

Communications Consumer Panel and ACOD's response to Ofcom's Plan of Work 2021/22

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.

The Panel's job is to ensure that the sector works for consumers, citizens and micro businesses - and in particular people who may be in a more vulnerable position in society. We carry out research, provide advice and encourage Ofcom, governments, the EU, industry and others to look at issues through the eyes of consumers, citizens and micro businesses.

The Panel pays particular attention to the needs of older people and people with disabilities, the needs of people in rural areas and people on low incomes, and the needs of micro businesses, which have many of the same problems as individual consumers.

Four members of the Panel also represent the interests of consumers in England, Northern Ireland, Scotland and Wales respectively. They liaise with the key stakeholders in the Nations to understand the perspectives of consumers in all parts of the UK and input these perspectives to the Panel's consideration of issues. Following the alignment of ACOD (the Advisory Committee for Older and Disabled people) with the Panel, the Panel is more alert than ever to the interests of older and disabled consumers and citizens.

Strengthening the voice of consumers, citizens and micro businesses

Central to the Panel's work is highlighting the interests of people who may not always be heard by the communications industry, or in regulation. We work with Communications Providers (CPs), Ofcom and other policy and industry stakeholders to understand how those interests may best be served, in both the short and the longer term.

In our response to the Department for Business, Enterprise, Industry and Skills' (BEIS) 2018 Green Paper 'Modernising Consumer Markets'¹, we expressed our view that communications services were integral to the everyday lives of consumers, citizens and micro businesses. We highlighted that the rapid rate of change in this sector and the significance of its role to people's lives and the UK economy meant that it is vital the perspectives of consumers and micro businesses are at the heart of the debate.

This has never been truer than in the context of the 2020 pandemic. We have been grateful for the opportunity to play our part in representing the consumer voice at an unprecedented time when any communications consumer could become a 'vulnerable'

¹ <https://www.communicationsconsumerpanel.org.uk/downloads/modernising-consumer-markets-response-website-040718.pdf>

consumer - listening to a broad range of consumer, citizen and micro business voices across the UK; and increasing awareness of initiatives put in place by Ofcom, Government and industry to help protect consumers, citizens and micro businesses. At this time when the resources of charities and not for profit organisations are stretched further than ever, these bodies need as much support as they can to serve their communities.

Our increased engagement with stakeholders in the past 18 months has been extremely useful in sharpening the voice of the Panel into industry and regulator. And the role we have played keeping stakeholders informed of communications sector policy has, we've been told, been extremely useful to them.

Through our **National Hubs**, we have been able to deliver on our promises to gain fresh insights about issues affecting consumers, citizens and micro businesses from across the UK - that are particular to each Nation and those that are experienced universally. We have taken those insights to Ofcom's policy teams and into industry and have seen positive action taken, which we have fed back to Hub participants. We have also acted as a facilitator of debate and encouraged information sharing. A wide range of consumer, citizen and micro businesses related organisations have engaged with us, including those representing farming and rural communities, older people, young people, racial equality, mental health, carers, people with disabilities and many intersections of the above.

We have worked collaboratively with other consumer organisations - Citizens Advice and Citizens Advice Scotland, the Consumer Council for Northern Ireland and Which? in **Consumer Stakeholder Hubs**. These have enabled us to learn from those who have direct engagement with consumers on a daily basis, and for all participants to share insights and research plans, so that we ensure that we are working together in a way that makes the most of our differing remits, ultimately further aligning our activities to benefit consumers, citizens and microbusinesses in the communications sector.

We have also been able to work collaboratively with industry, in our **Industry Forum**. We have brought in a range of speakers from other sectors to raise awareness of best practice that could benefit their customers. We also continue to hold meetings between the Chair and individual communication providers to hold them to account and understand and influence their consumer strategies.

Response

The Panel welcomes the opportunity to comment on Ofcom's plan of work for the next financial year. We believe that the Panel's existing priorities dovetail with Ofcom's areas of core focus and we look forward to working with Ofcom, other regulators, governments, consumer organisations, other NGOs and industry to drive forward the interests of consumers, citizens and micro businesses in communications policy development and quality of service. This collaboration has helped to protect consumers, citizens and micro businesses during one of the most challenging years we have faced in our lifetimes. We support Ofcom's plan and will work together to ensure people are safeguarded as the sector evolves, particularly for those people who have additional access needs or are harder for industry and policy makers to reach or hear from. The communications sector is evolving at pace and it is more important than ever to promote and integrate accessibility and inclusion by design as new technology emerges.

