



How do we measure consumer satisfaction?

2013 - 2014

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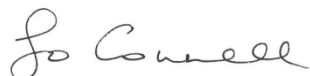
Foreword

Over the past year the Communications Consumer Panel has continued its work as the independent advocacy body for consumers, citizens and micro-businesses in relation to their interests in the communications sector. Given the increasingly central role of communications in people's lives, it is vital to support the communications needs of consumers and citizens in the 21st century and that work continues to ensure that the full range of communications services can be made available to practically the whole population.

In addition to a high standard of coverage, speed and reliability, it is essential that these components are backed by an excellent customer service and complaint handling system. In 2013/14, the Panel commissioned new independent research to understand in greater depth why some consumers did not complain to their service providers even though they thought they had cause to do so. We were also interested in the experiences of those who had contacted their supplier to try and resolve an issue. You can read more about the resulting report *Going Round in Circles?*, our recommendations and the follow-up actions we've taken later in this publication.

Another important part of the Panel's and the Advisory Committee on Older and Disabled People's (ACOD) role is to work closely with our stakeholders to ensure that together we can harness the power of transformation in the communications sector - and facilitate the ability of people to move from being digitally excluded to being part of a society of digitally capable, empowered UK consumers and citizens.

I hope that this report provides a comprehensive and informative view of the Panel's work, its achievements and the value it provides to stakeholders - in particular, those whose interests it sets out to protect and promote.



Jo Connell OBE DL

Chair, Communications Consumer Panel and ACOD

About the Panel

The Communications Consumer Panel consists of eight independent experts who work to protect and promote people's interests in the communications sector. Established by the Communications Act 2003, the Panel carries out research, provides advice and encourages Ofcom, Government, 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 face many of the same problems as individual consumers.

There are four members of the Panel who represent the interests of consumers and citizens in England, Northern Ireland, Scotland and Wales. They liaise with key stakeholders in the Nations to understand the perspectives of consumers and citizens in all parts of the UK and input these to the Panel's consideration of issues. These members also attend meetings of the Ofcom Advisory Committee for each Nation so that there can be a two-way communication of ideas.

The Panel engages with stakeholders to inform the advice that it gives and to help to keep the interests of consumers, citizens and micro-businesses on the agenda across the sector. The Panel also engages with a range of other organisations working on behalf of these constituencies - including those representing older and disabled people.

Sometimes described as a 'critical friend' to Ofcom, the Panel provides robust and independent advice that is constructive, realistic and cognisant of the trade-offs which regulatory decisions often involve. This is made possible by the fact that Ofcom shares information and ideas with the Panel at the beginning of regulatory processes, before consulting formally with other stakeholders. This unique position enables us to give strategic advice on policies early on in their development so that consumer and citizen interests can be built into Ofcom's decision-making from the outset.

The Panel is highly cost effective, operating on a small annual budget. We are based at Ofcom's offices so have low overheads. Where appropriate Ofcom shares data and research with us, so that the Panel need only do research in carefully targeted areas where we identify a need for a specific consumer perspective. And by being involved closely and early on in the regulatory process we can influence thinking and make inputs to decisions in a constructive and timely way.

Panel members are appointed by Ofcom, subject to Ministerial approval, in accordance with Nolan principles and are eligible for re-appointment. Ofcom funds the Panel and provides a small but highly effective executive support team.

The Panel's objective is to:

protect and promote the interests of consumers, citizens and micro-businesses in the communications sector by giving advice to Ofcom, the EU, Government, industry and others.

The Panel advises on a broad range of issues, which we address in three main ways:

- **Key areas of engagement:** substantial proactive work to push an issue up the regulatory or policy agenda or seek a specific change in policy.
- **Research:** to stimulate and influence debate; and to inform and help with our policy advice and the work of others.
- **Keep under review:** the Panel keeps many other issues under review - particularly where we have previously raised concerns and stimulated action - and intervenes where appropriate.

Evaluating Our Impact

Whilst some of our work can be assessed in terms of quantifiable data, such as the number of consultations we've replied to or our publications output, it is harder to apply such a measure when assessing the influence we have. This is because our activity is often behind the scenes, shaping policy as it is just starting to develop; and outcomes are often long term. So in terms of evaluating our impact and our role, we greatly appreciate the feedback we get from our stakeholders.

This year, for instance, we were particularly pleased to receive positive feedback from a range of communications providers and the Alternative Dispute Resolution (ADR) Schemes in relation to our research on customer service - *'Going Round in Circles? The consumer experience of dealing with problems with communications services'*¹. Many providers told us how useful they had found the independent report, saying that it provided evidence for and validated their own initiatives; while for others it helpfully highlighted the particular needs of older and disabled consumers.

We were also pleased to see evidence of the lasting impact of our work. In 2006 the Panel published a Toolkit for Ofcom and other regulators to use when identifying and taking account of consumer interests in policy work. In 2013/14 Ofcom carried out an evaluation of its compliance with the principles in the Toolkit. Ofcom's letter to the Panel reporting on the results of the evaluation and Ofcom's compliance with the principles set out in the Consumer Interest Toolkit along with the Panel's reply can be found [here](#).

¹ <http://www.communicationsconsumerpanel.org.uk/going-round-in-circles/going-round-in-circles>

We were also pleased to receive positive feedback from colleagues on various areas where we had given input or raised concerns and challenges including, for example:

“Many thanks again for taking the time to prepare and present the Panel’s perspective on mobile coverage information today. It was a most helpful link between what we are trying to achieve and what is already happening. It was also very helpful to remind the operators of the range of perspectives beyond the typical mobile consumer.” Feedback from Spectrum Policy team, after the Panel’s input to Ofcom’s Mobile Quality of Experience event.

“The Panel and ACOD’s comments and suggestions have made a significant contribution to Ofcom’s CR programme, specifically our Disability Action Plan. Their help and advice has added great value to our thinking and to the development of our policies and processes, particularly our reasonable adjustment policy.” Feedback from Corporate Responsibility team.

“I have had three lots of very helpful comments from Panel members and am grateful to you all for taking the time to review the leaflet.” Feedback from Ofcom team on the Panel’s advice on Ofcom’s easy read leaflet about mobile phones for people with learning difficulties.

“The Panel has long established itself as a credible and reasoned voice of consumer needs in the communications sector and has made constructive contributions to various of our fora, including the impact of policy approach on net neutrality for consumers at the BSG Open Internet Forum. However what has been great to see is the Panel widening its focus to include micro businesses (who are often closely linked to general consumers in their overall communications needs) and its research on their engagement with communication products will be a really significant contribution to data in an area where robust research is remarkably thin on the ground.” Pamela Learmonth, CEO, Broadband Stakeholder Group (BSG)

“We have worked closely with the Panel in particular on the protection of vulnerable consumers and on improving industry handling of consumer complaints and enquiries. We have really valued the Panel’s research and insights on consumer issues, as well as their broader contribution to our work.” Joanne Prowse, Acting Chief Executive, PhonepayPlus.

