

Minutes of the meeting of the Communications Consumer Panel and ACOD

on 19 May 2016 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

Fiona Lennox

Other Ofcom colleagues

1. Introduction

1.1 Members were welcomed to the meeting.

2. Declarations of Members' interests

2.1 In respect of items 11 and 13, Chris Holland reminded the Panel that he acted as a consultant, from time to time, across all dispute resolution schemes offered by CEDR Ltd, of which CISAS was a part, and he had previously been involved in establishing Ombudsman Services.

3. Minutes of the meeting on 21 April 2016 and matters arising

3.1 Subject to minor amendments, the minutes of the meeting of 21 April were **APPROVED** for signature by the Chair.

3.2 The Panel **NOTED** the European Commission's decision not to allow the proposed merger of Three and O2, which the Panel had previously highlighted as a risk to consumers, potentially impacting pricing and choice.

3.3 The Panel also **NOTED** that the White Paper on the future of the BBC had been published. The Secretariat would consider any implications for the Panel and/or ACOD.

4. Consumer update

4.1 Ofcom colleagues joined the meeting, having provided the Panel with a new style report that outlined work that was taking place in Ofcom teams, in respect of Ofcom's top 10 strategic priorities for the protection of consumers and citizens.

4.3 The Panel welcomed the report and were pleased to see that it included RAG ratings to monitor progress. There was discussion about the most effective use and format of the report.

4.4 The Ofcom colleague agreed to consider changes to show where other mitigations and actions were taking place outside of the teams covered by the report and would further clarify the underlying issues causing detriment, in order to measure whether the actions to be taken would be enough to address those issues. The Panel also asked for Openreach Quality of Service information to be added as an item for tracking.

4.5 Specific items raised by Members included nuisance calls; how the report could best reflect what was being done to protect vulnerable consumers and micro businesses; and poor broadband experiences (speed, quality of service and pricing).

5. Power of Attorney (PoA)

5.1 An Ofcom colleague joined the meeting, having provided the Panel with a draft guidance document about Power of Attorney for future publication.

5.2 Members were informed that the Office of the Public Guardian (OPG) had endorsed the guidance and would be adding their logo to it. The Ofcom colleague asked for final feedback from Members.

5.3 The Panel welcomed the guidance and advised on a number of points related to the audience that the guidance was targeting. Members noted that they would welcome consistency of approach amongst CPs and agreed to consider potential work that the Panel could undertake in this area.

5.4 The Ofcom colleague advised that the PoA guidance would be published in June. The Panel agreed to promote awareness of it.

5.5 Members were also advised that the OPG would be supplying Attorneys with a leaflet Ofcom had produced in conjunction with the UK Regulators' Network, previously presented to the Panel.

6. Panel priorities review

6.1 Members had been provided with the latest iteration of the monthly report on stakeholder engagement activity related to the Panel's key policy issues. Issues discussed included work related to nuisance calls; mobile and broadband coverage; and the Panel's inclusive communications research. The latter had been discussed with a number of communications providers (CPs) and Ofcom and the Panel's next step would be to prepare and share a good practice grid with CPs.

7. Telephone Preference Service (TPS)

7.1 Members had been provided with a paper and an Ofcom colleague joined the meeting for a discussion on promoting awareness and take-up of the service.

7.2 Members were advised that according to recent research only 48% of consumers were aware that they could register with the TPS to reduce marketing calls to their mobile phone.

7.3 The colleague advised that from the end of May, consumers would be

able to register by SMS, by texting 78070. Ofcom would promote the new facility via mobile providers, a press release and social media. The Panel would assist with promotion.

7.4 The Panel asked for the most recent volumes of nuisance calls, broken down by Nation and how many of these could have been stopped by registering with the TPS. The Ofcom colleague agreed to liaise with colleagues and provide these figures and advised that generally a 33% decrease in nuisance calls had been seen where consumers had registered with the TPS.

[Withheld from published minutes.]

8. Broadband Delivery UK (BDUK)

8.1 The Panel were joined by colleagues from BDUK and DCMS' Broadband USO team, having been provided with slides for discussion on BDUK's work in rolling out superfast broadband; alternative technologies such as satellites and wireless; and pilot schemes.

8.2 The Panel gave examples of difficulties in different parts of the UK and BDUK advised on pilot schemes that were taking place to tackle these issues, as well as updating the Panel on the procurement exercise that is taking place and the discussions that had been taking place on State Aid.

8.3 The Panel raised concerns on behalf of consumers in rural and remote rural locations - as well as micro businesses - and highlighted the need to successfully promote the availability of schemes that can assist them, as well as the potential for individuals to amalgamate their support, working with a provider to cover a community.

