

Minutes of the meeting of the Communications Consumer Panel and ACOD

on 16 December 2015 at 10.30

Riverside House, 2A Southwark Bridge Road, London SE1 9HA

Present

Consumer Panel/ACOD

Jo Connell (Chair)

Jaya Chakrabarti

Rick Hill

Chris Holland

Mairi Macleod

Craig Tillotson

Bob Twitchin

In attendance

Jenny Borritt

David Edwards

Fiona Lennox

Other Ofcom colleagues

Apologies

Rhys Evans

1. Declarations of Members' interests

1.1 Jaya Chakrabarti reported her appointment as a Business Fellow at the University of the West of England.

2. Minutes of the meeting on 18 November 2015 and matters arising

2.1 The minutes of the meeting of 18 November were **APPROVED** for signature by the Chair.

2.2 Members remained keen to meet again with the BBC Executive to discuss the accessibility of online AV content and asked the team to continue to pursue this.

2.3 Members **NOTED** that the Panel's inclusive communications reports and recommendations would be published shortly.

2.4 Members would be forwarded a desk review of 'rural' initiatives and reports in the communications sector.

2.5 A Member requested that the agenda item on non-geographic calls, planned for a future Panel meeting, be broadened to include discussion of the impact of the *UK Calling* campaign and of how well information continued to be made available to consumers.

3. Ofcom Diversity report and Single Equality Scheme

3.1 A colleague from Ofcom joined the meeting and Members had received papers to brief them on Ofcom's annual Diversity Report and to provide an update on progress made on Ofcom's Single Equality Scheme

(SES) Action Plan. Members welcomed Ofcom's positive approach and the work it had undertaken in these related areas.

3.2 Members **NOTED** that Alison Crosland, Ofcom's new Corporate Services Group Director, would take up her post in the New Year and would take over as chair of Ofcom's Corporate Responsibility Steering Group.

3.3 There was discussion of issues including Ofcom colleague recruitment targets and age profiles and Ofcom's approach to procurement, including equality objectives. The Panel welcomed Ofcom's accreditation by the Consumer Contact Association and ISO 9001.

3.4 A Member advised that it would be useful for Ofcom to look at case studies of individual Ofcom colleagues who were disabled and perhaps work out why disability disclosure levels had dropped, were lower for interviewees than for all applications and still lower for those recruited; another Member raised parental leave for men and questions about take-up. Members also strongly encouraged the consideration of targets related to older and disabled applicants' recruitment, particularly as figures in the report showed higher percentage of people with disabilities in the BBC (4%) and BT(6%) compared with Ofcom's current level of 2%. Feedback on these matters would be provided outside the meeting.

4. Consumer update

4.1 An Ofcom colleague joined the meeting and Members had received a paper to update them on the recent activity of Ofcom's consumer teams and the latest iteration of Ofcom's Consumer Action Plan.

4.2 There was discussion of issues including unintended consequences of competition, i.e. replication of poor practice in markets by new entrants; and the sometimes mistaken assumption that information finds its way to consumers. Retail price rises was raised by the Panel as an issue increasing in importance - fixed-line tariffs in particular and with unfavourable comparisons between UK prices and lower tariffs in a number of other European states.

4.3 Members **NOTED** that the government was intending to produce a Digital Transformation Plan to support the adoption of digital technologies to improve productivity in the UK economy - more details would be provided to the Panel. Further feedback would be provided on lessons learnt from the recent TalkTalk cyber attack; on Ofcom's CLI guidelines, in the process of being updated, and work related to CLI validation; and on Ofcom's Wi-fi checker app.

4.4 Members were briefed on some organisational changes in Ofcom, in particular plans to create a new Director of Consumer Strategy post and team and the recruitment of a new Consumer Group Head, currently underway. It was **AGREED** that the Panel would write to outgoing Group Head Claudio Pollack to thank him for all his work at Ofcom on behalf of consumers.

5. Market consolidation

5.1 Ofcom colleagues joined the meeting and updated Members on market consolidation developments. Regarding the proposed BT/EE

merger, Members **NOTED** that the Competition and Markets Authority would publish its final report by 18 January 2016. Regarding the proposed Three/O2 merger, it was **AGREED** that the Panel would write to the European Commission to voice consumer perspectives.