Influencing the Debate

The Panel provides written and oral evidence to a range of organisations; responds to a wide variety of consultations; and informs and stimulates debate by organising or presenting at a number of events and working with partners. In 2013/14 these included:

OFT: proposed principles for online & app-based games	PhonepayPlus: Review of its Code	Ofcom: switching fixed voice & broadband providers on Openreach network	Consumer Rights Bill	Ofcom: Quality of live subtitling
APPG: nuisance calls inquiry	CMS: nuisance calls inquiry	PhonepayPlus workplan	Ofcom's annual plan	Improving access to Comms services for Disabled People
DCMS: UK Broadband Fund Connection Vouchers	Ofcom: Future use of 700MHz Band	BIS: Appeals framework for regulatory & competition decisions	Consumers and Citizens in the Communications Sector	PhonepayPlus Information, Connection and/or Signposting Services
Advisory Committee for England	Mobile quality of experience event	Consumer Expert Group	International Institute of Communications	Advisory Committee for Scotland
Advisory Committee for Northern Ireland	Advisory Committee for Wales	Broadband Stakeholder Group	Stepchange: Round table on nuisance calls	Ofcom Accessible Apps event
RNIB: "Technology for Life" conference	AbilityNet	Scottish Parliament: Cross Party Group on Digital Participation	Consumer Futures Workplan	Safer Internet Day
Get Safe Online week	Silver Surfers' Day	Consumer Experience launch	Copyright Hub Launch Group	Ofcom: Broadband speeds Code of Practice Review
Government Digital Service: Assisted Digital Group	Consumer Forum for Communications	Digital Inclusion Super Group	Carnegie UK Trust	Go ON UK

Specific work areas

During 2013/14, we undertook a range of work centred on the following key areas of engagement and research projects:



Nuisance Calls

Since the beginning of 2012, the rising incidence of silent calls, unsolicited marketing calls and texts has been an on-going issue. The Panel has stressed that nuisance calls and texts, in all their forms, cause distress, anxiety and irritation to consumers.

The Panel pointed out to Government in 2010 the significant harm that silent and abandoned calls were causing to consumers and called for the maximum penalty for persistent misuse of automated calls and services to be raised to £2m. The Department for Business, Innovation and Skills BIS agreed with us and gave Ofcom the powers to impose fines of up to £2m in 2012.

As well as calling for greater collaboration between the relevant authorities, and swifter and more robust action against offenders, the Panel has pushed for increased support for consumers. In particular we have urged better use of technology such as Caller Line Identification (CLI), which we consider should be offered free and by default. We are very concerned that some operators consider it appropriate to charge for this service - which is one of the few tools that can be directly accessible to the consumer.

When [responding](#) to Ofcom's draft Annual Plan for 2013/14 (pdf), we argued that nuisance calls should be a priority. We were therefore pleased to see that, instead of focusing solely on silent calls, Ofcom amended its Plan to explicitly state that it was taking a wider

range of actions to tackle nuisance calls and messages as a whole, and that it subsequently outlined the key elements in a five-point action plan.

However, silent and abandoned calls are only part of the picture. This is a complex and challenging area, further complicated by the boundaries of the remits of the public authorities involved. We have stressed that because multiple agencies are involved, efforts are required by all concerned to work in a collaborative manner, and to provide greater protection and clarity for consumers about how to report such nuisance calls/texts and seek redress.

The Panel advised Ofcom/the Information Commissioner's Office (ICO) on their joint action plan, which was updated in July and set out the key work Ofcom and the ICO had done in this area as well as outlining the priority areas for forthcoming months. The Panel welcomed this formal commitment by both organisations to work together and looks forward to further progress.

The Panel also provided expert input into and endorsement of an updated series of [consumer guides](#) that Ofcom had produced collaboratively with the ICO (also including input from the Telephone Preference Service (TPS), the Office of Fair Trading (OFT), and the Ministry of Justice (MoJ)). The Panel is particularly concerned that consumer guides should be in plain English and, where appropriate, Easy Read versions available for people with learning disabilities.

The Panel previously advised on the ICO's strategic threat assessment (Operation Linden), which appears to have benefitted from a multi-agency approach.

In July, the Culture, Media and Sport Committee (CMS) launched an inquiry into nuisance telephone calls and text messages, focusing on the current regulatory system and its enforcement; the effectiveness of the Telephone Preference Service; and what practical measures could be taken by communications service providers to curtail such communication. The Panel submitted [evidence to the Committee](#) in August, and the Committee published [its report](#) on December 5, 2013.

The Panel also submitted evidence to the [All-Party Parliamentary Group on Nuisance Calls'](#) (APPG) request for information in September (pdf). The Panel found that the Group's final report documented much joint thinking, particularly around CLI. We were encouraged that the Group's report also called for CLI to be free of charge for all customers and that it highlighted the need to tighten rules around the collection and use of customers' personal data.

The Panel has previously expressed its view that the issue of consent is fundamental - both in relation to people being able to give informed consent to be contacted or otherwise, and the proving of such if there is a dispute. The Panel fully supports the views put forward by the APPG - that a company making a call should be able to state when and where consent was given, and have this information to hand when the call is made.

The recently published DCMS Action Plan on Nuisance Calls has established a taskforce, including the Panel, to examine the issue of consent; we welcome being a part of this group and we look forward to working to identify tangible solutions.

Nuisance calls remain high on the Panel's agenda for 2014/15 and we will continue to work closely with a range of stakeholders to help ensure robust action is taken.

Unexpected Charges and High Bills

As people become increasingly reliant on their communications services, unexpected charges and high bills - otherwise known as bill shock - can be serious problems for some consumers. Along with the immediate financial impact of an unexpectedly high bill, there is the worry and inconvenience of dealing with the matter - and in extreme cases, the possibility of going into debt.

This year the Panel welcomed Ofcom's announcement that consumers and small businesses should be allowed to exit their landline, broadband or mobile contract without penalty if their provider increases the cost of their fixed monthly deal. The decision followed a consultation on how to give consumers a fairer deal in relation to price increases during fixed-term contracts. The Panel's response can be found [here](#).

The new Guidance applies to any new landline, broadband, and mobile contracts (including in some cases bundled contracts) entered into after 23 January 2014.

We have been concerned for some time that calling non-geographic numbers can be confusing and costly. There is a risk of consumers experiencing unexpectedly high bills (especially when using mobile phones) but perhaps a greater risk that consumers may be deterred from accessing socially important services, such as healthcare and benefits payments services, either because of the actual price of calls or the perception that calls to these services will be expensive. So there is a danger that people become overly cautious when using their devices in case they incur extra charges, so aren't benefitting fully from the services and opportunities that may genuinely be available.

In April, the Panel [responded](#) (pdf) to Ofcom's consultation to simplify [non-geographic numbers](#). Ofcom's announcement in December of a series of measures to tackle consumer confusion relating to non-geographic numbers was a welcome intervention, providing greater clarity for consumers about how much it costs to call companies, public bodies and other organisations on numbers starting 08, 09 and 118. That Freephone numbers (0800, 0808 and 116) will become free from mobile phones is a positive step towards minimising financial consumer detriment.

Consumers can also risk financial hardship if their mobiles are lost or stolen - high bills can be generated in the short space of time between a theft and reporting the loss, for which the consumer remains liable.

For some time we have urged industry and other stakeholders to develop further information and aids to give consumers better control over their spending and alert them when they are likely to incur additional costs, in addition to taking action in relation to unauthorised use of lost/stolen phones. We welcomed the Government's Telecoms Action Plan which promises action in relation to this issue and hope that tangible progress will soon be apparent.

