

Minutes of the meeting of the Communications Consumer Panel and ACOD

on 22 April 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

Ofcom colleagues

Item
1. Welcome and introduction
1.1 The Chair welcomed Members and attendees to the meeting, particularly Michael Wardlow who was attending his first Panel/ACOD meeting.
2. Declarations of Members' interests
2.1 There were no new declarations of interest.
3. Minutes of the meeting on 18 March 2021 and matters arising
3.1 The minutes of the meeting of 18 March 2021 were APPROVED .
3.2 Members noted that the Panel's accessibility audit of CP's apps was ongoing, and a further update would be provided soon.
3.3 The Panel noted that Ofcom, CMA and ICO had formed the Digital Regulation Cooperation Forum in July 2020 to support regulatory coordination in digital markets and cooperate on areas of mutual importance. Members asked to receive an update at a

future meeting.

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 reiterated concerns regarding the poor performance of one ADR provider and sought to understand any regulatory implications of sustained poor performance. Ofcom colleagues advised that discussions with the ADR provider were ongoing and progress was being monitored. It was also noted that a review of the ADR schemes would be conducted in 2022, which would consider the effectiveness and performance of providers. The Panel had fed into the previous review and expressed an interest in inputting in 2022.
- 4.3 The Panel discussed the ongoing investigation into BT's handling and implementation of the broadband USO and asked to receive a monthly update from Ofcom's Enforcement Team. Members also noted that a previous request by the Panel to receive further information on the communications complaints landscape was awaited.
- 4.4 The Panel noted UK Government's recent announcement regarding new laws that would secure better connectivity for rural areas and asked for further information on whether this would accelerate rural coverage across the UK (discussed further at para 5.2).
- 4.5 Members discussed the effectiveness of the automatic compensation scheme and reiterated requests to receive further information on the number of incidents that would have triggered automatic compensation in comparison to payments made. Ofcom colleagues advised that this information was not available, however the ADR scheme acted as a safeguard for consumers to raise any issues relating to the scheme, including where payments had not been made. The Panel raised concerns that consumers could be unaware of their entitlement to automatic compensation.
- 4.6 Members raised that the Panel's National Stakeholder Hubs - a series of roundtable discussions with consumer-focused organisations across the UK Nations - had recently focused on the affordability of communications services. The discussions had highlighted how important communications services had become and more support was required to help financially vulnerable consumers stay connected e.g. introducing social/low-cost tariffs and raising awareness of support available. The Panel had circulated a summary of these discussions to Ofcom colleagues and asked for further information on how the issues were being addressed. It was noted that Ofcom would need a direction from the Secretary of State to impose regulatory social tariffs on all communications providers (CPs).
- 4.7 Members discussed the future of 2G/3G connectivity, emphasising the importance of understanding how consumers, citizens and micro-businesses relied on 2G/3G connectivity and the impacts of any future changes.

4.8 The Panel also commented on:

- Ofcom's soon to be published Fairness for Customers report; and
- Ofcom's proposals to introduce a quick, easy and reliable switching process.

5. Public policy update

5.1 The public policy team provided Members with an update, which covered: Ofcom's access review; connecting hard to reach areas across the UK; ongoing work to tackle scams and fraudulent activity; implementation of social tariffs; and migration to voice-over IP (VoIP).

5.2 The Panel asked how the UK Government's recent announcement outlining plans to secure better connectivity for rural areas would sit alongside existing initiatives such as the Shared Rural Network, and if these plans would accelerate existing rural coverage targets.

5.3 The Panel reiterated that industry needed to engage with consumers and citizens to raise awareness of migration to VoIP, highlighting the communications model adopted in Australia. Members repeated concerns that landline-only consumers with additional access requirements, were likely to need support throughout the migration process. Members also reiterated previously raised concerns about the lack of a shared understanding of who might need assistance given the inconsistent way CPs identify and tracked such customer information and continued to seek for consistency be introduced into this process. It was noted that discussions were ongoing across the UK Nations and the Chair was keen to input into an upcoming roundtable discussion on this topic.

5.4 The Panel discussed how the UK Government's gigabit roll out scheme aligned with existing connectivity initiatives across the UK Nations. Members raised the importance of reaching and communicating with consumers and citizens to raise awareness of available connectivity initiatives and the associated benefits.

5.5 The Panel expressed the importance of tackling scams and nuisance calls in the communications sector, emphasising the benefits of a cross-sector coordinated approach.

5.6 The Panel raised continued concerns regarding implementation of the Northern Ireland Protocol and the associated impacts on postal movements to and from Northern Ireland. The Chair continued to engage with Ofcom, HMRC and others to highlight the impacts of the Protocol on consumers, citizens and micro-businesses. The Panel had also recently conducted research looking into the parcels market and would feedback any relevant findings pertaining to Northern Ireland.

6. Future of UK postal regulation and postal services in Northern Ireland

6.1 The Panel received an update from Ofcom's postal team - the update included information on the recently published call for inputs on the future of UK postal regulation, and postal services in Northern Ireland.

6.2 The Panel discussed the scope of the call for inputs on the future of UK postal regulation. Members emphasised the importance of proactively engaging with consumers who could be impacted by any future changes such as older people, people with additional access requirements; people living on low-incomes and in rural areas. Members raised that a variety of consumer-focused organisations attended the Panel's National Stakeholder Hubs and the Panel's Executive Team would be happy to raise awareness of the call for inputs and/or facilitate engagement.

6.3 The Panel commented on the affordability of postal services, noting that the Panel's National Stakeholder Hubs had previously flagged the prohibitive costs of services such as postal re-diversions. In addition, many consumers were reliant on postal safeguard caps to avoid excessive surcharges - particularly those living in rural areas. Ofcom colleagues advised that Ofcom's postal users' needs research had sought views on the affordability of postal services and further work was ongoing.

