



Communications Consumer Panel and ACOD response to Ofcom's consultation on its Diversity and Inclusion Programme 2018-2022

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.

We act as a "critical friend" to Ofcom, rather than a campaigning organisation. Our unique relationship with Ofcom, made possible by a Memorandum of Understanding, gives us early, confidential access to the regulator's thinking and means we can proactively influence decisions. By Ofcom sharing information and ideas in confidence with us from the very start of policy making, we can make early, robust, high quality interventions, ensuring that consumer and citizen interests are at the heart of Ofcom's thinking throughout. The level of trust we have fostered in the sector enables us to effectively influence communications providers and the regulator, and to hold Ofcom to account where appropriate.

The Panel encourages Ofcom, other policy makers and industry to look at issues through the eyes of people who use - or are excluded from using - communications services. As well as commissioning research, we work collaboratively with an extensive network of stakeholders in all nations, including those representing older and disabled consumers and micro businesses, and in other sectors, and give insight to businesses, regulators and Government.

Response

We welcome Ofcom's Diversity and Inclusion Programme (DIP) for 2018-2022 but believe Ofcom can go even further than this in promoting diversity and inclusion, both within Ofcom and in the sectors it regulates.

We are pleased to see that the DIP highlights Senior Sponsorship and the training of new and promoted people managers, including annual measurable objectives - as well as a level of disability and unconscious bias training for all employees. It is vital that diversity and inclusion practices become an integral part of the organisation's culture for change to be imbedded and for Ofcom to promote diversity in the businesses it regulates. While the DIP refers to the Listening Network, we would also encourage Ofcom to consolidate this in a wider initiative and include a Senior Sponsor for Mental Health and Wellbeing.

Ofcom as an employer

Benchmarking and diversity workforce targets

We welcome the continued and extended benchmarking against other organisations and we support Ofcom's goal to become a Disability Confident Leader.

We have long called for Ofcom to sign up to the Business Disability Forum's Accessible Technology Charter.

We note that on the subject of benchmarking disability, Ofcom's intention is to 'capture more data', before making a decision on this. It is not clear from the document whether the extra data will be in the form of external research or more data on its colleagues.

However, Ofcom's intention to strengthen its working culture, practices and colleague engagement seem like a sensible first step and we hope Ofcom would do this anyway. We would like to see more detail in the document on the actions Ofcom intends to take on this, before it makes its decision during 2019/2020. We would also highlight the fact that there is no mention in the document of older workers' recruitment or progress. This is a significant oversight especially given the aging population and the importance of equality of opportunity for all.

Workplace adjustments

We welcome Ofcom's intention to upgrade its workplace adjustments process, collecting and recording information so that trends can be spotted and improvements can be made. We are pleased that Ofcom has referred to the need to provide external stakeholders with workplace adjustments.

We strongly supported Ofcom's decision to undertake a disability and wellbeing review of its systems and processes, particularly its commitment to seek input on this from disabled colleagues. We hope Ofcom will make the results transparent to colleagues as well as to members of the Panel in their ACOD capacity, so that further improvements can be made where necessary, to make the workplace truly inclusive for all colleagues and visitors.

Recruitment, induction, performance and training

We welcome the initiatives to:



- strengthen Ofcom's approach to recruitment and selection practices;
- provide mandatory disability training for all colleagues, including line managers; it does, of course, depend on what they will cover and who provides it. Good practice suggests this should be done by an expert with a disability;
- promote Ofcom as an inclusive employer;
- inform new recruits about Ofcom's networks and Diversity and Wellbeing Group;
- ensure workplace adjustment agreements are in place for all existing and newly appointed disabled colleagues, and workplace adjustments are consistently made in a timely way; there should be specific timescales for adjustment provision rather than vague statements of intent;
- ensure recruitment, development and performance management processes incorporate appropriate adjustments.

