

Minutes of the meeting of the Communications Consumer Panel and ACOD

on 15 October 2020 at 10.30

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

Craig Tillotson

Richard Williams

Apologies

None

In attendance

Jenny Borritt

Fiona Lennox

Chloe Newbold

Ofcom colleagues

Phone-Paid Services Authority representatives

Item
<p>1. Welcome and introduction</p> <p>1.1 The Chair welcomed Members and attendees to the meeting.</p> <p>1.2 The Chair noted that it was Craig Tillotson's last meeting and thanked Craig for his hard work throughout his eight-year tenure and wished him all the best for the future.</p>
<p>2. Declarations of Members' interests</p> <p>2.1 Amanda Britain declared that she had been appointed to the Advisory Board of Scottish Government's Connecting Scotland programme.</p>
<p>3. Minutes of the meeting on 17 September 2020 and matters arising</p> <p>3.1 The minutes of the meeting of 17 September 2020 were APPROVED, subject to minor amendments.</p>

3.2 The Panel discussed how postage to and from Northern Ireland would be affected post-Brexit following concerns that associated paperwork requirements could impact consumers and microbusinesses. The Panel had previously corresponded with BEIS on this issue and would refer its concerns to HMRC.

3.3 The Panel would receive a quarterly breakdown of Ofcom Nations' complaints. The next round of quarterly reports would be circulated in December.

4. Consumer update

4.1 The Panel discussed priority areas outlined within Ofcom's consumer update, noting that a comprehensive update would follow in November.

4.2 The Panel looked forward to receiving an update on CPs' performance against Ofcom's Fairness for Consumers commitments. The Panel emphasised that CPs' policies and how these were implemented should align with the fairness commitments, particularly when providing services to customers in vulnerable circumstances.

4.3 The Panel asked if CPs' practical responses to Ofcom's review of pricing differentials in fixed broadband such as conducting price reviews for vulnerable customers would feature in Ofcom's reporting of the Fairness Commitments. Ofcom colleagues confirmed that reporting of the Fairness Commitments would include examples of good and bad practice in the broadband, phone and pay-TV market.

4.4 The Panel noted that Ofcom would be reporting on the effectiveness of regulations introduced in February 2020 directing CPs to issue customers with annual best tariff notifications and end of contract notifications to reduce the number of out-of-contract customers. Ofcom colleagues noted anecdotal reports that some CPs issuing end of contract notifications were not always citing their best deals.

4.5 The Panel asked how CPs had responded to Ofcom's recently published guidance on treating vulnerable customers fairly emphasising the importance of safeguarding people in vulnerable circumstances, particularly through the pandemic. Members urged Ofcom to prioritise working towards establishing a consistent approach to recording vulnerability data across CPs.

4.6 The Panel noted that one ADR provider had failed to meet its KPI targets following the impacts of the pandemic. The Chair engaged regularly with the provider and would seek to understand why targets had not been met.

4.7 The Panel was aware that consumers had received high connectivity quotes under the Broadband USO and welcomed Ofcom's investigation into this issue.

5. Panel Strategy Session

5.1 The Panel discussed potential research topics considering where consumer harm existed in the communications sector and the potential impact the Panel could have by providing robust evidence to drive change and raise standards on behalf of

consumers.

6. Phone-paid Services Authority update

- 6.1 PSA representatives provided an update on the impacts of the Covid-19 pandemic; the annual market review of 2019-20; progress to date on developing a new Code of Practice; the complaints landscape; consumer protections; and recent work on consumer vulnerability.
- 6.2 Members discussed the proposed changes under a new Code of Practice including its focus on clear and improved standards and prevention of consumer harm, rather than cure. Members were also keen to understand further how consumers had contributed to the Code's development.
- 6.3 The Panel noted the recommendations arising from PSA's vulnerability report and provisions in the new Code of Practice to help address consumers in vulnerable circumstances - vulnerability guidance had also been published to help providers comply with the Code requirements. Members suggested that Code accessibility requirements be linked to existing statutory requirements designed to protect consumers against discrimination.
- 6.4 The Panel would respond to PSA's upcoming consultation on developing a new Code of Practice, having previously responded to the discussion document.

