

**Minutes of the meeting of the Communications Consumer Panel and ACOD
on 12 November 2020 at 10.30**

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

Jenny Borritt

Fiona Lennox

Chloe Newbold

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 There were no new declarations of interests.
3. Minutes of the meeting on 15 October 2020 and matters arising
3.1 The minutes of the meeting of 15 October 2020 were APPROVED , subject to minor amendments.
3.2 The Chair advised of an upcoming meeting with HMRC to discuss the potential consumer impacts of the Northern Ireland Protocol - an update to the Panel would follow.
3.3 Members had previously noted that one ADR provider had not met recent KPI targets (para 4.6, October minutes). The Chair had since met the provider who advised that the pandemic had caused case management delays and additional resource had been introduced to mitigate any backlog of cases and future delays.

3.4 The Panel discussed its ongoing research - an accessibility audit of CPs' apps - noting some outstanding technical reports. Once all reports had been received, the Panel would consolidate the research findings into a report and consider the root causes of any accessibility issues arising from the audit.

3.5 A summary of the Panel's National Hubs was circulated to all Members and would soon be published on the Panel's website. The Panel agreed that any outputs from these discussions should be promptly published and circulated to the relevant stakeholders.

4. Ofcom's Consumer update

4.1 Ofcom's Consumer Policy team provided Members with a comprehensive overview of priority areas and visibility of upcoming consumer policy projects.

4.2 Members discussed:

- 4.2.1 the significance of digital skills and inclusion in getting consumers, citizens and microbusinesses digitally connected;
- 4.2.2 the interrelation between Ofcom's work on vulnerability and its Fairness Commitments and the importance of both projects working in tandem to provide clarity to consumers and industry;
- 4.2.3 Ofcom's soon to be published postal users' needs research and how to effectively assess consumer needs in the postal sector; and
- 4.2.4 Ofcom's postal regulation review, due to be completed by 2022, asking for further information on the scope of the review.

4.3 The Panel considered how consumers' data usage had evolved and increased in recent times, particularly since the Covid-19 pandemic, and questioned whether 10 mbps - regarded as a 'decent' broadband connection under the USO - was still fit for purpose. Members noted that Ofcom's ongoing investigation into BT's handling of the Broadband USO would not impact consumers' ability to access other connectivity initiatives.

4.4 The Panel noted a recent spike in Ofcom complaints relating to silent calls and asked for some further insight. Members also discussed how complaints data could be presented to provide greater insight of emerging trends (discussed further under AOB).

5. Panel discussion

5.1 The Panel discussed recent activities and updates including recent discussions across the Panel's National Hubs on rural connectivity and the types of issues that communications consumers in rural areas face. Members commented that more needed to be done in the media literacy sphere - the Panel's National Hubs had flagged that consumers found it difficult to navigate the communications market due to confusing terminology and initiatives.

5.2 The Panel agreed to hold a Panel strategy session in January 2021 to discuss priority areas for the forthcoming year.

5.3 Members noted that the Chief Executive of Future Dot Now - an organisation dedicated to motivating people and businesses to boost their digital skills to thrive in a digital UK

- would be invited to attend a future Panel meeting.

5.4 Members discussed and agreed to take forward a number of different research projects. Detailed research specifications would be circulated to Members for comment and a progress update would follow at the next meeting.

6. Ofcom's Fairness Commitments

6.1 The Panel received an update on Ofcom's Fairness Commitments, launched in June 2019 to ensure that CPs treat customers fairly. Signatories had fed back to Ofcom on how the commitments had been embedded into day-to-day practice and Ofcom would report on how CPs had performed against the six commitments, highlighting good practice across industry and areas for improvement.

6.2 The Panel recognised the positive actions that CPs had taken throughout the pandemic to help support vulnerable consumers, emphasising the importance of continuing this support to protect all consumers during such uncertain times.

6.3 Members commented:

6.3.1 that CPs' assertions of how the commitments had been met would need to be demonstrated and monitored, particularly where the assertions related to support for customers in vulnerable circumstances;

6.3.2 that CPs should take positive action to address areas of consumer detriment and learn from other sectors;

6.3.3 that the commitments should be promoted more widely to raise consumer awareness;

6.3.4 that CPs should conduct customer and staff surveys to measure perceptions of fairness;

6.3.5 that to secure progress under the fairness programme, CPs could work towards an accredited status;

6.3.6 on the importance of CPs creating a culture of fairness and promoting diversity and inclusion across the business; and

6.3.7 that consumer representatives should sit on CPs' boards to assure senior-level engagement and accountability in implementing the fairness commitments.

