

Minutes of the meeting of the Communications Consumer Panel and ACOD

on 19 May 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

Helen Froud

Clifford Harkness

Sian Phipps

Richard Spencer

Michael Wardlow

Richard Williams (items 1 to 6)

Apologies

Richard Williams (items 7 to 11)

In attendance

Jenny Borritt

Fiona Lennox

Chloe Newbold

Ofcom colleagues

Representatives of Good Things Foundation

Item
1. Welcome and introduction
1.1 The Chair welcomed Members and attendees to the meeting.
2. Declarations of Members' interests
2.1 There were no new declarations of interest.
3. Minutes of the meeting on 21 April 2022 and matters arising
3.1 The minutes of the meeting of 21 April 2022 were APPROVED , subject to minor amendments.



3.2 The Panel had previously sought information on whether any sectors remained reliant on fax services, highlighting that the Panel's research on migration to VoIP had found that some micro-businesses continued to use fax services. Members also noted that the Department for Education had issued an order to phase out fax services by April 2020 and asked if similar orders had been issued in the devolved Nations.

4. Chair's update

4.1 The Panel noted the Chair's update, which provided an overview of the Panel's recent activities including a recent appearance at the Senedd where the Panel's Member for Wales gave evidence on digital connectivity in Wales; and a recent meeting with Royal Mail to share the Panel's concerns regarding the stamp 'swap-out' scheme (see April minutes, para 9.2). Members noted the update and commented that Royal Mail should implement a stakeholder engagement plan to raise awareness of the changes.

4.2 The Panel had recently consulted on its draft strategic plan 2022-23 and recorded its thanks to stakeholders who had shared thoughts on the Panel's areas of focus for the year ahead. Members also discussed how best to keep stakeholders informed of the Panel's recent activities.

5. Consumer and enforcement 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 and recent activity across the enforcement team.

5.2 Members noted that Ofcom had developed an ADR monthly activity report and asked for it to be shared with the Panel.

5.3 The Panel noted that consumer take-up of social tariffs in the communications sector was very low and suggested:

- that a target-based approach be adopted and Ofcom's Fairness Commitments utilised to encourage CPs to promote support services and meet targets;
- that research be conducted to explore consumers' experiences of signing up to social tariffs and any barriers faced;
- that all CPs should be required to offer a social tariff - although it was noted that a regulatory social tariff could only be introduced if directed by UK Government.
- that social tariffs should be reviewed to ensure that any limitations on data and speeds were proportionate and fair.
- that the communications sector should stay alert to and learn from developments in other sectors e.g. the water sector was exploring implementing a single, consistent social tariff across England and Wales.



5.4 Members also suggested that employers should provide employees with additional support as more people worked from home and required faster speeds.

5.5 The Panel discussed the potential impacts of mobile network consolidation on regulation, costs for consumers, and the Shared Rural Network and asked that the policy team be invited to attend a future meeting.

5.6 Members asked for further information on how the Shared Rural Network was progressing and timescales for future site locations, having noted that not all UK Nations had yet benefitted from the scheme.

5.7 Members also discussed other consumer priority areas and commented:

- on its continued concerns that EU exit changes to mobile roaming were likely to result in consumer 'bill shock', and increased costs for consumers living in Northern Ireland;
- that any potential impacts arising from the 2G/3G switch-off should be considered and protections put in place where required;
- that Royal Mail had continually failed to meet its performance monitoring targets and appropriate enforcement action should be taken. In addition, the Panel had previously highlighted its concerns around Royal Mail's stamp 'swap-out' scheme and was interested to understand how Royal Mail had considered consumers with additional access requirements when developing the scheme.

5.8 Members thanked the enforcement team for providing a breakdown of the reasons behind complaints handling, noting that the latest Comparing Customer Service report had cited complaints handling as an issue. Members asked if the data could be provided on a regular basis.

5.9 The Panel's Member for Wales commented that complaints in Wales seemed disproportionately high and asked if the complaints could be presented per 10,000 of the population. It was also suggested that the complaints figures be presented over a 12-month period to indicate any trends and/or statistically significant figures.

