

Minutes of the meeting of the Communications Consumer Panel and ACOD

on 20 May 2021 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

Michael Wardlow

Richard Williams

Apologies

None

In attendance

Jenny Borritt

Fiona Lennox

Chloe Newbold

Phone-Paid Services Authority representatives

Revealing Reality representatives

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 Amanda Britain declared her role on Connecting Scotland's Advisory Board (relevant to item 7).
3. Minutes of the meeting on 22 April 2021 and matters arising
3.1 The minutes of the meeting of 22 April 2021 were APPROVED , with minor amendments.
3.2 The Panel had previously requested further information from Ofcom's Enforcement Team on consumer complaints in the communications sector - the information had not yet been forthcoming, and an update was requested (discussed at para 4.8).

3.3 Members requested that June's agenda included an item for the Panel to discuss:

- Ofcom's recently published Fairness Commitments update;
- the benefits of CPs' developing a Customer Charter to increase transparency across the sector and help manage consumer expectations; and
- Ofcom's new regulatory powers to tackle online harms and how the Panel could contribute by representing the voices of consumers, citizens and micro-businesses.

3.4 The Panel discussed migration to VoIP and repeated previous assertions that a coordinated consumer communications programme needed to be implemented across the communications sector to raise consumer awareness. The Panel was aware that consumer communications were currently the responsibility of CPs, but considered regulatory intervention was required to secure progress, deliver a consistent, easy to understand message, prepare consumers for the migration process and, in turn, mitigate potential consumer harm. Members also raised concerns that the migration deadline of 2025 was too ambitious and should be reconsidered to avoid greater risk of consumer detriment.

4. Ofcom's consumer/enforcement update

4.1 The Panel received an update from Ofcom's consumer policy and enforcement team. Members were provided with an overview of Ofcom's consumer priority areas and recent activity across the enforcement team.

4.2 The Panel noted that Ofcom's plan of work 2021/22 outlined its intention to support consumers in vulnerable circumstances by working with industry to improve the consistency of data recording. The Panel had a long-standing interest in this area - emphasising the consumer benefits of CPs' adopting a consistent approach - and asked to be involved early-on in the policy development process. Ofcom colleagues advised that following engagement with industry, a further update would follow.

4.3 The Panel reiterated previous concerns that one ADR provider continued to perform below the standards required and asked for further information on any regulatory interventions. Ofcom colleagues advised that discussions were ongoing, and plans implemented to improve performance were being monitored.

4.4 The Panel flagged that recent discussions across the Panel's National Hubs on affordability of communications services and consumer debt had highlighted a number of issues. These included:

- that some consumers with access requirements pay a premium for communications services, which reinforced the need for regulatory intervention to alleviate affordability and debt issues across the sector. Ofcom colleagues advised that its recent research into the affordability of communications services had found that consumers with access requirements were more likely to struggle financially and work was ongoing to understand these issues further and promote support for consumers who were financially vulnerable.
- that available social tariffs across the communications sector lacked consistency, creating consumer confusion and difficult choices e.g. CPs offered different benefits

and eligibility criteria varied. Members suggested that end-consumers should have the opportunity to input into how affordability issues across the sector could be addressed.

- that Hub participants had asked for local level data across the UK Nations on debt and affordability. Ofcom colleagues advised that its work across debt and disconnection had increased since the Covid-19 pandemic and work was ongoing to gather further insights.

4.5 Ofcom colleagues advised that discussions across the Panel's National Stakeholder Hubs had provided useful consumer insights for consumer policy teams.

4.6 Members highlighted that it would be useful to link how CPs mitigated consumer affordability issues with Ofcom's Fairness Commitments e.g. recognising CPs who offer social tariffs.

4.7 The Panel raised the importance of improving indoor mobile coverage, noting that people with no indoor mobile coverage and no broadband connection would find themselves unable to participate digitally. Members noted that consumers could use a repeater to boost indoor mobile coverage but were concerned that the market was limited. Ofcom colleagues confirmed that work was ongoing to improve competition and more effectively measure both indoor and outdoor coverage. A further update would follow at a future meeting.

4.8 The Panel reiterated a previous request to receive further information on consumer complaints in the communications sector including a breakdown of data across the UK Nations. Ofcom's enforcement team had received the request and would provide an update at the next meeting.

