



OCTOBER 2016 BULLETIN

Update on Communications Consumer Panel and ACOD activities

The Panel and ACOD were represented at 'Silence of the Scams', at Brunel University on 29 September. This was the third annual event of its kind and it focussed on the protection of vulnerable people from the harm caused by deception, fraud and theft. The latest research on detecting and preventing scams was presented, as was a presentation from National Trading Standards' Scams Team, highlighting 'Friends Against Scams' which they launched this month. We took part in the regular Broadband Stakeholder Group's Executive meeting which included a presentation from Ernst & Young on their September 2016 research 'Navigating the Bundle Jungle'. This research monitored and evaluated UK consumers' attitudes towards bundle packages that incorporate both telecommunications and TV services. The Panel also attended a briefing for the Broadband Stakeholder Group, at techUK, on the reform of the European Electronic Communications Code.

Panel member Chris Holland will be speaking at the ESAN conference in London on 2 November. The day long event will focus on the consumer voice in the regulation of essential services.

And finally, Panel member Bob Twitchin will be speaking on the promotion of Next Generation Text Relay at the UK Council on Deafness' conference on 2 November.

The Panel and ACOD's consultation responses

Response to Ofcom's call for inputs regarding making switching easier and more reliable for consumers

As we have previously stated, the Panel supports a gaining provider led (GPL) switching process, in keeping with other switching processes and for consumers' easy use. The issue of switching has been under discussion for a considerable time, so we would expect communications providers (CPs) to enact any changes without delay. Consumers should have access to clear usage data and be supported in making informed decisions by the availability of clear, comparable information, so that they understand the benefits and repercussions of any switch. We believe that once they have initiated switching, consumers should have no further need to talk to their losing provider unless they want to - we support moves to curtail over-enthusiastic reactive save activity. We believe that Ofcom should consider implementing automatic compensation as part of reformed switching processes, as a safety net for consumers and micro businesses.

Our response is [here](#).

Response to Ofcom's consultation on accessibility of on-demand programme services (ODPS)

The Panel believes that action needs to be taken urgently by Ofcom to ensure that providers improve the accessibility of on demand services; and to place obligations on providers in line with linear services. We are in full support of Ofcom's proposals to require reporting on a twice-yearly basis. We would encourage Ofcom to measure and report on ODPS audience share, to raise standards across the industry and hold providers to account. We would like Ofcom to publish a definition of "high profile services" and "significant/popular platforms" and to explain how future entrants into those categories would be recognised and acted upon. Alongside living up to their social responsibilities we would emphasise to providers the positive side, commercially, of increasing accessibility in on demand services: the potential to increase audience numbers.

Our [response is here.](#)

Response to Ofcom's consultation on the General Conditions of Entitlement

The Panel have responded to this Ofcom consultation on the review of the general conditions -the rules that all electronic communications providers have to meet in order to operate in the UK - in this instance relating to network functioning, public payphones, directory information and numbering.

The Panel agrees with many of the proposed changes, though with the caveat that all changes that affect consumers, especially consumers who are vulnerable and who do not have access to the internet, must be well-publicised.

In regard to public call boxes, the Panel believes that they are still a vital part of the communications consumer landscape and they must remain accessible to all consumers except where a suitable alternative is proven to exist. To ensure the provision of accessible equipment the Panel is clear that Ofcom needs to retain its own powers and not rely on the Equality Act that it cannot enforce. We also believe that communication providers must continue to be required to issue free printed directories for consumers who require them, especially consumers who are not online.

Our [response is here.](#)

Response to Ofcom's consultation on strengthening Openreach's strategic and operational independence

The Panel broadly supports Ofcom's preferred model as a means of achieving the required improvements in quality of service for consumers and businesses - a legally separate, self-governing Openreach is, we believe, the best way forward. To achieve greater independence of decision making, and change the performance of the business there needs to be a step change, centred on culture. All stakeholders of Openreach, Openreach management, and Openreach staff need to be absolutely clear that this step change is happening - this is likely to need a similarly large step change in governance and ownership. In our view this requires

an organisation with its own culture and ethos, which is not influenced by the BT Group. We believe Openreach needs targets that are meaningful to consumer outcomes and reflect the importance of Openreach's service to consumers and businesses. The Panel believe that the design and enforcement of those targets will be key and if Openreach does not meet those targets, then that failure must have a profound impact on Openreach, and we support Ofcom in reserving the right to move to full structural separation if necessary.

