

## Communications Consumer Panel and ACOD's response to Ofcom's consultation on its Disability Action Plan for Northern Ireland

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### About us

As outlined on page six of the consultation document, the Communications Consumer Panel, established by the Communications Act 2003, is a group of independent experts with direct sectoral experience. We ensure the voice of UK consumers, citizens and micro-businesses 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, 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.

### Our response

We welcome the opportunity to respond to this consultation on Ofcom's proposed update to its Disability Action Plan for Northern Ireland. We support Ofcom's strengthened commitment to disabled consumers in Northern Ireland.

#### **Use of regulatory powers and influence on communications sector culture**

We encourage Ofcom to use the regulatory powers that it has, as well as so-called 'soft powers' - Ofcom's ability to influence the culture of the sector, driving up standards and ambitions, on behalf of all consumers, including disabled people in Northern Ireland.

We also welcome Ofcom's focus on improving diversity and inclusion internally. Having previously advised that it should record and publish data on the percentage of disabled people it employs, we have been pleased to see that it is now also measuring and monitoring its disability pay gap. We would highlight though that the ability to measure this accurately depends on there being a culture of psychological safety within Ofcom, so that Ofcom colleagues feel comfortable inputting their personal data into HR systems and surveys.

To this regard, we believe that the advocacy of senior sponsors and a colleague network that is supported with time and resources is key. Colleagues running and participating in disability and neurodiversity networks have a 'day job' to do, which may already involve

taking time to navigate organisational workplace adjustment processes - it is important that the work they do for the network is valued and respected by senior management so that they can justify, to themselves and their managers, taking time out of their working day. We welcome Ofcom's investment in the SOUND network and those running it.

Having met with members of SOUND, we understand that the membership is also open to allies and that the network works closely with other colleague networks, both of which we applaud. We are cognisant that no individual consumer or colleague is just 'disabled' or 'living with a mental/physical health condition' and welcome Ofcom's approach of seeing consumers' and colleagues' privileges and barriers as a complex, intersectional matrix.

Ofcom must lead the sector in promoting empathy and a solutions-focused approach to tackling barriers that prevent consumers from making the most of communications services - and we believe that must start from within, with the people it recruits, retains and develops. This is a fact-moving sector and in order to ensure no-one is left behind, Equality Impact Assessments can be a key tool for Ofcom. We recommend that the colleague networks including members of the SOUND network and the Northern Ireland team - are involved in developing and embedding these for use in Ofcom's policy projects.

### **Social model of disability**

As ACOD members, the Panel advocates viewing disability through the lens of the 'social model of disability' (referring to the effect of an impairment and the consequential requirement upon a communications provider to adapt the service to make it usable) rather than the 'medical model of disability' (referring to the name of the condition that the person has, i.e. 'blind', 'has MS'). We consider that the latter can lead to assumptions.

We understand that there is a need to measure data consistently and that recording levels of disability within an organisation, for example, is a way of measuring progress. However, we have advised Ofcom to adopt the social model of disability in policy-making and in communications sector culture, with particular emphasis on listening to the needs and requirements of customers by conducting inclusive user experience testing.

It is important to consider the impacts and additional support requirements brought about by procedural and systemic barriers, and not simply the medical diagnosis a person has been given - or is waiting to get.

We welcomed the opportunity to advise on Ofcom's ['Treating Vulnerable Customers Fairly' guide](#), which was designed as a useful, evolving, good practice guide for communications providers. We are pleased that the guide continues to evolve to capture the changing needs and requirements of consumers.

Using the 'Treating Vulnerable Customers Fairly' guide and [our recently published think-piece by disability consultant, Graeme Whippy](#) as pillars of good practice, we continue to work with communications providers who are members of the Panel's Industry Forum. The Forum is a non-judgmental regular meeting place where we can demonstrate and discuss

with communications providers lessons that can be learnt from other sectors, where recording and responding to consumers' requirements in order to provide a truly universal service is commonplace, e.g. water and energy sectors.

