Minutes of the meeting of the Communications Consumer Panel and ACOD

on 15 July 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
Helen Froud
Clifford Harkness
David Holden
Sian Phipps
Richard Spencer
Michael Wardlow
Richard Williams

Apologies
None

In attendance
Jenny Borritt
Fiona Lennox
Chloe Newbold
Graeme Whippy
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 Rick Williams declared that he had previously worked with Graeme Whippy, the disability and inclusion expert commissioned to write the Panel's think-piece on making communications services inclusive (relevant to item 8). Kay Allen also declared a connection with Graeme Whippy. 2.2 Helen Froud declared her role as Assistant Director of Research at The Salvation Army (relevant to item 10). 2.3 Richard Spencer declared that he was a trustee of a homeless charity (relevant to item

10).

3. Minutes of the meeting on 17 June 2021 and matters arising

3.1 The minutes of the meeting of 17 June 2021 were **APPROVED,** subject to minor amendments.

3.2 Following a previous request for an update on Ofcom's biennial access and inclusion report, Members noted that Ofcom's market research team was updating how the data was presented to achieve a more dynamic, user-friendly format. Members asked to have sight of the most recent data ahead of publication.

3.3 Members noted that the Panel's accessibility audit of communication provider's (CPs) apps was now complete and a report outlining overarching themes would be circulated to Members and published thereafter. CPs would also have an opportunity to discuss the themes and findings during the Panel's Industry Forum in September 2021.

3.4 The Chair advised that he had recently met, on separate occasions, Ofcom's Chief Executive and the Digital Policy Alliance, to highlight the Panel's continuing concerns regarding migration to voice-over IP (VoIP) and the need to develop and implement a coordinated consumer communications campaign. The Panel would also soon be publishing its research on the potential impacts of the migration on consumers, citizens and micro-businesses, which would include a series of recommendations for policymakers and industry.

4. Public policy update

4.1 The Panel received an update from Ofcom's public policy team on consumer-related public policy developments, which included: the telephony USO; broadband USO; scams; social tariffs; proposed reforms to competition and consumer policies; and the review of public service broadcasting.

4.2 The Panel discussed Ofcom's ongoing investigation into BT's handling and implementation of the broadband USO and looked forward to receiving Ofcom's decision. Members also noted that BT had agreed to re-issue quotes and refund affected consumers.

4.3 The Panel discussed Ofcom's ongoing work to help tackle scams and advised that a Member had recently attended a UK Government event focused on creating consistent consumer information on scams (see para 11.1). Ofcom colleagues advised that engagement with both industry and external organisations continued to understand existing areas of good practice and consider ways to collaboratively disrupt and tackle scams. The Panel asked to receive a future update on Ofcom's ongoing work to tackle scams.

4.4 The Panel also commented:
- on the Telecoms Security Bill asking if this would encompass security of physical infrastructure e.g. masts, that if vandalised could impact consumers' connectivity.

- on the importance of engaging with the devolved Nations – noting that the Consumer Scotland Board had recently been appointed.
- that it was looking forward to receiving Ofcom's statement on its review of public service broadcasting;
- on the importance of public sector bodies and service providers conducting Equality Impact Assessments early-on in policy development. Members sought to understand how public sector bodies dispensed of legal duties under the Equality Act and emphasised the importance of policymakers and industry adopting inclusive design principles.

5. Affordability, debt and disconnection

5.1 The Panel received an update on Ofcom's ongoing work relating to affordability of communications services. In December 2020, Ofcom had [published a summary of initial findings on the affordability of major communications services](), in which providers were strongly encouraged to consider introducing targeted tariffs and to promote them to eligible customers. Ofcom colleagues highlighted that a regulatory social tariff could only be introduced if directed by UK Government. A further affordability report would be published soon and circulated to Members.