Working towards making communications work for everyone requires capturing as diverse a range of voices as possible.

The Panel recently undertook a review of Ofcom's consultations' process. We shared our recommendations with Ofcom; these included a recommendation that Ofcom should develop innovative approaches to engagement with consumers and stakeholders. We welcome the changes Ofcom has recently been making to the way it consults, including a range of formats and proactively seeking input from groups who might be more affected by a specific policy. We encourage Ofcom to continue holding virtual consultation events to capture the views of consumers across the UK Nations. We also urge Ofcom to work to make every policy consultation accessible - in the widest sense - to all potential respondees so that consumers and citizens are aware of relevant proposals and the different options and feel able to contribute their views.

The impacts of the Covid-19 pandemic

The impacts of the Covid-19 pandemic have proven how essential digital connectivity is for consumers across the UK - across a range of circumstances, needs and skill levels. Communications services have become integral to consumers' everyday lives whether they need to stay in contact with family and friends, work from home, learn remotely, watch a television series; or access public services and/or healthcare.

We welcome the support negotiated between governments, Ofcom and industry to alleviate the pressures on communications consumers throughout these unpredictable and uncertain times. The pandemic has propelled us into a digital world and exacerbated and deepened the digital divide. We are extremely conscious that some consumers and citizens are unable to benefit from the opportunities offered by the digital world due to a lack of access to digital equipment, lack of digital skills; and/or lack of infrastructure. These barriers can also be compounded by other issues facing consumers such as affordability issues and services not being designed inclusively. We will continue to work with Ofcom, governments and our stakeholders to help bridge this divide and secure digital equality of opportunity for all UK consumers.

Ofcom's strategic priorities for the next financial year

Investment in strong, secure networks:

- **support ongoing investment in faster broadband and better-quality mobile networks;**
- **continue to implement telecoms security legislation; and**
- **work with industry to ensure the UK's vital communications networks are safe, secure and resilient.**

The Panel welcomes continued focus on investment in strong and secure (and we would add resilient) networks - this area is vital to foster confidence in communications services and ensure that consumers feel safe online and empowered to use services without fear of detriment.

As we highlight above, the pandemic has resulted in a colossal movement of digital requirements away from urban hubs and into people's homes - placing unprecedented pressures on communications networks. We have been heartened to hear from Ofcom and

network providers that these requirements have been mostly supported and the increase in traffic managed effectively, enabling consumers to rely on the networks. We remain keen to better understand the causes of outages and impacts on consumers when they do occur. We will work closely with Ofcom to understand what more can be done to prevent harm to consumers in vulnerable circumstances during such events.

- We believe that strong, secure, resilient networks are needed as part of a coordinated cross-sector effort to combat scams and fraudulent activity. There is an ongoing race to protect consumers, citizens and micro/all businesses against fraudsters' ever more sophisticated techniques to exploit flaws in networks. Ofcom must use its world-respected data and technical expertise to help the UK stay one step ahead.
- In early 2020, before we had knowledge of the impending pandemic, the Panel commissioned independent research into scams and fraudulent activity perpetrated through communications channels such as phone, post, the internet and e-mail. Our research [Scammed! Exploited and afraid](#) also examined the 'chilling effect'; the risk that the fear of being targeted or scammed could cause consumers to be reluctant to use communication channels or restrict the use they make of them. Our recommendations, based on the key findings of our research, flagged the importance of keeping networks secure. We believe network security is a touchstone in building customers' trust in their CP, building reassurance amongst their customers that they can feel safe online and their exposure to scams is minimised.
- We welcome forthcoming telecoms security legislation and the introduction of verification mechanisms to help combat nuisance calls and scams that will become available as the UK migrates from copper wire to voice-over IP.
- We remain concerned that consumers living in remote communities are particularly vulnerable to becoming isolated and disconnected from the outside world in the event of a network outage, which in some areas is compounded by delayed fault repairs as a result of locations being hard to reach. We believe that in areas where a network outage could cause extreme cases of isolation e.g. remote islands, there needs to be clear network resilience protocols in place.

Getting everyone connected:

- **ensure people and businesses can access key communications services.**
- **improve access to broadband services in the hardest to reach locations.**
- **monitor delivery of the universal broadband service and will report on progress to improve mobile coverage under the Shared Rural Network programme.**
- **make sure that the universal postal service is sustainable for the future.**

The Panel strongly supports Ofcom's continued commitment to getting everyone connected. We advocate that consumers, citizens and micro-businesses should have access to affordable, reliable communications services. The principle that no one should be 'left behind' is one of the Panel's core drivers, even more so in the context of the pandemic. As previously mentioned, connectivity not only encompasses access to infrastructure but also a consumer's ability to access services, engage online and take advantage of the benefits available.

