

Minutes of the meeting of the Communications Consumer Panel and ACOD

on 21 September 2017 at 10.30

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

Present

Consumer Panel/ACOD

Jo Connell
Amanda Britain
Jaya Chakrabarti
Rhys Evans
Rick Hill
Chris Holland
Craig Tillotson

In attendance

Dame Patricia Hodgson, Ofcom Chairman (items 4 - 7)
Jenny Borritt
David Edwards
Millie Hyde-Smith (until item 10)
Fiona Lennox
A colleague from DCMS (item 5)
Colleagues from the UK Regulators Network (item 12)
Other Ofcom colleagues

1. Welcome and introductions

1.1 The Chair welcomed all those present and in particular Amanda Britain, who was attending her first meeting as the Panel's new Member for Scotland. Members **NOTED** that a recruitment process was in play to fill a recent vacancy on the Panel created when Bob Twitchin's appointment had come to an end recently.

2. Declarations of Members' interests

2.1 Rick Hill declared that he had been appointed as Deputy Chairman of the Independent Press Standards Organisation. Chris Holland reminded Members of his role as Independent Complaint Reviewer for the Centre for Effective Dispute Resolution (CEDR) in anticipation of item 11. Jaya Chakrabarti declared her involvement with various Government departments, none of which touched on the work of the Panel but in anticipation of item 5.

3. Minutes of the meeting on 13 July 2017 and matters arising

3.1 The minutes of the meeting of 13 July were **APPROVED** for signature by the Chair. It was **NOTED** that an initial discussion had taken place with Ofcom colleagues concerning future Panel research related to consumers'

experience of communications providers' (CP) customer services and complaints. The Panel's Access Services recommendations, following recent research undertaken for the Panel by Kantar, had been redrafted and would be copied to members for final review.

4. Consumer update

4.1 Ofcom colleagues joined the meeting. An update paper had been provided to give Members an overview of Ofcom's consumer priority work areas, progress, next steps and milestones.

4.2 Members were updated on nuisance calls and **NOTED** Ofcom's focus on blocking/stopping calls, enhancing reliability of CLI and consideration of new kinds of enforcement action; and the current level of UK nuisance calls. The number of nuisance calls was falling but more work remained to be done to tackle the problem. The Panel had long argued for and welcomed Ofcom's decision to mandate free CLI and was extremely pleased that this would happen via a new General Condition (albeit coming into effect in a year's time). It was **NOTED** also that Ofcom intended to consult on a new process to take telephone numbers back from CPs if it was known that they were being misused.

4.3 There was discussion of other issues including complaint handling and Members **NOTED** that Ofcom had met a number of CPs and clear targets had been set for improvements; triple-play switching; mobile coverage information, Ofcom colleagues would report back on whether consumers were beginning to make more informed decisions based on coverage data and would share the first phase of data collection from the Ofcom Mobile Research App; Ofcom's consumer engagement project, the Ofcom team would be able to attend a Panel meeting in November to present initial research findings; retail voice-only services; broadband USO, BT's voluntary offer to the Government in place of regulation was still being considered; Next Generation Text Relay, Ofcom had met with BT to discuss improvements; Royal Mail quality of service (QoS); and review of call costs. It was **NOTED** with disappointment that Ofcom had decided not to include access price charges in its current work programme, these would be considered as part of a wider review later in 2018.

5. DCMS review 'Secure by default'

5.1 A colleague from DCMS joined the meeting and briefed the Panel on a review arising from the Government's National Cyber Security Strategy 2016 to 2021, to make Britain's consumers' and citizens' interactions with cyberspace secure and resilient. One outcome of the review would be a Secure by Default Code of Practice, the draft of which would be shared with the Panel for comment, and DCMS expected to return to the Panel in January.

6. Future of voice

6.1 Members had been provided with a paper and Ofcom colleagues joined the meeting for discussion of issues related to the switch-off of the Public Switched Telephone Network (PSTN) and the migration of voice services to voice over IP (VoIP), likely to begin in 2018 and raising complex consumer issues.

6.2 Issues raised by Members in discussion included IP network resilience in emergency situations; TBEST (a counterpart to the CBEST framework for developing intelligence-led cyber threat vulnerability tests against the critical systems of UK financial institutions); remote/rural locations, eg in Northern Ireland, and implications for vulnerable consumers and CP customer 'at risk' registers; the requirement for broadband; whether PSTN line rental charges would cease; implications for the provision of public payphones; the need for the inclusion of consumers or their representatives as part of Ofcom's programme of stakeholder engagement; and KCOM's plans for its PSTN network.

