

Minutes of the meeting of the Communications Consumer Panel and ACOD

on 15 September 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

Sian Phipps

Richard Spencer

Richard Williams

Apologies

Helen Froud

Michael Wardlow

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 Rick Hill declared that his daughter was now employed by Wiggin LLP, which had specialist media and telecoms teams.
3. Minutes of the meeting on 15 July 2021 and matters arising
3.1 The minutes of the meeting of 15 July 2021 were APPROVED , subject to minor amendments.
3.2 The Panel had previously requested greater visibility of complaints across the communications sector to further understand and track issues facing consumers. Members thanked Ofcom's Enforcement Team for providing a breakdown of complaints data across the UK Nations and looked forward to receiving further insights. It was noted that

complaints data relating to ADR schemes would be requested separately.

- 3.3 The Panel's Member for Scotland suggested that the Panel received a future update on the Telecoms Security Bill, after having received an update at a recent meeting of Ofcom's Advisory Committee for Scotland.
- 3.4 The Panel's Member for Scotland highlighted that the Consumer Scotland Act 2020 had imposed a duty on public bodies in Scotland to consider the impacts of their policies on consumers. It was noted that Scottish Government was currently consulting on which public bodies would be covered by the duty.
- 3.5 The Chair had recently met with Ofcom's Interim Chair to discuss the Panel's recent activities and areas of focus and concern, including migration to VoIP and the Panel's soon to be published think-piece on making communications services inclusive and an overview of the think-piece would be circulated to Ofcom's Board.
- 3.6 The Panel noted that mobile phone providers had started to impose international data roaming charges on consumers, post-Brexit, and agreed to monitor any impacts on consumers through its consumer channels and stakeholders.
- 3.7 Members had previously discussed the importance of public sector bodies and service providers conducting Equality Impact Assessments early-on in policy development and looked forward to receiving an update from Ofcom's Policy Profession team on inclusive policy making in October.

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 noted Ofcom's ongoing work to ensure that CPs treated consumers in vulnerable circumstances fairly and highlight where improvements could be made e.g. identifying consumers in vulnerable circumstances, and greater engagement with charities and external organisations. Members highlighted the importance of CPs using a consistent criterion to identify consumers with specific access requirements - moving away from the medical model (recording the disability) to a social model (recording the effect of an impairment and the consequent need). It was noted that the Panel would soon publish a think-piece on making communications services inclusive, which would be circulated to Ofcom colleagues.
- 4.3 The Panel discussed its continuing concerns regarding migration to voice-over IP, especially in relation to the lack of knowledge about potentially vulnerable consumers who might need assistance and reiterating the importance of implementing a customer facing communications campaign. The Panel had recently published its research on the potential impacts of the migration on consumers, which found that awareness was generally low.¹ Ofcom colleagues recognised that consistent messaging across the sector was important to avoid consumer confusion and advised that discussions with communications providers were

¹ [Switchover from analogue to digital telephony: UK consumer and micro-business reactions](#)

ongoing. Members also sought to understand if and how Ofcom was capturing consumers' experiences of the migration.