4.9 The Panel discussed recent complaints data, noting that all complaints levels had dropped in April 2020 and April 2021. Members sought to understand if this was an emerging trend and any reasons for it.

4.10 The Panel also commented on:

- the telephony universal service and the importance of maintaining public phone boxes in some areas across the UK e.g. rural areas. Ofcom colleagues would provide an update at a future meeting.
- Ofcom's investigation into BT's handling and implementation of the broadband USO. Members looked forward to receiving Ofcom's provisional decision.
- the importance of ensuring that cross-industry consumer advice on scams and fraudulent activity was up to date and consistent.

5. Comparing Customer Service

5.1 The Panel received an update on Ofcom's recently published Comparing Customer Service report on how service levels compared across the telecoms industry. The key findings included:

- The Covid-19 pandemic had made telecoms services more important than ever to many people.
- Mobile customers were the most likely to be satisfied with the service from their provider.
- The pandemic significantly reduced many providers' call centre capacity, and customers had to wait longer on average to speak to an advisor than they did in 2019.
- Faults resulting in total loss of service were resolved within two days on average in 2020.

5.2 Members noted that complaints handling was the second highest reason for complaints and sought to understand the reasons behind this. It was also noted that Ofcom's recently published Fairness Commitments update had cited complaints handling as an area that needed improving.

5.3 The Panel noted that one provider had consistently performed poorly and sought to understand any potential regulatory implications for continued poor customer service. Ofcom colleagues advised that poor performance was considered as part of Ofcom's Fairness Commitments and further information would follow.

5.4 The Panel raised that consumers with access requirements were likely to be adversely impacted by poor customer service and future data should include a breakdown of the experiences of these consumers e.g. consumers registered as requiring priority fault repair.

5.5 The Panel also commented:

- that it would be useful to consider datasets from previous years to highlight any emerging data trends.
- on the future of 2G/3G connectivity and asked to receive further information on how the project was developing.
- on whether the data differentiated enough, noting that the level of service across providers and consumer perceptions were largely aligned.
- that it would be useful to include a breakdown of auto-compensation payments by provider.
- that many consumers face barriers trying to engage with complaints processes and it would be useful to capture this data.

6. Future of Digital Terrestrial Television

6.1 The Panel received an update on the future of digital terrestrial broadcasting and how the service could evolve in light of the increase in people watching video content via the internet. Members were asked to provide insights on the possible implications of any future changes on consumers, citizens and micro-businesses.

6.2 The Panel highlighted that DTT services had a statutory obligation to provide access services, which provided additional support for consumers with access requirements. It was noted that improvements to access services across on-demand content was not

consistent - as found by the Panel in previous research '[Access to broadcast and on-demand content: Time to Catch Up!](#)'. The Panel emphasised that access services across current and future broadcasting services should be protected under legislation.

6.3 The Panel highlighted that any future changes to television delivery would need to consider the potential impacts on financially vulnerable consumers. For instance, online services were likely to cost more; and if consumers' existing television equipment was not compatible with future services, it would need to be replaced.

6.4 The Panel also commented:

- that any future changes would need to consider any implications on international spectrum treaties/agreements.
- on the importance of DTT services for older consumers, particularly where these consumers did not participate digitally.
- that policy teams should consider other significant industry changes e.g. migration to voice-over IP and seek to coordinate and futureproof changes, where possible.
- that developing new user interfaces for different consumers across television services could increase consumer engagement and streamline the consumer journey.
- that broadband was an essential service and moving towards internet-only television content would reinforce digital connectivity as a utility.
- that any future television services needed to be inclusive by design to achieve equitable access.

7. Panel research: Communications in care

7.1 The Panel received an overview of its recently commissioned research into communications in residential care and whether residents' connectivity needs were met across the UK.

7.2 The Panel discussed the findings with interest, highlighting that the essential nature of digital connectivity should be recognised across the UK residential care sector. Members also highlighted the importance of securing an affordable, reliable connection for all consumers and citizens and equipping consumers with the digital skills to participate online.

