



## Communications Consumer Panel and ACOD's response to Citizens Advice on its Consumer Work Plan 2020/21

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### Introduction

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 also represent the interests of consumers in England, Northern Ireland, Scotland and Wales respectively. They 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.

### The Importance of having a strong consumer voice in communications services

The Panel values its relationships across the consumer landscape, including with Citizens Advice, Which?, Citizens Advice Scotland and the Consumer Council for Northern Ireland (CCNI). The pace of convergence and innovation in the communications sector means that new issues of importance to consumers will continue to emerge and policy needs to address these new opportunities - and challenges. It is important for there to be a strong, informed consumer voice in this debate.

The communications sector is a wide, complex landscape with regional and national variations. Our statutory remit reflects the convergence of communications services, covering not only telecoms consumers, citizens and micro businesses, but also, in the broadcasting and on-demand sector, the use by - and portrayal of - older and disabled audience members, as well as postal services users under the universal services obligation.

Ex-ante aspects of postal services are currently dealt with by the Panel, campaigning advocacy is dealt with by Citizens Advice, Citizens Advice Scotland, and the CCNI. Collaboration, constructive challenge, facilitation of discussion informed by robust

evidence and clarity of purpose must remain central to the approach 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.

The Panel's work is predominantly ex-ante advocacy - behind the scenes, rather than ex-post - after the event. The Panel's ability to put forward the interests of consumers, citizens and micro-businesses at the early stages of policy development is invaluable. An ex-ante Consumer Panel with access to sensitive information and research from a Regulator is a very different beast to an ex-post campaigning advocate. The consumer landscape needs both.

In our response to the BEIS's Green Paper on Modernising Consumer Markets, the Panel highlighted the need to strengthen the consumer voice across the UK. We recommended further collaboration between appropriate consumer bodies, organisations, relevant charities and NGOs, accompanied by the FSB to represent the interests of micro-businesses to ensure the voices of vulnerable consumers are clearly heard by Ofcom. We have taken forward a series of measures to strengthen the consumer voice, including a UK Consumer Advocacy stakeholder hub, National Consumer Stakeholder hubs and an Industry Forum. We are delighted to be working with Citizens Advice, Which?, Citizens Advice Scotland and CCNI in these initiatives.

In response to DCMS' consultation on Reforming Consumer Advocacy in Telecoms, we stated that it is our view that the consumer landscape needs both ex-ante and ex-post work and we believe a strengthened role for the panel, working in partnership with a campaigning advocate (including nations variations) is likely to offer the best outcome for consumers.

### **Our response to Citizens Advice's workplan**

We support the four principles used to guide the workplan - and in particular welcome Principle three which reinforces our intention to work more closely together and avoiding duplication. We hope that the Consumer Stakeholder Hub we set up in 2019/20 will act as a robust mechanism for making sure we avoid duplication of effort in our sector.

Principle 1 in relation to proportionality is a good design rule, although we would emphasise that there may be some groups of vulnerable customers who are numerically small, but the detriment to them is significant, so it is important to ensure they are not ignored.

The four overarching themes identified in the workplan highlight a number of specific work areas which will benefit from our respective endeavours, the different approaches usefully complementing each other and being stronger for it.

In relation to the personalisation of pricing, we welcome the proposed focus as this is also a potential area of risk for communications services which have more in common with financial services (from a pricing perspective) than utilities - this could be a useful area of cross sectoral insight. The proposed work on negative budgets and social tariffs dovetail well with our focus in this area and our recently published research [\*Don't cut me off! The customer service experiences of communications consumers living in low income households in the UK\*](#)

We also share an interest in assisting government and other consumer bodies in reforming regulatory powers to ensure strong protection for consumers and will follow with interest the work to assess whether consumer bodies like Citizens Advice have the powers needed to protect consumers including taking class actions. We also look forward to engaging closely with you on matters of regulatory compliance and enforcement action on vulnerability.

We welcome Citizens Advice's proposed work in relation to parcel delivery problems, some of which fall outside the Panel's remit, but which impact particularly on postal users in parts of the UK beyond mainland Britain. We look forward to working together to ensure that all consumers can access post - now and in the future.

In relation to campaigning for microbusinesses to get a better deal in energy, we agree that more research in this area would be beneficial and would be interested in learning from Citizens Advice's work with Ofgem to understand whether any of the principles developed are transferable to the communications sector.

We have also welcomed Citizens Advice's work in contributing to Ofcom's guidance on 'Treating Customers Fairly' which, together with the Panel's work with Ofcom, has delivered a stronger voice for consumers. In our contributions to policy development and public responses to consultations we have long urged Ofcom to put fairness to consumers at the top of their agenda. The supercomplaint raised by Citizens Advice has reinforced further the need to ensure fairness to all consumers and we will continue to work jointly to address issues unfairly faced by loyal consumers.

The Panel has advised Ofcom that the Fairness Framework should be extended to users of postal service, noted by Ofcom in its statement on 23 January 2020s. Given Royal Mail's standards of performance, we do think that having a Universal Service Obligation in place is not enough to protect consumers if it is not backed up by robust enforcement.

## Conclusions

We believe strong links between consumer bodies are vital in promoting the consumer voice at all stages of policy development across sectors. To ensure fairness to all consumers - and particularly those who may be more vulnerable in navigating a fast-

paced, tech-heavy sector, consumer groups must work together to combine robust evidence and insights.

We look forward to working closely with Citizens Advice and other UK consumer bodies in the coming year, in part within our Consumer Stakeholder Hub, sharing research plans and insights to strengthen the consumer voice, and ensure the best use of resources on behalf of consumers.