5.10 The Panel noted that Ofcom had opened an investigation into Shell Energy for failing to send End of Contract Notifications to customers and asked how large Shell Energy's customer base was.

6. Affordability of communications services and social tariffs

6.1 The Panel received an update on Ofcom's research on the affordability of communications services and its current work to help raise awareness and take-up of social tariffs.

6.2 The Panel discussed Ofcom's affordability research findings, highlighting that financially vulnerable consumers should not be expected to negotiate a suitable tariff, instead the onus should be on CPs to promote awareness of social tariffs. Members suggested that a



target-based approach be implemented and monitored to help increase take-up of social tariffs.

6.3 Members also commented:

- that adopting social tariffs with clear, consistent eligibility criteria would help to avoid consumer confusion.
- on the role of third sector organisations in promoting awareness of social tariffs
- that consumers should be able to switch without consequence e.g. if a consumer's existing CP did not offer a suitable social tariff then no financial penalty should be issued for switching provider.
- that take-up of social tariffs was significantly higher in other sectors such as energy and water and encouraged cross-sector collaboration to share learnings.

7. Migration to VoIP

7.1 The Panel received an update on migration to VoIP and discussed recent developments including BT's recent announcement to pause the rollout for consumers who did not 'opt-in' and Ofcom's research findings on the experiences of consumers who had been migrated in the trial areas of Salisbury and Mildenhall. Members looked forward to receiving the full research report and a breakdown of the sample. However, the Panel also expressed the view that any learning from the two pilot areas was likely to be limited given the pace at which the roll out had continued and further concerning issues had come to light.

7.2 The Panel stressed its continuing concerns that a significant number of consumers remained unaware of the migration process¹ and repeated the importance of rolling out a consumer communications campaign across the UK using a multitude of accessible communications channels and clear, consistent language. Members also repeated the importance of CPs identifying consumers who were likely to require additional support throughout the migration e.g. telecare users, and connecting with local networks to help spread awareness.

7.3 The Panel's Member for Scotland highlighted recent developments in Scotland and the importance of sharing learnings across the UK.

8. Effectiveness of End-of-Contract Notifications

8.1 The Panel received an overview of Ofcom's ex-post evaluation of End-of-Contract Notifications (ECNs) - a policy intervention implemented by Ofcom in February 2020 to encourage customers to engage with the market and consider different broadband options available to them - to understand if a causal link existed between ECNs and customer outcomes.

¹ [Which?: PSTN - What is the consumer impact of the switch-off?](#)



8.2 Members noted that the ex-post analysis confirmed that ECNs increased re-contracting among broadband customers and considered what level of re-contracting would be considered a good consumer outcome; and whether differing levels of consumer re-contracting across the sector reflected how ECNs were administered and the language used.

8.3 Members also commented:

- that it would be useful to understand whether engagement amongst consumers with additional access requirements had increased. Ofcom colleagues advised that such analysis was not possible due to CPs recording vulnerability data differently.
- that it remained difficult for consumers to navigate the market and understand the best deal available.
- that some CPs were not implementing ECNs in the spirit in which they were intended by allowing customers to negotiate the deal quoted in the ECN.

9. Research discussion

9.1 The Panel discussed potential areas of focus for future research projects under its consumer insights and research programme.

10. Good Things Foundation - Tackling data poverty

10.1 Representatives of Good Things Foundation (GTF) provided the Panel with an overview of its work to help tackle the digital divide across the UK. It was noted that the GTF had set up a National Device Bank, National Data Bank and was involved in setting a Minimum Digital Living Standard for households with children across the UK.

10.2 Members raised concerns that a significant number of people had been identified as struggling to access the internet across the UK, which was likely to increase during the cost-of-living crisis. In addition, lack of digital skills and confidence remained an issue, plus navigating the communications market and finding the best package could be complex.

10.3 The Panel commented that some consumers could find it difficult to use certain devices for accessibility and/or useability reasons e.g. using a smartphone to apply for welfare benefits.

11. AOB

11.1 The Panel's Member for Scotland highlighted ongoing work in Scotland to help tackle the digital divide and raised the importance of sharing learnings across the UK to identify ongoing challenges and help consumers, citizens and micro-businesses get digitally connected and participate online safely and confidently.