

About the Communications Consumer Panel

Chris Holland speaking at the Essential Services Access Network Conference
2016

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“Around the world, thought will fly...in the twinkling of an eye.”

That was the prophecy of Mother Shipton - a sixteenth century soothsayer from Yorkshire, who it seems to me got it about right. Today, a thought, an idea, a message, a song, a book, a film, a transaction... and so much more can fly around the world in the twinkling of an eye.

Providing that is that the means of communication is available, reliable and affordable. Mother Shipton left that bit out, so she might not have made it onto a consumer interest group!

Communication binds humanity together. Without it we are isolated and even excluded; we're less able to access information and advice; we're less able to summon help; less able to discover things and engage with the world at large. To shamelessly steal a phrase from the excellent paper accompanying today's conference, communication services are essential to quality of life and social inclusion.

But communications itself isn't about a lump of plastic with all sorts of wizardry contained within it or a bit of superfast

broadband magic fibre. It's about this ability to stay in touch, participate, benefit, and flourish...and bind humanity together.

Communications products and services are therefore the **means** to that end - they allow and enable us to communicate; which is why the work of the Communications Consumer Panel is so important, and why it's a privilege to be involved in it.

I'm Chris Holland - a Panel Member - and today I've been asked to talk about our work and how we go about it in practice; some of the strengths and limitations of the panel; and some of the issues currently occupying us.

SLIDE 1

So...first, a few words about the work of the Panel and how we go about it.

Our work flows from our objective, which in summary is *“to protect and promote the interests of consumers, citizens and micro businesses in the communications sector by giving advice to Ofcom, EU (at least for the time being!) Governments, industry and others.* The “others” gives us plenty of scope!

Let me give you some very top level information about the Panel:

- We were established in 2003 under the Communications Act.
- We are independent.

- We have eight members, supported by a small executive team; and we have cross membership with Ofcom's Advisory Committee for Older and Disabled People.
- We have a unique relationship with the regulator. Sometimes described as a 'critical friend' to Ofcom, the Panel provides robust and independent advice on policies and projects - not only once they are being implemented but, crucially, early on in their development. We're able to do so as we have privileged access to often sensitive information that isn't available to anyone else. This helps us to make early, high quality interventions - so that we can ensure that consumer and citizen interests are taken into account from the onset, and that they stay at the heart of Ofcom's thinking throughout. Nobody else does this, in this way. And all the feedback we get suggests that this is valued enormously, and that the panel's influence comes through in Ofcom's consumer work.
- And, based on our insight, expertise and experience we also work with a range of other stakeholders - including Government departments; communications providers; the European Commission; and various consumer bodies.

SLIDE 2

We produce an annual plan, which has four elements:

- Key areas of engagement, which this year are:
 - Broadband and mobile coverage.
 - Nuisance calls.
 - Treating customers fairly, including customer service and complaints handling.
 - Digital Engagement.
 - Postal services.

- Research
 - We usually have a couple of pieces of research on the go during the course of each year; and as well as publishing these as useful information sources we use the findings in our regular meetings with Ofcom and communications providers to highlight any issues that emerge to improve the consumer experience. Our research also provides evidence - for example, highlighting the unmet needs of many micro

businesses; the poor state of complaint escalation and access to independent redress; and the customer service experiences of older and disabled consumers.

- We will shortly be publishing our research on consumer attitudes to use of personal data; and later this year we will be looking at access to broadcast and on demand content in terms of subtitling.
- Review
 - We keep a number of issues under review - too many to list here, but typically nine or ten (e.g. switching, affordability).
- ACOD specific work areas, which cover:
 - Inclusion and accessibility - hence our upcoming research on subtitling.
 - Portrayal and participation in terms of broadcast content.

In formulating our plan we apply two tests: what is the scale of the issue for consumers, citizens and micro businesses; and what difference can the Panel and ACOD make? And we always consult on our Plan as we develop it.

In practice, the main elements of the way we work are:

Monthly meetings - which are attended by a variety of senior Ofcom people (and often external stakeholders) according to the topics. We have a Memorandum of Understanding with Ofcom, which underpins the unique relationship I mentioned earlier and which allows us early and confidential access to their thinking - which in turn allows us to advise, challenge and monitor on a regular basis.

This MoU supplements the Communications Act and affirms the independence of the Panel from Ofcom. It's designed to ensure an effective, efficient and transparent working relationship between us and enable the Panel to provide high quality evidence-based advice - and therefore promote and protect the interests of consumers and citizens.

