

# Minutes of the meeting of the Communications Consumer Panel and ACOD

on 18 November 2021 at 10.30 am

Meeting held in hybrid format at Riverside House and via Microsoft Teams

## Present

### Consumer Panel/ACOD

Rick Hill (Chair)

Kay Allen

Amanda Britain

David Holden

Helen Froud

Sian Phipps

Richard Spencer

Michael Wardlow

Richard Williams

## Apologies

Clifford Harkness

## In attendance

Jenny Borritt

Fiona Lennox

Chloe Newbold

Ofcom colleagues

Item
<b>1. Welcome and introduction</b>
1.1 The Chair welcomed Members and attendees to the meeting.
<b>2. Declarations of Members' interests</b>
2.1 The Chair declared that he had been appointed as a Member of the Strategic Panel of Non-Domestic Water.
<b>3. Minutes of the meeting on 21 October 2021 and matters arising</b>
3.1 The minutes of the meeting of 21 October 2021 were <b>APPROVED</b> , subject to minor amendments.

3.2 The Panel noted that, following a previous request, Ofcom had provided data on how many consumers were recorded as 'vulnerable' across CPs' customer databases. Members remained concerned that the number of consumers recorded as 'vulnerable' was seemingly low compared with the number of customers that were likely to be 'vulnerable' and asked to receive the figures as a percentage of CPs' overall customer bases.

3.3 The Panel's Member for Wales had previously noted that consumer complaints relating to complaints handling were higher in Wales than other UK Nations and having received Ofcom's overall complaints figures across the UK Nations, asked if there was any particular reason why.

3.4 The Panel's Member for Scotland had recently attended an event called 'Cliff-Edge', chaired by Local Government Digital Office, which highlighted issues for telecare providers around migration to VoIP. The Panel discussed migration to VoIP and highlighted:

- its continued frustration that a coordinated consumer awareness campaign had not been developed and implemented across the UK.
- significant concerns that many communities and sectors were reliant on services delivered by the PSTN, yet there was still ambiguity around how the migration would impact these services and steps required to mitigate potential impacts.
- that Ofcom's consumer research should focus on the experiences of consumers who had already been migrated.
- that discussions surrounding its ongoing concerns about the handling of migration to VoIP had been ongoing for some time. Consequently, Members considered other routes by which the Panel could raise its concerns and help to safeguard consumers throughout the migration, particularly consumers with specific access requirements and those living in rural areas.

3.5 The Chair had recently discussed the Panel's concerns with Ofcom's Chief Executive and Director of Ofcom's VoIP policy team - and these concerns along with the Panel's recent research findings on the potential impacts of the switchover would be circulated to Ofcom's Board. In addition, the Chair had recently written to the Chief Executives of BT and Openreach.

#### **4. Consumer update**

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

4.2 The Panel discussed Ofcom's ongoing project on how CPs record vulnerability data, which continued to be the main topic of focus at the Panel's Industry Forum meetings. The Panel raised their on-going concerns that progress was slow as this issue has been raised many times over previous meetings with little apparent progress; similar concerns had also been raised with Ofcom's vulnerability policy team.

- 4.3 The Panel noted that Ofcom would soon be undertaking a review of alternative dispute resolution schemes and asked to receive further information about how the review would be conducted. Ofcom colleagues advised that the team would attend a future meeting.
- 4.4 The Panel discussed migration to VoIP and noted that Ofcom regularly engaged with CPs to monitor progress and identify any significant issues. Members considered that Ofcom should also be exploring consumers' experiences of the migration to help identify any issues and asked if consumers' complaints relating to the migration were being categorised as such by Ofcom and industry.
- 4.5 The Panel discussed Ofcom's mobile coverage policy and asked whether it would address how to identify and subsequently connect rural areas not covered by the Shared Rural Network (SRN). Members raised the importance of developing a strategic approach to connect rural areas not covered by the SRN before completion of the initiative so residents living in these areas were connected without further delay. Ofcom colleagues advised that work was ongoing to consider the level of connectivity required in rural areas beyond the SRN, whilst recognising that other factors could impact the ability to connect certain areas e.g. planning considerations. In addition, Ofcom's mobile strategy would focus on the quality of mobile coverage and work was ongoing to improve how the experiences of mobile users were captured and reported.
- 4.6 The Panel discussed Ofcom's upcoming review of postal regulation across the UK, highlighting that consumers living in poverty were at risk of being excluded due to some organisations only sending goods via couriers, which could be costly and ultimately unaffordable. The Panel noted that Ofcom would soon be consulting on its policy proposals and looked forward to having sight of these, having advised the team at a previous meeting.
- 4.7 The Panel noted that complaints figures relating to nuisance calls and scams continued to drop and considered whether the drop reflected a true reduction in scams or a reduction in consumer complaints. Members noted that Ofcom's scams policy team would be attending the next meeting in December.
- 4.8 The Panel also commented:
- on possible initiatives to help support financially vulnerable consumers in the communications sector.
  - that Ofcom's complaints data indicated that complaints relating to fault service complaints continued to fall and considered whether the reduction reflected an improvement in the reliability of services or fewer people were choosing to make complaints.

## **5. Broadband Speeds Code of Practice**

5.1 The Panel received an update on Ofcom's Broadband Speeds Code of Practice - the voluntary Codes require signatories to provide customers with clear information on the broadband speeds they should expect at the point of sale. In 2019, Ofcom updated the Code to include an obligation on signatories to provide consumers with a minimum guaranteed speed before signing up to a new deal, information on what to expect during peak times when everyone's online; and the ability to walk away from their contract more easily if speeds drop below the guaranteed level. Ofcom would soon publish a report on how the Codes were performing in practice.

