



Communications Consumer Panel and Advisory Committee for Older and Disabled People: draft Priorities and Work Plan 2017/18

This is the 2017/18 draft Work Plan for the Communications Consumer Panel and Ofcom's Advisory Committee for Older and Disabled people (ACOD). It sets out our intended priorities for the coming year.

Introduction

Communications services are integral to the everyday lives of consumers, citizens and micro businesses. The significant activity and development in this fast-changing sector offers an important opportunity for the Panel and ACOD to put the perspectives of consumers and micro businesses at the heart of the debate.

Broadband and mobile coverage and quality of service continue to be at the forefront of this agenda. Nuisance calls, customer service and complaint handling are other very important topics where the Panel and ACOD can be instrumental in ensuring that the voices of consumers, citizens and micro businesses are heard.

The Panel's objective is to protect and promote the interests of consumers, citizens and micro businesses in the communications sector by giving advice to Ofcom, the EU, Governments, industry and others. Our starting point when thinking about our Work Plan is always: "What is the scale of the issue for consumers, citizens and micro businesses? And can the Panel and ACOD make a difference?" We then organise our work by focusing on key areas of engagement, whilst keeping a wider range of topics under review, following the debate and progress, and contributing with expert advice and constructive challenge.

Highlighting the interests of those who may not always be heard by the industry (for example, vulnerable consumers, exchange line only consumers, micro businesses) is an important part of the Panel's and ACOD's role, as is working with communications providers, Ofcom and other industry stakeholders. We use research to inform our work, commissioning our own where necessary.

Collaboration, constructive challenge and clarity of purpose remain central to our approach. We will continue to strive to ensure that the interests of consumers, citizens and micro businesses are protected and promoted, so that the emerging communications arena is inclusive and fair, and so that the market succeeds in meeting the needs of us all.

About us

The Communications Consumer Panel is an independent body set up under the Communications Act 2003. The Panel pays particular attention to the needs of people whose circumstances make them permanently or temporarily more vulnerable; older people and people with disabilities; people in rural and urban areas; people on low incomes; and micro businesses, which face many of the same issues as individual consumers. Members, in their ACOD capacity, also provide advice to Ofcom on issues relating to older and disabled people including television, radio and other content on services regulated by Ofcom.

We have eight members who have experience in many different fields, including accessibility, consumer advocacy, dispute resolution, the telecoms, digital and content industries, access services, micro and small business, the third sector, social policy and market research.

There are four members of the Panel who 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 and citizens in all parts of the UK and input these perspectives to the Panel's consideration of issues. These Members also attend meetings of the Ofcom Advisory Committee for each Nation and ensure a two-way communication of ideas.

We engage with stakeholders to help inform the advice that we give to Ofcom and to keep the interests of consumers, citizens and micro businesses on the agenda across the sector. We also engage with a range of other organisations working on behalf of these constituencies - including those representing older and disabled people.

The Panel is often described as a 'critical friend' to Ofcom. We provide robust and independent advice that is constructive, realistic and cognisant of the trade-offs which regulatory decisions often involve. This is made possible by the fact that Ofcom shares information and ideas with the Panel early in the regulatory process before consulting formally with other stakeholders. We publish information about our advice and activities on our own website <http://www.communicationsconsumerpanel.org.uk>

Wider context

Given our role to influence Ofcom, it is vital that we take into account the work to be undertaken by Ofcom in the coming year, as well as wider developments in the area of communications. Our Work Plan is therefore informed by Ofcom's priorities and workstreams, as outlined in its Annual Plan¹, in addition to other significant developments that will affect consumers, citizens and micro businesses in the UK.

We will remain alert to issues that may arise during the course of the year; and for many of the areas that we have identified there are specific dimensions arising from the devolved Nations. Our work with the Advisory Committees and other stakeholders in the Nations will inform our approach to these matters. Additionally, we will undertake close co-operation

¹ <https://www.ofcom.org.uk/consultations-and-statements/category-1/proposed-annual-plan-2017-18>

and explore joint working with other consumer-focussed organisations on a range of issues that relate to the topics that are listed below, or those that arise during the year.

Priorities for 2017/18

The limit of the Panel's resources - both financial and the size of the executive team - directly impacts upon the extent of its work so there is a need to focus on key areas of consumer interest. Accordingly, the Plan aims to encompass and prioritise those issues most likely to impact significantly upon consumers, citizens and micro businesses in the communications sector, including postal services. At the same time, it seeks to enable effective monitoring of a broader range of topics so that the Panel and ACOD can react flexibly to emerging areas.

We have developed our Work Plan by applying two questions to each issue that it might address:

- What is the scale of the issue for consumers, citizens and micro businesses?
- What difference can the Panel and ACOD make?