Our [response is here](#).

Other news

Royal Mail fails to meet quality of service target

An Ofcom investigation has concluded that Royal Mail has not met the minimum quality of service standards required of it under its regulatory obligations. During the financial year 2015-16, Royal Mail delivered 92.5 per cent of First Class mail the next working day, against a target of 93.0 per cent.

However, Ofcom has decided that it is not appropriate or proportionate to impose a financial penalty for this. Ofcom have said that should Royal Mail breach those requirements again, they may consider the imposition of a significant financial penalty.

The Panel have concerns regarding this performance and will be closely monitoring Royal Mail's future progress.

Details of [Ofcom's investigation can be found here](#).

Vodafone fined £4.6 million for failing customers

Vodafone have been fined a total of £4,625,000 by Ofcom for serious and sustained breaches of consumer protection rules.

The figure is made up of two penalties which are the result of investigations into Vodafone completed by Ofcom.

One investigation found that Vodafone took money from pay-as-you-go customers without providing a service in return. This was as a result of problems that occurred when Vodafone moved customers to a new billing system.

A second investigation uncovered flaws in Vodafone's complaints handling procedures. Vodafone's customer service agents were not given sufficiently clear guidance on what constituted a complaint, while its processes were insufficient to ensure that all complaints were appropriately escalated or dealt with in a fair, timely manner.

Vodafone's procedures also failed to ensure that customers were told, in writing, of their right to take an unresolved complaint to an Alternative Dispute Resolution (ADR) scheme after eight weeks.

Treating consumers fairly, including customer service and complaints handling remains a key area of engagement for the Panel. Following our research last year; *Inclusive Communications: We're Not All the Same*, we are calling for publication of information about ADR complaints, the shortening of the eight week referral period and greater publicity of the Services. In particular, we have highlighted the need for communication providers to review and strengthen their escalation processes and staff awareness of them, to make them more effective; and ensure that consumers are aware of their rights early in the process, particularly with regard to the use of ADR. Therefore, we welcome the Vodafone investigations and penalties, which follows our urging Ofcom to review the efficacy of, and access to, escalation procedures across the industry.

A news release is available summarising Ofcom's findings.

'Transforming our justice system' digital consultation

The Ministry of Justice is seeking responses to on the assisted digital and online conviction and statutory fixed fine elements of the 'Transforming our Justice System' consultation.

Improving technology and putting more services and processes online is key to the reforms; for most people, this will make court and tribunal services more accessible and easier to deal with, but there is a recognition that not everyone will

be able to engage with these new processes, and support is needed for those people to interact with the new system.

Details of the consultation are available [here](#). It is open until Thursday 10 November.

Disability Action Plan for Northern Ireland

Ofcom is seeking stakeholder opinions on its [proposed Disability Action Plan for Northern Ireland](#) and the measures it proposes to take over the period, 1 January 2017 to 31 December 2021, together with related performance indicators or targets. The purpose of the Plan is to assist Ofcom in carrying out its functions of promoting positive attitudes towards disabled people; and encouraging participation by disabled people in public life.

The consultation is open until 22 December and more information can be found [here](#).

Virtual reality and inclusivity

As VR is set to be this year's big thing, a [great article from TechCrunch](#) looks at how this billion-dollar industry has the potential to transform the lives of disabled people. It explores the opportunities VR offers for a number of disabilities, but as the Panel have repeatedly reiterated; inclusivity must be built in from the start.

[Read it on TechCrunch.](#)

Creating accessible mobile apps

[AbilityNet](#) have published their top seven tips for building accessible mobile applications, which is a handy reminder of good practice, such as using native controls, testing throughout development, as well as comprehensive accessibility reviews once live.

The tips can be found [here](#).

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