However, consumers can also be exposed to high bills through lack of transparency, and hence awareness, particularly when it comes to in-app purchases. There have been a number of cases over the last year that highlighted this issue, particularly those involving children. The OFT launched an investigation in June 2013 exploring whether children were being unfairly targeted. In [our response](#) (pdf) we raised concerns that any evidence may well be hidden for a number of reasons, such as; consumers (both parents and children) not realising the cost implications; individual amounts being relatively small, so consumers possibly feeling it's not worthwhile querying or complaining; consumers (of any age, but especially children) perhaps feeling embarrassed or fearful about admitting they've unwittingly spent money in this way. The important point is that consumers must be made aware of the nature and ultimate costs of an app; and in particular, children must be properly protected.

The OFT published its [finalised principles for online and in-app games](#) (pdf) at the beginning of the year, giving games producers a deadline of 1 April to ensure that their games do not breach consumer protection law. We welcomed this proactive release of principles, which we hope will provide significantly better protection for consumers in this rapidly developing market.

To help increase consumers' awareness of the various issues that could lead to unexpectedly high bills, the Panel also provided its advice and endorsement of Ofcom's consumer guides on [avoiding 'bill shock' in the UK](#) and [safer smartphone use abroad](#), both of which were produced in the summer of 2013, as well as its guide to [keeping a mobile safe](#) that was issued in December.

We will continue to work with Ofcom and other stakeholders to ensure consumers have access to information in easily accessible formats.

Effective Digital Engagement

In 2010, to help government and others increase the number of people using the internet, the Panel developed the *Consumer Framework for Digital Participation*². The Framework specifically addresses the issue of what consumers themselves said they need to get online. The Framework sets out the citizen and consumer needs that underpin digital

² <http://www.communicationsconsumerpanel.org.uk/downloads/what-we-do/previous-projects/access-and-inclusion/FINAL%20DP%20SUMMARY.pdf>

participation. It starts with the consumer experience and breaks down the journey that people make in getting online and then enjoying the benefits. Targeted at government and industry, the Framework brings together all the different elements that are needed to provide the help and support for people to get online and get the most benefit from the internet. The Panel has encouraged Government and providers to continue to use the *Consumer Framework for Digital Participation* to assess progress made and address gaps

Last year, informed by our 2012 report [Bridging the Gap: Sustaining Online Engagement \(pdf\)](#), the Panel identified a number of areas for strategic focus and made a series of recommendations for Government, policy makers and those delivering services on the ground. The Panel highlighted the serious risk of public policy underestimating the challenge of supporting people to get online and stay online. We have previously called on Government to strike a better balance between funding for broadband infrastructure and supporting people online.

Access to the internet and the ability to use it confidently and effectively has become an essential part of life for citizens as well as consumers. It remains the Panel's belief that, unless fundamental action is taken, the digital divide risks becoming a digital gulf as the gap between those who are online and those who are not is increasing rapidly as more and more services are delivered digitally.

The Panel is aware that while the benefits of being online are relevant to all age groups in the community, they are especially relevant to older people, many of whom may be less mobile than their younger counterparts. Yet we know that digital participation is unequal among the population, with older people more likely to be excluded from the online world as they do not see the benefits to them.

As we move to a 'digital by default' society, we were particularly struck by Ofcom's report on [disabled consumers' ownership of communications services](#) which highlighted that for older (65+) less affluent disabled people, internet access levels are at their lowest (23%), significantly lower than among non-disabled people of the same age and socio-economic group (37%). Through the year we have worked with a variety of stakeholders to ensure that the position and needs of all citizens are taken into account.

During 2013/14, the Panel continued to work with a range of key stakeholders to encourage and support consumers getting online, including [Go ON Gold](#), a national campaign to help disabled people to access and enjoy the benefits of a digital world. Panel member Chris Holland attended one such event and noted that key areas of discussion included good design, consistency of technology and good support networks. The event also provided an opportunity for companies and organisations to examine more closely the role they have to play to promote inclusion in its broadest sense. Go ON Gold has now ended, and its assets passed to legacy partners: [Lasa](#) (online resources) and [One Voice for Accessible ICT Coalition](#) (partner network). We are concerned that active support and encouragement for disabled people should be maintained.

Panel member Mairi Macleod has been in regular attendance at the Scottish Parliament's Cross-Party Group on Digital Participation. This included the April meeting which featured a presentation from the Carnegie UK Trust that launched new research [Across the Divide](#) focusing on digital exclusion in Glasgow, which has one of the highest rates of digital exclusion with 40% of households currently offline. We were particularly pleased that the Carnegie UK Trust used our 'Bridging the Gap' report to inform this new report, thus building on current thinking and providing recommendations to get the 'final fifth' online. The Trust's work has included the development of seven digital participation tests³ that local authorities, housing providers and other organisations can use to help plan their activities to support more people to gain access to the internet.

Chris Holland also spoke at a [House of Commons event](#) (pdf) in June which explored issues relating to digital participation. He highlighted that the findings of the Carnegie UK Trust's Report re-emphasised the Panel's own view - that unless fundamental action is taken, the distance between those who are online and those that remain firmly anchored in the offline world will continue to increase. He called for a more co-ordinated and tactical response from the range of agencies delivering support.

In Wales, Panel Member Kim Brook attended the inaugural meeting of the new Cross-Party Group on Digital Communications, which aims to ensure Wales and its citizens are well placed to benefit from technological developments. In December, the Group discussed promoting digital participation in the workplace, especially in the public sector, along with the barriers and benefits. There was consensus amongst attendees that staff would require skills to use the various social media platforms and have a strategy for using them.

The rapidly changing nature of the delivery of both commercial and Government services means that enabling people to interact confidently with these services on-line is more crucial than ever. The Panel were therefore keen to highlight to the Department for Culture, Media and Sport and the Department for Communities and Local Government the pivotal role libraries could play in helping to bridge the digital divide.

These Government departments jointly commissioned an independent report to consider the current structure and role of public libraries in England, including community libraries, as well as identifying any opportunities for future delivery.

In its response to their call for input, the Panel highlighted that libraries have a vital role to play, in conjunction with other locally based agencies, in supporting and encouraging people who are not fully digitally engaged. Libraries have the potential to deliver a well-supported, safe and sustained learning environment that excludes no-one. In this context, it would be counter-intuitive to fail to utilise such an established infrastructure with its trusted and trained staff, but in the light of the current climate of local authority

³ <http://www.carnegieuktrust.org.uk/publications/2014/making-digital-real>

spending cuts, the issue of funding for libraries will need serious consideration in England and each of the devolved administrations. The Panel has now been invited to give oral evidence to the Review.

Steps have also been taken by Government to coordinate its efforts on digital inclusion with the announcement in June of a new cross-Government digital inclusion/ skills team, hosted by the Government Digital Service (GDS) and the publication of the Digital Inclusion Strategy in April 2014. We look forward to a significant input from the team into the Government's 'digital by default' initiative.

The Panel will continue to place the consumer perspective, with a particular emphasis on the people in the most deprived communities and other vulnerable groups, at the heart of the digital engagement debate. We will continue to work with stakeholders active in this area so that we can help to ensure that the full range of consumers' digital needs is met.

This issue remains one of our key areas of engagement for 2014/15.

Consumer Information

With the proliferation of new communications services, options and tariffs, consumers have an ever increasing range of choice. However, the different options available in this complex market are not always straightforward to navigate and understand.

The Panel's previous work on behavioural economics and vulnerable consumers found some evidence to suggest that too much information, or information that is too complex, can lead to poor consumer decisions which, in turn, could lead to consumer detriment.