We are keen to see the communications sector move to a 'fairness and inclusivity by design' approach and welcome Ofcom's Fairness to Customers programme of work to help drive this, having provided advice on the Fairness Commitments at an early stage. As the statutory consumer panel for the communications sector, we are ideally placed to offer policy advice at early stages of development, so that inclusivity and fairness can be built in by Ofcom early on.

### **The consumer voice in Northern Ireland**

The context of this update to the Plan is a UK communications sector that has been changed, by not only the Covid pandemic, but also the EU Exit, both with consequences that must be managed to protect disabled consumers in Northern Ireland.

Consumers in Northern Ireland have been disempowered by a range of barriers in the communications sector, from parcels surcharging, to inadvertent roaming charges. Anything other than a strong, secure, reliable, affordable and accessible service can provide an additional layer of complexity for consumers who already have additional support requirements and are not based in the UK mainland.

To best serve disabled consumers in Northern Ireland, we believe that listening to the consumer voice is ever more important. We welcome regular engagement with the Ofcom Northern Ireland team and Ofcom's Advisory Committee for Northern Ireland, as well as participants of our Northern Ireland Hubs, chaired by our Member for Northern Ireland, Rick Hill MBE (who is also the Panel's Chair).

We have also been working with stakeholders in Northern Ireland, and UK research agencies, to help bring insights from disabled consumers in Northern Ireland to UK policy-makers and communications providers and welcome continued collaboration with Ofcom in this. The pandemic has changed the way that market research can be conducted - at least temporarily - due to reduced face-to-face contact being replaced by online and telephone interviewing. We believe that it is as important as ever to listen to those who are more difficult to reach - and urge Ofcom to seek out information on Northern Ireland-specific issues as part of its wider research programme.

We have heard from stakeholders in Northern Ireland (and Scotland) that parcel surcharging and refusal to deliver practices continue to cause detriment and unfairness to consumers in those areas who not only have to pay more and have less choice, but often receive a less than average quality of service. These issues are compounded for people running retail micro-businesses, as they must bear the brunt of additional costs, or pass them on to their customers, and risk reputational harm from delays. This was reflected in our 2021 qualitative research and we have recently commissioned research into the quality of post and parcels services in Northern Ireland.

We welcome our ongoing collaboration with the Consumer Council for Northern Ireland on developing research to bring light to these issues and look forward to sharing the outputs with Ofcom, the CCNI and other stakeholders.

### **Policy consultations**

We have previously advised Ofcom on the way it consults publicly on its policy proposals and would reiterate in response to this consultation the importance of making its consultations inclusive, accessible and easy to respond to. We believe a well-designed and embedded Equality Impact Assessment would help Ofcom teams to recognise who they should be seeking to invite responses from.

Through our network of National Hubs, we promote Ofcom's policy consultations to stakeholders such as consumer groups and charities, who may otherwise be less aware of Ofcom's policy proposals and their right to comment. We welcome Ofcom's receptivity to responses in a multitude of formats. We would also urge Ofcom to bring back its weekly consultations bulletin, which made it easier for consumer groups and charities to know what was being proposed without needing to read about issues in the communications sector that may not be of relevance to the group of people they represent.

### **Summary**

- We support the strengthened Plan and look forward to Ofcom's actions to make its organisation a place where disabled people in Northern Ireland would be welcome and encouraged to work;
- We encourage Ofcom to continue using its regulatory powers and influence on the culture of the communications sector, to make the sector fairer and more inclusive by design;
- We urge Ofcom to provide more detail on the specific issues facing disabled consumers in Northern Ireland - we will continue to feed into Ofcom's policy-making, but we also challenge Ofcom to consider ways it can further reflect Northern Ireland's distinct needs and requirements, including those of disabled consumers living and working there, in its policy-making and Fairness work going forward.