Connectivity initiatives such as the broadband USO, UK Gigabit Broadband Programme, Shared Rural Network and Nation-specific initiatives are welcome interventions. However, we are concerned that many consumers are unaware of the initiatives available to them and even if they are aware, the language used in the market can be difficult to navigate and dis-empoweringly jargonistic. Discussions with stakeholders at our National Hubs have reinforced these concerns and we have encouraged the communications sector to disseminate clear, jargon-free information to consumers outlining the connectivity options available to them and the benefits associated with these options. No consumer is identical to another and consumers' digital needs will vary depending on factors such as the size of a household or whether the consumer is a small business - the options advertised need to accord with the purpose for which the connectivity will be used. We have also heard concerns about the affordability of the USO for rural households and businesses and we await the outcome of Ofcom's investigation into BT's practices in this regard.

- Since the launch of the broadband USO in early 2020, consumer use of digital connectivity has evolved considerably. The Panel believes speeds guaranteed under the broadband USO are not fit for purpose for today's consumer needs and we would urge Ofcom and government to consider conducting a review of the speeds guaranteed under the USO.
- The Panel supports the establishment of the Shared Rural Network, acknowledging the benefits that the initiative will bring to many consumers in remote areas with little or no connectivity. We encourage the UK Government, devolved governments and Ofcom to closely monitor the rollout of UK and Nation-specific connectivity initiatives to ensure that consumers are connected smoothly and efficiently.
- While we applaud Ofcom and governments' steps towards ubiquitous connectivity, we acknowledge that a small section of consumers will remain disconnected - we urge that connectivity initiatives be designed inclusively and with the aim of connecting harder-to-reach consumers, citizens and micro businesses first. We also remain concerned that some consumers only have access from one service provider, which prohibits unfettered access to a competitive market, drives up consumers' costs and promotes behavioural disengagement.
- We continue to hold discussions with Ofcom and stakeholders on migration of telephone connections from the copper network to digital lines (VOIP), emphasising the importance of safeguarding consumers, particularly consumers in vulnerable circumstances, during and after the migration process. We consider that more needs to be done to reach and raise awareness of the roll-out amongst consumers, particularly digitally excluded and landline only consumers who tend to be older, disabled and/or in rural areas.
- We note Ofcom's work on the future of 2G/3G networks - we have previously flagged that 2G and 3G remain important to consumers who cannot access a reliable 4G or 5G connection. In addition, many consumers rely on 2G connectivity for a wide range of uses including telecare units, smart meters and making emergency calls in rural areas.
- The Panel, particularly in its ACOD capacity, has long been cognisant of consumer reliance on the postal universal service obligation - the USO being of particular importance to older consumers, those living in rural areas and people with additional access requirements - who are less likely to be online. We recognise that parcel deliveries have significantly increased during the pandemic, and this trend is likely to continue as consumer behaviours change long-term. A sustained increase in parcel

deliveries is likely to exacerbate existing issues in the parcel sector including parcel surcharging and the impacts of the UK's exit from the European Union on deliveries to Northern Ireland. We look forward to inputting into Ofcom's review of postal regulation and to further understand how postal users' needs and requirements can be safeguarded across the postal network. We have previously highlighted that, similarly to other sectors, the postal sector should hold a 'vulnerability register' to ensure that any postal user additional access requirements are recorded. We believe this will help to retain corporate knowledge gained at a local level and ensure that all postal users receive fair access to a high quality of service.

Fairness for customers:

- **people can shop around with confidence, make informed choices, switch easily and get a fair deal and for markets to work well**
- **continue our work to ensure broadband, phone and TV customers, particularly vulnerable customers are treated fairly.**

The past year has required unprecedented flexibility and swift action, from Ofcom, industry and governments, in terms of the definitions of fairness for customers - and of the vulnerability of customers. The Panel champions Ofcom's ongoing work around fairness for customers - we hope that this work will help to drive-up best practice and identify areas where CPs' practices could improve, to better serve customers. Having previously provided advice to Ofcom on its Fairness Framework and the development of Ofcom's guide, 'Treating Vulnerable Customers Fairly', we support ongoing work and interventions to help drive this programme forward. We will continue to watch for progress in this area, emphasising the need for tangible outcomes for consumers. If sufficient progress is not forthcoming, we believe Ofcom may need to be more prescriptive with CPs to ensure that consumer fairness is embedded into communications regulation.