Ofcom might find it useful to review their recruitment process to ensure they take into account the barriers disabled people might face - for example, where do disabled people look for jobs and how easy do they find it to apply for a job with Ofcom.

We would urge Ofcom to monitor completion and impact of training programmes. However, it is not considered good practice to discuss reasonable adjustments at a performance review and they should be kept separate. The sentence from the DIP that reads "we will also make sure diversity checks are built into performance discussions and moderation" would benefit from further clarity.

Procurement

As well as including requirements that support accessibility, usability and inclusivity, procurement processes should be reviewed to ensure Ofcom asks the right questions in the right ways. For example, asking a software provider to make sure its package is accessible won't necessarily get a correct response. Ofcom needs to be able to play the role of the Intelligent Customer and ask questions like "how will you demonstrate that your product/service addresses this requirement?" and "we want this to be WCAG AA standard, so how will you test that and show us it is so?"

Ofcom as a regulator

Improvements under the review of Ofcom's General Conditions

We have supported the strengthening of consumer protections in the review of Ofcom's General Conditions, especially for consumers who have additional needs compared to the 'average' consumer. We believe the publication of vulnerability policies will increase focus on removing barriers that these consumers currently face and look to engage further with CPs on this. We would urge Ofcom to strengthen the requirement to promote widely services for disabled consumers (including Priority Fault Repair) to make it mandatory to promote them to all consumers.

Ofcom's communications

We have been pleased to notice changes made to the way Ofcom has communicated with consumers since the last iteration of its diversity and inclusion programme (Single Equality Scheme). Ofcom has taken into account recommendations from the Panel, such as making

the titles of some of its consultations more consumer-friendly; allowing for more accessible methods of presenting the key issues and proposed remedies - and of receiving responses; and introducing a mailing list that consumers and stakeholders can sign up to receive notifications. These are all important ways of encouraging engagement from a diverse range of consumers and stakeholders, to help ensure that Ofcom's policy-making is inclusive.

We welcome Ofcom's plan to engage with the Panel/ACOD and the Consumer Forum for Communications. We also note Ofcom's intention to set up governance mechanisms to challenge policy proposals on equality issues, including seeking input from advisory bodies such as Age UK. We are not entirely sure what this means in practice, as the detail is not set out in the plan. However, we welcome and encourage Ofcom's engagement with organisations that represent the diversity of UK citizens, consumers and micro businesses.

We look forward to working with Ofcom and other consumer representative and advisory bodies, to help ensure that the voice of citizens and consumers (including micro businesses) is listened to during the development of policy. Our Memorandum of Understanding with Ofcom means that we are able to advise on policy before proposals become public.

The DIP includes a proposal to conduct and monitor equality impact assessments for all policy projects. If these are not already taking place then we would strongly agree with the proposal to introduce them and publish the results (as long as to do so would not put vulnerable people at harm).

Summary

- We welcome Ofcom's Diversity and Inclusion Programme (DIP) for 2018-2022, but believe Ofcom could be bolder in its aims and more detailed in its plans;
- We are pleased to see that there are Senior Sponsors who encourage and role model diversity and inclusion - we would encourage Ofcom to have a Senior Sponsor for mental health and wellbeing, consolidating its Listening Network into a wider initiative;
- We support Ofcom's benchmarking strategies and wellbeing review, as well as its aim to become a Disability Confident Leader;
- There is no mention in the document of supporting older workers' recruitment or progress, which we believe is an oversight that needs to be rectified;
- We support the review of Ofcom's workplace adjustments process and are pleased to see that external visitors are included in this;
- Ofcom should conduct barrier analysis as part of its review of its recruitment processes;
- Ofcom should aim higher in the assurances it requires from suppliers of products and services, building user testing into its requirements where relevant and ensuring it asks questions as an Intelligent Customer;
- We are encouraged by Ofcom's more inclusive communication style and consumer-representative engagement strategy;
- We support the publication and monitoring of equality impact assessments.