We have previously called for consumers to be provided with clear and reliable information. We remain interested in the industry following the example of the financial services market, with consumers being provided with key contractual facts presented in plain English. The current implementation of the Consumer Rights Directive and the draft legislation in the form of the Consumer Rights Bill mean that the timing for such a consideration is particularly apt.

➤ *Non-geographic calls and premium rate services*

In addition to our work on unexpectedly high bills outlined earlier in this report, the Panel has been involved in a number of issues highlighting our concern about the consumer detriment that can arise through services delivered via non-geographic and premium rate numbers.

For some time we have highlighted that costs of phone calls using 0845 or other higher rate phone numbers hit the poorest the hardest, particularly because they are most likely to be using mobile phones where the charges are even higher. Ofcom's proposal to make Freephone calls (080 and 116 numbers) free to all callers from all phones - which will be put into action next year - is therefore a welcome step in the right direction.

The National Audit Office (NAO) report in July and the [Public Accounts Committee \(PAC\) report](#) in November on [Government's use of higher rate telephone numbers for many public services](#) provided some worrying findings, highlighting that the most vulnerable callers face some of the highest charges.

The Panel's Chair, Jo Connell, in response to the NAO report said "this report makes troubling reading, particularly in relation to the charges associated with 084 numbers - an estimated £56m was generated from these calls alone. It also highlights that some of the most vulnerable people in society are facing some of the highest charges, with no better service."

We are extremely pleased that the Cabinet Office has now published guidelines on new principles for Government telephone contact numbers. The Panel will continue to monitor this issue and engage with Government as necessary to work towards solutions which minimise consumer and citizen detriment.

The Panel also welcomed that under 'The Consumer Contracts Regulations 2013, which came into force in June 2014, businesses can no longer provide an 0845, 0870 or similar number for a customer complaints line. The new regulations state that where a telephone helpline is provided, the basic rate requirement means not charging more than the simple cost of connection. The telephone number provided should not provide the trader with a contribution to their costs.

This year, two particular PhonepayPlus consultations highlighted the Panel's concerns that there is considerable consumer confusion in relation to some types of PRS services; the first looked at permission [conditions for consumer credit services operating on premium rate \(pdf\)](#), and the second carried out a [further assessment on Information, Connection and/or Signposting services](#).

As part of its response to [consumer credit services operating on premium rate \(pdf\)](#), the Panel highlighted that many consumers of these services may already be vulnerable or exposed to financial hardship and yet the structure of these services is designed so that consumers are required to pay upfront charges via the cost of a premium rate call, irrespective of whether their loan application is subsequently approved.

We believe that it is important that consumers, especially financially vulnerable ones, are clearly informed of all key information before entering into a service. If companies' revenues are unduly augmented from call incomes generated by unsuccessful loan applicants, who may not be aware of these charges, then that is inherently unfair, and the Panel supports PhonepayPlus' efforts to minimise consumer detriment in this area.

The Panel also supported PhonepayPlus' previous initiative to require greater transparency at all stages of Information, Connection and/or Signposting Services (ICSS) and has contributed twice to its assessment of whether prior permission should be required.

The Panel has been troubled by the nature of these services, including the extent of customer knowledge and understanding of ICSS; the marketing and design techniques employed; the lack of transparency throughout the customer journey; the undue prolonging of calls to premium rate services; and the invitation to provide personal/log-on data to third parties.

The June 2013 consultation re-affirmed the Panel's concerns about the way that ICSS were promoted, so [in our response](#) (pdf) we fully supported the proposal that a prior permissions regime is necessary and proportionate.

➤ ***Building consumer trust***

The consumer landscape has undergone significant change in recent years. The internet has allowed most - if not all - consumers to access a range of information on goods and services in a way that was not possible previously. This has allowed a proliferation of services to provide access to this information, including Price Comparison Websites (PCW), which can be an effective tool for consumers.

The Panel fully supports Ofcom's accreditation scheme, which was initiated in 2006, and we were pleased to note that Ofcom's Consultation on the [Review of Accreditation Scheme for Price Calculators](#) in July, found that the Scheme is generally working effectively and that there was no need for fundamental revisions.

In [its response](#) (pdf) to the review, the Panel noted that PCWs did not believe accreditation resonates significantly with the consumer using their sites, feeling that consumers do not know about Ofcom or its role. As much as we support the view that the accredited PCWs are best placed to publicise their accreditation and the Scheme to consumers, the Panel believes that Ofcom must continue to use the mechanisms available to it to promote awareness of the Scheme. Given Ofcom's role as the independent regulator, it has a unique opportunity to work towards increasing consumers' trust in the Scheme.

In order to ensure that the consumer has access to the most up-to-date information, in an easily comparable format, the Panel encouraged a formal requirement from all accredited websites to display information on data limits, traffic management policies and likely speed of service. We also suggested that data should be more frequently updated, and we are pleased that Ofcom incorporated many of our suggestions into its statement.

In relation to consumer trust, it is, of course, vital that PCW sites make impartial comparisons, make clear how they are funded and how search results are ranked. Sites should also provide clear information about how they utilise people's data; ensure that people's consent to the use of their personal data is truly informed; and have transparent privacy and data protection policies.

This was a point that the Panel re-emphasised in its responses⁴ to the draft [Consumer Rights Bill](#). We were particularly concerned about the parity, or lack thereof, of consumer rights in the digital market place and about the ubiquity, or lack thereof, of consumer rights in respect of digital content obtained in exchange for personal data. We have continued to engage with Government on the development of the draft legislation and the implementation of the Consumer Rights Directive.

The Panel had previously suggested to Ofcom that publishing information on customer complaints would provide consumers with a valuable resource when it comes to choosing a supplier and we are extremely pleased that this has been successfully introduced. However, we would like to see this concept taken further, with information about the quality of companies' customer service/complaints displayed on Ofcom's site. We would also like to see the publication of complaint data by the Alternative Dispute Resolution Schemes so that consumers can use it to help inform their choice of communications provider.

➤ *Personal data*

Consumers' and citizens' awareness of the uses to which their personal data is put continues to be a source of significant concern for the Panel.

Panel member Jaya Chakrabati spoke at an International Institute of Communications event in November focusing on user-centric policies for personal data management. In her speech, Jaya highlighted that previous work by the Panel⁵ had highlighted that people are generating large quantities of data without realising the implications of their online engagement; there is a lack of transparency around who is using people's data and for what purpose - and there is a feeling that individuals are losing control of their personal data.

The Panel believes that more could be done to support consumers, including the provision of 'easy to understand' information; and by raising awareness of what data is being collected, what is being done with it, by whom and for how long the data will be used.

The Panel sees this as a priority area for 2014/15, so will look to represent both consumers' and citizens' interests so that they can be fully informed and as protected as possible. We will look to build on our previous research by looking at what implications

⁴ <http://www.communicationsconsumerpanel.org.uk/downloads/bis-consumer-rights-130913.pdf> and <http://www.communicationsconsumerpanel.org.uk/downloads/CCP-response-to-Enhancing-Consumer-Confidence-by-Clarifying-Consumer-Law.pdf>

⁵ <http://www.communicationsconsumerpanel.org.uk/online-personal-data/online-personal-data-1>

data collection has for our individual privacy and how we could manage the use of personal data more effectively.

Co-existence of new services and DTT in the 800 MHz band

The Panel believes that the next generation of mobile services will bring with them many benefits, and it is important that we maximise these new resources for consumers. However, it is vital that any potential problems for existing Digital Terrestrial Television (DTT) viewers as a result of spectrum changes are identified and mitigated, and that consumers and citizens are protected.

