned about how ongoing delays to postal services were impacting consumers, citizens and micro-businesses, particularly in the context of recent postal strikes. The Chair would soon meet with Royal Mail and feed back the Panel's concerns.

5. Consumer policy update

5.1 The Panel received an update from Ofcom's consumer policy and enforcement team. Members were provided with an overview of Ofcom's consumer priority areas.

5.2 The Panel reiterated its concerns that ongoing delays to postal services were likely to result in consumer detriment, for example where correspondence on healthcare and/or banking was delayed or missed - and urged Ofcom to intervene where possible.

5.3 The Panel noted the latest update from Ofcom colleagues on recording vulnerability data and asked when the team would next provide an update.

5.4 The Panel raised concerns that the removal of fax services from the telephony USO could impact some sectors who were still reliant on fax services; unaware of the changes; and might only become aware when the equipment was no longer able to function. The Panel stressed the importance of disseminating clear communications to consumers across the UK to help raise awareness and reach those who could be affected.

5.5 The Panel continued to be significantly concerned about the lack of a coordinated consumer awareness campaign on migration to VoIP and would soon host a roundtable with industry organisations to share its latest research and recommendations. Members were pleased to see that some providers were providing more information on the migration process and questioned if other providers were following suit. Ofcom colleagues acknowledged that the Panel's longstanding focus on highlighting the need for greater consumer awareness had helped to secure progress.



- 5.6 The Panel flagged that it had been informed of cases where providers had advised consumers who wished to move to or from a social tariff that they could not retain the same number. Ofcom colleagues advised that such practice would amount to a breach of Ofcom's General Conditions and asked for further information. Ofcom's Enforcement team would also check complaints data held by its contact centre to see if similar concerns had been raised.
- 5.7 The Panel remained concerned about the consumer implications of 2G/3G switch-off, particularly where coverage levels could be impacted. Members continued to stress the importance of communicating the changes clearly with consumers to avoid unforeseen detriment. Members also raised previous concerns that 3G switch-off could impact a consumers' ability to make an emergency video relay call, where 4G connectivity was not yet available. Ofcom noted the concern and would look into it.
- 5.8 The Panel's Member for Wales noted that Ofcom's complaints figures in Wales relating to 'different issues' was higher than other UK Nations and asked if there was any reason for the higher figure.
- 5.9 Members were interested to understand the reasons behind the continued rise in complaints relating to faults across the UK Nations, for instance did they relate to network maintenance or response rates to fix faults. Ofcom's Enforcement team advised that work was ongoing to explore why complaints regarding faults continued to rise, and an update would be provided at the meeting in January.
- 5.10 Members noted a rise in Ofcom's complaints relating to communications providers failing to action requests and asked if there was a particular reason for the increase.

6. Enforcement update

- 6.1 The Panel received an update on Ofcom's latest enforcement activities and the ongoing work of its Consumer Protection Monitoring and Compliance team. Amongst other topics, the Panel discussed the importance of CPs communicating CPI increases to consumers in a clear and transparent way; and its continued concerns that CPs were allowing consumers to negotiate end-of-contract notifications, which meant that disengaged consumers were likely to pay more.
- 6.2 The Panel noted Ofcom's investigation into Sky's compliance with Ofcom's requirement to issue end-of-contract notifications for Pay-TV customers and looked forward to a future update on how the investigation was progressing.
- 6.3 Members believed that Ofcom's current monitoring of postal service levels across the UK could be improved to help identify localised issues and areas where service levels were persistently poor.



7. Pricing commitments update

- 7.1 The Panel received an overview of the key findings from Ofcom's latest pricing commitments report.
- 7.2 Members raised concerns that the prices of mobile sim-only deals and landlines connections had steadily increased, which was likely to disproportionately impact a specific cohort of consumers such as people who were older, living with a disability; and/or struggling financially. In addition, the price gap between listed prices and promotional prices was growing and likely to mean that consumers who were less engaged were paying more.
- 7.3 The Panel's Member for Northern Ireland raised ongoing concerns that following the reintroduction of EU roaming charges, consumers living near the EU/UK border could face additional charges if they inadvertently roamed onto a non-UK network. These concerns were further exacerbated by the onus being on consumers to contact CPs for a refund.

8. Review of postal safeguard caps 2024

- 8.1 The Panel received an update on Ofcom's review of postal safeguard caps.
- 8.2 Members believed that removing the second-class postal safeguard cap could have a detrimental impact on consumers who commonly used and, in some cases, relied on these services, such as people who were older; living with a disability; digitally excluded; living in areas where surcharging was commonplace such as Northern Ireland; or where competition was limited such as the Highland and Islands. Members encouraged the team to engage with consumer advocate organisations in each of the UK Nations.
- 8.3 The Panel was advised that discussions were ongoing about possible ways to protect consumers who relied on postal services and could face detriment if the postal safeguard cap was removed. Members asked to be updated on how the discussions were progressing and provide input at a future meeting.

9. Scams update

- 9.1 The Panel received an overview of Ofcom's latest work to tackle scams in the communications sector.
- 9.2 The Panel supported implementation of robust processes across the communications sector to help protect consumers, citizens and micro-businesses from scams, and use of Ofcom's enforcement powers where appropriate.
- 9.3 The Panel highlighted the benefits of targeted interventions to protect consumers who were commonly victims of fraud; and helping consumers who had been defrauded to become advocates and share their experiences with others.



10. Which? research

10.1 Representatives of Which? provided an update on its cost-of-living campaign and shared key findings from its latest research on the barriers of social tariffs. The impacts of the cost-of-living crisis on communications consumers and low take-up of social tariffs continued to be a significant area of concern for the Panel and it discussed the research findings with interest.

11. AOB

11.1 The Panel received an overview of the latest updates to Ofcom's expenses policy and a short guide on the policy changes would be circulated to Members following the meeting.