

Minutes of the meeting of the Communications Consumer Panel and ACOD

on 18 May 2017 at 10.30

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

Present

Consumer Panel/ACOD

Jo Connell (Chair)

Jaya Chakrabarti

Rhys Evans

Rick Hill

Chris Holland

Craig Tillotson

Bob Twitchin

In attendance

Jenny Borritt

David Edwards

Millie Hyde-Smith

Catriona Lawrence

Fiona Lennox

Mairi Macleod

A colleague from Ombudsman Services (item 8)

Ofcom colleagues

1. Welcome and introductions

1.1 The Chair welcomed all those present.

2. Declarations of Members' interests

2.1 In anticipation of a discussion with Ombudsman Services later in the meeting and any references made to ADR, Chris Holland reminded Members of his role as Independent Complaint Reviewer for the Centre for Effective Dispute Resolution (CEDR).

3. Minutes of the meeting on 27 April 2017 and matters arising

3.1 The minutes of the meeting of 27 April were **APPROVED** for signature by the Chair.

3.2 The Panel wished to give consideration to how best capture feedback from policy presenters - this would be a substantive item for discussion at a future Panel meeting. In the meantime, feedback would be included in the Panel's forthcoming Annual Report.

3.3 A further draft of the access services research report, commissioned by the Panel, had been received, commented upon and referred back to the agency for editing. The Panel's covering report of recommendations would be drafted shortly and copied to Members for comment.

4. Consumer update

4.1 Ofcom colleagues joined the meeting. The regular monthly update paper had been provided to give Members an overview of Ofcom's consumer priority work areas, progress, next steps and milestones. The Panel requested that the paper highlight key dates of updates.

4.2 A range of issues in the paper were discussed. These included nuisance calls, which were to be an agenda item at the June Panel meeting, but in the meantime Members suggested that Ofcom review its estimate of the number of nuisance calls received in the UK; correlation between complaint and nuisance call volumes; complaint handling by communications providers (CPs) and how to achieve a reduction in complaints (Ofcom wished to discuss the latter further with the Panel); switching; quality of service (QoS) information (Ofcom wished to discuss its research plans with the Panel); improving consumer engagement and reference to the Behavioural Insights Team, formerly a Government body, that would be invited to meet the Panel; vulnerability next steps which would be followed up and reported to the Panel; 4G and what action would be taken should year-end coverage obligations not be met; and the ADR review, to be discussed further as an agenda item at the next meeting.

4.3 The Panel had previously discussed with Ofcom the issue of house moves and the application of early termination charges (ETCs) applied by Virgin Media. Members were updated on Ofcom's work on ETCs. Members **AGREED** to include an agenda item on ETCs at a future Panel meeting and to consider writing to Virgin Media about concerns related to house moves.

5. Broadband speeds

5.1 Members had been provided with a paper and Ofcom colleagues joined the meeting to discuss broadband speeds information and proposed improvements to the voluntary codes of practice agreed by the industry (one for consumers and the other for business).

5.2 Members made a number of proposals: a minimum guaranteed speed as the headline speed; the right to retain a broadband service and its technology if the speed fell short but with service charges to reflect the actual speed delivered; minimum speeds and the right to exit a contract to be emphasised in the information provided to customers; information should include details of what customers could do with different broadband speeds; a need to strike the right balance between essential and too much information; and Ofcom verification of CP information. The Panel would have the opportunity to discuss the draft revised code at a subsequent meeting.

6. PSTN

6.1 An Ofcom colleague joined the meeting to update Members on the status and future of PSTN networks, which were reaching obsolescence and decreasing in reliability. This was in the context of a future of IP-based networks. There was ongoing Ofcom engagement with network providers to discuss their plans and with Over-The-Top providers already making use of IP networks. In addition, large entities like the NHS would need to

transition to IP networks. The Panel raised the issue of fixed-line only consumers and their reliance on a phone service, vulnerable consumers in particular, and the security/alarm sector reliant on PSTN lines. Other issues raised included linkages with broadband provision, including as part of universal service provision, battery backup, for IP phones, and the implications for text relay. The Panel **AGREED** to pursue the consumer dimensions of this issue with colleagues in Ofcom's Consumer Group.

7. Post

7.1 Members had been provided with a paper on potential changes to the QoS regime for universal postal services and Ofcom colleagues joined the meeting. Ofcom had investigated Royal Mail's failure to meet certain QoS targets during 2015/16 and had identified issues with the integrity of the current QoS regime.

7.2 Issues raised included the Panel's frustration with Royal Mail's failure to meet its targets; Cyber Week and other changes in online retail behaviour which impact on letter targets as Royal Mail used the same postal network for parcels and letters; Royal Mail revenues; consumer detriment resulting from missed targets, in particular those at the "tail" in terms of statistical distribution; failings masked by mail volumes, e.g. in large postcode areas; and the value of detailed data to highlight the extent to which targets were being missed. Ofcom was in the process of finalising its policy proposals and would take account of Panel views.

8. Ombudsman Services

8.1 A colleague from Ombudsman Services (OS) joined the meeting. Discussion focused on publication of ADR complaint data, something that for the Panel had consistently argued for. Various factors appeared to have frustrated achieving this to date, including different data measures used by the two ADR schemes, OS and CISAS (the Communications and Internet Services Adjudication Scheme). OS was now working to publish data by CP in June. Members discussed their concerns related to complaint categorisation, the Panel's view being that a complainant raising one or more concerns should be categorised appropriately as one or multiple complaints and OS was encouraged to adopt this approach. The Panel reiterated its view that, should they not be resolved, consumers should be able to take their complaints to ADR after four weeks, currently eight weeks was required to elapse. The issue of promoting awareness of ADR amongst consumers was raised. OS had a promotional van (Ombudsvan) that visited local communities and shopping centres and the Panel would publicise this in its monthly bulletin.

9. Mobile research app

9.1 Ofcom colleagues joined the meeting to present key findings from Ofcom's mobile research app, designed to measure consumers' experience of using mobile services, in particular data service availability and voice and data performance. Members **NOTED** that although almost 70% of users

were happy with their overall data service, latency, i.e. delay in data transfer, tended to be the main issue of dissatisfaction. Issues discussed included poor voice quality; variation in performance by location; and sample composition and the risk of sample skews as the app was only available on android phones. The Panel suggested inclusion of findings in Ofcom's next Communications Market Report.

10. Triple play switching

10.1 Ofcom colleagues joined the meeting to brief Members on Ofcom's latest policy thinking in relation to triple play switching. Members expressed their desire for a holistic vision for switching across the entire communications network and services and their concern that this had not yet been achieved.

11.1 Unfair policies and practices

11.1 Members had been provided with a revised iteration of a paper listing unfair policies and practices affecting consumers identified by the Panel and a paper proposing five of these as being the most important. It was **AGREED** that the "top five" would be reviewed and would form part of the agenda of future meetings with CPs.

12. Any Other Business

12.1 It was **AGREED** that the Panel would respond to the CAP (Committees of Advertising Practice) consultation seeking views on different options to strengthen the standards around broadband speed claims.

12.2 CISAS, part of CEDR, would be invited to meet the Panel.

12.3 Members **NOTED** that the Chair was unable to attend the next Panel meeting and Chris Holland had kindly agreed to chair the meeting.

.....ChairDate