Minutes of the meeting of the Communications Consumer Panel and ACOD

on 21 January 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
Richard Williams

Apologies
None

In attendance
Anna Beckett (item 5)
Jenny Borritt
Fiona Lennox
Sam Mountford (items 1 and 5)
Chloe Newbold
Ofcom colleagues

Item
1. Welcome and introduction   1.1 The Chair welcomed Members and attendees to the meeting, in particular Sam Mountford who had joined the Panel's Executive Team on a temporary basis to support the Panel's ongoing research programme.
2. Declarations of Members' interests   2.1 There were no new declarations of interests.
3. Minutes of the meeting on 10 December 2020 and matters arising   3.1 The minutes of the meeting of 10 December 2020 were **APPROVED.**   3.2 Members noted that a report on the Panel's initiatives established to help strengthen the consumer voice in the communications sector had been circulated to DCMS. The report would also be translated into Welsh, circulated to devolved government departments and published on the Panel's website.

3.3 The Panel looked forward to receiving greater visibility and a broader understanding of the consumer complaints landscape across the UK communications sector. The Panel's Executive team would connect with the Ofcom Enforcement team offline to develop useful outputs. Members noted that complaints audits were carried out by consumer panels in other sectors.

4. Ofcom's Consumer update

4.1 Ofcom's Consumer Policy team provided Members with an overview of its consumer priority areas, noting that the work programme would be reviewed in response to the continued impacts of the Covid-19 pandemic.

4.2 The Panel looked forward to receiving an update on Ofcom's soon to be published 'Fairness for Customers' report, recognising that it would be a useful lever to encourage providers to drive-up best practice across the communications sector.

4.3 The Panel discussed recent support initiatives introduced by UK Government and industry to help connect children living in digitally excluded households with online schooling and raised concerns that some initiatives did not apply to all UK Nations. The Panel was keen to further understand Ofcom's role and current work around digital exclusion, noting that the definition of 'vulnerable' had evolved since the Covid-19 pandemic.

4.4 The Panel was interested to further discuss Ofcom's upcoming postal regulatory review and the future of the postal universal service obligation. The Panel was concerned that following the UK's exit from the European Union, a significant number of consumers moving goods to and from Northern Ireland would face customs processes from April 2021. An update would follow at a future meeting.

4.5 The Panel looked forward to receiving a future update on the impacts and effectiveness of end of contract notifications and annual best tariff notifications, since the regulations came into force in February 2020.

4.6 The Panel discussed the recent rise in nuisance calls complaints and asked to receive a breakdown of data across UK Nations. Members also asked if complaints regarding nuisance calls targeting mobile numbers had increased.

4.7 The Panel urged Ofcom to review the consumer eligibility criteria for priority fault repairs to reflect how defining consumer vulnerability had evolved since the pandemic and highlighted that potentially more consumers would benefit from the service. In particular, Members stressed that priority fault repair would need to work well for those who needed it during the migration to voice-over IP process. (Members also raised this point during discussions at items 5 and 7.)

4.8 Other topics discussed included protecting voice-only landline telephone customers and implementation of the broadband USO.

5. Migration to Voice-over IP (VOIP)

5.1 The Panel received an update from Ofcom's project team on migration to VOIP,

setting out the programme of work and progress to date.

5.2 Members discussed the timeline for moving new and existing customers to VOIP-based services. It was noted that once ultrafast coverage had reached 75% in an exchange area, and where fibre was available at the premises, Openreach could stop selling copper services (to customers who move premises, change service or switch provider).

5.3 Members raised continuing concerns that following migration and in the event of a power outage, many consumers would be reliant on battery back-ups. Members stressed that the reliability of this protection solution should be further considered. In addition, industry would need to consider a long-term contingency solution to mitigate the risk of leaving consumers, particularly consumers in vulnerable circumstances, isolated and without connectivity in the event of an outage. The Panel also discussed broader network resilience issues and potential adverse consequences of full-fibre connectivity. Members highlighted that consumers living in smart households would need to be aware that without a battery back-up, smart household appliances would no longer work following an outage.

5.4 The Panel had decided to commission research focusing on consumer needs during the migration process and potential issues facing particular groups of consumers. The Panel's Executive Team had been working alongside Ofcom's project team to ensure that the research aligned with and did not duplicate any research undertaken by Ofcom.

5.5 The Panel reiterated the importance of employing a coordinated consumer-facing communications strategy, ensuring that communications rolled out by telecare and alarm companies aligned with CPs' communications strategies. It was suggested that learnings could be taken from other countries where the migration to VOIP process had already taken place.

5.6 Other comments included:
- that older digital equipment relied on by many consumers would no longer be compatible following the migration; and
- that a well-managed migration process would help to ensure that telecare users were migrated efficiently and effectively.

6. Public Policy update

6.1 The Panel received an update from Ofcom's public policy team. The update covered migration to voice-over IP; recent initiatives introduced to support households educating children from home; online harms; and a 10-Minute Rule Bill calling for a special-rate broadband tariff for low-income households. The team also highlighted Ofcom's upcoming virtual events as part of the consultation exercise on its draft plan of work 2021/22 – to which the Panel would be providing a response.

