

Minutes of the meeting of the Communications Consumer Panel and ACOD

on 18 November 2015 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

Mairi Macleod

Craig Tillotson

Bob Twitchin

In attendance

Jenny Borritt

David Edwards

Fiona Lennox

External visitor from Ofgem (item 3)

External visitors from Ombudsman Services (item 12)

Other Ofcom colleagues

1. Declarations of Members' interests

1.1 In respect of item 12, Chris Holland reminded the Panel that he acted as an occasional consultant across all dispute resolution schemes offered by IDRS Ltd, including the Communications and Internet Services Adjudication Scheme (CISAS).

2. Minutes of the meeting on 21 October 2015 and matters arising

2.1 The minutes of the meeting of 21 October were **APPROVED** for signature by the Chair.

2.2 Members **NOTED** that the work of the Working Group on Consumer and Competition Policy for Scotland and Rick Hill's role as its chairman had come to an end.

2.3 It was **NOTED** that the Panel was continuing to press for free CLI at its meetings with communications providers; that written evidence was being submitted to the Culture, Media and Sport Committee inquiry *Establishing World Class Connectivity Throughout the UK*; that the Panel's Proposed Stakeholder Engagement Plan had been circulated to members; that colleagues from Ofcom's Standards team would attend the next meeting to discuss Ofcom's review of on-demand TV regulation; and that Ofcom had approved a third ADR scheme although Pro Mediate's work would not overlap Ombudsman Services or CISAS.

3. Ofgem - ADR pilots

3.1 A colleague from Ofgem joined the meeting and briefed Members on Ofgem research commissioned to investigate why such a large number of energy customers, having been informed that they could do so, did not take their complaints to ADR.

3.2 Members **NOTED** the main findings, including a lack of awareness of Ombudsman Services (OS) and its role and customer expectation that energy suppliers themselves would resolve their complaints; and that a workshop had been held and made up of energy suppliers, OS and consumer representatives and from which a number of actions would be taken forward by a working group which had produced ADR guidance for energy suppliers. Three initiatives had also been trialed - joint OS and supplier branding of deadlock letters, a letter at six weeks flagging the eight week milestone and sending the eight week letter at six weeks. Members discussed the implications for ADR within the communications sector, including the role of the ADR providers and expressed interest in hearing about the final results of the initiatives.

4. Network service issues

4.1 Ofcom colleagues joined the meeting and Members had received a paper on Ofcom's work to improve how customers were treated by communications providers (CPs) when they experienced mid-contract network service issues, e.g. a reduction or loss of services.

4.2 Ofcom had been working with CPs to secure improvements. Members **NOTED** positive results and welcomed Ofcom's online advice guides. Members proposed that organisations like Which? be encouraged to include links to the guides on their website and that the guide on mobile phone service faults and problems could include a link to Ofcom's mobile coverage checker. Concern was raised about customers' personal data being shared with third parties; and it was suggested that proportional billing be introduced, i.e. that customers pay for the service that they actually received, in particular if they continually experienced slower broadband speeds than advertised.

5. TV Access services

5.1 An Ofcom colleague joined the meeting and a paper had been provided to update members on recent activity to improve the accessibility of TV in relation to the quality of live subtitling, Electronic Programme Guides and signing arrangements for channels with smaller audiences.

5.2 Discussion focused on a promising new technical solution to tackle subtitle latency and Members would be provided with a link to a video clip to show the effect of 'switchable delays' and with the most recent draft of the forthcoming consumer research on live subtitling to allow comment. The efficacy of audio description was also raised and Ofcom would return to the Panel to discuss this further during the coming months.

6. Annual Plan

6.1 Members had received a paper, including the latest draft of Ofcom's *Proposed Annual Plan 2016/17* and Ofcom colleagues joined the meeting for discussion. Members **NOTED** that the draft had been approved by the Ofcom Board on the previous day.

6.2 Members welcomed the new format for the Plan and made a number of comments on the draft and **AGREED** to submit a response following publication of the Ofcom document. The team also discussed how they would be using the results of the Panel's review of Ofcom's consultations to inform their communications plan.