6.3 There was discussion of the importance of Ofcom's Future of Voice project and the need to ensure successful migration from the PSTN to VoIP, without detriment to consumers. In particular, lifeline services would need to be protected to enable people who were in difficulty to access emergency services.

6.4 The Future of Voice team would keep the Panel informed about the project on a regular basis, the timetable for which would be determined outside the meeting.

7. Ofcom Chairman

7.1 Dame Patricia Hodgson would be stepping down as Chairman of Ofcom at the end of the year. She spoke about her time at Ofcom and about the important work undertaken by the Panel during her term of office. The Panel Chair thanked the Ofcom Chairman for her valuable contribution to the regulation of the UK communications sector.

8. General Conditions

8.1 Ofcom colleagues joined the meeting to brief Members on Ofcom's recent decisions to make improvements to the General Conditions (GCs), published on 19 September and with effect from 1 October 2018.

8.2 In summary, Ofcom had strengthened consumer protection in some areas, eg complaints-handling, nuisance calls and vulnerable consumers; with respect to network functioning, Ofcom had removed redundant provisions and unused direction-making powers; and in relation to the structure/style of the GCs, they had been streamlined and drafting had been consolidated to produce more user-friendly conditions, eg one single set of definitions. Next steps included a consultation on guidance about the procedures for terminating contracts.

8.3 The Panel welcomed the new GCs in general and confirmed the need for Ofcom to ensure easy accessibility of information about the GCs on its website and for it to monitor compliance by CPs.

9. 700 MHz clearance update

9.1 Members had received a paper and Ofcom colleagues joined the meeting to update the Panel on the progress of the 700 MHz spectrum clearance programme, its impacts on consumers and citizens, with the aim being, as far as possible, to replicate the current viewer experience of TV.

9.2 Issues discussed included support for vulnerable consumers, such as the need for accessible messaging, eg on-screen retuning messages and adequate support for those with a visual impairment; bi-lingual on-screen messages in Wales; the need to synchronise 700 MHz clearance north and south of the border between Northern Ireland and the Republic of Ireland; and the question of who would bear the cost of any aerial replacements that could be required, the Panel's view being that it should not fall on consumers; and arrangements post 2018. The 700 MHz clearance team would keep the Panel informed about the project on a regular basis, the timetable for which would be determined outside the meeting.

10. Panel research plans

10.1 The Panel was planning to revisit/update two of its earlier research projects: 'Going Round in Circles?' (on the consumer experience of dealing with problems with communications services) and 'We're not all the Same!' (on older and disabled people's experiences when contacting their communications providers). Members brainstormed the scope of the research, proposing a research sample with a wide geographical spread; the inclusion of some consumers whose complaint journey had led to ADR, some who had decided not to pursue their complaints and microbusinesses/sole traders. A draft brief would be circulated to Members before the next meeting.

11. ADR review

11.1 Members were provided with a paper setting out the provisional conclusions of Ofcom's review of the two ADR schemes that it approved: Ombudsman Services (OS) and the Communications and Internet Services Adjudication Scheme (CISAS). Ofcom colleagues joined the meeting for discussion.

11.2 OS and CISAS had attended Panel meetings, in May and June 2017 respectively. The Panel expressed some disappointment with performance; the difficulties that had arisen leading to delay in publishing complaints data from both ADR schemes; and that Ofcom did not have powers to impose penalties on the schemes when their performance fell below an adequate standard. In addition, it was argued that the ADRs should be more proactive in obtaining case files from CPs and that when a case was reviewed by an independent assessor, the correspondence should be shared with the complainant.

12. UK Regulators Network (UKRN)

12.1 Members were joined by colleagues from UKRN who outlined the recent changes in the composition of the Network, its areas of focus, including affordability, and its work programme and, in particular, activity to improve services provided to consumers in vulnerable circumstances.

12.2 There was discussion of bill payments by direct debit, those not doing so incurring a financial penalty. A Member challenged the practice but UKRN argued that financial vulnerability was a matter for the Government and its social policy rather than the regulators. In response the Panel's view was that providers should look creatively at how they could service such customers rather than burden them with a financial penalty. UKRN would return to the Panel to further update Members on its activities, possibly in the New Year.

.....ChairDate