In 2012, the Panel [responded to Ofcom's two consultations](#) (pdf) on the coexistence of new services in the 800 MHz band and advocated that viewers who received a DTT service should continue to do so or be enabled to access an equivalent service following the roll-out of new 4G services without any additional cost to the consumer.

Following its advice, the Panel was encouraged by the inclusion of a UK-wide awareness campaign in DCMS's plans and that our concern in relation to restricting the provision of filters, and support for vulnerable consumers to only those who use DTT on their primary set, was acknowledged, leading to a change of policy.

During 2013/14, the Panel had regular meetings and updates on the rollout of 4G services from Ofcom's oversight board and Digital Mobile Spectrum Limited (DMSL). We welcome the fact that, so far, levels of interference appear to be much lower than anticipated. However, it is important that, as 4G continues to roll out, complacency does not set in and all those involved maintain a similar level of engagement.

In June, the Panel [responded](#) (pdf) to Ofcom's consultation on the future use of the 700 MHz band. In our comments we noted that the digital switchover had been well-managed, especially for older and disabled people, and that the planning and the execution of work to mitigate potential interference from the 4G signals was working well to date. Whilst the Panel believes that these projects should be used to inform any support given to consumers following any re-allocation, we consider that the level of disruption that may be caused by a reallocation of 700MHz should be fully analysed when deciding whether to reallocate this frequency. The Panel feels that any benefits to consumers should also be carefully assessed and qualified.

As a general principle, the Panel believes that the costs associated with any change in spectrum allocation, including 700 MHz, should be borne by the businesses that will benefit - in terms of profit and technological opportunities - rather than consumers.

The Panel welcomed the consultation's acknowledgment that any reallocation of 700MHz is likely to have an impact on consumers, especially in terms of new equipment that might be required. As some consumers may be required to buy and install new aerials or receivers, it is important that Ofcom takes account of the needs of consumers as early as possible in the planning process, especially those who may be less able to understand what

is required and/or carry out any work. To this end the Panel was glad to see the consultation's recognition that vulnerable consumers will need particular consideration and information during any transition. The Panel is heartened by the advance planning that is taking place and has encouraged Ofcom to make as early contact as possible with equipment manufacturers to ensure that sufficient and correct equipment is in place in advance of any switchover.

Switching & Bundling

The Panel continues to call for the process of switching Communications Providers (CPs) to become easier for consumers and micro-businesses. Switching between CPs is often complex, and involves steps that must be coordinated between different providers in ways that do not arise in other consumer markets. What should be an easy and seamless consumer journey as part of a vibrant market can, in many respects, be an obstacle-ridden process that, evidence suggests, discourages switching and thus deprives consumers of potential benefit.

[Ofcom's 2013 Consumer Experience Report](#) highlighted that, overall, yearly switching levels have remained broadly unchanged at around one in ten in each of the fixed-line (9%), mobile (11%) and fixed broadband (9%) markets.

Low switching levels lead to reduced competition and a worse deal for consumers across the board. If consumers are more aware of the benefits of switching and can switch between providers quickly and easily, they will benefit from enhanced competition and innovation in communications markets.

The Panel has for some time expressed the view that a Gaining Provider Lead (GPL) process should be the model for all switching processes.

We therefore welcomed Ofcom's recommendation of a single switching process for the copper network and were pleased that there was synergy with our thinking. We [responded](#) (pdf) to Ofcom's further consultation in August, which was announced alongside its statement on the processes for switching fixed voice and broadband providers on the Openreach copper network. In our response to the earlier consultation (2012), we encouraged consideration of safeguards incorporated into the proposed GPL process in terms of record keeping - including the recording and retention of the consumer's authorisation for a switch in case of a slamming dispute. The proposed enhancement to place a new requirement on CPs to obtain and store a clear 'record of consent' to switch from a consumer is therefore very welcome.

The Panel has also advised Ofcom that its strategic aim should be harmonised switching processes for all communications services such as mobile, pay TV and cable services. We will continue to urge providers to work with Ofcom to design a unified system as quickly as possible and, similarly, encourage Ofcom to take a lead to progress this aim.

Our research:

The Consumer Journey - Going Round in Circles? The Consumer Experience of dealing with problems in communications services

In addition to a high standard of coverage, speed and reliability, it is essential that these communications network components are backed by an excellent customer service and complaint handling system. The Panel commissioned new independent research to understand in greater depth why some consumers did not complain to their service providers even though they thought they had cause to do so. We were also interested in the experiences of those who had contacted their supplier to try and resolve an issue.

The reasoning behind this research was two-fold. Firstly, the Panel was concerned by the levels of consumer dissatisfaction highlighted in [Ofcom's Consumer Experience Report](#) and [Customer Service Satisfaction research](#)⁶. Secondly, feedback from stakeholders reported numerous instances of poor customer service.

Ofcom's Consumer Experience Report also reported on the number of people who said that they had 'cause to complain' in the last 12 months. It found that 10% of UK adults said that they had cause to complain about broadband services, 6% about their fixed landline services and 5% about mobile phone services. When extrapolating these percentages into approximate numbers of UK households⁷, the number of UK households estimated to have had cause to complain range from 1.2 to 2 million, depending on the sector - with broadband receiving the highest levels of cause for complaint.

However, between 18% (in the mobile and broadband sector) and 25% (fixed line) of those people did not pursue their complaints. When extrapolating these percentages into approximate numbers, this equates to 223,000 households in the mobile sector, 332,000 households in the fixed line sector and 365,000 households in the fixed broadband sector who did not pursue their complaints.

We do not believe that any provider sets out to handle complaints badly and the picture is not all bleak. Many communications providers are not only continually seeking to improve their complaints handling, but are working to eliminate the causes of complaint in the first

⁶ <http://stakeholders.ofcom.org.uk/market-data-research/market-data/consumer-experience-reports/consumer-experience/> and <http://media.ofcom.org.uk/2012/12/04/latest-customer-service-satisfaction-levels-revealed-2/>

⁷ The survey data has been extrapolated to represent UK households using data from Family and Households, ONS, November 2012. This extrapolation calculation is simple and no adjustment for different numbers of individuals within households applied. The figures reported are for indicative guidance only and have been rounded to the nearest '000.

place. And yet despite these efforts, our evidence suggests that there is still a long way to go.

Our research found that, for a variety of reasons, some people do not contact their provider and are ‘suffering in silence’ while they get by on a sub-standard service; and for some who did contact their provider, their initial frustration was exacerbated by a negative contact experience. The loss of time and money by consumers trying to get a problem addressed, and the emotional perseverance required, are rarely acknowledged by communications providers. The Panel was particularly concerned that some older consumers and some consumers with disabilities encountered particular disadvantage in their dealings with providers.

Escalating customer problems was frequently considered to be ineffective, and communications providers are generally poor at telling customers about Alternative Dispute Resolution (ADR). For some consumers the complaints system is simply not working, with a number of people left feeling that they are indeed ‘going round in circles’.

