

Minutes of the meeting of the Communications Consumer Panel and ACOD

on 23 March 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

Mairi Macleod

Craig Tillotson

Bob Twitchin

In attendance

Jenny Borritt

David Edwards

Millie Hyde-Smith

Fiona Lennox

Colleagues from Kantar (item 6)

Other Ofcom colleagues

1. Welcome and introductions

1.1 The Chairman welcomed all those present to the meeting. This would be Mairi Macleod's last meeting, as her appointment came to an end on 31 March 2017. Members wished to record their thanks to Mairi, who had made an enormous contribution to the work of the Panel and ACOD and would be sorely missed. Mairi had helped particularly with the Panel's work on access services and played a very active role with the Panel's stakeholders in Scotland across a number of areas, including digital participation and nuisance calls.

2. Declarations of Members' interests

2.1 In relation to item 5, Chris Holland reminded Members of his role as Independent Complaint Reviewer for the Centre for Effective Dispute Resolution (CEDR). Jaya Chakrabarti declared her appointment to the Government's Digital Advisory Group and reported that her company's offices were being used by the Independent candidate in the West of England mayoral election (to be held on 4 May 2017). Rick Hill declared his ongoing involvement with an American film project.

3. Minutes of the meeting on 23 February 2017 and matters arising

3.1 The minutes of the meeting of 23 February were **APPROVED** for signature by the Chair.

3.2 The Panel's list of "unfair policies and practices" had been copied to Members for comment and it was **AGREED** that the list would be discussed as an agenda item at the next meeting. Ofcom was looking into a phishing scam raised at an earlier meeting. Ofcom research on broadband speeds would be discussed as an agenda item at the next meeting.

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. In relation to nuisance calls, Members **NOTED** that Ofcom resource was focused on network blocking and meetings/ conversations with communications providers (CPs) and both measures were proving to be effective.

4.2 In discussion, Members raised a number of issues. Vodafone had introduced in-year price increases (to occur in April each year and linked to RPI) and of concern to the Panel was the transparency of these and customers' ability to cancel their service. The Panel was concerned by inconsistencies in CPs' definition of a fault and related data collection. It was **NOTED** that new powers under the Digital Economy Bill were expected to allow Ofcom to specify the information it required (and its format). Ofcom was undertaking work to ensure that the needs of consumers in vulnerable circumstances were being addressed and the Panel suggested that people who had passed through the care system be included in Ofcom's thinking. Discussion also included issues related to Royal Mail (including QoS targets, consumer protections and the size of postcode areas) and it was **AGREED** that Post would be an item at a future Panel meeting.

5. ADR metrics

5.1 Members had been provided with a paper and Ofcom colleagues joined the meeting. In addition to his earlier declaration, Chris Holland mentioned that he had been a non-executive director of Otelo (now part of Ombudsman Services), that he was an occasional consultant for CEDR but had done no work in relation to CISAS for several years.

5.2 Members **NOTED** that Ofcom had planned to publish data sets on (i) ADR decisions on cases (%s upheld, not upheld and settled); (ii) the subject matter of complaints by CP; and (iii) the volume of cases accepted by sector and by CP - all in its forthcoming QoS report. However there were issues with the data that required further analysis.

5.3 There was brief discussion of topics including a Panel preference for the ADR schemes to publish their own data, in addition to Ofcom publication, and what the issues were in relation to data collection. The Panel had long argued for the publication of ADR data and was disappointed at the prospect of further delay. It was **AGREED** that colleagues from the ADR schemes would be invited to meet the Panel.

6. Access services research

6.1 Colleagues from Kantar and Ofcom joined the meeting to discuss the Panel's research project on access services. Members had received papers providing a proposed structure for the final research report; key recommendations based on qualitative and quantitative findings; and a draft executive summary.

6.2 Members were taken through a slidepack and videoclips and were updated on the progress of the research and briefed on the main findings from the quantitative survey. Members were struck particularly by the low levels of consumer awareness of access services and the Kantar/Ofcom team aimed to provide a draft research report by the end of the following week, taking account of comments made by Members in discussion. Having seen the report the Panel would make its associated recommendations.

7. Mobile coverage

7.1 Members had been provided with a paper and Ofcom colleagues joined the meeting to brief the Panel on Ofcom's mobile coverage programme, including consumer experience scenarios; outdoor and "inside" solutions; enablers to assist or drive roll-out; approaches to quantitative assessment and the current picture and 4G expansion to the year end. Ofcom was looking separately at partial not spots.

7.2 There was discussion of issues including national roaming as a coverage solution and to utilise existing assets; detriment and the negative economic impact of lack of coverage; geographic licensing/ differentiated regulation; and the situation of Northern Ireland and inadvertent roaming.

8. Graham Mather

8.1 Ofcom Board Member Graham Mather joined the meeting. He spoke about the range of consumer issues that had been a focus for the Board recently, including QoS; review of the General Conditions; automatic compensation; switching and consumer outcomes of the Review of Digital Communications. Members had the opportunity to reflect back a range of consumer issues of focus from the Panel's point of view.

9. Fixed voice proposals

9.1 Ofcom colleagues joined the meeting and Members had been provided with a paper on the recent review of the market for standalone landline telephone services. The conclusion was that consumer detriment had arisen from line rental price rate inflation, with BT dominant, a price leader and its tariff increases followed by other CPs. Ofcom would conduct market research and trial consumer information remedies and was consulting on other remedies until 9 May, including price control. Related market research was at the scoping stage and proposed questions would be shared with Members to allow Panel input.

10. Quality of Service report

10.1 Members had been provided with a paper to update them on key findings from Ofcom's QoS: complaint handling research and which would be included in a Service Quality report due for publication in April (to coincide with a speech at Which? by Ofcom's Chief Executive). Colleagues from Ofcom joined the meeting.

10.2 Members made a number of comments and expressed concern about the significant number of customers that were dissatisfied with the way that their complaints had been handled. Other issues raised included the experience of customers who were online versus those offline (the Panel noted this as a possible topic for inclusion in future research); whether Ofcom's survey had been accessible to people with a visual impairment (making use of a screen reader) - Ofcom colleagues would confirm this. Ofcom wished to discuss its Service Quality report with the Panel, post publication.

11. Openreach

11.1 Ofcom colleagues joined the meeting to brief Members following BT's recent agreement to legal separation of Openreach, with discussion covering issues including Openreach governance; trading; management of assets; investment; charge control; rate of return and profitability. Effective and robust monitoring would be critical to ensure that BT and Openreach Limited comply with the arrangements. Ofcom had published a document (*Delivering a more independent Openreach*) on BT's voluntary notification to legally separate Openreach and was consulting on a proposed release of the existing BT Undertakings. The consultation would close by the end of April.

12. Panel workplan 2017/18

12.1 Members had been provided with and **AGREED** the final draft of the Panel's work plan, following on from a public consultation exercise, and it would be published shortly.

12.2 Members discussed Panel 2017/18 research options. It was **AGREED** that the Panel would update its *Going Round in Circles?* research, taking particular account of the issues raised in its *We're Not All The Same!* study. The Panel would also consider commissioning some 'think pieces' by external authors if funds were available.

13. Any Other Business

13.1 The Scottish Government's Nuisance Call Commission and Which? would be holding a joint week of action in June, which the Panel would publicise.

.....ChairDate