Minutes of the meeting of the Communications Consumer Panel and ACOD

on 16 December 2021 at 10.30 am

Meeting held virtually via Microsoft Teams

Present
Consumer Panel/ACOD
Rick Hill (Chair)
Kay Allen
Amanda Britain
Clifford Harkness
David Holden
Helen Froud
Sian Phipps
Richard Spencer
Michael Wardlow
Richard Williams

Apologies
None

In attendance
Jenny Borritt
Fiona Lennox
Chloe Newbold
Magda Styles
Ofcom colleagues

Item
1. Welcome and introduction
1.1 The Chair welcomed Members and attendees to the meeting, particularly Magda Styles, an Ofwat employee, who would observe Panel meetings and be mentored by the Chair as part of the Next Generation NEDs scheme – an initiative led by the Panel and Ofcom in partnership with UKRN.
2. Declarations of Members' interests
2.1 There were no new declarations of interest.
3. Minutes of the meeting on 18 November 2021 and matters arising

3.1 The minutes of the meeting of 18 November 2021 were **APPROVED,** subject to minor amendments.

3.2 The Panel was interested to further understand how Ofcom's Consumer Contact Centre categorised queries and complaints related to migration to voice-over IP. Ofcom's migration to VoIP policy team was attending the next meeting in January and would provide an update.

3.3 Members reiterated ongoing concerns that the number of customers recorded as 'vulnerable' across CPs' databases was considerably low and more needed to be done to ensure the requirements of 'vulnerable' consumers were identified and met. The Chair highlighted that some CPs had made significant improvements, however further progress was required and a discussion with Ofcom colleagues would follow in February.

3.4 The Panel welcomed the Nations' complaints data circulated by Ofcom's Enforcement team and asked if, moving forward, the team could flag any significant issues arising from the data.

4. Chair's update

4.1 The Panel noted the Chair's update, which provided an overview of the Panel's recent activities.

4.2 Members discussed data ethics and data privacy issues in the communications sector, noting that a further update from a representative of the Centre for Data Ethics and Innovation, who was on secondment to Ofcom, would follow in March. In addition, the Panel had previously published research on digital privacy and was considering revisiting the topic in future research.

4.3 The Panel also discussed its continuing concerns in relation to migration to VoIP and noted further recent developments, which included:
- The Chair had recently written to the Chief Executives of BT and Openreach raising the Panel's continuing concerns that a coordinated consumer awareness campaign had not yet been implemented, and a response was awaited.
- The Panel's Consumer Advocacy Hub, attended by the main consumer advocacy organisations across the UK, was increasingly concerned about consumers being unaware of the migration and therefore unable to prepare for the impending changes.
- The Panel's Member for England had recently presented to the Westminster e-Forum on migration to VoIP and had subsequently engaged with techUK's new 'Head of Digital Switchover' and an academic with a background in engineering, with an interest in promoting awareness of migration to VoIP among the university's local community. Members were keen to hear more about the techUK role and an introductory session would follow.

5. Consumer update

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

5.2 The Panel noted that the Ministry of Justice had recently consulted on alternative dispute resolution in England and Wales and was interested to understand if similar activity was ongoing in Northern Ireland and/or Scotland.

5.3 The Panel noted that consumer experiences of the broadband USO continued to be monitored and sought to understand if the USO was delivering good consumer outcomes.

5.4 The Panel discussed migration to VoIP and made a number of points, which included:
- o the importance of continued engagement with local authorities across the UK throughout the migration process.
- o its ongoing concerns that Ofcom's research on consumers' experiences of migrating to VoIP in the trial areas of Mildenhall and Salisbury had been delayed and asked whether the research should focus on areas where managed migrations had taken place.
- o that it would be useful to have sight of any data CPs collected on consumers' experiences of the migration.
- o how a consumer would qualify for a free battery back-up and whether the eligibility criteria currently being applied by providers aligned with Ofcom's expectations.

5.5 The Panel reiterated previous concerns (highlighted in para 3.3) that the number of consumers registered as 'vulnerable' across CPs' customer databases was significantly low compared with the number of customers that were likely to be 'vulnerable'. Members repeated previous assertions that the process by which CPs recorded consumers' specific access requirements needed to be consistent and emphasised that vulnerability should be considered holistically across the sector.

5.6 The Panel discussed 2G/3G switch-off and asked for further information on how consumers currently relied on 2G/3G connectivity, noting that the switch-off was scheduled for 2033. Members raised concerns that the switch-off was likely to have a detrimental impact on consumers and the environment due to existing tech equipment becoming redundant and consumers having to invest in new equipment.

5.7 The Panel highlighted that a recent increase in living costs e.g. utility bills, was likely to have a detrimental impact on financially vulnerable consumers in the communications sector and looked forward to receiving Ofcom's latest research on the affordability of communications services.

6. VoIP resilience

6.1 The Panel received an update on the resilience of VoIP and mobile connectivity, following the aftermath of Storm Arwen, which had left some consumers and communities without digital connectivity for significant periods of time.

6.2 The Panel's Member for Scotland reported an instance where a remote Scottish island, which was particularly affected by power outages, experienced intermittent mobile coverage and short-term battery back-up for mobile masts e.g. 30 minutes, was now experiencing additional complications in restoring power supplies. It was highlighted that engineers had previously depended on landlines as a back-up, and this community along with other remote communities could face significant digital resilience issues. Members urged for greater collaboration between mobile providers and consideration in the round of how to help protect consumers and maintain communications for emergency services in rural and remote areas. The Panel's concerns would feed into Ofcom's policy teams on migration to VoIP and 2G/3G connectivity switch-off.

