

Minutes of the meeting of the Communications Consumer Panel and ACOD

on 21 October 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

Helen Froud

Sian Phipps

Richard Spencer

Michael Wardlow

Richard Williams

Apologies

None

In attendance

Jenny Borridd

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 interest.
3. Minutes of the meeting on 15 September 2021 and matters arising
3.1 The minutes of the meeting of 15 September 2021 were APPROVED , subject to minor amendments.
3.2 The Panel discussed its soon to be published think-piece on making communications services inclusive and considered how to utilise the document to drive change in the communications sector. Members agreed to discuss further once the think-piece had been published.

- 3.3 The Panel reiterated the need to continue discussions with Ofcom about the impacts of network outages on communications consumers. Members referenced a recent access services outage in the broadcasting sector, which had resulted in consumers who relied on access services being unable to engage with broadcasting services for a protracted period of time.
- 3.4 The Panel had recently held the second of two consumer focus groups, where Members had observed consumers discussing certain topics selected by the Panel in advance. Members agreed that it was useful to hear directly from consumers and were keen to hold sessions on a regular basis and hear from different audiences, including consumers with specific access requirements.
- 3.5 The Panel's Member for Wales had previously raised concerns with Ofcom regarding postal delivery issues in South Wales (September minutes para 4.4) and having raised these concerns during a recent meeting of Ofcom's Advisory Committee for Wales, the ACW Chair was seeking to discuss the issue with Royal Mail directly.
- 3.6 The Panel's Member for Scotland raised concerns that key workers and communities living on remote islands - who often experience power outages - remained reliant on landline connectivity due to mobile masts only providing mobile connectivity for a short period of time e.g. 30 minutes.
- 3.7 Members continued to raise concerns surrounding migration to voice-over IP including the impacts of power outages on consumers post-migration. The Panel noted that some consumers had already been migrated to VoIP and looked forward to hearing more about Ofcom's forthcoming research on consumers' experiences of being migrated (discussed further at para 9.5).

4. Consumer update

- 4.1 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.
- 4.2 The Panel advised that it had recently responded to BEIS' consultation on reforming competition and consumer policy and outlined its support to reduce the timescale in which consumers could progress complaints to ADR from the current eight weeks, to four weeks.
- 4.3 The Panel advised that they had recently observed a consumer focus group (referred to above in para 3.4) where consumers had discussed customer service experiences in the communications sector. During the session, Members heard that consumers would often switch providers in response to poor customer service, and subsequently considered whether making it easier for consumers to switch providers could mean that CPs were less inclined to improve poor customer service, which could negatively impact consumers who were less likely to engage with the switching process. Ofcom colleagues recognised that 'quality of service' was a broad term and that improving customer service was a priority - a progress update would follow at a future meeting.

- 4.4 The Panel advised that poor mobile signal was a common theme raised in the consumer focus groups - particularly amongst participants living in Wales and Northern Ireland. Members discussed the importance of consumers understanding the mobile coverage they should expect, whilst recognising that external factors could affect coverage e.g. buildings, weather. It was also noted that in some areas 5G connectivity was now available, however for many 4G coverage remained aspirational. The Panel looked forward to receiving the latest mobile drive testing data.
- 4.5 The Panel discussed its continuing concerns that many consumers with specific access requirements did not self-identify as 'vulnerable' and would not be registered on CPs' vulnerability registers. Consequently, many consumers would not receive sufficient support when migrated to VoIP. Members were keen to further understand how many customers, across CPs' customer bases, were identified as having specific requirements and how the information was recorded.
- 4.6 The Panel was keen to receive further information around Ofcom's ongoing work to tackle scams and noted that the team would provide an update in December. The Panel would share Ofcom's scam-prevention messages via social media.
- 4.7 The Panel raised concerns that many consumers in financially vulnerable circumstances were unaware of the support available to them or did not consider themselves eligible. Ofcom's affordability policy team had recently attended the Panel's National Stakeholder Hubs to present Ofcom's recently published research on the affordability of communications services - and many Hub participants had been unaware of low-cost tariffs in the communications sector. In addition, the onus was on consumers to navigate the support available and instead, communications providers should make consumers aware of the support available and engage with third sector organisations to help raise awareness. The Panel looked forward to a future progress update.
- 4.8 The Panel noted that complaints relating to nuisance calls had reduced and considered whether this reflected a reduction in call activity or fewer consumers reporting calls. Members also noted that complaints figures relating to faults, service and provision were lower in Scotland compared to the other UK Nations and asked if this was comparable to Openreach's data.
- 4.9 The Panel noted that complaints relating to complaints handling were higher in Wales compared to the other UK Nations and asked if there was any particular reason for this. Ofcom colleagues advised that the figure was likely to reflect population size and would look into this further.
- 4.10 The Panel discussed the complaints data overall and asked for further information on how the data was reported and any emerging trends. In addition, Members asked if Ofcom's Advisory Committees received the same data.