8. Phone-Paid Services Authority

8.1 Representatives of the Phone-Paid Services Authority provided Members with an overview of recent activity including market trends; complaints; its Code 15 consultation; and Information, Connection and/or Signposting Services (ICSS) services.

8.2 The Panel reiterated previous concerns regarding ICSS services - a premium rate call connection service - that caused considerable detriment to many consumers, particularly those in financially vulnerable circumstances. PSA colleagues advised that whilst complaints levels had dropped overall, complaints regarding ICSS services remained consistent and work was ongoing to mitigate the harm caused by these services including developing a new Code of Practice. strengthening enforcement action and engaging with online search engines. It was also noted that the Chair of PSA's Consumer Panel had recently corresponded with the Panel's Chair on this matter and a

response would be forthcoming.

8.3 The Panel noted that ICSS services targeted numbers with high volumes of calls such as government services and utility companies, whose customer service numbers were sometimes hard to locate. It was noted that the need for ICSS services would decline if organisations made customer service numbers readily available. The Panel suggested the issue be addressed as part of Ofcom's forthcoming online safety work, noting that the PSA could not ban these services and instead this would be a decision for UK government.

9. Mobile strategy

9.1 The Panel received an update on Ofcom's mobile strategy review that would seek to ensure that the markets delivering mobile services worked well for people and businesses over the next 5 - 10 years, as technologies develop and the market changes.

9.2 The Panel emphasised the importance of considering existing and ongoing work across the communications regulatory landscape as part of the review e.g. Ofcom's Fairness Framework and supporting consumers in vulnerable circumstances. Members considered these protections should be safeguarded as the market evolves and expands. The Panel had previously mentioned that CPs should adopt a Consumer Charter, which would help to embed these protections and principles long-term.

9.3 The Panel noted that the review would focus on delivering good outcomes for people and businesses and asked how these would be defined. Ofcom colleagues advised that Ofcom's plan of work 2021/22 outlined good consumer outcomes and measures - these included high levels of consumer satisfaction and good quality coverage. The policy team would also consult with MNOs and other interested/involved parties; and consider developments in other countries.

9.4 The Panel raised that many areas lacked mobile signal and the environmental impacts of masts across the UK would need to be reconciled with the need for mobile coverage. Members were interested to understand any alternative solutions to address this concern.

9.5 The Panel also commented:

- that Ofcom's regulatory scope should also be reviewed to ensure that its powers were sufficient to regulate the market.
- on the importance of getting hard to reach areas connected and consumers being able to afford services as well as benefitting from market competition.
- on the Shared Rural Network and how this would help to shape the mobile strategy review.
- that the Panel's National Hubs had highlighted many farmers in rural areas relied on mobile broadband.

10. Digital Regulation Cooperation Forum (DRCF)

- 10.1 The Panel received an update on the DRCF - launched by Ofcom, ICO and CMA in July 2020. In April 2021, the FCA joined the DRCF, having previously held an observer role, and the workplan was launched.
- 10.2 The DRCF workplan would enable these organisations to work more closely together on online regulatory matters of mutual importance and help meet the challenges of digital regulation. The workplan focused on three priority areas:
- responding strategically to industry and technological developments;
 - developing joined-up regulatory approaches; and
 - building shared skills and capabilities.
- 10.3 The Panel raised the importance of capturing the consumer and micro-business voice early-on in policy development, not only the voices of industry. Members were interested to understand how the DRCF would engage with consumers, citizens and micro-businesses, noting that the digital space was complex and consumer education would be important. Ofcom colleagues advised that Ofcom's media literacy remit would input into this work, along with understanding the experiences of consumers.
- 10.4 The Panel also commented:
- that DRCF's focus on digital frameworks should refer to 'user-led design' to ensure that the experiences of consumers and providers inform the process.
 - that the terms 'online harms' and 'online safety' were not synonymous and needed defining.
 - that cross-industry coherence was an important aspect of this work to share intelligence and avoid duplication.

11. Any other business

- 11.1 The Panel had commissioned an independent specialist to undertake a think-piece on making communications services inclusive, with input from the Panel, Ofcom, industry and organisations representing disabled consumers and older consumers, which would be circulated to Members soon. The think-piece would be presented to the Panel's National Hubs in June/July for stakeholders' contributions.