The Panel issued five recommendations for communications providers to help improve the consumer experience;

1. The provision of better, jargon-free information to consumers about service expectations, simple troubleshooting tips as well as information about the complaints process.
2. A review and strengthening of contact centre staff training to ensure that staff:
 - a. Are able to establish a shared understanding of the problem with the consumer;
 - b. Have relevant technical expertise and are able to explain technical terms in layman’s language; and
 - c. Have the ability to go “off script” and be empowered to take ownership of complaints, escalating the problem earlier in the process if necessary.
3. Improving the customer experience by;
 - a. maintaining better records on previous conversations with the consumer as well as providing the consumer with a free copy of their complaint records quickly and easily;
 - b. the provision of a unique reference number and firm timescales, calling the consumer back when promised; and
 - c. ensuring that consumers can contact their supplier at a minimum via a freephone telephone number, email and post.
4. Providing greater support for older and disabled consumers, such as more signposting for those with severe hearing or speech impairments to their preferred contact method, e.g. email, SMS, text phone or text relay or video relay services.
5. Review and strengthen escalation and ADR referral processes to ensure that both staff and consumers are aware of the options available.

Since the publication of our research in October, the Panel has been undertaking a series of meetings with the Communications Providers, Trade Bodies and National Advisory Committees as well as Ofcom and the ADR Schemes to discuss the findings of our report

and associated recommendations. We have welcomed the providers' willingness to have constructive dialogue at these meetings. Many welcomed the report, noting that it helped to inform their own activity to improve customer service. We have agreed to re-assess progress with them in 2014/15.

Small Businesses' Experiences of Communications

In 2013/14 we commissioned qualitative research to understand which communications technologies and services micro-businesses use and their importance to the business; what the experiences of micro-businesses are in relation to the communications sectors and services; what barriers/challenges they face, as well as opportunities and what - if anything - should or could be done to improve micro-businesses' communications experiences to contribute to greater growth.

The research agency we commissioned interviewed 115 micro businesses across a range of sectors and locations around the UK. We will publish the resulting report and related recommendations later this summer.

Other areas of activity

➤ *Fixed and mobile voice & data availability*

The Panel believes that communications services play an increasingly fundamental role in the everyday lives of consumers, citizens and micro-businesses. As such, there is still a long way to go to bring network coverage and call quality up to the expected levels. In the Panel's view, sub-optimal delivery of communications services as a result of inadequate infrastructure - be it a lack of fast broadband or the absence of mobile voice and/or data coverage - is no longer one of simple irritation for consumers and small businesses but is now an issue of real detriment.

The Panel has welcomed the 4G coverage obligation of 98% indoor coverage UK wide and 95% in each nation and the mobile infrastructure project. These are significant contributions to address the urgent need to drive improvements in rural broadband and mobile voice/data coverage if people are not to be left behind by the rapid development of 21st century communications.

However, we are extremely conscious that the coverage obligations are not due to be fulfilled until 2017 and have urged Ofcom to keep progress under review. Whilst moves are underway to explore methods of bringing faster broadband to the hardest to reach areas of the country where the market has failed, we are concerned by previous failures to anticipate these difficulties and the resultant impact on the digital experience of people in those areas, with all that implies for modern life. So the Panel continues to urge all concerned in future spectrum allocation and infrastructure build to plan from the outset for areas where it is extremely likely, on past experience, that there will be market failure, so that this pattern is not continuously repeated.

Ofcom's call for input on measuring mobile quality of experience offered the Panel a further opportunity to highlight the consumer perspective on mobile and what information would be of value to users. We re-emphasised that information should not be limited to technical network and service information, but should incorporate data on reliability and consistency of voice and data coverage (including 'on the move' data) as well as complaints data, billing accuracy and ease of contact. This information should be jargon-free and published in easily accessible, plain English. We look forward to the publication of the proposed next steps.

Chris Holland, Panel Member for England, presented the Panel's views on the consumer, citizen and micro-business perspective on mobile quality of experience at an Ofcom stakeholder event in April. He highlighted that the Panel's 2009 research [Mobile coverage: the consumer perspective](#) (pdf) and [Mobile coverage: the small business perspective](#) had found that respondents - both consumers and small businesses - rated mobile phone coverage as more important than cost when choosing a network provider. The research also found that 56% of consumers had experienced problems with reception, 33% regularly so.

Chris acknowledged the significant contributions made towards addressing the urgent need to drive improvements in rural mobile voice and data coverage - the 4G coverage obligation; the mobile infrastructure project; and developments in industry, such as site sharing. But Chris stressed that mobile coverage and reception issues continue to persist - he highlighted data from Ofcom's Consumer Experience report which found levels of consumer satisfaction at 89% - but emphasised that this meant that around 6.6 million UK adult mobile customers do not express satisfaction with their mobile service, and 4.3 million state actual dissatisfaction.

In April, Panel Member Kim Brook raised concerns about the effects of mast rationalisation in South Wales. The Panel highlighted that mast closures may lead to people experiencing worse or no mobile coverage in areas that are critical for them. This could also lead to a loss of profits for small businesses, as well as raising safety issues for individuals and communities. Associated consumer support issues were also of significant concern to the Panel. We discussed the matter with Ofcom and wrote directly to mobile network operators (MNOs) to raise our specific concerns. The issue also caught the interest of the media, with Panel Member Craig Tillotson participating in a BBC Radio 4's 'You and Yours' programme to talk about the problem and the potential detriment to consumers.

Ofcom's report '*The availability of communications services in the UK*⁸', outlining the availability of different communications services across the UK also highlighted the need for the industry to concentrate efforts on reducing the discrepancy between rural and urban availability of services. The report found that there are significant variations in the availability of mobile voice and data services. Even where outdoor coverage delivered to

⁸ <http://stakeholders.ofcom.org.uk/market-data-research/market-data/economic-geography/>

households is good, there can be particular challenges associated with providing coverage inside buildings, on roads and on rail. The availability and speed of fixed broadband internet access is also subject to much variation.

The Panel believes that the existence of, and access to, a robust and reliable digital infrastructure - in urban, suburban and rural areas - is vital in underpinning the digital economy. However, the Panel has also been concerned by the setbacks to the provision of fast broadband as noted by the National Audit Office (NAO) report in July on the rural broadband programme, which highlighted that the initiative to make superfast broadband available to 90% of premises in each area of the UK is currently expected to be delivered nearly two years later than initially planned.

In the summer, the Treasury announced that the Government had committed an additional £250 million to extend superfast broadband so that 95% of UK premises will have access by 2017. Government is also exploring with industry how innovation could expand coverage further, to reach at least 99% of premises in the UK by 2017.

The DCMS document “Connectivity, Content and Consumers” (July 2013) announced that the Government would develop a Digital Communications Infrastructure Strategy to continue to drive innovation, productivity and economic growth in the UK. The overall aim of the Strategy is to establish the right framework for the UK’s future digital communications infrastructure based on a high level understanding of potential data volumes, market developments across the communications sector and future demand for technology and services from consumers, business and the public sector.

Commenting on the draft terms of reference for the Strategy, the Panel noted that they rightly referred to consumer needs. In scoping these needs, we urged that the Strategy should include consideration of external forces, and the needs of our ageing population - and the implications of that demographic change for communications needs across society, the public and private sectors. We suggested that, given the need for robust modelling, a detailed assessment of current infrastructure provision and the supply market is required, since, as the Panel has frequently pointed out, market failure is usually predictable, both in place and approximate time. We also advised that the Strategy should consider the needs of micro-businesses and that, rather than covering just the future provision of broadband at a minimum, it should cover the future provision of broadband and mobile at a minimum.

In July, the Panel responded to DCMS’s BDUK Urban Broadband Fund Consultation on Connection Vouchers. Our [response](#) broadly welcomed the intentions of the proposed scheme to get more small and medium-sized enterprises (SMEs) online, but highlighted our reservations that the scheme did not go far enough, and may not achieve the best possible return on investment.