Types of engagement

We organise our work by focusing our ongoing effort on areas of key engagement, using research to inform our work and keeping a wider range of topics under review. Our advice is actively sought by Ofcom and a number of other organisations. We use our body of research and knowledge to provide this advice on issues where we feel we can have a positive influence on behalf of consumers and to act as a resource for others.

The fast changing communications environment means that we must also build flexibility into our plans in order to be responsive to new challenges. We may receive requests for advice in relation to issues that are not in our Work Plan, and the Panel itself is likely to identify new issues which are of importance to consumers and which warrant its attention. We will continue to monitor issues in the communications field and liaise with a wide range of organisations representing the interests of consumers to gather - and share - intelligence about developments.

Our proposed work areas are set out below.

Work areas 2017/18

Key areas of engagement

- Broadband/mobile coverage and quality of service
- Nuisance calls
- Unfair policies and practices
- Customer service and complaints handling
- Vulnerability
- Access to broadcast and on-demand content

Research

- TBC

Review

- Progress on consumer related objectives highlighted in the Strategic Review of Digital Communications including pricing complexity, consumer information and switching
- Digital Participation
- Future plans for the public switched telephone network (PSTN)
- Affordability and debt
- Post - quality of service
- Internet of things, data privacy and security
- Micro businesses' experience of communications
- Non-geographic calls
- Spectrum Strategy

Additional ACOD specific work areas

- Inclusion, portrayal and participation

Key Areas of Engagement:

Broadband/mobile coverage and quality of service

Consumers, citizens and micro businesses remain ever more reliant on communications services in growing numbers of ways - and particularly via mobile devices. The Panel's view remains consistent: sub-optimal delivery of communications services as a result of inadequate infrastructure - be it a lack of reliable, fast broadband or the absence of robust mobile voice and/or data coverage - has long since ceased to be a cause of simple irritation for consumers and micro businesses; it is, today, an issue of real and significant detriment.

The Panel considers that 10 Mbit/s is the absolute minimum currently for an acceptable broadband user experience. We support the introduction of an affordable USO. Our concern is the amount of time this will take before consumers see a beneficial impact. We will continue to encourage Government and Ofcom to do all they can to avoid a protracted implementation. The 5% of UK households that are unable to access 10 Mbit/s face additional disadvantage, so we will continue to strongly argue to all concerned that providers focus on bringing that 5% up to an acceptable speed as a higher priority than rolling out superfast speeds. Reliable upload speeds should also be ubiquitous. We will also encourage Ofcom to keep under review the broadband needs of smaller and micro businesses, which can be affected by the number of users per premises and the type of business. It will be vital to the survival of smaller businesses that they are able to keep up with the demands of their customers.

We continue to press for attention to be given to the need to provide robust mobile coverage in remote and rural areas, as well as high-density urban areas. The problem of inconsistent levels of mobile coverage around the UK is a long-entrenched one and we believe there needs to be a much more determined effort towards solving it. In our view, universally consistent coverage providing mobile voice and data services (including indoor, road and rail), regardless of location, must be the aim for policy makers and mobile network operators - who should be held to account for market failures.

Sixty-six per cent of the UK's geographic landmass has coverage from all operators. The Panel believes that there should be much greater (and ideally 100%) mobile coverage for all consumers. Rural areas experience disproportionate problems with mobile coverage. Coverage inside buildings tends to be worse than outside, and indoor coverage in rural areas is particularly poor.

We have welcomed initiatives to improve mobile quality of service such as the 4G coverage obligation of 98% indoor coverage UK wide, and 95% in each Nation by the end of 2017. We hope that the undertakings given by Mobile Network Operators (MNOs) to Government - guaranteed outdoor voice and text coverage from each operator across 90% of the UK geographic area by 2017 and full coverage from all four mobile operators increasing from 69% to 85% of geographic areas by 2017 - will be met, and will make a significant impact.

We are particularly concerned that progress towards the 4G coverage obligation should be closely monitored and that currently there is no agreed definition of what constitutes an acceptable threshold level to determine 2G voice call coverage.

We would like to see the known issues in 2G-4G coverage resolved as a matter of priority - and believe that the forthcoming auctions should include conditions intended to build on the mobile coverage initiatives mentioned above. These issues need to be resolved now and not postponed while MNOs look into the unknown potential of 5G.

Specific objective

We will help ensure that the needs of consumers, citizens and micro businesses are central to policy making, that delivery of a high quality service experience is consistently achieved and that consumers and citizens are not excluded from participating effectively in the digital world. To do this, we will continue to engage with Governments, Ofcom, Broadband Delivery UK (BDUK) and industry so that consumer, citizen and micro business interests are taken into account in relation to both the provision of infrastructure and quality of experience.