5. Policy Profession - Inclusive policy making

5.1 Ofcom's policy profession team provided Members with an update on work to promote and embed inclusivity across communications' policymaking and encourage stakeholder engagement across the sector, particularly amongst consumers who were less likely to engage with Ofcom's consultations process.

5.2 The Panel supported Ofcom's ongoing work to promote inclusive policymaking across the sector and highlighted:

- the importance of listening to different voices and experiences throughout the policymaking process and having a shared understanding of how equality and diversity issues impact inclusivity.
- the importance of having a diverse workforce to mitigate against policy being designed and tested by people with similar characteristics and lived experiences, which was likely to cause unintended consequences.
- that equality impact assessments covered legally protected characteristics; however, the impacts of other characteristics should also be considered e.g. people living in poverty.
- that inclusivity should be embedded across the organisation, to avoid becoming a tick-box exercise.

5.3 Members who had significant expertise in this area, offered to discuss further with the team offline.

6. Postal regulation review 2022

6.1 The Panel received an update on Ofcom's upcoming review of postal regulation. Ofcom had published a call for inputs earlier in the year and would soon publish a consultation on proposed policy changes, which the Panel would respond to. Ofcom colleagues provided an overview of its research on postal users' needs across the UK, highlighting that although letters remained important, the parcels market had increased exponentially.

6.2 The Panel highlighted that the postal USO was significantly important to consumers, citizens and micro-businesses living in certain areas where parcel carriers would either impose a surcharge or in some cases, not deliver to - both issues continue to be raised by stakeholders living in rural areas across the UK and in Northern Ireland where the EU exit had caused postal delivery issues. Members highlighted that these issues caused inequity of access and left people isolated.

6.3 The Panel considered that the postal market should seek to understand and record consumers' specific access requirements across the UK. Members commented that any move towards recording vulnerability data should accord with the social model of disability (recording the effect of an impairment and more importantly, the consequent requirement upon a service provider to adapt the service to make it usable) and lessons could be learnt from other sectors where recording vulnerability data was commonplace e.g. water and energy sectors.

6.4 The Panel discussed the high-cost of postal redirections - an issue that had emerged during the pandemic and was brought to the attention of the Panel through its National Stakeholders Hubs. Members highlighted that low-income households were more likely to move house regularly and/or live in multiple occupant properties where fraudulent activity due to missed letters e.g. identity theft, could be more prevalent.

6.5 Members also commented that many parcel delivery companies incentivised employees through speed of delivery, which could sometimes result in poor customer experiences.

7. Quick, easy and reliable switching

7.1 The Panel received an update on Ofcom's decision to introduce a 'One Touch Switch' process for consumers who wished to switch their fixed, voice or broadband services. Ofcom's proposals would ensure that consumers understood the implications of changing services without having to discuss the switch with the losing provider. The Panel had responded to Ofcom's consultation in support of the proposals and would respond to Ofcom's current consultation on amending the wording of the General Conditions to implement the 'One Touch Switch' process.

7.2 The Panel asked if there was a risk that consumers, particularly those termed 'vulnerable' could be confused by the information provided by the losing provider on the impacts of switching, which could result in financial loss e.g. early exit fees for terminating non-coterminous bundled services. Ofcom colleagues advised that the losing provider would be required to provide the information in a clear and transparent format.

7.3 Members noted that although the 'One Touch Switch' process would make switching provider much quicker; consumers could still cancel a new contract within 14-days - the minimum cooling-off' period under statute.

7.4 The Panel noted that consumers who felt confident to negotiate packages with their provider, could continue to do so - although this would not form part of the switching process.

7.5 The Panel noted that Ofcom's switching tracker would continue to capture people's experiences of switching. Members noted that the tracker could provide insights on whether consumers with specific support/and or access requirements engaged with switching processes, and emphasised that understanding the effects of consumers' requirements on the process was paramount over recording the reason for the requirements alone.