However, SMEs’ connectivity is only a part of the jigsaw. We emphasised that the funds available to develop co-ordinated support for SMEs was insufficient to get the most out of digital engagement when compared to the funds committed to infrastructure.

We suggested that equipping the current and future UK workforce with digital skills, knowledge and on-going support is increasingly critical as small businesses fight to remain competitive. This issue has been incorporated by Go ON UK into its plans to improve digital skills across the UK.

In December, Panel member Craig Tillotson spoke at a Westminster eForum seminar focused on next steps for the provision of broadband across the UK and the options to encourage greater use by customers and service providers of the 'superfast' network. Delegates examined the emerging investment and regulatory challenges for deployment of the UK's next generation broadband infrastructure and the options to encourage small and medium sized enterprises (SMEs) to utilise new infrastructure for competitive advantage.

Speaking on the eForum panel about Broadband Service and Competition Challenges, Craig highlighted the Panel's work on digital participation but focused on the need for: ubiquitous access to 'fast enough' broadband; competition to bear down on prices and improve service levels; universal choice of services, good information for consumers and very easy switching. He called for suppliers to ensure they do not obscure the ability to compare bundle elements across providers and do not constrain switching by forcing different contract lengths for different elements of the bundle. He also cautioned against becoming fixated on speed and not addressing the issues faced by poorly served customers in need of better quality basic broadband.

This topic was further discussed at an IIC UK Chapter event entitled: *Connected TV and Platforms: evolution or revolution? Market trends, dynamics, and policy implications* which Panel members Chris Holland and Craig Tillotson both attended. Topics covered included spectrum and the use that could be made of the 700 MHz band to meet the growing demand for mobile broadband; network and traffic management issues.

To help ensure that the needs of consumers and citizens are central to policy making and that delivery of a high quality service experience is consistently achieved, the Panel will continue to engage with Government, Ofcom, BDUK and industry so that consumer and citizen interests are taken into account in relation to both the provision of infrastructure and quality of experience.

➤ **Accessibility: improving access to electronic communications services**

The Panel and ACOD have a particular interest in the accessibility of communications technology, so that consumers, including people with a disability, are not excluded from the benefits available.

In May, Panel Chair Jo Connell chaired a seminar held by Ofcom at BT Tower which focused on accessible apps (applications) for smartphones and TVs. Attendees ranged from app developers, TV equipment manufacturers, usability and accessibility specialists as well as organisations representing older and disabled people.

Bob Twitchin, who attended the event said; “The event highlighted that mainstream apps, if well designed, can offer great advantages for disabled people and those designed for disabled people may deliver functionality for mainstream users.”

Mairi Macleod also attended an RNIB conference entitled “Technology for Life: tools for inclusion”, which took place in Glasgow in September. The theme was forward-looking, examining emerging technologies which have the potential to change people's lives. However, it was noted that many manufacturers still do not build accessibility into their devices or services as a matter of course and the conference highlighted that the challenge was to ensure that blind and partially sighted people don't get left behind in the digital age. The Panel will continue to engage with industry to encourage developers and manufacturers to consider usability and accessibility in the early stages of their development programme.

Our “Going Round in Circles” research this year, on the customer experience of dealing with problems in the communications services, also highlighted that the more vulnerable in our society - particularly some older and disabled consumers - can encounter added problems due to lack of accessible communication routes. One of the recommendations made by the Panel was for communications providers to give greater support to these consumers through better signposting to a range of contact methods, including e-mail, SMS and text relay or video services. The Panel welcomed the letter from Ed Vaizey, then Minister for Communications, Content and Creative Industries and Esther McVey, Minister for Disabled People to major organisations encouraging them to offer a range of customer contacts, including VRS. We have also raised this subject in our meetings with individual communications providers as one of the recommendations from our research this year on the customer journey, Going Round In Circles?

Bob Twitchin has continued to be involved with a number of initiatives on accessibility. In June, he attended AbilityNet's event at the Google Campus in London to mark Global Accessibility Awareness Day. The event looked at the crossover between usability and accessibility and offered up practical ways to ensure that websites, digital devices and information resources can be designed to be used by everybody.

Bob has also participated in the work of Disabled Access to Communications (DAC), that carried out a review on the provision of and demand for accessible services, such as Video Relay for Sign Language users (VRS). DAC has proposed a voluntary initiative to encourage major organisations to offer VRS as a contact medium for sign language users.

The Panel also believes that text relay is a vital service as it enables people with hearing and/or speech impairments to communicate with others via the telephone. The Panel therefore warmly welcomed Ofcom's approval of BT's enhanced text relay service. It is extremely disappointing that the launch of the Next Generation Text Relay Service (NGTR) has had to be delayed from its intended date of 18th April because of audibility problems in calls to the emergency services. The Panel recognises that the safety of deaf and hard of hearing people must be paramount, but we were surprised that such a problem was only identified so late in development by a company as experienced in product

development as BT. We have been in contact with BT to stress that we are very keen that problems should be resolved speedily so that users can begin to benefit from the improved services as soon as possible.

Subtitling of TV is a key tool that enables deaf and hard of hearing people to experience and understand television. The quality of the subtitling is therefore extremely important. The Panel advised Ofcom on the development of its proposal to improve the quality of subtitling. The subsequent report announced that Ofcom would publish data supplied by broadcasters every six months and that the regulator would consider targets on subtitling speed and latency.

The Panel also highlighted the need for broadcasters to ensure that the programme makers deliver their work sufficiently in advance of transmission to allow time to produce good-quality subtitles.

Mairi Macleod chaired a discussion session at a roundtable event held by Ofcom following the report being published. Both broadcasters and subtitle providers were in attendance and Mairi was encouraged by the evident willingness of both to listen to viewers and their openness to the consideration of improvements and changes. The Panel would urge all parties to continue their cooperation in pooling resources and specialist areas of knowledge to improve the service jointly.

➤ *Impact of Legislation*

By their very nature, regulatory decisions have significant consequences. We recognise that such decision-making often involves trade-offs, but what is fundamental is that, in addition to being legal, fair and rational, the decision correctly balances the interests of consumers, citizens and business.

The communications sector is a particularly fast-moving market. When regulation is developed in order to address market problems specifically affecting consumers, it is in consumers' interests to be able to benefit from such regulatory developments as soon as possible.

In September, the [Panel responded](#) (pdf) to BIS' consultation on the appeals framework for regulatory and competition decisions. The Panel highlighted that the process for regulatory appeals did not sufficiently take into account the interests of consumers. We noted that, unlike the regulator, the Court does not have an explicit duty to further the interests of consumers and citizens.

Lengthy appeals which reopen consideration of the grounds of a decision delay the implementation of regulation - potentially to the detriment of the consumer and citizen. We argued that appeals should be limited to where there is genuine concern that a regulator has acted unlawfully, failed to exercise its discretion appropriately, or made a factual or process error. We therefore support the proposal to move to judicial review (or specified grounds) appeals. Such appeals would preserve the required challenge to

regulatory decisions but deliver swift and efficient justice for consumers, citizens and small and large businesses alike.

The Panel has also been involved in the development of the draft Consumer Rights Bill, as well as advising on the implementation of the Consumer Rights Directive. The Panel believes that these important pieces of legislation will help streamline consumer rights and modernise consumer law.