6.2 The Panel commended recent cross-sector collaborative initiatives to support low-income and digitally excluded households educating children during the national lockdown. Members suggested widening the eligibility criteria to help reach more households requiring support. Members also sought clarity on whether initiatives that

increased data allowances were available to Pay As You Go customers, recognising that these customers (particularly those to whom pay monthly contracts would not be an option) were likely to benefit most from such initiatives.

6.3 The Panel emphasised the importance of raising awareness of initiatives available to consumers across the UK to ensure maximum consumer benefit. In addition, Members suggested utilising schools' existing communications channels to help spread awareness of these initiatives.

6.4 The Panel also commented:
- that issues around digital poverty had been brought to the fore since the Covid-19 pandemic, and while CPs' actions to support customers had been welcomed, these were not uniform across the sector and a UK-wide intervention would benefit consumers.
- that it looked forward to an update on development of the online harms statutory framework and further information on how the framework would seek to capture the consumer voice.
- that the UK's exit from the European Union had impacted goods moving to and from Northern Ireland, with many companies no longer selling goods to NI. The Panel had been in discussions with HMRC and encouraged publication of the guidance as a matter of urgency to secure clarity for consumers.

7. Vulnerability update

7.1 The Panel received an update from Ofcom's vulnerability team. The update covered Ofcom's current work on emergency video relay; how CPs record and share vulnerability data to achieve better outcomes for vulnerable consumers; and an update on implementation; monitoring of its vulnerability guide and upcoming research.

7.2 The Panel supported Ofcom's proposal to enable British Sign Language users access to emergency video relay – as previously outlined in its consultation response. Members sought to further understand how the robustness of the service would be monitored and assessed to protect consumer access to the service. Ofcom colleagues advised that guidance published in 2018 - 'Protecting access to emergency organisations when there is a power cut at the customer's premises' - outlined that customers who have additional access requirements and rely on their landline to call emergency organisations should be eligible for a protection solution. For fixed-line services, eligible consumers could access a provider's priority fault repair service. CPs would be encouraged to promote availability of the emergency video relay service, advising consumers to flag any additional access requirements.

7.3 The Panel considered that more work needed to be done to support consumers in vulnerable circumstances, particularly in terms of how CPs record, share and utilise consumers' data. Members flagged that using terminology such as 'vulnerable' was problematic as many consumers requiring access services and/or additional support would not identify as 'vulnerable'. Members reiterated that further work was required to encourage consumers to alert CPs of any access needs and understand any barriers that prevent self-identification.

7.4 Ofcom colleagues advised that since publishing its guide for phone, broadband and pay-TV providers on 'Treating Vulnerable Customers Fairly', work continued to understand how the guide had been implemented across industry and any emerging impacts. Ofcom's soon to be published 'Fairness for Customers' report covering implementation of the Fairness Commitments would feed into this work.

7.5 The Panel discussed upcoming research by the Panel and Ofcom highlighting the importance of understanding consumers' perceptions of the treatment they received when contacting their CP and any barriers they encounter; and how CPs could address issues identified.

8. Connected Nations update

8.1 Ofcom colleagues provided an update on the recently published Connected Nations report. The annual report provides data and policy narrative on key developments in the UK's communications infrastructure. Key findings included:
- The UK's fixed and mobile networks had generally coped well with increased demands during the pandemic.
- Gigabit-capable broadband was available to 7.9 million homes (27%).
- Full-fibre broadband was available to 5.1 million homes (18%)
- Superfast broadband was available to 96% of homes, up from 95% last year.
- The universal broadband service was helping some people unable to get decent broadband.
- The number of mobile base stations providing 5G services had risen ten-fold, to around 3,000 across the UK.
- Mobile coverage was generally stable.
- A small, but significant number of properties were still struggling to get connected.

8.2 The Panel discussed levels of mobile coverage across each of the UK Nations. It was noted that many households would not be connected under the Shared Rural Network and broadband USO and other connectivity solutions would need to be considered.

8.3 The Panel discussed network coverage obligations across the UK and the reliability of broadband and mobile coverage postcode checkers. It was noted that external factors - such as the structure of a building - could impede good coverage. It was therefore considered by Members that the predictive nature of postcode coverage checkers should be made clear to consumers.

9. Panel roundtable discussion

9.1 The Chair advised of ongoing discussions with HMRC regarding the Northern Ireland Protocol and subsequent impacts on consumers receiving goods, particularly consumers with additional access needs. The Chair also provided an update on recent discussions with industry regarding migration to VOIP.

9.2 The Panel's National Members provided updates from across the UK Nations. The updates covered financial vulnerability, digital inclusion and connectivity. It was recognised that various valuable initiatives established across the UK Nations could help to inform future initiatives.

10. AOB

10.1 Members discussed the Panel's upcoming strategy session, noting that an agenda and further details would be circulated for agreement ahead of the session.