

Minutes of the meeting of the Communications Consumer Panel and ACOD

on 17 November 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

Millie Hyde-Smith (items 4 to 8)

Fiona Lennox

A colleague from the Competition and Markets Authority (item 10)

Other Ofcom colleagues

1. Minutes of the meeting on 20 October 2016 and matters arising

1.1 The minutes of the meeting of 20 October were **APPROVED** for signature by the Chair.

1.2 The draft of Ofcom's annual Diversity Report would be available shortly and the Panel/ACOD would provide comments. A Panel session with the Telecoms Adjudicator to discuss the role of the industry Quality of Service (QoS) working group had been proposed and an Ofcom colleague had agreed to pursue this on behalf of the Panel. There were Panel Members with an interest in attending an Ofcom hosted quality of live subtitling roundtable. These matters would be followed up outside the meeting.

2. Consumer update

2.1 Ofcom colleagues joined the meeting and an update paper had been provided to give Members an overview of Ofcom's consumer priority work areas, progress, next steps and milestones. There was discussion of each of the Ofcom priority areas, including nuisance calls and the positive impact of call blocking; triple-play switching (with a Member reporting briefly on a Consumer Forum for Communications (CFC) session held the previous day to respond to Ofcom's recent switching consultation); post QoS (Ofcom being asked to report on this in future iterations of its regular consumer update paper); mobile coverage (the Panel proposing that Ofcom should track progress of 4G coverage targets and suggesting that Ofcom promote its mobile research app via the mobile coverage checker page on the

Ofcom website); and fixed line phone-only services, BT Basic and a new Virgin Media “Talk Protected” plan for older and disabled customers. The Panel requested that in future the update paper could articulate why status/RAG ratings changed.

3. Quality of Service

3.1 A paper had been provided on Ofcom’s proposed annual Service Quality Report, which would name the best and the worst communications providers (CPs) and be an outcome of the Review of Digital Communications. The Report was expected to be published in March 2017 and it was planned that there would be interactive consumer tools accompanying the launch. Ofcom colleagues joined the meeting for discussion.

3.2 Members encouraged Ofcom to include details of the consistency of services not just data averages, noting that averages could mask instances of poor performance. They also suggested consideration be given to the format of the Report and related outputs in terms of accessibility, eg colour contrasts. Customer service concerns were raised, Members noting that the CPs used different definitions of a ‘resolved’ complaint and that customers did not always get a promised ‘call back’ from their CP. It was suggested that when published, CPs should be encouraged to link to the Report from their websites. Ofcom colleagues expected to return to the Panel/ACOD with a draft Report in February 2017.

4. Annual Plan

4.1 Members had received a paper, which included useful feedback on the Panel’s earlier input to the Ofcom Annual Plan process, and Ofcom colleagues joined the meeting.

4.2 Members made a number of comments on the draft *Proposed Annual Plan 2017/18*, already signed-off by the Ofcom Board and due for publication the following week, and these would be developed further in the Panel/ACOD response to Ofcom’s consultation. Issues raised in discussion included some related to emphasis and inclusion of Ofcom’s work on behalf of disabled and vulnerable consumers; Nations and regions; and style and format of the draft Plan, with Members welcoming both its clarity and concision.

5. Non-geographic calls

5.1 A paper had been provided to Members on Ofcom’s Non-Geographic Numbers Market Review and Ofcom colleagues joined the meeting. Concerns by Members included high and differing CP access charges, a perception that these charges were rarely a determinant in consumers’ switching decisions, and limited consumer understanding of these charges. The Panel **NOTED** that Ofcom would continue to monitor access charges and requested that the Ofcom team continue to update the Panel.

6. Retail landline-only calls

6.1 A paper had been provided to Members and Ofcom colleagues joined the meeting. Members **NOTED** that Ofcom was engaged in a market review (the *Narrowband Market Review* consultation was published on 1 December).