6.3 The Panel noted that Ofcom colleagues continued to discuss resilience issues with industry, UK Government and other sectors and looked forward to receiving a further update at a future meeting.

7. Consumer Protection Strategy Workshop

7.1 Ofcom's Network and Communications consumer policy colleagues held a workshop with the Panel to discuss the challenges that communications consumers could face in the near future. The outputs of the discussion would help to shape Ofcom's proposed consumer strategy for the telecoms sector.

7.2 The Panel discussed a range of possible issues facing communications consumers in the future, which included: resilience of digital infrastructure; how consumers navigate and understand the market; ensuring communications services were affordable; securing digital access, skills and literacy; changes to consumers' working patterns e.g. working from home; how the communications sector would help to tackle climate change and achieve net zero targets; continued engagement with the devolved Nations; and ensuring the market remained competitive and open to innovation.

7.3 The Panel also highlighted the importance of considering different characteristics that encompass the term 'consumer' and how the sector could meet the needs of all consumers from the outset including consumers with specific access requirements; low digital literacy levels; in vulnerable circumstances; living in rural areas; who are younger and/or digitally excluded. Members advised that to embed and achieve an inclusive approach to policymaking, policymakers should consider intersectionality early-on in policy development.

8. Mobile Strategy Review update

8.1 The Panel received an update on Ofcom's strategic review of its approach to mobile markets to ensure mobile connectivity met the current and future needs of people and businesses.

8.2 The Panel discussed the strategic review and commented on a number of key issues, including:

- **Consumers' experiences of mobile connectivity** - to further understand whether the network was providing good experiences, further data on consumers' experiences of mobile connectivity was required.
- **Consumers' experiences of the mobile market** - the strategy should seek to understand the breadth of consumers' experiences across the mobile market e.g. retail experiences.
- **Security and resilience levels** – minimum requirements could be introduced that CPs would need to adhere to.
- **Future investment in mobile markets and the role of big tech companies.**
- **Securing good outcomes for mobile consumers and businesses.**

9. Public policy update

9.1 The Panel received an update on recent key developments in public policy, which covered UK Government's previous proposals to introduce a telecoms consumer advocate; the decision of some mobile network operators (MNOs) to reintroduce data roaming charges and the implications of inadvertent data roaming; migration to VoIP and the Panel's continued concerns that a coordinated consumer awareness strategy had not yet been implemented.

9.2 Members considered the communication sector's role in helping to tackle climate change and reduce carbon emissions across the UK - Ofcom's climate team would provide an update at a future meeting.

9.3 The Panel asked for further information on how the Digital Regulation Cooperation Forum would capture the consumer voice across its work plan.

9.4 The Panel's Member for Wales highlighted that a report by the Digital Alliance for Wales – [From Inclusion to Resilience](#) – had outlined a priority to establish a 'Minimum Digital Living Standard for Wales' and suggested the DIAW attend an upcoming meeting of the Communications Consumer Hub for Wales to provide a progress update, having previously presented the report to Hub participants in July 2020.

9.5 The Panel noted that techUK's newly appointed role - 'Head of Digital Phone Switchover' - (referred to at para 4.2) would help to bring together industry and improve collaboration

on migration to VoIP. Members asked to receive further information on Ofcom's and industry's expectations of the role.

9.6 Members raised ongoing concerns that engaged consumers were more likely to benefit from the introduction of End of Contract Notifications (ECNs) and Annual Best Tariff Notifications (ABTNs) and less engaged consumers who were more likely to be older and/or 'vulnerable' were likely to pay more. It was highlighted that CPs should provide information in a transparent format e.g. Easy Read language, and consider using behavioural insights to help overcome the issue.

10. Ofcom's Making Sense of Media programme

10.1 The Panel received an update on Ofcom's approach to online media literacy, which aimed to promote people's ability to participate effectively and stay safe online.

10.2 Members commended the use of innovative research methods and highlighted the importance of capturing the types of online activities that consumers could not do or could not do with confidence.

10.3 The Panel noted that a wide range of media literacy practitioners would feed into Ofcom's approach to online media literacy and sought further information on what was currently considered best practice in media literacy.

10.4 Members also commented:
- that further information on how the workstreams connected and interacted with each other could provide greater clarity on the programme of work.
- that to achieve increased levels of engagement across different audiences, particularly those who were harder to reach, Ofcom could engage with and learn from other sectors.
- on the importance of inclusive policy making and ensuring that a diverse range of voices and experiences fed into the early stages of policy development and beyond.

11. Scams update

11.1 The Panel received an update from Ofcom's scams policy team on recent activity to help tackle scams across the communications sector including research on how many people had been targeted by scam calls and texts; a consumer campaign to raise awareness of how to report a scam; and ongoing discussions with industry and stakeholders to learn from action taken in the devolved Nations and other countries.

11.2 The Panel commented on the significance of the research findings and suggested that research be conducted on a regular basis to provide key insights for industry and others.

11.3 Members also commented:
- that some consumers might mistake authentic communications as a scam, which could

result in adverse consequences e.g. not confirming a healthcare appointment.
- that Information Connection Signposting Services (ICSS) continued to be a cause of 'bill-shock' amongst consumers and this was of particular concern where consumers were trying to contact public or healthcare services.

12. AOB

12.1 There was no other business.