5.2 The Panel discussed implementation of social tariffs and highlighted that the pandemic had fast-tracked consumers into a digital world and accelerated digitisation of services including public services e.g. healthcare appointments. Consequently, the Panel considered digital connectivity an essential service and all consumers, citizens and micro-businesses should have equitable access. Other comments included:
- that CPs should adopt consistent social tariffs with clear and consistent eligibility criteria to avoid consumer confusion. Ofcom colleagues advised that CPs had been encouraged to adopt social tariffs on a voluntary basis and although there was no requirement for tariffs to be consistent, consumers would have the opportunity to shop around for the most suitable tariff. The Panel highlighted that many consumers, particularly those in vulnerable circumstances, would lack the capability to shop around and switch providers.
- the importance of being able to easily switch to a different social tariff, to reflect consumers wide-ranging and differing circumstances and requirements, which are sometimes transient in nature. Ofcom colleagues advised that providers should minimise any barriers to engagement by ensuring sign-up processes were simple and available products were promoted to financially vulnerable consumers.

5.3 Members were also interested to understand communications consumers' affordability pain points, highlighting that some consumers could experience 'bill-shock' through providers upselling services, where a basic service would suffice. This was of particular concern, where the Panel had heard via its National Stakeholder Hubs that consumers had found it difficult to downgrade services during the pandemic.

5.4 The Panel also commented:
- that the communications sector could learn from other sectors. For instance, the Consumer Council for Water recently published an independent review of water

affordability[1] calling for a sustainable, single social tariff, which should have consistent eligibility criteria. Though it was recognised that different sectors had distinct differences and would not always be comparable.

- on the importance of 'future-proofing', as what currently constituted an 'affordable' service was likely to change over time.
- that the affordability of digital connectivity should be considered separately to, and prioritised above, Pay-TV services.
- on the cost considerations of social tariffs and whether communications consumers would support a subsidisation model.
- that the terminology around the affordability of communications services should be utilised as a way of encouraging offline consumers to digitally connect.

6. Ofcom's Consumer update

6.1 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.

6.2 The Panel discussed Ofcom's ongoing investigation into BT's handling and implementation of the broadband USO, noting that a decision would be issued soon. Members were keen to further understand the effectiveness of the scheme by comparing the number of successful applications with the number of potential connections. Ofcom colleagues advised that commentary on the scheme would be published in Ofcom's Connected Nations report.

6.3 Members highlighted the importance of identifying and connecting hard to reach premises and promoting awareness of alternative connectivity solutions, which could be cheaper and bypass environmental and planning barriers. It was noted that the Panel's National Stakeholder Hubs were useful platforms to disseminate information on connectivity solutions to organisations representing consumers, citizens and micro-businesses, particularly those living in rural areas.

6.4 The Panel discussed Ofcom's recent consultation on expanding the mobile repeaters market and considered how mobile repeaters along with other technology solutions such as femtocells could contribute to increasing mobile coverage across the UK. The Panel would await further developments in this area and receive a future update.

6.5 The Panel had previously raised concerns that an ADR provider had continually failed to meet KPI targets, resulting in consumers' complaints being delayed and unresolved for protracted periods of time. Members were aware that Ofcom was in discussions with the provider and asked to receive a progress update.

7. Telephony USO review

7.1 The Panel received an update on Ofcom's upcoming review of the Telephony USO. Ofcom last reviewed the telephony USO in 2006. Since then, there had been significant technological advancements and changes in end-users' needs and usage of

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[1] https://www.ccwater.org.uk/wp-content/uploads/2021/05/Independent-review-of-water-affordability.pdf

Public Call Boxes (PCBs). In addition, the upcoming migration to VoIP process meant that universal service providers would need to make significant investment to upgrade PCBs if they were to continue to work beyond 2025 when the PSTN was retired.

7.2 The Panel discussed the review and highlighted the importance of PCBs in areas where mobile signal is inadequate or non-existent e.g. coastal and mountainous areas. In addition, Members also sought to understand how USPs measured mobile coverage and whether this information should be publicly available, noting that some areas with nearby masts experienced poor mobile coverage.

7.3 Members raised concerns that many PCBs were inaccessible, and the review should require USPs to meet certain accessibility criteria. Ofcom colleagues advised that USPs had introduced new accessible on-street devices that offer free calls and additional services such as Wi-Fi and charging points.