6.2 Issues discussed with Ofcom colleagues included the profitability of single voice lines; switching and inertia/ the ‘hassle factor’; whether high revenues from landline only services allowed or contributed to lower charges for bundles; the potential implications of a third-party administered database of consumers that could be provided to competing service providers, a Panel concern being a potential rise in nuisance calls; broadband-only deals and mobile-only households; and the need to increase consumer awareness of landline offerings, including BT Basic.

7. Broadband speeds

7.1 An Ofcom colleague joined the meeting and Members had been provided with a paper to update them on Ofcom’s work to revise the residential and business broadband speeds Codes of Practice in line with new transparency requirements arising from the EU net neutrality regulation. Members **NOTED** that earlier that day the Advertising Standards Authority had published new research related to the advertising of broadband speed claims; that the focus of Ofcom’s work was on better information and redress; and that Ofcom was engaging with CPs and expected to consult on Codes and guidance in 2017.

7.2 Issues discussed included the inadequacy of the advertised average “up to” speed; the industry workshops to be held by Ofcom and the Panel’s query around the inclusion of consumer representation; whether emphasis should shift from speed to the services that could be delivered and what consumers wanted to do online; and auto-compensation, which the Panel felt should be as simple a process as possible. The Panel would continue to take an interest in this work area.

8. Panel Communications Strategy approach

8.1 Members resumed discussion of the Panel’s comms strategy, in support of the Panel’s work, and begun at the previous meeting. There was discussion of issues including Panel and ACOD identities, there being cross-membership of the two bodies; use of social media; and stakeholder lists. Regarding the latter, it was agreed that these should be reviewed. The Panel expected to publish its Digital Footprints research report the following week and Members were asked to alert their contacts.

9. ADR

9.1 Ofcom colleagues joined the meeting and Members had received papers to update them on Ofcom’s work on complaints handling and ADR. Members made a number of comments on issues including the fact that in their view consumers should be allowed to make complaints by phone,

letter or email/webform and that channels should be augmented further to include textphone and videophone; the need to keep consumers informed about the progress of their complaints; ADR referrals at eight weeks, the Panel arguing for a shorter referral period; ADR letter volumes; the excessive time taken by some CPs to respond positively to findings in the Mott Macdonald ADR study; the review of relevant General Conditions; and the likely positive impact of publishing ADR complaints data. The Ofcom team expected to return to the Panel with ADR metrics in February 2017.

10. Digital Comparison Tools

10.1 A colleague from the Competition and Markets Authority (CMA) joined the meeting to brief the Panel on the CMA’s work to assess the role of Digital Comparison Tools (DCTs), DCTs being web-based, app-based or other digital services acting as intermediaries between consumers and suppliers. Issues raised in discussion included whether DCTs were a problem that needed a solution; how to address consumers who were offline; consumers’ data security when using DCTs; apps and limits on the amount of data/ information that could be displayed on a smartphone screen.

11. Royal Mail

11.1 Ofcom colleagues joined the meeting to update Members on post issues and in particular QoS, Royal Mail having missed its First Class and postcode area targets. Members **NOTED** that Ofcom had completed an investigation of the factors that had adversely affected performance, including transport delays and concluded that regulatory obligations had been breached but that it was not appropriate or proportionate to impose a financial penalty on this occasion. The Panel expressed concern about Royal Mail’s failure to meet its targets and asked to be kept informed about performance in the next quarter.

12. Any other business

12.1 Members had received a set of complaints data slides from Ofcom and these would be provided on a quarterly basis.
12.2 Issues related to when early termination charges should be applied and to former CP customers’ access to their online account details would be discussed at the next Panel meeting.
12.3 The Panel would respond to Ofcom’s *Promoting efficient use of geographic telephone numbers* consultation.
12.4 The Panel would write to Peers about requirements on provision of access services on VOD when the Digital Economy Bill reached its Lord stage.

.....ChairDate