

Minutes of the meeting of the Communications Consumer Panel and ACOD

on 14 July 2016 at 10.30

Riverside House, 2A Southwark Bridge Road, London SE1 9HA

Present

Consumer Panel/ACOD

Jo Connell (Chair)

Jaya Chakrabarti

Rhys Evans

Rick Hill

Chris Holland

Mairi Macleod

Craig Tillotson

Bob Twitchin

In attendance

Jenny Borritt

David Edwards

A colleague from techUK/BSG (item 5)

Colleagues from Ipsos MORI (item 9)

A colleague from Revealing Reality (item 11)

Other Ofcom colleagues

1. Introduction

1.1 Members were welcomed to the meeting. Fiona Lennox was usually in attendance but on this occasion had sent apologies.

2. Minutes of the meeting on 23 June 2016 and matters arising

2.1 The minutes of the meeting of 23 June were **APPROVED** for signature by the Chair.

2.2 Members **NOTED** that the Panel's response to Ofcom's *Automatic Compensation - Call for inputs* would be submitted shortly. Letters would be sent shortly to communications providers (CPs), as a follow-up to recent Panel discussions with the ADR schemes and to the issues that had been raised. The letter would be copied to Members for information. A Member had raised a query related to Ofcom's Review of Digital Communications and about Ofcom's plans to set up a working group with industry to coordinate service quality across organisational boundaries and further clarification was sought and would be pursued with Ofcom.

3. Consumer update

3.1 Ofcom colleagues joined the meeting and a paper had been provided to update Members on the recent activity of Ofcom's consumer teams.

3.2 There was discussion of complaints handling, a Member encouraging Ofcom to monitor the post-merger BT/EE but suggesting also that there could be shared learning for the new entity. Members **NOTED** that Ofcom was engaged in an ongoing own-initiative investigation of Vodafone

complaints handling in respect of compliance with Condition 14.4; and, in relation to switching, mobile and triple-play consultations and Ofcom's expectation that it would not gain specific new powers via a new Digital Economy Act but could become less vulnerable to challenge by CPs. Other issues discussed included consumer implications post-Brexit; broadband speeds, data on speeds from CPs and uncertainty around the outcome of the ASA's review of advertising guidelines; nuisance calls, when Members **NOTED** that the Scottish Government would be setting up a taskforce to focus on practical ways of empowering and protecting consumers.

4. General Condition 15

4.1 Ofcom colleagues joined the meeting to update Members on Ofcom's recent activity related to General Condition 15, measures for end-users with disabilities. In particular, they reported on a May stakeholder workshop, attended by two Panel/ACOD Members, and progress on an Ofcom GC15.10 good practice guide aimed at CPs and due for publication shortly. Members **NOTED** that Ofcom would be writing to the disability sponsors at the CPs to notify them of publication and ask that they review their practices against the guide and make any improvements where necessary before the end of this year. Ofcom would also alert consumer group representatives who attended the workshop to the publication.

5. Internet of Things (IoT) principles

5.1 Members had been provided with the latest iteration of techUK's set of *Trust Principles for an IoT World* as guidance for industry. A colleague from techUK/the Broadband Stakeholder Group joined the meeting and spoke about IoT from an industry perspective, issues raised including applications in the health and agriculture sectors; the positive value of IoT in scenarios with high costs of failure; questions around data security; and regulation of and standards for IoT, whilst avoiding a burdensome approach. It was envisaged that the *Principles* would be subject to revision over time and could lead to a set of industry-wide standards.

5.2 Issues raised by the Panel included the need to look ahead to active devices, such as door locks or involving the remote issue of drugs and not only passive devices and data collection; and the importance of regulation for certain devices, examples being insulin pumps and heart pacemakers, and it being seen as a form of consumer protection. A kitemark scheme was suggested to confirm adherence to the *Principles* and to help inform consumer choices. Members **NOTED** that a Data Ethics Council was being set up, although not a TechUK body, and would be provided with more details.

6. Nuisance calls

6.1 Ofcom colleagues joined the meeting to update the Panel on recent and ongoing Ofcom work to address the problems of nuisance calls. This included investigations of the Verso Group and of Organise Consulting Ltd; engagement with CPs; and consideration of number blocking and number allocation measures.

