

## Communications Consumer Panel and ACOD response to the Scottish Government's consultation on a new consumer body for Scotland

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The Communications Consumer Panel, established by the Communications Act 2003, is a group of independent experts with direct sectoral experience. We ensure the citizen and consumer voice is represented in communications policy development.

The Panel's job is to ensure that the sector works for consumers, citizens and micro businesses - and in particular people who may be in a more vulnerable position in society. We carry out research, provide advice and encourage Ofcom, governments, the EU, industry and others to look at issues through the eyes of consumers, citizens and micro businesses.

The Panel pays particular attention to the needs of older people and people with disabilities, the needs of people in rural areas and people on low incomes, and the needs of micro businesses, which have many of the same problems as individual consumers.

Four members of the Panel specifically represent the interests of consumers in England, Northern Ireland, Scotland and Wales respectively and attend the meetings of Ofcom's Advisory Committees for each Nation. They also liaise with the key stakeholders in the Nations to understand the perspectives of consumers in all parts of the UK and input these perspectives to the Panel's consideration of issues. Following the alignment of ACOD (the Advisory Committee for Older and Disabled people) with the Panel, the Panel is more alert than ever to the interests of older and disabled consumers and citizens across the UK.

### Response

The Panel responded to the report of the Working Group on Consumer and Competition Policy for Scotland, and the Scottish Government's response, in May 2016<sup>1</sup> and the Scottish Government's call for evidence on a consumer and competition taskforce in April 2017<sup>2</sup>.

We welcome the opportunity to comment further on the proposal to establish Consumer Scotland to further protect Scottish consumers. Former Panel Member Mairi Macleod, and Panel Member Rick Hill MBE were pleased to be involved in the development of the draft policy prior to the publication of the report and we highlighted their involvement and our continued support of the Working Group's recommendations. Given his role in the development of the Working Group's report, Rick has not contributed to this response.

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<sup>1</sup> <https://www.communicationsconsumerpanel.org.uk/downloads/scottish-government-consumer-and-competition-policy-for-scotland-6-may-2016.pdf>

<sup>2</sup> <https://www.communicationsconsumerpanel.org.uk/downloads/ccp-acod-response-to-scottish-consumer-and-competition-taskforce---28-april-2017-.pdf>

The Communications Consumer Panel works across the UK communications sector, commissions research and has a Memorandum of Understanding with Ofcom which enables it to act as a ‘critical friend’, highlighting issues of concern to consumers, citizens and micro businesses early on. There are also statutory powers through Ofcom’s General Conditions, requiring communications providers to meet the Panel from time to time (which Ofcom has recently strengthened to ‘upon request’). In practice it has not been necessary to enforce these powers to date, as communications providers engage with us willingly and have told us that they find our research and input helpful in improving their processes to benefit consumers.

The Panel publishes an annual report<sup>3</sup> and an annual workplan<sup>4</sup> (the workplan undergoes a public consultation).

Our key areas of engagement in 2018/19 are as follows:

- Broadband/mobile coverage and quality of service
- Nuisance calls and texts
- Unfair policies and practices
- Customer service and complaints handling
- Access services (subtitling, audio description and signing) on broadcast and on-demand content
- Future of voice calls (migration from the public switched telephone network (PSTN) to voice-over internet protocol (VOIP))

These are our top priorities and a number of other important issues are kept under review.

The Panel meets formally on a monthly basis (except in August) and separately to discuss ad hoc issues, also conducting much of its work electronically.

### **Addressing consumer challenges in Scotland**

Across the telecoms sector everywhere, the fast paced consumer landscape is complex and can be confusing for consumers to navigate. Given the complex policy environment for telecoms, clarity in the roles and responsibilities of the new consumer body will be essential - avoiding overlap and duplication with existing bodies. It will be important for Consumer Scotland to have a focus on the particular challenges affecting consumers in Scotland. This would effectively complement the work of the Panel.

As highlighted above, key areas of concern for the Panel are that of nuisance calls, broadband/mobile coverage and quality of service and the future of voice calls.

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<sup>3</sup> <https://www.communicationsconsumerpanel.org.uk/downloads/panel-annual-report-17-18-final-version.pdf>

<sup>4</sup> <https://www.communicationsconsumerpanel.org.uk/downloads/workplan-2018-19-english-final-.pdf-march-2018.pdf>

Nuisance calls have been found to occur in disproportionately larger numbers in Scotland compared to the rest of the UK and can be particularly harmful to more vulnerable people in their own homes. The Panel has been represented in the Nuisance Calls Commission and welcomes similarly collaborative work to focus on addressing key areas of harm.

We have urged the UK Government and Ofcom to press on with the implementation of a broadband USO to ensure that no-one in the UK is left behind. However, we have emphasised in discussions the need to understand the interactions between broadband roll-out initiatives in all of the UK's nations and regions (including R100) and the impact on the rights of consumers in roll-out-designated areas. It is important that all consumers who want broadband receive affordable and reliable broadband within a reasonable timeframe - and a fair deal.

As well as holding Ofcom and industry to account, an important part of our work is raising issues before they affect consumers, which is reflected in our interest in protecting consumers in landline-only homes and particularly people who rely on personal alarms, in the advent of migration from the PSTN network to VOIP. This is another area of potential collaboration with the proposed new body in Scotland.

We support the proposal that the new body has statutory power to investigate and take action based on areas of complex or intractable harm to Scottish consumers. We agree with the statement in the consultation document that requires developing a mechanism to:

- synthesise the abundance of evidence and data of consumer harm produced by the wide range of consumer-focused organisations;
- identify the most serious or pressing issues leading to consumer detriment; and
- develop and champion evidence-based solutions to tackle those issues.

We agree that Consumer Scotland should have a clear focus on providing solutions to issues that particularly affect Scottish consumers. However we would also urge that it maintains in its peripheral vision a wider view of the UK consumer landscape so that it can collaborate in - and learn from - work already taking place that might benefit Scottish consumers. There will be areas of common interest across the Nations so opportunities to collaborate should be taken to avoid duplication of work - whilst still focussing on the impact on Scottish consumers.

Collaboration between governments, regulators, consumer bodies and industry is key in establishing positive outcomes for consumers and it will be vital that Consumer Scotland, as an investigatory body, is linked with all of the relevant sources of evidence of consumer harm (beyond financial harm). The use of data from multiple sources to identify areas of concern and to pinpoint where harm is taking place is welcomed, though due care needs to be taken with regard to privacy and security of consumer data. It is vital to provide a clear and robust analysis of research to uncover the real issues, in order to focus actions appropriately.

In summary, we support the focus on improving the representation of consumers in Scotland and we favour a collaborative model so that the best outcomes for consumers can be achieved. We would encourage a consideration of the needs of micro businesses within remit of the new body, as these businesses face many of the same challenges faced by individual consumers and are equally unable to draw on the resources held by larger businesses. We also favour a research and evidence based approach to examine and identify consumer issues and to establish lasting solutions.

We look forward to working closely with Consumer Scotland in helping to address consumer challenges in Scotland.