



Communications Consumer Panel and ACOD's (CCP-ACOD/the Panel) response to Ofcom's Consultation on the Northern Ireland Equality Scheme Five-Year Review and Proposed Changes

Who we are

The Communications Consumer Panel, established by the Communications Act 2003, is a group of independent experts with direct sectoral experience. We ensure the citizen and consumer voice is represented in communications policy development and we have dual membership with Ofcom's Advisory Committee for Older and Disabled People.

The Panel pays particular attention to underserved communities, people with access requirements, and people who may be more susceptible to harm, and the needs of micro businesses, which have many of the same problems as individual consumers.

We commission research, provide advice, and encourage Ofcom, governments, industry, and others to look at issues through the eyes of consumers, citizens, and micro businesses.

Four members of the Panel also represent the interests of consumers in Northern Ireland, England, Scotland, and Wales, respectively. They consult with the key stakeholders in each Nation to understand the perspectives of consumers in all parts of the UK and input these perspectives to the Panel's consideration of issues.

Our response

The Panel welcomes the opportunity to respond to Ofcom's consultation on the five-year review and changes proposed regarding its Northern Ireland (NI) Equality Scheme.

Throughout the Panel's work, we urge Ofcom to seek equality not just of access, but of outcome, for consumers across the UK, promoting inclusivity in this sector and influencing changes within industry culture, not simply focusing on compliance.

Our insights and policy interventions on behalf of consumers, citizens and micro-businesses in NI are informed by input from our Member for Northern Ireland, Carrie Matchett, our network of stakeholders in Northern Ireland, and our Northern Ireland-based member, former Chief Commissioner for the Equality Commission for Northern Ireland, Dr Michael Wardlow. We collaborate closely with the Consumer Council for Northern Ireland, which we believe is in a unique position to advise on Northern Ireland consumer affairs, and we commission research that takes into account the needs and perspectives of consumers, citizens and micro-businesses in Northern Ireland.

The NI Equality Scheme and Ofcom's Review

We believe that the original scheme is detailed and reflects, in the main, the Equality Commission for Northern Ireland's (ECNI) requirements. The scheme was seen and "passed" by the ECNI, therefore giving it official approval.

Ofcom's review purports to take into consideration changes in Ofcom's remit and make-up over the past five years. These are individually and appropriately referenced at the start of the review document, and we find these well-defined and described clearly.

The review concludes that the current NI Equality Scheme remains "fit for purpose", but states that in order to ensure future proofing, an audit of inequalities had been commissioned, which we find appropriate.

The proposed changes highlighted at Para 2.20 are detailed and extensive.

The two-stage Equality Impact Assessment process (para 2.23) follows the Equality Commission's model scheme; in effect it is analogous to it. We are unsure why the model scheme is not used, but the Ofcom bespoke scheme seems to deliver the same outcomes. We believe the audit of inequalities follows good practice and appears to have been robust.

From our programme of interactions with stakeholders in Northern Ireland, we have regularly highlighted to Ofcom some of the differences in experience for consumers, citizens and micro-businesses in Northern Ireland.

These include - and are not limited to: inadvertent roaming across mobile networks (leading to unexpectedly high charges and restricted use); potential for additional digital and financial exclusion, highlighting the disproportionate number of unbanked consumers in NI compared with the rest of the UK, and the, on average, lower levels of disposable income; the usefulness of online shopping where retailers do not have a presence in NI (and the double detriment that then occurs from retailers in GB failing to deliver products to NI, or doing so with surcharges added); and concerns around the Quality of Service and affordability of the universal postal service for consumers in NI, who we know often resort to paying First Class postage to ensure a Second Class level of service.

Expected Impact of the Proposed Changes

The impact expected from the proposed changes is noted by Ofcom at 2.35 and again at 2.39. No evidence has been presented to support the conclusions. However, we believe that Ofcom's conclusions are reasonable in the circumstances.

Inclusivity of Ofcom's consultations and reference to language

We encourage Ofcom to make its consultations inclusive of consumers and citizens who may not work in a policy or regulatory context, so that everyone can understand Ofcom's proposals and can have their say in response to any changes that might affect them. The consultation is clear and does not use a lot of jargon, which we find appropriate.

However, we are cognisant that to a NI consumer or citizen who is not from a policy or regulatory field, Ofcom's reference to the Welsh language in a document about NI equality might not make sense. Therefore, we would ask Ofcom to make clear the context for considering Welsh language rather than other languages used in NI, noting that language is not a protected characteristic under Section 75.

Governance

We note that the oversight of the NI Equality Scheme has now moved to Ofcom's Operations Board, Chaired by Ofcom's Chief Operating Officer. The Panel would seek reassurance that sufficient Northern Ireland expertise resides in this body in order to understand the specific Equality Duties which are required in Northern Ireland.

We welcome Ofcom's reassurance that the NI Equality Scheme is approved by the Ofcom Board (which includes a Member for Northern Ireland) and not just the Executive.

The Memorandum of Understanding is also particularly important in providing a basis for scrutiny and accountability. We welcome this progress and emphasise the importance of Ofcom ensuring it builds on this and derives full benefit.

Progress on NI Equality and the NI Action Plan

We believe that one of the biggest successes since the last Equality Scheme has been in better integrating NI interests and voices into Ofcom's structure. Since the last Scheme, the profile of NI consumers, citizens and micro-businesses has been raised within Ofcom, by the appointment of a Board Member for Northern Ireland and a significantly expanded staff in NI contributing across the range of Ofcom's work, including new areas of its remit such as Online Safety. This is in addition to NI members on the Communications Consumer Panel and Content Board, and the contribution of the Advisory Committee for NI.

We believe that Ofcom's updated Action Plan usefully identifies ongoing challenges specific to NI, for example the different ways some online harms can present and impact in NI.

Whilst we agree that there has been considerable progress in connectivity, we note that, for the proportion of people who are not digitally included - whether on grounds of access, cost or skills - the inequalities are becoming even more severe. These impacts do tend to impact more heavily people with certain characteristics, such as disabled people, older people as well as lower income groups and we highlight to Ofcom the intersections between characteristics that mean that some consumers experience layers of impact and unintended negative consequences of policy decisions.

In a fast-moving environment, new challenges will evolve, and we would expect Ofcom to reflect that in its work and progress reports on the Equality Scheme.

Conclusions

- We welcome Ofcom's review, which we believe is appropriate and its proposals which are clearly stated.
- We look forward to continuing to be a 'critical friend' to Ofcom on behalf of consumers, citizens and micro-businesses in Northern Ireland and to collaborating with our NI stakeholder base to provide a useful resource to Ofcom in challenging its own policy and impact assumptions.
- We welcome ongoing interaction with Ofcom's Advisory Committee for Northern Ireland, which Ofcom's Member for Northern Ireland attends, and Ofcom's NI-based colleagues.
- We encourage Ofcom's Senior Leadership Team to ensure that its policy and strategy teams consult with all of these useful sources regularly to ensure that Ofcom's work is inclusive of people in Northern Ireland who use - or who wish to use - reliable, affordable and accessible communications services for personal, work, studying, caring and other purposes.
- We expect Ofcom to take note of new challenges that may affect NI citizens', consumers' and micro-businesses' equality of outcome in this sector, and to reflect these in its work and its monitoring of the NI Equality Scheme.