We have regular meetings with all the main communications providers. They take these sessions very seriously - and tell us that our input helps them better scrutinise some of their own processes, or provides useful evidence to support change within their organisations. It also keeps them on their toes - we often shine a light in some dark corners! It's worth mentioning by the way that under Ofcom's General Conditions providers are required to consult the Panel to ensure that the interests of disabled users are taken into account. We've never had to invoke that Condition - but it helps knowing that its there.

Alongside this we have:

Ad hoc meetings with other stakeholders on specific topics.

We sit on Ofcom's National Advisory Committees.

We take part in speaking events - such as today.

We always attend the Consumer Forum for Communications - chaired by Roger.

Our secretariat gathers information to keep members up to date.

We communicate outwardly via our web site, blogs and a monthly bulletin.

And perhaps most important and visible, we respond in detail to a great many consultations and calls for inputs - at an average of one every two weeks.

Finally - our members are very active in between meetings, with a significant amount of work being done electronically.

So - we are a very busy Panel! We work exceptionally well as a team; we work collaboratively with stakeholders; we are challenging to the regulator and to communications providers - where we are unfailingly professional and courteous in our approach, but also uncompromising on behalf of consumers. In short, there are no easy rides!

So...let's look at our strengths and limitations, some of which I've already touched on.

Our strengths include:

True independence - we are independent of thought, and independent of Ofcom; we are beholden to no-one, and free to act as we see fit without fear or favour.

Our single sector specialism keeps us unencumbered and focused on good consumer outcomes, and we have nothing to distract us from that purpose; at the same time we have our members' collective broad range of expertise and experience from other areas - such as finance, small business, broadcasting, customer service and so on.

We have the unique "critical friend" relationship with the regulator that I've already mentioned. I touched on the reasons why this is important earlier - but our ability to respond before and during policy formulation, due to the access we have to the regulator's early thinking, is a key strength.

We are diverse in our makeup.

We have the ability to influence debates and other stakeholders, based on reputation, trust and credibility.

The fact that we meet frequently is also strength - it's easier to maintain momentum; to respond to unexpected turns of events; and to act in a timely fashion.

It is a strength that we are different to a campaigning group - giving an alternative, complementary, approach and perspective on common consumer interests.

We give good value for money.

Let's move on to our limitations - which in my experience are far outweighed by our strengths.

We are limited by resources, especially when considering the scope of our work. Like all of us working on behalf of consumers - we'd like to do even more. As it is, we are to a large extent reliant on the goodwill of our panel members - and indeed our executive support team, whose work rate and quality constantly amazes me.

Save for the requirement I mentioned earlier for providers to consult the Panel, we have no formal legal powers and thus there is I suppose a theoretical risk of us being ignored. However, I couldn't actually think of an example where that's ever happened. Our advice may not always be taken - but it is never ignored. And of course we have a robust MoU in place to help ensure that we can work effectively.

Lastly, it's hard to measure our success. The work areas are long term, often interdependent, and benefit from the involvement of a range of stakeholders.

In terms of issues on which we're active, without going into detail let me list just a few:

- Customer service, complaints handling and Alternative Dispute Resolution.

- Our ongoing work on how communications providers can best support customers in vulnerable situations, which may include people with disabilities, and older consumers.
- Automatic compensation.
- Broadband USO.
- Mobile coverage.
- Switching.
- Nuisance Calls.
- Postal quality of service.
- Subtitling on video on demand services.

The conference paper rightly highlights the challenges inherent in reflecting the consumer and citizen voice in policy development. So I should mention that the Panel - with invaluable help from Roger and from Claire Milne - did some work on the way in which Ofcom consults and we've been pleased to see some of recommendations being used - particularly on the promotion of consultations and the use of plain English.

One of our key recommendations was for Ofcom to create a mailing list, to enable interested parties to be notified of consultations it has underway. We're delighted that Ofcom has established such a list and I'd encourage you to sign up if you're interested.

To conclude, today's conference is both timely and important. Reflecting on the conference title - "How can the consumer voice be better heard in the regulation of essential services?" - I think

there might a parallel question: “How can regulators and consumer bodies work better for consumers?” And part of the answer to both questions, surely, involves a combination of the models outlined in the conference paper. They all have their strengths and limitations. Individually and collectively the trick is to make the most of the strengths and mitigate the limitations. As with most of life’s challenges - there is no perfect answer, and no single solution.

If only we could see into the future. Mother Shipton - where are you when we need you most?

Thank you for listening.

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