Nuisance calls/texts

Nuisance calls remain a scourge - especially for vulnerable consumers. Ofcom has estimated that the overall number of nuisance calls made to UK consumers is around 5 billion per year. Silent calls comprise about 1.5 billion calls, abandoned calls around 200 million, live sales 1.7 billion calls and recorded sales messages 940 million, annually. Ofcom estimate the harm caused by all nuisance calls to landlines is £406m per year. We have welcomed the renewed efforts to tackle the problem, by Ofcom and by communications providers via network and account-holder level call 'blacklisting' and blocking; and we have urged Ofcom to pursue and maintain an uncompromising enforcement policy, naming, shaming and punishing the perpetrators.

The Panel has previously urged the provision of free caller line identification (CLI) by default for consumers. We have welcomed the inclusion of our proposal in Ofcom's review of the General Conditions and will continue to encourage the regulator to do all that it can to implement this benefit that will help those consumers most affected by nuisance calls.

Specific Objective

To help reduce both the incidence and the impact of nuisance calls/texts including silent calls and unrequested marketing calls and texts, the Panel will continue to work with Governments, Ofcom, the Telephone Preference Service (TPS), the Information Commissioner's Office (ICO), industry and other consumer groups to encourage: implementation of the recommendations of the Which? taskforce's review of consumer consent; co-operative efforts between agencies; effective use of the available technology; and support for consumers and micro businesses wishing to report nuisance calls - so that

people are well informed and better protected. We will continue to urge communications providers to provide free CLI for consumers.

Unfair policies and practices

We believe fairness for all consumers is the bedrock of a well-functioning market. This includes pricing, equality of access and availability, clear information, excellent customer service and good access to complaint escalation and redress. If consumers perceive a lack of fairness, they are less likely to trust a provider and, potentially, less likely to fully engage with their services.

Switching is a particular example where, in the interests of fairness, consumers need to have confidence that the process (for all services, including bundles) will be hassle-free with effective “safety nets” to mitigate against loss of services. They need to be able to make informed decisions (including assessing information about their consumption patterns) and be confident that they will not incur excessive cost, time or disruption as a result of a decision to switch. Exiting contracts needs to be a straightforward, penalty-free process. Communications providers’ processes can be unduly complicated as a result of contracts with different end dates, making it difficult for consumers to benefit from triple play switching.

But not all consumers want to switch - or are able to: for example, landline-only customers (where prices have risen unfairly in our view) and mobile customers in certain areas where there is a limited number of MNOs from which to choose. Consumers who are not the target of competition need protection from sharp practices. Communications providers must not be permitted to gain any unjustified enrichment from these customers.

These issues face all consumers, but particularly those who are older, disabled (for example, people requiring information in a specific format), or on lower incomes, or where a Power of Attorney is involved - and any consumer who is made vulnerable by a life event such as redundancy or bereavement. In the Panel’s view, micro businesses also warrant particular attention. Micro businesses should not be penalised for disclosing that they are micro businesses operating from a residential location.

Information must be clear, accessible and easy to understand, with no hidden charges, or ambiguous wording about the level of service to be provided. Companies should avoid information overload, such as lengthy privacy notices, which prohibit consumers from finding out quickly and easily what they need to know.

Consumers who are not online should be able to benefit from deals that are available online. Deals should be available through more than one channel (e.g. a consumer should not be prohibited from claiming a deal because they can’t speak on the phone).

Consumers who, for whatever reason, rent an exchange line only should not in our view be penalised by paying disproportionately high prices and experiencing higher price increases in relation to the rest of the market.

Specific objective

We will continue to work to ensure that consumers are not disadvantaged as a result of confusing or unfair practices by working with Ofcom and communications providers, especially where unjustified enrichment for companies is the outcome. This in turn will help sustain an effective competitive market for all stakeholders.

Customer service and complaints handling

The Panel's research [*Inclusive Communications: We're Not All the Same*](#)² highlighted many of the customer service issues we originally identified in our 2013 research [*Going round in circles? The consumer experience of dealing with problems with communications services*](#).³ The reports and the Panel's detailed recommendations are on our website.⁴ Whilst there has been some progress in this area, there continue to be a number of areas of concern which we will pursue with communications providers so that we can understand and monitor progress on the initiatives they are undertaking.

We have been particularly concerned about the communications providers' performance in terms of complaint escalation and referral to Alternative Dispute Resolution schemes (ADR) generally. We recognise that the number of letters advising consumers of their right to ADR at eight weeks has increased; but having to wait eight weeks if a deadlock letter has not been issued is unacceptable in our opinion. We will continue to call for publication of information about ADR complaints, the shortening of the eight-week referral period and greater publicity of ADR.

