

Minutes of the meeting of the Communications Consumer Panel and ACOD

on 23 February 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 (recused from item 5)
Chris Holland
Mairi Macleod
Craig Tillotson (item 4 onwards)
Bob Twitchin

In attendance

Jenny Borritt
David Edwards
Millie Hyde-Smith (Panel Communications Advisor)
Fiona Lennox
Colleagues from the Intellectual Property Office (IPO) (item 5)
Colleagues from Kantar (item 7)
A colleague from Broadband Delivery UK (BDUK) (item 8)
Other Ofcom colleagues

1. Declarations of Members' interests

1.1 In relation to item 4, Chris Holland reminded Members of his role as Independent Complaint Reviewer for the Centre for Effective Dispute Resolution. In relation to item 5, Rhys Evans declared his role as a supplier of training to the IPO.

2. Minutes of the meeting on 24 January 2017 and matters arising

2.1 The minutes of the meeting of 24 January were **APPROVED** for signature by the Chair.

2.2 The Panel's list of "unfair policies and practices" would be copied to Members shortly for comment. The Panel's draft work plan would be copied to Members prior to publication. Members would let the Panel's media adviser know of any relevant contacts they have and advise her of contacts they had informed about the Panel's recent *Digital Footprints* research publication. Enquiries would be made about the progress of Ofcom's work to tackle the issue of house moves and the application of early termination charges.

3. Consumer update

3.1 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. There was discussion of a number of issues. These included mobile switching, with the Panel reiterating its support for a consistent switching process across services; nuisance calls, when the Panel requested circulation of the documentation on persistent misuse; Quality of Service (QoS) and a Panel request to see mobile coverage/network performance data collected by the Ofcom mobile research app; and broadband speeds research, where the Panel would like to learn more and the relevant Ofcom team would be invited to meet the Panel.

4. Complaints and ADR update

4.1 Members had been provided with a paper and Ofcom colleagues joined the meeting to update Members on various Ofcom initiatives related to complaints handling by communications providers (CPs) and the ADR schemes. The Panel supported the proposals arising from Ofcom's review of complaint handling rules, in particular the introduction of requirements to allow consumers to make complaints by email (in addition to phone, letter or webform) and to receive prompt feedback on their CP's complaint process and timeframes for resolution. It was the Panel's view that customers should have free access to their CP's written or other records concerning their complaint, one reason being that customers were less likely to keep records of conversations/contact than the CP. Reference was made to the experience of some customers finding difficulties in having their complaints escalated.

4.2 In discussion of ADR, the Panel confirmed its view that the 8-week period for ADR referral was too long and a preference for a single ADR provider and, failing that, consistency of the existing schemes. The Ofcom team would return to the Panel with ADR metrics in March.

5. Digital Single Market

5.1 Members had been provided with a paper and colleagues from the Intellectual Property Office joined the meeting. Issues discussed included the Portability Regulation, aimed at ensuring European cross-border portability of online content, the European Commission's copyright package announced in December, and the wider context.

6. Wholesale local access market review

6.1 Members had received a paper and Ofcom colleagues joined the meeting to brief the Panel on the wholesale local access market review, including regulation of BT's underlying wholesale products and the need to ensure good consumer outcomes. Ofcom intended to publish a suite of three consultation documents in March: an overview (market analysis, pricing and broad remedies); charge control principles; and QoS proposals.

6.2 Whilst recognising the focus on fibre, the Panel stressed the importance of providing an acceptable service for people in rural areas, for microbusinesses, and reliability and far fewer faults more generally. There was brief discussion of issues including Openreach QoS, consumer expectations and the merits of infrastructure competition versus getting BT wholesale pricing right. The Panel would respond to Ofcom's consultations.

7. Access service research

7.1 Colleagues from Kantar and an Ofcom colleague joined the meeting to discuss the Panel's research project to explore usage, experience of, and attitudes towards access services. Members were taken through a slidepack and videoclips to update them on the progress of the research, including participant backgrounds and details of barriers to their use of access services. The Panel's Communications Advisor would look for a suitable publication date. It was **AGREED** that an hour should be allocated for discussion of the research project at the next Panel meeting.

8. Broadband Delivery UK

8.1 A colleague from BDUK joined the meeting and briefed Members on recent BDUK activity related to deployment of full fibre broadband networks, including the recent call for evidence seeking views on how the Government could best use public funding to encourage further and faster deployment. Issues raised in discussion included the broadband USO and Ofcom's recent report to Government *Designing the broadband universal service obligation*; the need to ensure that the less well served were better served; and voucher schemes. The colleague from BDUK would report back on DCMS's latest broadband USO thinking.

9. Triple play switching

9.1 Members had received a paper to update them on the key issues raised in responses to Ofcom's consultation on potential reforms to arrangements for switching one or more triple play services between different platforms (currently there was no formal process for switching between the Openreach, KCOM, Virgin cable or Sky satellite networks). The key concerns identified were loss of service, double paying with contract overlap and difficulties cancelling services.

9.2 The Panel continued to be in support of a Gaining Provider Led (GPL) process as a straightforward and consistent practice across communications services. Ofcom was continuing to engage with stakeholders and seeking further information from CPs.

10. Automatic compensation

10.1 Members had been provided with a paper and an Ofcom colleague joined the meeting to brief Members on the progress of Ofcom's work to develop a process of automatic financial redress for customers, in particular in the event of missed appointments, delays in installation of a new service and delayed repairs following a loss of service (all in relation to fixed services) and delayed repair for loss of service resulting from network faults (mobile services).

10.2 The Panel argued that the costs of automatic compensation incurred by CPs should not be passed on to customers and that faults should be repaired within two calendar days (not within two working days). Ofcom would be consulting on its proposals in March and the Panel would submit a response.

11. Vulnerability; Access and inclusion report; and disabled consumers use of communications research

11.1 Members had been provided with papers and Ofcom colleagues joined the meeting. Ofcom would be publishing its first annual Access and Inclusion report and a series of research-based fact sheets aimed at different disability groups in March. The report would set out metrics showing outcomes for consumers in vulnerable circumstances, including those using a solus fixed voice service. Of relevance to access and inclusion, Ofcom would also be publishing its review of the market for standalone landline telephone services consultation [published 28 February].

11.2 Members raised the issue of TV access services and looked forward to inclusion of data in the report - this would be discussed further with Ofcom outside the meeting. Ofcom’s recent focus had been on access services on VOD but the Panel was eager to see greater Ofcom resource applied to work on access services more generally. Members made comments on the papers provided, including the report’s draft executive summary, and looked forward to publication.

12. 700 MHz

12.1 Ofcom colleagues joined the meeting and Members had been provided with a paper to update them on the early 700 MHz clearance exercise due to take place in Selkirk in July. The majority of viewers would need only to undertake a retune of their TVs or set-top boxes. Viewer support would include on-screen messages, a help-line that would provide re-tuning assistance, and, where necessary, free aerial replacement. Findings from the Selkirk exercise would then inform a wider support programme.

12.2 Members encouraged close working with trading standards bodies to combat possible rogue aerial installers. The issue of difficulty in reading onscreen retune messages was raised, for people with a visual impairment for example, and the Ofcom team would flag this with outreach groups.

13. Any Other Business

13.1 Consumer Futures Scotland was consulting on its work plan and the Panel would respond.

13.2 Ofcom had published consultations on new procedures for handling BBC and non-BBC standards complaints. The Panel/ACOD would emphasise that all complaints processes managed by Ofcom must be accessible to all.

.....ChairDate