8. Panel updates on initiatives to help strengthen the consumer voice

8.1 The Chair updated Members on a recent meeting of the Panel's Industry Forum where CPs had been presented with the Panel's soon to be published think-piece on inclusive and accessible communications. During these meetings, CPs continued to discuss recording consumer vulnerability data consistently across the communications sector and the Panel considered how its forthcoming research could help to secure progress in

this area. The Chair also advised that the Panel's Consumer Advocacy Hub remained concerned that many consumers were unaware of migration to VoIP.

8.2 Members provided updates on external events that they had recently been involved in, these included:

- an event hosted by the Good Things Foundation on digital exclusion.
- a meeting of Welsh Government's Digital Inclusion Programme Board.
- a Holyrood event focused on promoting digital inclusion and participation across Scotland.

8.3 The Panel's Nations' Members provided an update on recent discussions across the [Panel's National Stakeholder Hubs](#), which had focused on providing excellent customer service across the communications sector. The Hubs also explored the benefits of CPs developing a Customer Service Charter and heard from other sectors where Customer Charters were already in place.

8.4 The Panel Nation's Members had also recently attended a meeting with the Chairs of Ofcom's Advisory Committees to discuss any common issues across the UK Nations.

9. Migration to voice-over IP (VoIP) update

9.1 The Panel received an update on migration to voice-over IP (VoIP), which covered current migration activity and subsequent monitoring of how the migrations were handled; upcoming research on consumers' experiences of migration; increased consumer awareness of the migration process; and continued engagement with UK government and other sectors.

9.2 The Panel emphasised once again their significant concerns that CPs did not identify, record and track 'vulnerable' consumers consistently so they were unable to identify all consumers who required support during the migration process. In addition, many consumers were not signed-up to CPs' vulnerability registers (referenced at para 4.5) so CPs needed to adopt a proactive approach to understand any consumer challenges. For instance, it was highlighted that many consumers with specific access requirements would not be able to engage with the process due to receiving information in an inaccessible format.

9.3 The Panel's Member for Wales had recently attended Welsh Government's Digital Inclusion Programme Board and highlighted concerns that many people were not currently digitally connected and therefore, could not be migrated.

9.4 Members highlighted that power cuts were more likely to significantly impact communities living in rural areas, compared to urban counterparts; and were concerned that Ofcom's research would pick-up the experiences of consumers in atypical geographical areas. Ofcom colleagues advised that CPs must provide consumers who were reliant on landline connectivity with a battery back-up of a minimum of one-hour at no extra cost. The Panel was concerned that some consumers who owned mobile phones did not receive sufficient mobile signal to make calls during a power cut and

sought to understand the eligibility criteria for providing a free battery back-up.

9.5 The Panel also commented:

- that more should be done to raise awareness amongst consumers and a coordinated consumer communications strategy was required.
- that Ofcom should seek to understand the experiences of consumers who had been migrated outside of the trials.
- that concerns had been raised by communities living in remote rural areas regarding both resilience and safety in relation to emergency response services e.g. power cuts, where landline connectivity was often relied on as mobile masts only supplied connectivity for a short period of time. It was emphasised that robust processes were required to address the concerns raised.

9.6 The Panel's Chair would meet with Ofcom's Policy Director who was leading the migration to VoIP policy team to discuss the Panel's concerns further.

10. Helping consumers to get better deals

10.1 The Panel received an update on Ofcom's ongoing work to help customers get better deals, which covered the effectiveness and impact (so far) of end of contract notifications (ECNs), as well as the commitments secured from major providers following its mobile handsets review in 2019 and broadband pricing review in 2020. The Panel commended Ofcom's ongoing work to help secure good outcomes for consumers.

10.2 Members had previously raised concerns that CPs were not implementing ECNs in the spirit in which they were intended by allowing customers to negotiate the deal quoted in the ECN (September minutes para 4.7). The Panel highlighted that this would inevitably negatively impact less engaged and 'vulnerable' consumers who were unable to initiate such discussions. The ECN offer should be non-negotiable.

10.3 The Panel noted information on 'vulnerable' consumers and reiterated concerns that the number of 'vulnerable' consumers across the UK was much higher than those signed-up to CPs' vulnerability registers; and CPs urgently needed to improve how consumers' individual requirements were identified and recorded by developing a consistent approach.

10.4 The Panel discussed when differential pricing for different consumers would be regarded unfair and how to protect consumers who were less likely to engage with the sector, and ensure they were in receipt of a suitable package.

11. AOB

11.1 The Panel discussed Ofcom's new online safety powers and looked forward to receiving further updates on developments in this area.