6. Broadband price advertising

6.1 Members had received a paper and Ofcom colleagues joined the meeting for discussion of a qualitative research report prepared for Ofcom and the Advertising Standards Authority (ASA) on consumers' understanding of broadband adverts, to be published in mid-January.

6.2 Research results indicated that a significant minority of people did not understand at an initial stage that line rental was payable in relation to 'free' broadband offers and a majority could not work out the total contract price from adverts.

6.3 Members **NOTED** that the ASA was the lead authority to tackle misleading advertising and would consider whether to intervene to make broadband adverts clearer. Members recommended that future research of this kind include age breakdowns above 65+ and microbusinesses.

7. Quality of Customer Service report

7.1 Ofcom colleagues joined the meeting and Members had been provided with a paper to provide the key findings from Ofcom's *Annual Customer Service Satisfaction Report* due for publication in the New Year.

7.2 The Panel welcomed the research but registered concerns about the frequency of communications providers (CPs) failing to call back their customers, having previously agreed to do so, and a lack of ease in finding CPs' contact details. The issue of the availability of customer service data from utilities was raised as a means of benchmarking priority services take-up and an Ofcom colleague agreed to investigate and report back.

8. Monthly update report

8.1 Members had been provided with copies of a new regular monthly document to update them on activity related to key priority areas for the Panel. Members made a number of comments and proposed increased activity on issues including ADR, a robust threshold for the measurement of mobile signal, improvement to mobile coverage for all customers whether indoors, outdoors or on the move, a further MVNO to contact in relation to lost and stolen caps. It was suggested that contact be made with the Oxford Internet Institute for advice in relation to the Panel's proposed digital footprints research. Members were asked to provide any further comments on the report by email.

9. Review of GC14

9.1 Having provided a paper Ofcom colleagues joined the meeting for discussion of the review of Ofcom's Approved Code of Practice for Complaints Handling. The review was at an early stage and would include a

public consultation, expected in Spring 2016.

9.2 Discussion covered issues including mechanisms for customers to contact communications providers, eg by phone or webchat; ADR and consistency of deadlock letters, the Panel advocating their automatic generation; the proper and timely logging of complaints; access to data by nominated third parties and power of attorney; and a need for sufficiently accessible complaint handling. The review team planned to return for further discussion with the Panel in the early part of 2016.

10. Broadband USO

10.1 Ofcom colleagues joined the meeting and a paper had been provided to update members on Government plans to implement a broadband universal service obligation, with an ambition to set the minimum download speed at 10 Mbit/s. Ofcom was continuing to provide support with technical advice and DCMS was developing a consultation.

10.2 Members made a number of comments, stressing the importance of adequate upload speeds for small businesses and highlighting funding and the cost challenges for rural areas, with satellite service not always being an effective solution. A Member suggested a charging policy based on the actual download speed experienced by the customer. The Panel continued to support a minimum 10 Mbit/s and would support efforts to achieve that end.

11. Legal review of General Conditions

11.1 A paper had been provided and colleagues from Ofcom's Legal Group joined the meeting for discussion. A review of General Conditions was underway with a view to simplifying and deregulating where appropriate whilst maintaining protection for consumers. Ofcom would consult on any proposed changes.

11.2 The Panel understood the purpose of the review and recognised that there could be some historic provisions that were no longer fit for purpose but suggested a cautionary approach, since powers not required currently could be needed in the future and reserve powers could act as behavioral incentives. It was **AGREED** that the Ofcom team would re-engage with the Panel, prior to discussion of the review by the Ofcom Board, and was encouraged to take note of the Panel's recommendations when conducting a consultation exercise.

12. Review of on-demand regulation

12.1 Ofcom colleagues joined the meeting for discussion, beginning by outlining Ofcom's rationale for bringing the regulation of VOD services in-house.

12.2 Members NOTED that Ofcom was about to consult on new procedures for investigating breaches of rules for on-demand programme services and to align them more closely with the position for linear television broadcasting and on whether to charge fees, as ATVOD had done. In addition, Ofcom planned to publish a 'map' of the availability of access services and would share this with the Panel prior to publication.

.....ChairDate