7.4 The Panel was concerned that post-migration to VoIP, PCBs would require a battery-back up that would allow continued service for a certain period of time. Members asked if USPs would be alerted if a back-up battery was deployed.

7.5 The Panel also commented:
- on consumers' ability to make international calls, including whether calls from the Northern Ireland border to the Republic of Ireland would be deemed an international call.
- on ways to attach cultural value to PCB kiosks to reduce vandalism.

8. The Panel's think-piece – making communications services inclusive

8.1 The Panel had commissioned a disability and inclusion consultant to write a think-piece on making communications services inclusive. The think-piece would highlight existing areas of good practice and where improvements could be made; and sit alongside Ofcom's 'Treating Vulnerable Customers Fairly' guide. The consultant – Graeme Whippy MBE – attended the meeting and presented a draft version of the think-piece to Members.

8.2 Members noted that a wide-range of stakeholders had fed into the think-piece including Ofcom's vulnerability team; Panel Members with specific expertise in this area; organisations representing consumers with specific communications requirements and industry representatives. In addition, a draft outline had been shared with participants of the Panel's National Hubs to gather views, feedback and thoughts of consumer-representative organisations across the UK.

8.3 The Panel commended the think-piece and highlighted the importance of delivering the key messages and take outs to industry and stakeholders by presenting the document in a digestible, accessible and informative format.

8.4 Other comments included:
- that providers were required by legislation to ensure their services did not

adversely affect people with disabilities and should anticipate access and accessibility issues early-on in policy development.
- that complaints/reports of inaccessible services were low and information on how to report inaccessible services could be highlighted within the think-piece to drive awareness and encourage greater reporting.
- that conducting a root cause analysis could help to understand and ultimately reduce accessibility issues across the communications sector.
- that a common baseline to drive up accessibility standards across the communications sector should be established, which providers could build on by personalising services to reflect consumers' individual requirements.
- that not all inputs across the Panel's National Hubs were within the scope of the think-piece but were useful for other sectors and would be drawn out in the Panel's summary of discussions across the Hubs

9. Market research update

9.1 Ofcom's Market Research team provided the Panel with an update on recent and upcoming research relating to Online Safety and Media Literacy, which encompassed a range of quantitative and qualitative projects.

9.2 Members discussed the research and were interested to understand if the data would allow for granular analysis of the impacts of being online on younger people in vulnerable circumstances/living with a disability or health condition, who may have specific access requirements. Ofcom colleagues advised that the research was currently capturing a broad view of people's experiences, however the team was developing new tools that would enable deeper data dives.

9.3 Members asked to have sight of Ofcom's market research questions on mental and physical health conditions. The team advised that a review of the questions was ongoing and welcomed any thoughts or comments. The team would also attend an upcoming Panel meeting to provide further information on the review.

10. Panel discussion

10.1 Following a previous discussion in July, the Panel discussed possible research projects to focus on in future. Members highlighted the importance of focusing on areas where the Panel could make most impact and asked to receive a research topic matrix to facilitate discussion and assess potential impact.

11. Any other business

11.1 The Panel's Member for England had recently attended a briefing hosted by the Home Office and National Crime Agency, which focused on online fraud and delivering consistent communications to consumers and citizens. It was noted that considerable work was ongoing across government and third sector organisations to tackle scams, and the Panel urged pace to protect consumers from financial and emotional detriment. A copy of the slide-deck presented during the briefing would be circulated to Members once Home Office approval had been granted.

11.2 Members expressed an interest in receiving regular updates on the Panel's recent activities, noting that the Chair's recently circulated report on recent stakeholder meetings and events would become a monthly feature.

11.3 The Panel's Nations' Members had recently chaired a further series of the Panel's National Stakeholder Hubs on making communications services inclusive. A Panel Member had recently attended and observed a Hub meeting and encouraged other Members to attend future meetings. The next round of Hubs would take place in October and the Nations' Members would soon discuss potential topics of focus.