

Minutes of the meeting of the Communications Consumer Panel and ACOD

on 10 December 2020 at 10.30 am

Meeting held online, due to COVID-19 pandemic containment measures

Present

Consumer Panel/ACOD

Rick Hill (Chair)

Kay Allen

Amanda Britain

Clifford Harkness

David Holden

Sian Phipps

Richard Spencer

Richard Williams

Apologies

None

In attendance

Jenny Borritt

Fiona Lennox

Chloe Newbold

Stepchange representative

Ofcom colleagues

Item
1. Welcome and introduction
1.1 The Chair welcomed Members and attendees to the meeting.
2. Declarations of Members' interests
2.1 There were no new declarations of interests.
3. Minutes of the meeting on 12 November 2020 and matters arising
3.1 The minutes of the meeting of 12 November 2020 were APPROVED .
3.2 The Chair advised that he had recently met with HMRC to discuss the potential consumer impacts of the Northern Ireland Protocol. Discussions were ongoing and an update to Members would follow.
3.3 The Chair confirmed that a strategy session would be held in the New Year and proposed dates would follow.

3.4 Members considered how information on the Panel's website could further promote its current and ongoing work such as raising awareness of the Panel's National Hubs. Potential updates would be discussed with Members.

3.5 The Panel noted that its research on scams and fraudulent activity had now been published on the website and would be circulated to stakeholders and promoted across its communications channels.

3.6 The Panel noted that a commentary report on the initiatives established by the Panel to help strengthen the consumer voice in the communications sector would soon be circulated.

4. Ofcom's Consumer update

4.1 Ofcom's Consumer Policy team provided Members with an overview of its consumer priority areas.

4.2 Members advised that the Consumer Council for Water had recently published a manifesto on affordability and vulnerability, emphasising the benefits of consistent cross-sectoral approaches. The publication would be circulated to the Consumer Team.

4.3 The Panel discussed migration to voice-over IP and how to ensure that consumers, particularly landline only consumers and telecare users, were aware of the roll out and any potential implications. Members also emphasised the benefits of using intermediary bodies to disseminate information early on in the process. Ofcom colleagues agreed to provide further information on project timelines and would update the Panel's Executive Team on proposed research in this area.

4.4 The Panel was keen to further understand how consumers' data usage had changed since the pandemic and welcomed ongoing work in this area. Members commented that speeds specified under the broadband USO were likely to be outdated and required review, noting that a review of the USO would be triggered when 75% of UK premises had taken-up superfast broadband of 30 Mbps or more.

4.5 The Panel discussed the recent increase in complaints relating to silent calls and sought further information on the reasons behind the increase and any regulatory interventions. Members also expressed an interest in attending an upcoming workshop discussion on scams and fraudulent activity in the communications sector.

4.6 Members noted Ofcom's complaints data and considered how quarterly complaints data across the Nations could be presented in future to provide greater insights. It was suggested that due to populace disparities between the Nations, it might be useful to provide a breakdown of complaints data per 10,000 consumers.

4.7 The Panel reiterated concerns that some CPs issuing end of contract notifications were not always citing their best deals, which was likely to disadvantage disengaged or less confident consumers. This discussion fed into the wider policy issue of monitoring personalised pricing in the communications sector and the need to consider the

potential impacts of this practice on communications consumers, particularly consumers in vulnerable circumstances.

5. European Electronics Communication Code (EECC) - Simple voice and broadband switching

5.1 The Panel received an update on proposed new switching regulations for voice and broadband services, as required under the EECC. Ofcom colleagues advised that any new process would need to meet the minimum requirements under the EECC and Ofcom's overarching aim of making switching easier and more reliable for customers. A consultation on possible options would soon be published, to which the Panel would respond publicly.

5.2 The Panel agreed that any new process should ultimately benefit the consumer and emphasised the importance of CPs clearly explaining the process to customers before the switch has taken place including any associated costs and impacts on existing bundle packages.

5.3 The Panel raised the importance of providers identifying any accessibility requirements during the switching process. Ofcom colleagues confirmed that information points would be built into the process to ensure that this information was captured. In addition, discussions were ongoing to encourage providers to record consumer information consistently.

5.4 Members were interested to understand how any new process would align with Ofcom's Open Communications initiative. Ofcom colleagues advised that discussions with the Open Communications Team were ongoing to ensure a joined-up approach.