6.4 Members raised that many consumers and businesses had moved online, particularly since the pandemic and it was vital to remove any barriers to online engagement such as improving the accessibility and usability of websites. Conversely, many consumers remained offline and businesses should be inclusive and continue to allow consumer engagement via offline communications channels.

6.5 Other comments included:

- how the postal market could help consumers in vulnerable circumstances e.g. people without a registered address.
- whether reporting on quality of service targets should be localised rather than UK-wide.

6.6 The Panel reiterated earlier comments (para 5.6) on the consumer impacts of the implementation of the Northern Ireland Protocol. The Chair continued to engage with HMRC and others, highlighting that the Panel's analysis of research conducted by the Consumer Council for Northern Ireland had indicated that consumers with additional access requirements living in Northern Ireland were likely to face considerable detriment as a result of the impacts on postal movements. Members flagged that existing equality legislation imposed a duty on public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act.

7. Scams and nuisance calls

7.1 The Panel received an update on Ofcom's ongoing work to prevent and tackle scams across the communications sector. The update included recent complaints data relating to scams; and information on how Ofcom was engaging with CPs and other industries to disrupt scams and protect consumers from the financial and emotional impacts of scams. It was noted that the Panel had published qualitative research on scams and

fraudulent activity in the communications sector¹, which included a set of policy recommendations for industry and governments to help protect consumers from scams.

7.2 The Panel noted recent complaints data, reiterating previous concerns that nuisance calls to mobiles had seemingly increased. Members asked to receive a breakdown of recent complaints data pertaining to both mobile and landline nuisance calls. Members also highlighted that complaints data was unlikely to reflect the true scale of scams activity across the communications sector. Ofcom colleagues advised that work was ongoing with CPs and others to gain further insights into the issue.

7.3 The Panel noted ongoing efforts across industries to combine resources and coordinate efforts to help tackle scams; and emphasised the importance of adopting a joined-up, cohesive approach to achieve better outcomes for consumers. Members raised the urgency of this work to help protect consumers, particularly those in vulnerable circumstances. Ofcom colleagues advised information had been sought from CPs to understand how they currently addressed scams and any existing areas of best practice.

7.4 Other comments included:

- that fraud was a criminal offence and law enforcement authorities should be involved in any coordinated efforts to tackle scams and fraudulent activity.
- that current scam reporting processes lacked consumer interaction and could exacerbate existing consumer anxieties.
- the importance of CPs' retail stores for consumers who had been scammed and were unable to alert their provider via online channels.
- the opportunity to monitor and learn from other initiatives implemented across the UK Nations. It was noted that Scottish Government had recently published its Scams Prevention, Awareness & Enforcement Strategy 2021-2024², which recognised the importance of utilising third-sector organisations in the fight against scams.
- that Ofcom should seek greater powers and fine CPs who repeatedly allowed fraudulent activity across their networks.

8. Migration to Voice-over IP (VoIP)

8.1 The Panel received a progress update on migration to VoIP, which covered recent migration numbers; the rollout of fibre across the UK; the migration trials in Salisbury and Mildenhall including associated research; consumer communications and the potential impacts of the migration on consumers with additional access requirements.

8.2 The Panel expressed repeated concerns that existing consumer communications were not sufficient and a nationwide coordinated campaign - similar to the Australian model - was required to ensure that consumers, particularly those with additional access requirements, were aware of the migration and could take the necessary steps early-on to minimise any detrimental impacts. The Chair had recently met with DCMS and expressed these concerns, in addition to regularly raising the issue with CPs throughout the year.

¹ <https://www.communicationsconsumerpanel.org.uk/research-and-reports/scammed-exploited-and-afraid->

² <https://www.gov.scot/publications/scams-prevention-awareness-enforcement-strategy-2021-2024/>

8.3 The Panel also remained concerned that CPs' 'vulnerability' registers would be used to identify consumers who were likely to require additional support during the migration process. Members reiterated that relying on these registers was problematic due to outdated and inconsistent definitions of 'vulnerability'; and many consumers who would require additional support during the migration process would not identify as 'vulnerable'.

8.4 Members also commented:

- that consumers continued to purchase products that would not be compatible with communications networks long-term.
- on previous concerns regarding the resilience of battery back-ups and ensuring that maintenance checks were regularly conducted.
- that any research in this area should include consumers with additional access requirements.
- that participants in Ofcom's upcoming research should be asked for their views on whether a coordinated consumer campaign was required to raise awareness of the migration.
- on conducting research to understand consumers' connectivity needs post-migration and the options available to them.
- that consumers need to be involved in the product design of future devices to secure inclusive design.

9. Open Communications

9.1 The Panel received an update on the Open Communications - a potential 'data mobility' initiative, which could enable people and small businesses to share information about their communications services, easily and securely, with chosen third parties such as digital comparison tools. The Panel had responded to a previous consultation on the potential application and benefits of Open Communications.

9.2 The Panel discussed the initiative and anticipated timescales for implementation, noting that Open Communications was likely to benefit consumers by driving down the 'loyalty premium'. Members recognised that affordability of communications services was a significant issue for many consumers - as recently discussed at the Panel's National Stakeholder Hubs - and sought to understand other immediate possible mitigations. Ofcom colleagues advised of recent initiatives whereby CPs were required to issue end of contract notifications and annual best tariff notifications. In addition, CPs would soon be required to share clearer information with price comparison websites.

9.3 Members highlighted that the Open Communications initiative would promote transparency across the communications sector, however concerns surrounding digital and data ethics remained, particularly where consumer data could be misused. It was noted that learnings could be taken from similar initiatives in other industries.

10. Any other business

10.1 There was no other business.