

Minutes of the twenty-third meeting of the Ofcom Consumer Panel

Tuesday 28 February 2006 at 10.00 hours

Ofcom, Riverside House, 2A Southwark Bridge Road, London SE1 9HA

Present:

Consumer Panel

Colette Bowe (Chairman)
Ruth Evans (Deputy Chairman)
Azeem Azhar
Fiona Ballantyne
Simon Gibson
Kevin McLaughlin
Jeremy Mitchell
Kate O'Rourke
Bob Twitchin
Allan Williams

In attendance

David Edwards (Consumer Panel Secretary)
Georgia Klein (Consumer Panel Manager)
Dominic Ridley (Policy Executive to the Panel)

1. Welcome and introductions

1.1 The Chairman welcomed colleagues to the meeting and introduced Jeremy Mitchell and Allan Williams who had been appointed to the Panel on 2 February 2006. Apologies were received from Roger Darlington and Graham Mather.

2. Declaration of members' interests

2.1 As a member of the Council of the Office of the Telecommunications Ombudsman (Otel) Jeremy Mitchell declared an interest in the Alternative Dispute Resolution aspects of the DTI consultation on consumer representation and redress. The consultation was an agenda item later in the meeting.

3. Minutes of the meeting on 24 January 2006 and matters arising

3.1 The minutes of the previous meeting were agreed.

3.2 The Chairman reported that she would be meeting the Chairman of Ofcom's Advisory Committee for England on 14 March 2006 to discuss consumer issues of mutual interest that the Committee might be able to pursue.

David Currie had written to the Panel Chairman in response to the Panel's advice note on measuring the success of the Strategic Review of Telecommunications (TSR). There were differences of opinion between the Ofcom Board and the Panel on setting performance metrics but the Panel would continue to argue its case. The Chairman had intended to write in reply to David Currie but he would meet the Panel on 27 April 2006 and TSR metrics could be part of discussion. Kate O'Rourke referred to discussion from the previous Panel meeting on Ofcom's authority, derived from its regulatory powers, and to Ofcom's potential for 'leverage' on social policy issues. Another topic had been older people and their use of new communications services, including whether a willingness or capacity to use or learn about new services declined at a certain age. Members planned to revisit 'leverage' in the April discussion with David Currie. The Chairman had briefly discussed cognitive research with Professor Janet Askham, a member of Ofcom's Advisory Committee on Older and Disabled People. Bob Twitchin said that there were also cognitive issues related to people with learning disabilities. As a next step the Chairman proposed a meeting with Janet Askham to discuss relevant cognitive research involving older people.

3.3 It was agreed that the Panel would hold its 23 May 2006 meeting in Wales and the Secretary would discuss arrangements with Simon Gibson, the Panel's member for Wales.

AP1 Panel to discuss Ofcom 'leverage' on social policy issues with David Currie at the April Panel meeting.

AP2 Secretary to ensure a meeting is set up around a Panel meeting day with Professor Janet Askham to discuss older people/cognitive research. Attendees to include the Chairman, the Deputy Chairman, Bob Twitchin, Jeremy Mitchell, Fiona Ballantyne, Allan Williams, Georgia Klein and Dominic Ridley.

AP3 Secretary to liaise with Simon Gibson on arrangements for the Panel's May meeting in Wales.

4. Chairman's report

4.1 The Chairman said that the consumer interest 'toolkit' launch event held on 2 February 2006 had been a well attended success with positive interest expressed by a number of consumer bodies and regulators. There had been media coverage in early editions of the Financial Times and in the on-line version of the newspaper. The Chairman would be discussing how to 'spread the word' and encourage use of the toolkit with the support team.

5. Members' updates

5.1 Kevin McLaughlin had been in contact with the General Consumer Council for Northern Ireland and the Irish Republic's Commission for Communications Regulation (ComReg) about the consumer interest toolkit. He and the Chairman had received an invitation to meet ComReg's Consumer Advisory Panel in Dublin and the Secretary was asked to find a suitable date.

5.2 Bob Twitchin had attended a meeting of the Telecoms Industry Forum on Disability and Ageing and there had been interest in the Panel's consumer research and the issue of how consumers obtain information. He would discuss this further with Fiona Ballantyne. Bob Twitchin and Kate O'Rourke had met with Ofcom colleagues and discussed General Condition 15 on special measures for end-users with disabilities (the General Conditions apply to telecoms operators). He had also been in dialogue with Ofcom and TAG (an organisation that promotes access to electronic communications for deaf people) on issues related to mobile access to the text relay service. Kate O'Rourke said that the Panel had to defend requirements on operators imposed by universal service obligations (USO) and to keep on top of USO issues arising in Europe.