When we head out of the initial crisis phase of the pandemic and into a gradual period of recovery, Ofcom's attention to fairness will remain critical to ensuring that no-one is 'left behind'. In the Panel's Industry Forum we have regularly met with CPs to enable learning from best practice in other sectors in terms of ways to support their customers with additional access needs, financial difficulties, or life events. We believe fairness to all customers starts with a CP having an understanding of the panoply of needs of its wider customer base and a service design framework that builds in inclusivity at all stages, including input from customers. Through promoting the fairness commitments to all CPs - alongside monitoring and measuring how CPs who have signed up have met these commitments - we hope consumers will experience tangible benefits. We look forward to Ofcom's forthcoming report on how CPs have incorporated these commitments into their day-to-day practice.

- With regard to data poverty and fear of disconnection, ensuring that all consumers have access to an affordable and reliable connection is fundamental to ensure that no consumer is left behind. In 2020, our research 'Don't Cut Me Off!' found that consumers who were fearful of disconnection were often prioritising their communications services payments above essentials such as food and other utilities.

Consumers should not be having to make these choices and we urge CPs to provide further support for consumers who find themselves in financially vulnerable circumstances e.g. access to a special tariff and avoiding disconnections. While some participants in our research had delayed contacting their provider until it was too late, we understand that the support put in place by CPs is under-used. We have encouraged CPs to better highlight their services and have worked with consumer organisations, as well as supporting Ofcom's social media campaign, to promote the message that consumers should get in touch with their CP and ask for help. To make this work, it is vital that CPs have a range of channels available which are affordable or free, so that all of their financially vulnerable customers are able to get the help they need - and that the agents they get through to are empathetic and empowered to be flexible.

- Ofcom's extensive work implementing the European Electronics Communications Code has been a huge boost for consumers including gaining the 'right to exit' a contract in the event of contractual changes, making sure disabled consumers with additional access needs have equivalent access to information about their communications services; and a ban on locking handsets - all issues we had encouraged action on. We welcome future work on making switching simpler and enabling customers to engage more effectively with their providers and take advantage of better deals available to them.
- Recent regulatory interventions such as mandating CPs issuing end of contract notifications and annual best tariff notifications will help out-of-contract consumers take advantage of better and more affordable deals. These interventions, in addition to voluntary commitments agreed to by the six major broadband providers to automatically give out-of-contract consumers identified as 'vulnerable' access to new customer prices, are positive steps to reduce the number of consumers who pay a 'loyalty penalty'. We welcome Ofcom's upcoming review on how effective existing work in this area has been.
- As highlighted above, we urge Ofcom to monitor any long-term impacts on accessing CPs' customer services following the Covid-19 pandemic. Some CPs' customer services capacity and channels have reduced e.g. closure of retail stores which could result in long-term access issues for consumers with additional needs. Of particular concern is the accessibility and functionality of digital platforms - promoted by some CPs as a viable alternative to accessing customer service but commonly lacking the functionality to make contract changes e.g. downscaling/switching/cancelling contracts.
- We welcome Ofcom's focus on making data work for everyone and highlight that any initiatives should be inclusively designed. Proposals for open communications will help consumers to navigate the market and find a better deal. However, we stress that implementation of this initiative should not result in digitally excluded consumers facing higher costs. We also urge that data ethics are considered when developing initiatives that rely on Artificial Intelligence (AI) to avoid consumer detriment. We will continue to engage closely with Ofcom's teams working in this area.
- We support Ofcom's continued focus on ensuring the consumer voice is heard - as noted above, the Panel's National Hubs take place across the UK Nations and focus on existing or emerging areas of consumer detriment in the communications sector and how these issues can be resolved or mitigated. Summaries of our discussions are circulated to Ofcom, raised with communications providers and published on our website.