7. Migration to Voice-over IP

- 7.1 The Panel received a progress update on migration to voice-over IP (VOIP). The update included information on raising stakeholder awareness and cross-sectoral impacts; the draft best practice guide developed by OTA2; the switch-off of the copper network and movement to full fibre connections - Ofcom had recently published a consultation on the process for determining when copper regulation could be removed. In addition, Ofcom colleagues advised that regular progress update meetings were being held with CPs, UK Government, devolved governments and sectors impacted by the rollout of VOIP.
- 7.2 Members raised cyber-security concerns for a cross-sectoral all IP network and sought clarification on accountability for non-resilient infrastructure. Ofcom colleagues advised that the National Cyber Security Centre provided support to UK organisations and, in the communications sector under new regulations, CPs would need to comply with new Telecoms Security Requirements. In addition, the National Infrastructure Commission had recently published a number of recommendations to ensure UK infrastructure remained resilient.
- 7.3 The Panel stressed that more needed to be done to reach and raise awareness of the rollout amongst consumers, particularly digitally excluded and landline only consumers who tend to be older, disabled and/or in rural areas. It was noted that participants of the Communications Consumer Hub for Wales had flagged that many consumers were unaware of the rollout.

7.4 The Panel reiterated concerns for telecare users who would be impacted by the rollout. Ofcom colleagues assured that industry was aware of the issue and steps to safeguard these consumers were in place to ensure that telecare devices would remain connected post-migration.

8. Electro-magnetic fields

8.1 The Panel, as Members of the Advisory Committee for Older and Disabled People (ACOD), received an update on Ofcom's proposed measures to require compliance with international guidelines for limiting exposure to electromagnetic fields. The proposals would incorporate international guidelines into spectrum licenses and into authorisations of licence-exempt spectrum - these changes would require licensees to demonstrate compliance. Ofcom colleagues sought advice to ensure that licensees were able to engage with the new process via accessible and streamlined communications.

8.2 Members discussed the proposals, noting that an initial consultation had been conducted in February 2020. In terms of accessibility and engagement, Members advised that information should be widely available and in a number of formats to ensure communications were far-reaching. Other considerations included using easy read principles and simple, jargon-less language. Some Members had extensive knowledge of designing accessible and inclusive communications and would pick-up with the team offline.

9. Retail Voice-only consumers

9.1 The Panel received an update on BT's existing voluntary commitments to help protect voice-only landline consumers, due to expire on 31 March 2021. The voluntary commitments secured a one-off line rental price reduction; no price hikes for calls and line rental above inflation each year; reporting information to allow Ofcom to monitor BT's compliance and a commitment to work to improve the information available to consumers, to ensure that voice-only customers were aware of possible savings in the market.

9.2 The Panel noted that landline-only consumers tend to be older, disabled, of lower-socio-economic backgrounds who seldom switch providers/services and therefore require additional protections in the market. Consequently, Members sought to ensure that these consumers would be protected throughout the rollout of VOIP and would not face price increases.

10. Public Policy update

10.1 The Public Policy Team provided Members with an update on protections for vulnerable consumers, reforming consumer advocacy in the telecoms sector; consumer debt and the recently opened investigation into high connectivity quotes under the broadband USO.

10.2 The Panel noted the recently launched Gigabit Take-Up Advisory Group (GigaTAG), chaired by Which?. In Spring 2021, GigaTAG would report back to UK Government with a set of recommendations to help ensure that all consumers and businesses across the UK could take advantage of the benefits of gigabit connectivity.

10.3 The Chair reiterated concerns for Northern Ireland's postal service and associated paperwork post-Brexit and the impacts on consumers and microbusinesses, emphasising the need to safeguard the postal USO to protect consumers.

11. AOB

11.1 The Panel was keen to understand further how Ofcom monitored broadband switching, for instance, how many consumers were offered better deals from CPs following an original 'best deal' offer; and data on switching timescales as delays result in consumers paying out of contract rates.

11.2 The Panel discussed its soon to be published research on scams - any outstanding comments would be picked up offline before publication. A copy would be circulated to Ofcom Consumer Policy and Enforcement colleagues for awareness before publication.

11.3 The Panel was invited to attend a personalised pricing virtual seminar in November and details had been circulated by e-mail.

11.4 Members noted that a summary of the recent National Hubs discussions would be published on the Panel's website.