5.3 Fiona Ballantyne said that the Panel 'toolkit' had been well received by the Scottish Consumer Council. The Panel's tracker research was progressing well and the research report was in the process of being re-drafted. The research project on older consumers using focus groups would begin later that week with results in March and feedback available at the April 2006 Panel meeting. Immediately preceding today's meeting Fiona Ballantyne, Simon Gibson, Kevin McLaughlin and Georgia Klein had attended a meeting on the research findings arising from Ofcom's Audit of the Nations and Regions. Findings highlighted gaps in the availability of consumer information, particularly in rural areas. The Ofcom Audit team would have discussions with Ofcom's Advisory Committees for the Nations in May and June 2006 and had requested the Panel's advice on the policy aspects of the review. It was agreed that it would be on the Panel's June 2006 agenda.

5.4 Simon Gibson had met with the Emirates Telecommunications Corporation (ETISALAT) and he would be meeting with ETISALAT again to talk about the role of the Panel and citizen and consumer issues. The Chairman suggested that this could be a topic to publicise on the Panel's website. Simon Gibson had met with Bell Canada and discussed its approach to next generation networks, its focus was on the delivery of services rather than infrastructure.

5.5 Jeremy Mitchell and Allan Williams gave brief resumes of their respective backgrounds in communications. They had attended a number of introductory meetings at Ofcom, including sessions with the Ofcom Chairman, David Currie, and the Chief Operating Officer, Ed Richards. Allan Williams commented that Ofcom did not appear to be making use of a research methodology on usability devised by the Independent Television Commission, one of Ofcom's predecessor bodies. He would discuss this further with Fiona Ballantyne.

5.6 Azeem Azhar had provided a quote for the 23 January 2006 edition of the Daily Mail in an article on the removal of BT price controls. He had commented on the bewildering and confusing array of phone services available and had said that the telecoms industry had to do more to ensure that consumers were able to choose the services that were right for them. He had recently become Head of Innovation at Reuters and he commented that in the communications

marketplace there appeared to be a growing divergence in attitudes between people born before and after 1979. The latter had reached adulthood when both the internet and mobile services were widely used and accessible.

5.7 The Deputy Chairman said that there was increasing activity around digital switchover (DSO). She and a number of members had met with Ofcom's DSO team immediately after the January 2006 Panel meeting and that the discussion had helped to clarify the Panel's DSO priorities. The run up to 2008 – when the analogue signal would be switched off in the first UK region, the Borders – would be a critical period and the Panel would need a targeted and strategic approach to DSO and the important issues for consumers, without getting 'bogged down' in the detail of switchover. Ongoing DSO meeting arrangements would be as follows:

- the Deputy Chairman and interested Panel members to attend bi-monthly bi-lateral meetings with Digital UK to discuss the progress of switchover;
- in between the latter and as part of the afternoon sessions following monthly Panel meetings, members to meet together to discuss DSO, followed by a session with Ofcom's DSO team; and
- the Deputy Chairman to meet Department of Culture Media and Sport officials on a quarterly basis.

AP4 Secretary to progress the Chairman's and Kevin McLaughlin's invitation to meet ComReg's Consumer Advisory Panel in Ireland.

AP5 Bob Twitchin and Fiona Ballantyne to discuss the interest of the Telecoms Industry Forum on Disability and Ageing in Panel research.

AP6 Secretary to include older people's research findings in the agenda of the April Panel meeting.

AP7 Secretary to include Ofcom's Audit of the Nations & Regions in the agenda of the June Panel meeting.

AP8 Simon Gibson to liaise with the Secretary on a briefing for the Panel website arising from his meeting with ETISALAT.

AP9 Allan Williams and Fiona Ballantyne to discuss ITC methodology on usability.

AP10 Secretary to ensure that the Panel's new DSO meeting arrangements are in place.

6. Panel workplan

6.1 Georgia Klein had drafted the Panel's Forward Work Programme in publication format for issue in May 2006. The Panel considered the following:

- whether the Panel's main strategy issues had been identified;
- if the correct issues had been identified, whether the Panel was able to handle them; and
- whether members were comfortable with the projects they had been assigned.

6.2 For the benefit of the two new Panel members the Chairman explained that the Panel's business model required members to take responsibility for specific workstreams. It was accepted that there would be occasions when they would not all be able to commit the same amount of time to Panel work but over the year that was expected to even itself out. Members made a number of comments:

- the document began by saying that the Panel based its advice on evidence, this point needed to be amplified;
- Georgia Klein said that advice arose from the evidence provided by the Panel's research and from issues raised at Panel meetings; the plan was to publish the work programme at approximately the same time as the Panel's tracker research;
- there were 'futures' issues for the Panel, ie issues like the effects on consumers of changing business models for Internet Service Providers, and the section on advice on next generation networks required expansion; the section on consumer-focussed regulation could be reformulated to include keeping abreast of service developments;
- workstreams could be mapped against the Panel's principles of relevance, detriment, practicality and the tackling of issues that would address the requirements and needs of vulnerable groups;
- changes of emphasis were required in a number of places in the document, eg where the Panel appeared to be over-ambitious in what it could reasonably deliver or where it should encourage or support initiatives rather than take the lead; and
- it would be useful to list issues, aims and deliverables in each section.