- We continue to push for CPs to develop a consistent approach to identifying and recording data that will help them to understand the additional needs of consumers who - on a permanent or temporary basis - fall under Ofcom's definition of 'vulnerable consumers'. We believe that all consumers should receive equal and fair treatment that suits their needs regardless of which CP they receive services from. In addition, since the Covid-19 pandemic, the definition of 'vulnerable' has become more fluid and more consumers may require support - increasing awareness of support available to consumers will help CPs to ensure that customer needs are met both short and long-term. The Panel's Industry Forum, as highlighted above, has largely focused on securing better practices for consumers with additional access needs or who are living through a life event and need flexibility from their provider in the way they use or pay for services. We are pleased that this continues to be an area of focus in Ofcom's plan of work. Not only might a consistent record or register of vulnerability have been of benefit in protecting consumer connections during the pandemic, but it may also be useful in calculating the level of risk to consumers during changes to the market, such as migration to VOIP/all-IP networks. We remain concerned that this sector does not appear to understand how many people will require additional support through this switchover process.
- We continue to call for CPs to introduce a Customer Charter - this would arm consumers with the knowledge of what to expect in terms of customer service. By increasing consumers' confidence in the quality of service and customer service they would receive from their provider, a Charter could also help to encourage self-serve solutions, combat scams and manage consumer expectations.

Supporting and developing UK broadcasting

The Panel has cross-membership with Ofcom's Advisory Committee for Older and Disabled people (ACOD), which gives us a remit to advise Ofcom on broadcasting, as far as accessibility and representation and portrayal of older and disabled people. We have previously [responded to Ofcom's consultations on making on-demand services accessible](#) and conducted independent research in this area. We believe that providers' platforms and broadcasts should be accessible to all, alongside provision of access services and we look forward to further developments to support this.

In terms of increasing diversity and inclusion, we would welcome further work on the robust representation and inclusion of a range of older individuals or people with disabilities in broadcasting.

Digital engagement and preparing to regulate online harms

It is widely recognised by the stakeholders we meet that a lack of digital skills is a significant barrier to getting people connected and we have heard from some of our stakeholders that not all consumers with access to digital services possess knowledge of how to use them to their best advantage. Therefore, we consider that there is some work to be done by Ofcom and CPs around making digital services easier to use and making the market as a whole easier to navigate. We have commissioned independent research into digital connectivity during the pandemic and connectivity in care homes, which we plan to share with Ofcom and CPs once published, along with a paper on addressing the digital

divide. In this context, we support the continuation of work on Ofcom's Making Sense of Media Programme.

We welcome the new powers that UK Government has awarded Ofcom, particularly given the synergy with Ofcom's existing media literacy remit. We look forward to discussing how the consumer voice can best be represented in this vital area.

Summary

We support Ofcom's plan and will work together to ensure people are safeguarded as the sector evolves, particularly those who have additional access needs or are harder for industry and policy makers to reach or hear from.

- We welcome the changes Ofcom has recently been making to the way it consults, including a range of formats and proactively seeking input from groups who might be more affected by a specific policy. We encourage Ofcom to continue holding virtual consultation events to capture the views of consumers across the UK Nations.
- We remain keen to better understand the impact on consumers when outages do occur and will work closely with Ofcom to understand what more can be done to prevent harm to consumers in vulnerable circumstances.
- We encourage the UK government, devolved governments and Ofcom to closely monitor the rollout of UK and Nation-specific connectivity initiatives to ensure that consumers are connected smoothly and efficiently.
- We are concerned that many consumers are unaware of the connectivity initiatives available to them and even if they are aware, the market can be difficult to navigate and the language too jargonistic.
- The speeds guaranteed under the broadband USO may no longer be fit for purpose and we would urge Ofcom and government to consider reviewing these.
- We urge that connectivity initiatives be designed inclusively and connect harder-to-reach consumers, citizens and micro businesses first.
- We look forward to inputting into Ofcom's review of postal regulation and to further understand how postal users' needs and requirements can be safeguarded across the postal network.
- We continue to emphasise the importance of identifying and safeguarding consumers during and after the migration to voice-over IP process, particularly consumers in vulnerable circumstances.
- We urge CPs to provide further support for consumers who find themselves in financially vulnerable circumstances e.g. access to a special tariff or service.
- We welcome future work on making switching simpler and enabling customers to engage with their providers and take advantage of better deals available to them.
- We urge Ofcom to monitor any long-term impacts on accessing CPs' customer services following the Covid-19 pandemic.
- Data ethics need to be considered when developing initiatives that rely on Artificial Intelligence (AI) to avoid consumer detriment.
- We are pleased that consistency of data recording across CPs continues to be an area of focus and we look forward to securing further progress in this area.

- CPs should introduce a Customer Charter - this would arm consumers with the knowledge of what to expect in terms of customer service.
- We consider that there is some work to be done by Ofcom and CPs around making digital services easier to use and making the market as a whole easier to navigate.