- 4.4 The Panel's Member for Wales raised concerns regarding intermittent postal service deliveries in South Wales, where local residents had complained via social media that important letters such as confirmation of hospital appointments had been delayed. Ofcom colleagues advised that these concerns would be fed back to the post policy team - in addition, an annual monitoring report on the postal market would be published soon. Members also discussed the circumstances in which Ofcom could intervene and seek to resolve issues directly with providers.
- 4.5 The Panel asked how Ofcom monitored consumer complaints via social media, having previously highlighted that many consumers would not use CPs' formal complaints processes and therefore, drawing insights and inferences from complaints figures was not wholly reliable. Ofcom colleagues advised that work was ongoing to monitor information on social media and understand its value, recognising that it only captured the views of a certain section of the population.
- 4.6 The Panel discussed the future of 2G/3G, highlighting the importance of understanding consumers' reliance on telemetry. In addition, many consumers might not realise that 4G smartphones would sometimes revert to 2G/3G connectivity and conducting research to understand how often reversion occurred should be explored. Ofcom colleagues would check if this information was already available.
- 4.7 The Panel raised concerns that some CPs were not always implementing end of contract notifications in the spirit in which they were intended by allowing negotiation on new contracts which could achieve a better deal than that quoted in the ECN. The concern was expressed that this would favour more confident and assertive customers and disadvantage those who lacked the confidence or ability to enter into negotiations. Ofcom colleagues welcomed examples of instances where CPs had not implemented ECNs in accordance with the requirements, advising that monitoring of the effectiveness of ECNs was ongoing and a publication would follow soon.
- 4.8 The Panel noted Ofcom's recent decision regarding BT's handling and implementation of the broadband USO and asked how many consumers had been affected. Members also asked how Ofcom would ensure that customers were requoted, and refunds issued. Ofcom colleagues advised that monitoring was ongoing, and the number of consumers affected would follow.
- 4.9 The Panel noted that complaints relating to nuisance calls and silent calls had decreased and asked for further information behind the reduction. Ofcom colleagues advised that a similar trend had been noted across other organisations and possible reasons, amongst others, could be an increase in public-facing information on scams and/or interventions by CPs to tackle both nuisance and silent calls. Members were interested to further understand the proportion of consumers who would not report receiving a nuisance or scam call.
- 4.10 Other comments included:
- that recent work to make switching providers easier was a positive development and

consumers' ability to downgrade existing services should also be made simpler and easier.

- that in Northern Ireland, complaints relating to switching providers were considerably higher compared to the other UK Nations. Members sought to understand the reasons behind this.
- that an increasing number of mobile network operators had imposed data roaming charges post-Brexit. Members were interested to understand the reasons behind this and expressed concerns that consumers in Northern Ireland could experience inadvertent roaming costs.

5. Consumer detriment

5.1 The Panel discussed different areas of detriment potentially facing communications consumers, citizens and micro-businesses. Members also considered the impacts of consumers' personal circumstances on their experiences of the communications sector throughout the customer journey. By undertaking this exercise, the Panel could consider and identify future areas of focus.

6. Ofcom's plan of work 2022/23

6.1 The Panel received an update on Ofcom's proposed plan of work 2022/23. Ofcom colleagues explained the process by which stakeholders would engage with the work plan, including a public consultation before being finalised in the New Year.

6.2 The Panel discussed the key themes outlined in the draft work plan and commented:

- that there should be greater visibility of Ofcom's work regarding postal services, in light of Ofcom's review of the future of postal services.
- that Ofcom should engage with a wide range of consumer bodies, noting that not all consumers would engage with CPs' complaints processes.
- on the importance of investing in existing digital infrastructure to safeguard digital resilience and mitigate network outages.
- that international roaming could be captured under future affordability work.
- that Ofcom's mobile strategy was an important component to getting everyone connected e.g. hard to reach areas.

6.3 Members were also interested to understand what would be considered good consumer outcomes.

7. Panel research 2021/22

7.1 The Panel discussed potential research proposals 2021/22, focusing on areas where the Panel could make the most impact and help to drive positive change for consumers, citizens and micro-businesses. Members also commented on the importance of gathering and understanding consumer's perspectives and experiences. The Panel's Executive Team would circulate the final research briefs to Members for comment.

7.2 The Panel was interested to understand the experiences of homeless people in the communications sector. It was noted that Tesco Mobile had launched a partnership with Crisis and Members asked to receive an update at a future meeting.

8. Centre for Data Ethics and Innovation (CDEI)

8.1 A representative of CDEI who was currently on secondment at Ofcom provided Members with an overview of CDEI's purpose, scope of work and responsible data handling.

8.2 The Panel considered the implications of using consumer data in the communications sector, including issues around personal freedom and privacy. Members also raised concerns that consumer data could be used to develop decision-making algorithms in certain areas e.g. personalised pricing, which could negatively impact consumers, particularly consumers with specific access requirements and/or in vulnerable circumstances.

8.3 The Panel discussed how Ofcom's data handling practices could influence and positively impact CPs' use of data. Members were interested to further understand how Ofcom proposed to regulate this area and an update from Ofcom's Data Ethics team would follow at a future meeting.

9. AOB

9.1 The Panel noted that Ofcom's hybrid working trial would commence in October and discussed moving towards a hybrid model for future monthly Panel meetings. The Chair advised that Members could attend in-person meetings from November.