8.4 Members highlighted Community Broadband Scotland as a model to replicate in other parts of the UK.

8.5 BDUK also advised that their desk-based modelling would soon be published.

9. Ofcom research update

9.1 A paper on Ofcom's recent and future research projects had been circulated and Members discussed a range of projects including Digital Days and Smartphone by Default.

9.2 Members asked if data gathered under Digital Days could be broken down to allow comparing and contrasting by location (Nations and Regions) across the 7 days covered by the diary exercise and asked for a split between disabled and non-disabled diarists for the same purpose. The Ofcom colleague agreed to find out whether this was available or possible and would provide an update to the Panel.

9.3 A finding from Smartphone by Default had been that some people had been struggling with computing skills and Members asked whether details had been shared with Go ON UK or other organisations with an interest in promoting digital skills. The Ofcom colleague offered to check whether this had happened.

9.4 Members agreed that Ofcom's Media Literacy research team should be invited to a future Panel meeting.

10. 700MHz clearance

10.1 Ofcom colleagues attended to address some of the points made by

the Panel in its recent response to Ofcom's consultation and to give a summary of the overall responses.

10.2 Members were advised that just under 40 responses had been received, not including financial-only responses by PSME operators; responses had come from a wide variety of sources.

10.3 Members discussed the viewer support scheme, including ways of reaching vulnerable viewers; the need to protect consumers and citizens from rogue aerial installers; the potential for genuine installers to over-charge; and highlighted the need to work with trusted third parties who consumers would look to for advice (such as Citizens Advice).

10.4 Members also highlighted the potential to maximise benefits for consumers in the allocation of spectrum in the 700MHz band.

10. Alternative Dispute Resolution - Cisas

10.1 Members had been provided with a paper by Ofcom colleagues in respect of items 10 and 12, giving an overview of the work that had been taking place with the ADR schemes.

10.2 The Panel were joined by two colleagues from Cisas, which is owned by CEDR, and Members discussed with them the publication of complaints volumes; promotion of ADR; whether it would be possible to reduce the 8 week referral period; and the impact of both Ofcom's research published September 2015 and the ADR Directive.

10.3 Members also asked for information on the inclusivity and accessibility of the Scheme to all who would potentially need to use it, following on from the Panel's research, 'Inclusive Communications - We're Not All The Same', published in 2015; and the handling of complaints from people with Power of Attorney for the account holder.

11. Persistent Misuse

11.1 Having circulated a paper to Members, Ofcom colleagues joined the meeting to discuss Ofcom's review of its Persistent Misuse Policy. Ofcom colleagues highlighted the fact that the policy gave Ofcom powers to pursue anyone who persistently misused the network.

11.2 Members and Ofcom discussed the themes of responses to the review, including the Panel's suggestion of a curfew at 8pm. The Panel suggested that Ofcom looked at the opening hours of businesses' contact centres, when considering whether it was reasonable for their marketing teams to contact consumers.

11.3 Ofcom and Members discussed the harm caused by a recent call back scam; Members were keen to ensure that consumers who had been billed had been refunded and Ofcom advised on initiatives providers were considering on working on together to protect consumers from future harm.

11.4 Members asked whether persistent misuse statistics could be broken down by Nation; Ofcom colleagues said that this had not been done, but they could liaise with other colleagues to ask if this was possible.

12. Alternative Dispute Resolution - Ombudsman Services (OS)

12.1 The Panel were joined by a colleague from Ombudsman Services, and Members discussed with her the publication of complaints volumes; promotion of ADR; whether it would be possible to reduce the 8 week

referral period; and the impact of both Ofcom’s research published September 2015 and the ADR Directive.

12.2 Members also asked for information on the inclusivity and accessibility of the Scheme to all who would potentially need to use it, following on from the Panel’s research, ‘Inclusive Communications - We’re Not All The Same’, published in 2015; and the handling of complaints from people with Power of Attorney for the account holder. OS agreed to check that Video Relay could be used by complainants who wanted to contact OS via that channel.

12.3 OS noted that all communications providers selling services online now have an obligation to link to the ODR Scheme (Online Dispute Resolution), under the requirements of the ADR Directive.

12.4 Members and OS discussed the fact that there was no obligation on providers to promote ADR schemes on online bills. The Panel considered it vital that this information was available on bills and also self-service portals. It would follow this up with providers in the next round of meetings. The Panel decided to include PlusNet in the list of providers that it meets on a regular basis.

13. AOB

There was no other business

.....ChairDate