5.5 Members also commented:

5.5.1 that the costs of any new process should not be passed on to the consumer; and

5.5.2 that pricing negotiations with the existing provider's retention team could deter consumers from switching, particularly consumers in vulnerable circumstances.

6. Ofcom's Data Ethics Framework

6.1 The Panel was updated on the development of Ofcom's Data Science Ethics Framework - the framework would enable Ofcom colleagues to view their data analytics projects with an ethical lens and consider if the work requires modification.

6.2 The Panel discussed artificial intelligence and unconscious bias, noting potential adverse consequences on consumers, particularly those in vulnerable circumstances. Ofcom colleagues recognised the benefits of having inclusive project teams to capture a representative voice and mitigate the presence of biases in datasets.

6.3 Members also commented:

6.3.1 how the framework could potentially be utilised by providers to consider the

ethicality of emerging and existing practices in the communications sector;
6.3.2 that digital ethics should also be considered; and
6.3.3 that ethical practices protect consumers and how CPs consider data ethics could be incorporated into Ofcom's Fairness Commitments.

6.4 The Data Ethics Team would provide a further update at a future meeting.

7. Ofcom Enforcement update

7.1 The Panel received an update from Ofcom's Enforcement Team, which included progress updates on open enforcement cases and recent work on scams and nuisance calls.

7.2 The Panel discussed Ofcom's current investigation into BT and its handling and implementation of the broadband USO. Members were keen to understand the timescale in which it would be resolved, emphasising that many consumers across the UK remained digitally disconnected.

8. Stepchange - Overview of Breathing Space scheme

8.1 A Stepchange representative attended the meeting and provided Members with an overview of UK Government's soon to be launched Breathing Space Scheme. The scheme would help people with problem debt, including those facing mental health problems, to get their finances under control.

8.2 The Panel noted that Stepchange had been raising awareness of the scheme with CPs and providers in other sectors such as water and energy. A Stepchange representative had attended the Panel's Industry Forum in December to discuss implementation of the scheme.

8.3 The Panel raised that not all consumers engaged digitally, and awareness of the scheme should be disseminated via other channels.

8.4 Members commented that consumer debt in the communications sector appeared lower than other utilities, which was likely to be a result of consumers prioritising communications services payments. It was also noted that some customers were prioritising paying communications services above buying food and, where appropriate, CPs should signpost customers to debt advisory agencies.

8.5 The Panel's National Members advised that the next round of National Hubs across the four Nations would be held in January and February and the topics of focus were affordability and debt. Stepchange had recently published a report on consumer debt which would be circulated.

8.6 A further update on the scheme, following its launch, would be provided to the Panel in June 2021.

9. Networks update - Migration to Voice-over IP (VOIP)

9.1 The Panel received an update on communications networks, with a particular focus on

migration to voice-over IP. Members discussed migration timescales, noting that engagement between the regulator, government, devolved Nations and affected stakeholders continued; the future of line-rental charges; and the Panel's upcoming research.

9.2 The Panel reemphasised the importance of raising awareness across affected stakeholders and consumers, using a variety of communications channels to ensure engagement with a wide range of consumers, including consumers considered harder to reach.

9.3 The Panel raised concerns that consumers, particularly those of an older demographic, would not understand how to implement the changes required. These concerns increased where consumers were considered vulnerable such as telecare users. It was noted that Scottish Government's Technology Enabled Care Programme had established Digital Telecare for Scottish Local Government to support the transition to a digital telecare service and identify potential challenges and impacts of migration on telecare users in Scotland.

9.4 Members also discussed how migration to VOIP could help to tackle nuisance calls through use of internet-based verification mechanisms.

10. Panel discussion

10.1 Members provided an update of recent activities including recent stakeholder meetings, the Panel's Industry Forum and updates across the Nations.

10.2 The Panel discussed how to ensure that the voices of consumers across the Nations were captured effectively, particularly consumers in vulnerable circumstances who could be harder to reach. This discussion would continue at the Panel's upcoming strategy session.

10.3 Some Members had recently attended Ofcom's personalised pricing seminar. The Panel discussed the potential impacts of personalised pricing on communications consumers and agreed to hold a future session focusing on this topic.

10.4 Members discussed the Panel's research programme, noting progress made on projects under development so far. A further update would follow in the New Year.

11. AOB

11.1 There was no other business.