We are keen to see Ofcom progress its work on automatic compensation, which we believe needs to be truly automatic - without requiring any undue effort from affected consumers and we would suggest the early pilot of a simple solution, which can be built upon. As with other initiatives we hope progress can be made without delay. We would also like to see communications providers offering proportional billing - adjusting tariffs to cover situations where the customer does not receive the service they had expected (for example, reliable broadband speeds as advertised) if there is no alternative service or permanent remedy available.

² <http://www.communicationsconsumerpanel.org.uk/research-and-reports/we-re-not-all-the-same-inclusive-communications>

³ <http://www.communicationsconsumerpanel.org.uk/downloads/going-round-in-circles.pdf>

⁴ <http://www.communicationsconsumerpanel.org.uk/going-round-in-circles/going-round-in-circles>

Specific Objective

The Panel will continue to urge the communications industry to raise its level of customer service so that people enjoy better protection and improved, holistic standards. We will continue to promote the findings of our research studies and encourage implementation of our related recommendations with communications providers and Ofcom, and will review progress during the year. We will pay particular attention to the needs of older and disabled people (and other potentially vulnerable consumers) with specific communication needs.

Vulnerability

The Panel pays particular attention to the needs of people whose circumstances make them permanently or temporarily more vulnerable. Vulnerable consumers can come in many forms and the term 'vulnerable' can be applied to any consumer in vulnerable circumstances, who is more susceptible to detriment and less able to benefit from what communications markets have to offer. While disabled consumers may not - in every case - be "vulnerable", it is important that communications providers do not make them vulnerable by failing to provide affordable and accessible services that allow equivalent access to the communications services that all consumers rely on, or can benefit from. We continue to support the promotion of Next Generation Text and video relay services.

Our research on consumers in vulnerable circumstances highlighted a number of systemic issues, along with opportunities for improvements and we made a series of associated recommendations in our report: *We're Not All the Same!*

Specific Objective

We have welcomed Ofcom's idea of an annual report on outcomes in communications markets for more vulnerable consumers and will continue to work with Ofcom in developing this report.

Ofcom's current review of General Conditions includes a proposal for communications providers to draw up and publish clear, effective policies and procedures for identifying vulnerable customers, to ensure they are treated fairly and appropriately in their dealings with communications providers. We have strongly supported this initiative and in particular, will continue to encourage Ofcom to look into communications providers' debt management practices as part of this piece of work.

Access to broadcast and on-demand content

The delivery of audio-visual content has been transformed in recent years. We believe that, as far as practicable, everyone should have the opportunity to take advantage of these developments and have equivalent access to both broadcast and on demand content. We continue to be concerned about the provision of access services and have undertaken a study into the delivery and usage of services, people's attitudes to these and the barriers

that stand in the way of better provision. The UK population will have increasing numbers of elderly people in future - between 2015 and 2020, over a period when the general population is expected to rise 3%, the numbers aged over 65 are expected to increase by 12% (1.1 million); the numbers aged over 85 by 18% (300,000); and the number of centenarians by 40% (7,000)⁵. More than 50% of people over the age of 60 have some degree of hearing loss⁶.

Specific Objective

We have been disappointed by the recent lack of progress in Access Services - especially in relation to subtitling and speaking Electronic Programme Guides. We will continue to strongly encourage Ofcom to commit more resource to this area.

We have welcomed the Government's amendment to the Digital Economy Bill to introduce Code powers for Ofcom in respect of Access Services for On Demand programme services. We will work closely with Ofcom to develop the Code. It is vital that Ofcom measures and understands how effectively user requirements are being met, with equivalent access the ultimate goal.

Research:

In relation to our specific research projects, we aim to:

- ensure widespread awareness of our research and associated recommendations amongst relevant communications providers, policy makers and organisations working with disabled and older people and people in vulnerable circumstances; and
- encourage actions as a result of Panel recommendations.

We will undertake analysis and research to support our work to promote the interests of consumers and citizens in the sector, in line with the Panel and ACOD's remit. We would welcome stakeholders' suggestions for relevant areas of inquiry.

Additional ACOD specific work areas

Inclusion, portrayal and participation

The participation of older and disabled people in programmes, and their accurate portrayal, are central pillars to maintaining audiences' confidence and engagement with broadcast content. We will engage with Ofcom's and broadcasters' work in this area.

⁵ <https://www.parliament.uk/business/publications/research/key-issues-parliament-2015/social-change/ageing-population/>

⁶ <https://www.actiononhearingloss.org.uk/your-hearing/about-deafness-and-hearing-loss/types-and-cause-of-hearing-loss/age.aspx>

We will also continue to advise Ofcom on the development of its Single Equality Scheme and particularly its Disability Action Plan which sets out how Ofcom will ensure that it is a positive organisation for older and disabled employees and consumers.