7. DCR and QoS research update

7.1 Ofcom colleagues joined the meeting and Members had been provided with a paper that summarized current hypotheses for the causes of poor Quality of Service (QoS) in fixed and mobile, subject to further evidence gathering, and remedy options identified to date.

7.2 Members made a number of comments on issues including Openreach targets, which the Panel argued should be more demanding; 'under-coverage' by mobile network providers; the suggestion of automatic compensation for consumers that experienced poor QoS; and the efficacy of Ofcom raising QoS directly with the CEOs of providers. It was **NOTED** that Ofcom commissioned QoS research was due to be completed in December and Members looked forward to discussing the findings.

8. Broadband speeds code for SMEs

8.1 Having provided a paper to brief Members on the scope and principles of Ofcom's brokered Business Broadband Speeds Code of Practice, Ofcom colleagues joined the meeting for discussion. It was **NOTED** that the CoP was voluntary, that its focus was on transparent and accurate information for customers and due for publication in December.

8.2 Members raised a number of issues including degraded service as an unintended consequence of network upgrades; allowable timescales to correct speeds that fall below the minimum advertised; providers' response to intermittent problems and how long customers would be expected to tolerate them; and the impact of backhaul issues.

9. USO provisions - call boxes and printed directories

9.1 Ofcom colleagues joined the meeting for discussion and Members had received a paper to update them on regulation of Public Call Boxes (PCBs) and Directories. Given the fact that mobile coverage was still not universal and that not everyone would have immediate access to a working mobile phone, Members felt that PCBs remained important and that it was too soon to remove related universal service obligations. In relation to printed directories, Members recalled research noting their continued importance for older consumers and those not online and considered that there remained the need for an obligation.

10. Ofcom Consumer Policy update

10.1 A paper to update Members had been provided and Ofcom colleagues joined the meeting. There was discussion of how Ofcom utilized social media and Members **NOTED** that this was not used as a channel for individual consumers to communicate complaints or enquiries to Ofcom. Twitter was used to broadcast Ofcom activities and was a source of intelligence on consumer issues and concerns.

10.2 Members were given an update on courier scams and the encouraging steps taken by CPs or in progress to combat the practice, by making changes to their network switches. Members were briefed on the extent of the recent TalkTalk data breach and there was discussion of its communication and handling of the incident. On a positive note, the actual customer data loss turned out to be more limited than initially feared. However it was likely that customers would have been worried and there was discussion of how this might have inspired scams.

11. Consumer Strategy

11.1 Ofcom colleagues had provided a paper to update on Ofcom's project to assess how it can increase its focus on delivering good outcomes for consumers and citizens and joined the meeting for discussion. The action plan was subject to regular review by Ofcom's Policy and Management Board and the Chairman suggested that this should include review of resources.

11.2 Members' suggested that an in-depth "tracker" survey of SMEs should be more frequent than the two years proposed. There was significant support for the proposal for Ofcom colleagues to spend time in its Contact Centre but a view that this would only bring them into contact with consumers who proactively raised their concerns or grievances with Ofcom. Ofcom colleague contact with focus groups could further widen exposure. It was noted that Ofcom proposed to strengthen relationships with other consumer related bodies and it was suggested that this include bodies in the Nations. A Member proposed that Ofcom consult consumers directly to ask them what they felt should be Ofcom priorities.

12. Ombudsman Services

12.1 Colleagues from Ombudsman Services joined the meeting for discussion of its ADR work and in the context of the recent and critical study commissioned and published by Ofcom, *Facilitating access to Alternative Dispute Resolution*. It was **NOTED** that CPs were taking steps to make improvements in response to the report. Issues discussed included signposting; customer auto-referral and value in publishing ADR complaints data. The Panel wished to remain in close contact with Ombudsman Services.

13. Any other business

13.1 Members had received an information paper on Ofcom's recent

Children and parents: media use and attitudes report. A Member enquired about the inclusion of parents or children with disabilities in the sample. This would be raised with Ofcom, along with an enquiry about the inclusion of Welsh speakers. The inclusion of the topic of inappropriate use of children's personal data in the Panel digital footprints research was raised. 13.2 Members **NOTED** that Ofcom's next Consumer Experience report launch event was scheduled to take place on 10 February 2016.

.....ChairDate