As we noted in our previous response⁹ to the development of the Consumer Rights Bill, the UK market for digital content is a significant and rapidly growing part of the economy. Although many consumers' experiences are undoubtedly positive, we believe there is cause for concern. Previous research by the then Consumer Focus found that 16% of purchasers of digital content had had a problem with a digital download. This finding suggests evidence of significant consumer detriment that may well increase over time as the market grows.

As the legal framework on consumer rights for digital content is currently unclear, we particularly welcomed action to tackle this unsatisfactory, market-inhibiting, situation. However, we highlighted our concern in relation to the parity, or lack thereof, of consumer rights in the digital market place compared with other markets; and about the paucity of consumer rights in respect of digital content obtained in exchange for personal data.

The Panel had noted in previous consultation responses¹⁰, that consumers need to be made aware of how valuable their data is to businesses and we have encouraged the consideration of this issue within the wider context of the commercial value (and associated privacy and security issues) of personal data online. We also pressed for the inclusion of micro-businesses within the definition of a consumer for the purposes of the Bill.

We will continue to engage with Government and the EU to ensure that the rights of consumers and citizens are at the heart of communications policy.

⁹ <http://www.communicationsconsumerpanel.org.uk/downloads/CCP-response-to-Enhancing-Consumer-Confidence-by-Clarifying-Consumer-Law.pdf>

¹⁰ <http://www.communicationsconsumerpanel.org.uk/online-personal-data/online-personal-data-1> and <http://www.communicationsconsumerpanel.org.uk/downloads/CCP-midata-response.pdf>

Panel Members

Jo Connell OBE DL (Chair)



After a career in IT, Jo retired as Managing Director of Xansa plc in 2003. She was a Trustee of Help the Aged from 1991 and Chair from 2004-2009 where she played a key role in facilitating and supporting the charity's merger with Age Concern England to create Age UK, the UK's largest older people's charity.

Since 2001 Jo's roles have included being a Non-Executive Director at many information technology and communications companies including THUS Group plc. Jo was also Chair of the Hospice of St Francis, Berkhamsted, Master of the Information Technologists' Company in 2008/9 and Pro Chancellor and Chair of the Board of Governors at the University of Hertfordshire until August 2013.

Jo is currently Chair of the Worshipful Company of Information Technologists charity, a trustee of the Hertfordshire Community Foundation and a Non-Executive Director of RM plc. In 2012 she was awarded the OBE for services to older people.

Kim Brook (Member for Wales)



After 15 years in the Army, Kim joined IBM, working in sales, industry marketing and business development positions related to IT, telecoms and the insurance industry. After 21 years in IBM he moved to Misys plc Insurance Division as Business Development Director. On retirement in 2000, he took over Chair of the Community Foundation in Wales, a charity dedicated to raising and distributing funds to community projects across Wales.

From this work he has gained considerable experience of the realities of life in the most deprived areas in Wales and has developed a Wales-wide network of contacts in community organisations. He joined the Communications Consumer Panel in October 2008 on a two-year appointment, ending in 2010. He was re-appointed to the Advisory Committee Wales and to the Consumer Panel with effect from April 2011.

Jaya Chakrabarti, MBE



After two and a half degrees in Physics/Materials (University of Bristol) Jaya set up Big Red Square Ltd (then Squidge.com) in 1999 as a search engine company. Following Google the company went for plan B, a digital media company, Nameless Media Group Ltd. Jaya and her team have built Nameless into an award winning agency.

Chris Holland (Member for England)



Chris Holland was Head of Specialist Dispute Resolution at BT where he was responsible for a wide range of specialist customer service areas, including all aspects of BT's membership of Ombudsman services: communications. He helped implement the telecommunications ombudsman service (Otelo), and until March 2011 was a non-executive director of the Ombudsman Service Ltd. He was Chairman of the Otelo Members Board between 2006-2011. Chris held a number of customer services roles in BT, including heading the Chairman and Chief Executive's Service Office between 1987-2001.

A qualified counsellor, Chris has done voluntary work with young people. Currently he is Chairman of the Postal Redress Scheme (POSTRS); he acts as a consultant across all dispute resolution schemes offered by IDRS Ltd, including the Communications and Internet Services Adjudication Scheme (CISAS); he has a consultancy role with Time to

Change, a mental health charity; and he is a member of the Voice of the Listener and Viewer.

Libby Kinney, Member for Northern Ireland



Libby is Director of Communications for the Equality Commission for Northern Ireland. A print journalist for over 10 years, in the main with the Belfast Telegraph, she moved to a media management role with BBC NI in 2000. In her five years with the BBC she was responsible for the UK-wide promotion of a diverse range of programming from Panorama to Ballykissangel. In 2008 she was seconded to the BBC Trust as Head of Governance and Accountability for Northern Ireland. Libby has a strong interest in those strands of work that centre on ensuring access and participation for everyone, with a particular focus on broadcasting and media literacy issues.

Libby Kinney stood down from the Panel at the end of 2013.

Mairi Macleod (Member for Scotland)



Mairi Macleod was born and brought up in the north of Scotland and now lives in Glasgow.

She worked for 15 years in the field of access services for television, in particular subtitling for the deaf and hard of hearing - first with ITFC, then a long period with the BBC in London and Scotland, and latterly with Red Bee Media Ltd. Since 2009, she has been doing a variety of freelance work, including social policy research interviewing, training, subtitling and translating.

In 2009, she was appointed to Ofcom's Scottish Advisory Committee for a four-year term. Mairi Macleod is a volunteer for Deaf Connections, a charity based in Glasgow.

Craig Tillotson



Craig has enjoyed a successful and varied career over the last 25 years as a large business board director, unit director and strategy consultant in the telecoms and technology industries, gaining substantial operations and strategic management experience within the Vodafone and T-Mobile Groups. From 2001 to 2003 he was Product Management Director for Vodafone UK launching Vodafone Live and the original Mobile Broadband product set. In 2003 he became Strategy and Wholesale Director and in 2007 took over the leadership of the UK Consumer Business Unit.

In 2012 Craig was appointed as the first permanent Managing Director of the Faster Payments Scheme Limited. Faster Payments is the first new payments system in the UK for 20 years and provides UK businesses and consumers with a world leading capability for managing their important financial transactions. He is responsible for the day-to-day management, operational integrity and strategic development of the scheme.

Craig is also a director of the Mobile Payments Service Company, the company that will run Paym, the cross-industry bank and building society mobile payments service launched in April 2014.

Bob Twitchin



Bob Twitchin was Chair of the Oftel Advisory Committee for Elderly and Disabled People (DIEL) from 2000 to 2004 and a member of the Ofcom Consumer Panel (now the Communications Consumer Panel) from 2005 to 2008. He is an Associate of the Business Forum on Disability and a member of the steering group of PhoneAbility, a charity dedicated to improving access to ICT for older and disabled people.

Bob is a fellow of BCS, the Chartered Institute for IT, and formerly Chair of IT Can Help, a network of volunteers providing free help with computing problems to disabled people at

home, in day care centres or residential care. ITCanHelp is part of Abilitynet, a UK charity helping disabled people to use computers and the internet to change their lives at work, at home and in education.

Panel budget 2013/14

	Actual 2013/14	Budget 2013/14
Panel Member Fees	106,691	112,681
Panel Member Expenses	13,706	22,380
Support (inc. Advisory Team, research, consultancy, stakeholder relationships and design and publications)	232,716	224,913

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