7. Ofcom's Automatic Compensation Scheme

7.1 The Panel received an update on Ofcom's Automatic Compensation Scheme. A review of the scheme had been published in August 2020, which had concluded that the scheme was working as intended and key findings included that the scheme had increased the amount of compensation paid to broadband and landline customers when things go wrong; signatories had taken steps to address issues that have occurred; though disappointment remained that some large providers had still not signed up to the scheme.

7.2 The Panel commended the scheme, commenting that a similar scheme should be introduced to protect mobile customers impacted by network outages, particularly small businesses. Members commented that the scheme and any future scheme should recognise how important communications services had become since the Covid-19

pandemic and consider the levels of consumer harm caused by loss of service.

7.3 Members also discussed:

- 7.3.1 how the scheme's data was interpreted, compared and monitored;
- 7.3.2 the possibility of using the scheme to protect consumers who could experience a total loss of service under the migration to voice-over IP rollout; and
- 7.3.3 that where signatories had claimed an exception to paying compensation, the reasons should be clearly communicated and monitored.

8. Ofcom's draft plan of work 2021/22

8.1 The Panel was provided with an overview of Ofcom's draft plan of work 2021/22. The work plan would undergo public consultation before being finalised in the New Year.

8.2 The Panel discussed the key themes outlined in the draft work plan and raised the following:

- 8.2.1 The importance of promoting accessibility and inclusion across the communications sector, particularly as the sector evolves and new technology emerges;
- 8.2.2 The Panel had recently undertaken a review of Ofcom's consultations process and reiterated its recommendations to develop innovative approaches to engagement with consumers and stakeholders;
- 8.2.3 The term 'connectivity' should not only refer to infrastructure but also encapsulate media literacy and usability of digital devices; and
- 8.2.4 Considerations of any impacts of the UK's exit from the European Union such as the potential implications of the Northern Ireland Protocol on postal services to and from Northern Ireland.

8.3 Members commented that priorities could differ across the UK Nations and engagement with the devolved governments would be an important phase of the consultation process.

8.4 Once published, the Panel would provide a response to Ofcom's consultation on its draft work plan 2021/22.

9. Ofcom's Behavioural Insights Network

9.1 The Panel received an overview on the work of Ofcom's Behavioural Insights (BI) Network including how the Network could provide BI support to Ofcom's teams and projects; work to date; and any projects that had potential future requirements for BI.

9.2 The Panel was interested to further understand how BI could provide insights of how different consumers engage with complaints processes in the communications sector and how to mitigate any barriers to engagement. It was also recognised that CPs' behaviours were likely to drive consumers' behaviours.

9.3 Members also discussed:

- 9.3.1 the importance of utilising a variety of tools and techniques to gain a thorough understanding of why consumers possess and adopt certain behaviours,

- particularly consumers in vulnerable circumstances;
- 9.3.2 how consumer behaviour differed across the UK Nations; and
- 9.3.3 how BI data would be used in the communications sector and aligned with data ethics considerations. Ofcom colleagues confirmed that the BI Network was working closely with Ofcom's data ethics team

10. Affordability of communications services

- 10.1 Ofcom colleagues updated the Panel on its current work looking into the affordability of communications services, recognising that consumers' finances had been significantly impacted as a result of the Covid-19 pandemic.
- 10.2 The Panel reiterated that the consequences of not being able to access communications services had become even more significant and some communications consumers prioritised telecommunication bills above other utilities, as found in the Panel's research - ['Don't cut me off!'](#).
- 10.3 The Panel discussed how CPs could provide support to consumers in financial difficulty, noting that some providers offer a special tariff if consumers qualify e.g. claim welfare benefits, though consumer awareness was low. Members commented that CPs should widen who could qualify for special tariffs and warned against consumers facing price hikes after a certain period of time.
- 10.4 Members raised concerns that low-cost tariffs to connect care homes during the pandemic could cease to exist post-pandemic, emphasising that continued affordable connectivity should be safeguarded.
- 10.5 The Panel stressed the importance of communications services and the unjust implications of disconnecting consumers. Ofcom colleagues advised that CPs should only disconnect consumers as a last resort, commenting that changes to disconnection regulations would require new legislation.

11. AOB

- 11.1 Members discussed consumer complaints across the communications sector and asked to receive greater visibility and a broader understanding of the complaints landscape. Ofcom's Enforcement Team would be invited to attend the next meeting.
- 11.2 The Panel was keen to hold a virtual consumer immersion session to hear directly from consumers about any issues they faced in the communications sector.
- 11.3 The Panel would soon publish its research into scams and fraudulent activity - the research and recommendations would be circulated to Ofcom teams, participants in the Panel's National and Consumer Hubs and other stakeholders.