6.3 It was agreed that there should be a short discussion of 'futures' during alternate Panel afternoon sessions, ie bi-monthly sessions; that the correct strategic themes had been identified but theme 1 – Regulating for consumers – should encompass work on 'futures'; that by the end of the week members would provide Georgia Klein with detailed comments on the draft document on both contents and their allocation of workstreams; that the work programme would be redrafted and a near to final version would be discussed at the next Panel meeting. The Chairman would speak about the work plan at the next meeting of the Consumer Forum on Communications (CFC), immediately following the Panel meeting on 21 March 2006.

AP11 Secretary to ensure that a 10 mins 'futures' slot is included in alternate Panel afternoon sessions.

AP12 Members to email detailed comments on the Panel workplan – both on contents and the areas of work members wish to be responsible for – to Georgia Klein by the end of the week, copying in the Chairman and Deputy Chairman.

AP13 Chairman and Georgia Klein to revise the workplan for discussion at the March Panel meeting.

AP14 Support team to prepare slides for a work plan presentation by the Chairman at the next CFC meeting.

7. DTI Consultation on consumer representation and redress

7.1 Georgia Klein had drafted a response to the Department of Trade and Industry (DTI) consultation document. The Chairman introduced discussion of the draft by saying that the Panel should submit a coherent set of views rather than simply answer the questions posed by DTI. She argued that a sectoral focus was the best approach to communications. Members commented on the draft as follows:

- the Panel should not necessarily answer all the questions in the DTI consultation document;
- the Panel also needs to ask questions and to satisfy itself that its ability to advise Ofcom will not be adversely affected by DTI proposals;
- the DTI document made reference to the Panel but there appeared to be little analysis of the Panel's work;
- a 'lean, mean and focussed' approach to consumer representation was to be preferred;
- the Panel should argue for a variation of the DTI's Option 3 and an appropriate relationship between Consumer Voice and the Ofcom Consumer Panel;
- there should be less emphasis on structural debates and more on how the Panel will work with Consumer Voice, the importance of working relationships and the Panel's 'critical friend' role;
- greater emphasis should be given to the model of the Ofcom Consumer Panel, how well it works and a desire to preserve that;
- the Panel's work in the regions could be highlighted in the response;
- consideration should be given to drawing distinctions between different markets, eg the innovation and fast changing technologies of communications compared with the post and water sectors;
- positive comparisons could be made between the Ofcom and the Financial Services consumer panels but the Ofcom Consumer Panel should concentrate on arguing its own merits; and
- the Panel should comment on the omission of sectors like health and rail from the DTI proposals.

7.2 The Chairman outlined the consultation and legislative timetable. The consultation would close on 19 April 2006 followed by three months for DTI to consider responses. Legislation was likely in the Autumn and a shadow Consumer Voice body by the end of 2007. The Chairman would meet DTI and other consumer bodies to discuss DTI proposals. It would be important to keep abreast of the views of Postwatch and others. Members were asked to email detailed comments on the draft response to the Chairman and Georgia Klein. The response would be redrafted and discussed at the March 2006 Panel meeting.

AP15 Members to email detailed comments on the Panel's draft response to the DTI consultation on consumer representation to Georgia Klein and Chairman by 7 March 2006.

AP16 Chairman and Georgia Klein to revise the draft response to DTI for discussion at the March Panel meeting.

8. Other matters to note/agree

8.1 Members had been provided with a report on meetings, consultations and approaches to the Panel; its contents were noted. The Secretary reminded members that the Panel would be holding its second low income research seminar on 28 March 2006 and arrangements were in hand.

9. Any other Business

9.1 Kate O'Rourke queried whether issues affecting children were sufficiently incorporated into the Panel's work. Fiona Ballantyne said that research had been considered but it would not be straightforward to conduct. Allan Williams raised the question of whether young people were subject to particular forms of detriment. It was agreed that enquires should be made to determine who in Ofcom had the job of understanding issues affecting young people across the range of the regulator's work. Bob Twitchin alerted members to work that Age Concern England was doing on media literacy and to the latest Ability magazine covering issues on accessible information technology. In early 2005 the Panel had conducted a stock-take of its activities, including an appraisal of members' performance. The Chairman said that 2006 appraisals would be conducted, beginning with members currently on three-year appointments, and the Secretary was asked to ensure that individual sessions were set up for each member with the Chairman and the Deputy Chairman. The Panel agreed to have a working dinner on the evening of 20 March 2006, ie immediately preceding the 21 March meeting, to allow pre-meeting discussion. The Secretary was asked to invite Philip Graf, the Deputy Chairman of Ofcom.

AP17 Dominic Ridley to make enquiries in Ofcom to find out whose job it is to understand the issues affecting children aged 16 and under.

AP18 Secretary to ensure that an appraisal session is held for each Panel member, beginning with three-year appointees for the Nations, both the Chairman and Deputy Chairman to attend.

AP19 Secretary to organise a Panel dinner for the evening of 20 March 2006 and invite Philip Graf.

.....Chairman

.....Date