5.2 The Panel's Member for Wales provided feedback from a recent meeting of Ofcom's Advisory Committee for Wales that consumers living in rural areas needed to better understand the connectivity options available to them, including the levels of speed.

5.3 The Panel commented that measuring broadband speeds was likely to be a technical challenge for many consumers, particularly those with low digital skills and considered that information on broadband speeds should be provided in a consumer-friendly format, using jargon-free language. They also thought developing a simple and standardised way of checking speeds to the router would be a major step in addressing this issue.

5.4 The Panel noted that the broadband speed guarantee referred to broadband speeds to the router - not broadband speeds delivered via WiFi - and to ensure transparency, CPs should make it clear to consumers that the guarantee did not extend to WiFi connectivity, which could also be a contributing factor for poor connectivity. Ofcom colleagues advised that work was ongoing to improve the quality of WiFi connectivity. Members also raised that other factors that could affect connectivity speeds such as seasonal variations across the UK.

5.5 The Panel suggested that proportional billing could be considered for a small number of consumers where the right to exit a contract was not practicable or realistic i.e. no realistic competitor.

5.6 The Panel also noted:

- that the onus was on consumers to report slow broadband speeds to providers; and
- that providers must be signed-up to the Broadband Codes Speeds of Practice to be a Which? recommended provider.

## **6. Consumer information on broadband**

6.1 The Panel received an update on work to help consumers navigate the broadband market, which could be confusing due to the terminology used across the sector. In June 2021, the GigaTag Advisory Group published a report on gigabit-capable networks<sup>1</sup>, which included a

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<sup>1</sup> [Gigabit Take-up Advisory Group: Final report](#)

recommendation to increase consumer and business awareness of the understanding of gigabit-capable broadband.

6.2 The Panel highlighted that broadband terminology needed to be standardised; meaningful and consumer-friendly e.g. available in Easy Read format, as terms such as ‘fibre’ and ‘gigabit’ could create consumer confusion, particularly where the speeds weren’t widely available. Conversely, Members also raised that broadband terminology did not confuse all consumers and any future changes should avoid being too prescriptive. Ofcom colleagues advised that transparency of information would provide all consumers with the opportunity to access information they understood.

6.3 Members advised Ofcom to engage directly with consumers to understand what information would benefit them - recognising that not all consumers were the same and different approaches should be considered to empower consumers to understand and navigate the broadband market.

6.4 The Panel also commented that the sector could consider adopting a clear comparison tool e.g. a rating mechanism to help consumers to differentiate between different products and networks - though it was noted that developing a rating exercise would be a challenge, particularly where consumers digital requirements could be sufficiently met by more than one technology solution.

6.5 The Panel flagged that it supported a technology-neutral approach to connectivity, not focusing on one type of technology to serve all.

## **7. Panel discussion**

7.1 The Panel discussed its 2022 research projects and focused on potential areas of future focus.

## **8. Mobile phone repeaters**

8.1 The Panel received an update on Ofcom’s recent work to help consumers improve indoor mobile coverage by extending the range of indoor mobile phone repeaters available for people to buy and install themselves without a licence - provided they met technical requirements set by Ofcom. The changes would take effect in the new year.

8.2 The Panel raised its ongoing concerns that post-migration to VoIP, consumers living in areas with poor mobile coverage could face significant detriment in the event of a power outage and asked if demand for mobile repeaters would increase as a result. Ofcom colleagues advised that more available, compliant mobile repeaters would help to increase mobile coverage where a strong connection existed outside, however, inevitably, the changes wouldn’t help everyone.

8.3 Members emphasised the importance of providing clear information to consumers on how mobile phone repeaters could help to improve mobile coverage - and what they could and could not do. It was noted that Ofcom would publish a list of compliant mobile phone repeaters (accredited by an independent test house) on its website, which it would seek to promote and raise awareness of.

8.4 The Panel noted that illegal mobile phone repeaters could cause harmful network interference e.g. impact emergency calls, and Ofcom's recent changes would hopefully drive down the number of illegal repeaters available on the market, which Ofcom would be able to monitor as part of its regular enforcement activities.

## **9. Mobile drive testing**

9.1 The Panel received an update on Ofcom's mobile drive testing - a regular exercise undertaken to understand mobile coverage in the UK - and the data collected could be compared with mobile network operators' predicted coverage models. As part of Ofcom's open data policy, the information would be published on Ofcom's website on a trial basis, along with a map showing the routes driven, to see how the information was utilised by policymakers and others.

9.2 Members commended publication of the routes driven and asked whether the team engaged with stakeholders to understand priority routes. Ofcom colleagues advised that the measurements were taken in accordance with day to day business e.g. investigating spectrum interference cases, however the map would continue to grow organically and also focus on rural areas. It was recognised that forecasting mobile coverage in mountainous and rural areas was a challenge, however other sources of data could help to provide an accurate predictive model e.g. crowdsourcing data.

9.3 The Panel expressed an interest in attending Ofcom's Spectrum Management Centre in the near future.

## **10. AOB**

10.1 Members with specific expertise in driving equality and inclusion agendas across organisations had offered to engage off-line with Ofcom colleagues to feed into its work on inclusive policymaking and looked forward to providing advice.

10.2 The Panel reiterated concerns that the number of consumers identified as 'vulnerable' on CPs vulnerability registers was low and more needed to be done to promote available support and encourage consumers to self-identify. They also restated their concerns about the varying criteria and methodologies used by CPs to record 'vulnerability'. Consequently, this meant differing levels of support for those with access requirements which was dependant on the CP.