6.2 Issues raised by the Panel included the unjustifiable enrichment of CPs arising from nuisance calls, Ofcom being urged to pursue the

organisations that were making money out of these calls; the suggestions that Ofcom obtain data on consumers that called back in response to a nuisance call, and thereby incurred a cost, and that changes to General Conditions could be a route to be pursued. Review of ‘above cost’ access charging for Premium rate services could also be useful. The Panel suggested that Ofcom publicise the enforcement work it had undertaken and its impact.

7. Offensive language research

7.10 Ofcom colleagues joined the meeting to brief the Panel on a recent Ofcom research project on offensive language. It was the most comprehensive to date and designed to understand public attitudes towards offensive language on TV and radio; contextual factors which influenced the acceptability of offensive words and gestures; in the case of television, the role of transmission time pre/around/post the watershed, and in the case of radio, when children were particularly likely to be listening. This research would help inform Ofcom decisions in standards cases. The research was expected to be published in September. Ofcom colleagues noted the issue of offensive language used in subtitling, raised by a Member.

8. Vulnerable consumers

8.1 Ofcom colleagues joined the meeting and Members had been provided with a paper outlining work underway to address aspects of vulnerability and the commitments made in the Review of Digital Communications. The Ofcom team planned to share its analysis of the issues facing vulnerable consumers with the Ofcom Board at its meeting in October. Key metrics were planned to allow Ofcom to monitor take-up, use and engagement with communications services by vulnerable consumers.

8.2 The Panel welcomed Ofcom activity in this area and there was discussion of issues including mental health and a cooling-off period, eg 24 hours to allow cancellation of a new service; reliance by some consumers on a cash economy; microbusiness vulnerabilities; a case for a social broadband tariff; and the suggestion of a focus on consumers when they were vulnerable, as opposed to ‘vulnerable consumers’ as a category.

9. Digital footprints research

9.1 A colleague from Ofcom and a colleague from Ipsos MORI joined the meeting for discussion. Members had received the second draft of the Ipsos MORI Digital Footprints quantitative and qualitative research report, commissioned by the Panel, and a summary of key findings. Members were shown video material of a number of research participants.

9.2 Issues discussed included online fraud, much of which resulted from unauthorized access to individuals’ PCs or their credit card details, as opposed to access to personal data or online banking; and the value of including a list of consumers’ main online concerns in the report. It was **AGREED** that Ipsos MORI would re-structure the Executive Summary, based on the headline themes of trust, control and benefit exchange, by the end of the following week and for review by Members. The latter would review/comment on the draft report by the end of the month. The Panel’s

policy paper that would sit alongside the research report would be drafted once the Executive Summary was ready.

10. Political update

10.1 An Ofcom colleague provided members with an oral update on relevant and recent Government and legislative issues. Amongst the issues reported, Members **NOTED** recent ministerial changes following Brexit/ the change of Prime Minister; and Bills going through Parliament, including the Better Markets Bill and the Investigatory Powers Bill.

11. Smartphone research

11.1 A colleague from Revealing Reality joined the meeting. Members **NOTED** the findings of a ‘Smartphone by default’ internet users research project, commissioned by Ofcom and based on 26 in-depth interviews across a range of different population groups. The research indicated that limited access to other devices meant some vulnerable people could be missing opportunities, were being forced to rely more heavily on face-to-face services, were narrowing their breadth of use of the internet and potentially were not developing certain capabilities and skills. The research had been published by Ofcom in May.

11.2 Issues discussed by Members included use of tablets, less mobile than a smartphone; consumers who were ‘smartphone by default’ and difficulties in accessing Government services; the suggestion of ‘0800-like’ websites, to allow access to sites like <https://www.gov.uk/> without using up any mobile data allowance; and the need for the greater availability of other devices at libraries.

12. Panel priorities

12.1 Members had been provided with the latest iteration of the monthly report on stakeholder engagement activity related to the Panel’s key policy issues. Members reviewed the report and provided brief updates on a number of Panel initiatives/ work areas, referring to the recent Scottish Government summit on nuisance calls and requesting further briefing; and diversity in broadcasting, Members having received an information paper on this topic.

13. Any other business

13.1 It was **NOTED** that a Member had attended a roadshow event as part of the BFI’s public consultation to help shape its next five-year strategy for supporting and promoting film and TV in the UK.

13.2 On the day prior to the Panel meeting the Chairman had met with Baroness Hayter and fellow Consumer Panel chairmen, issues discussed had included the Better Markets Bill; ADR; and consumer protections that the chairmen might wish to retain in a post-Brexit UK.

.....ChairDate