

Minutes of the 60th meeting of the Communications Consumer Panel

Wednesday 7 October 2009 at 9.00 hours

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

Present

Consumer Panel

Anna Bradley (Chair)
Fiona Ballantyne
Louisa Bolch
Kim Brook
Colin Browne
Roger Darlington (items 1-6)
Maureen Edmondson
Leen Petré
Damian Tambini (items 4-12)
Bob Warner

In attendance

Alistair Bridge (Principal Adviser)
Nicola Ebdon (Panel Secretary)
Emily Keaney (Policy Adviser)
Graham Walker – Director of Policy, Digital Inclusion (item 9)
Ofcom colleagues (items 3, 5, 6, 10 and 11)

1. Declaration of members' interests

1.1 There were no interests declared.

2. Minutes of the meeting on 8 September 2009, matters arising, progress on actions and forward plan 2009/10

2.1 Members **APPROVED** the draft minutes for signature by the Chair.

2.2 Members **NOTED** the current status of actions arising.

2.3 Members **NOTED** the new meeting forward plan and felt it will be useful. Gratitude was expressed to the team for its hard work outside of meetings; of particular note was the effective launch of the Mobile Coverage Research and Consultation Response.

2.4 An update in relation to the Government's consultation into the Next Generation Access Levy would be provided to Members once available.

2.5 Members would receive an update on Ofcom's business project.

3. Access and Inclusion

3.1 The Panel **CONSIDERED** a paper which updated Members about Ofcom's work in this area. The following points arose from the discussion:

- Ofcom reassured Members that its work in this area would be co-ordinated, as an Ofcom internal steering group ensured co-ordination of relevant projects;

- Ofcom was planning to use the Panel's Framework to help assess progress and outcomes in this area; and
- Ofcom reassured Members that it would not wait for the Government to make a decision on Ofcom's proposed duties before conducting the planned research on mobile coverage.

3.2 The Panel gave the following **ADVICE** to Ofcom:

- Make the statement more specific in relation to proposed project achievements and timescales, and clarify the areas in which it would like to make an impact, but has limited powers to do so, for example in relation to usability of equipment; and
- In the statement give a sense of how future strategy will be developed. It will be important for Ofcom to continue stakeholder communication to identify future work required and ensure appropriate and timely planning, resulting in clear targets and outcomes.

3.3 The Panel made the following **DECISIONS**:

- Once it had received a demonstration of new technology, it would discuss with Ofcom any implications for access and inclusion;
- As part of the annual planning process Members are to provide recommendations in this area with particular focus on the issues of different stakeholders; and
- It would keep in touch with progress of Ofcom's mobile coverage research.

4. Reports from National Members

4.1 The Panel **CONSIDERED** reports in relation to the issues facing consumers in, and the political background of, each Nation. The following points arose from the discussion:

- There are three areas of common special interest: rural communities, low incomes and a relative dependence on small and medium enterprises;
- There are a number of local initiatives being undertaken in the Nations to address communications problems, although the Welsh Assembly seems less active in promoting initiatives than the other devolved administrations; and,
- The Scottish Government was drafting a document outlining its approach to telecommunications in Scotland.

4.2 The Panel made the following **DECISIONS**:

- Liaison with the writer of the document outlining the Scottish Government's approach to telecommunications in Scotland would continue and a decision made whether the Panel should respond.
- The Members for Scotland, Wales and Northern Ireland would take a special interest in one of the areas of common interest for the Panel (4.1) to capture the National aspects and give more weight to these issues;
- The Member for England would take a special interest in the different pilots being undertaken in the Nations, for example to stimulate investment in next-generation broadband, to draw on them as learning experiences for the Panel;
- Hold a session (Chair plus National Members) before the November Panel meeting to discuss and agree how the above decisions will work going forward; and,
- Plan an annual political and policy update from each National Member.

5. Update on Digital Participation

5.1 The Panel **CONSIDERED** a paper which outlined the development of the priorities and accountability mechanisms of the Digital Participation Consortium. The following points arose from the discussion:

- The stakeholder launch of the Consortium will involve an event on 15 October 2009 (to which members are invited) and a series of announcements. A list of consumer groups attending the launch event to be provided to members.
- Ofcom reassured Members that mechanisms were in place to ensure involvement and contribution in relation to the Nations;
- Any consortium member could put forward an application for funding, however the criteria for considering applications had not yet been agreed with Government;
- A process, to map activities against priorities was being undertaken. This would be key to agreeing funding for new activities and avoiding duplication; and
- Key metrics to be used to evaluate success were being developed, drawing on knowledge of the Consortium.

5.2 The Panel gave the following **ADVICE** to Ofcom:

- Ofcom should make an increased effort to encourage consumer interest groups to join the Consortium as soon as possible;
- The criteria for allocating funding should be agreed and made transparent as soon as possible, to ensure a fair and equitable process for organisations to make funding applications;
- Ofcom should consider adding to the list of criteria: partnerships with end user organisations;
- Ofcom should give careful thought to the framework used to evaluate progress and outcomes of the Consortium, to ensure it will be smart and flexible over time;
- Careful thought should be given to the metrics to be used for monitoring and evaluating, to ensure they are wide ranging and robust; and
- If there are any areas which the Consortium feels are outside its remit (for instance the provision of access services for disabled persons due to high costs), then this should be made clear in its Terms of Reference.

5.3 The Panel **DECIDED** to schedule further discussion with Ofcom, possibly via a Panel sub-group, for the provision of input and advice in relation to:

- Ensuring end user consumer and citizen groups are involved;
- Social marketing campaign;
- Funding criteria, priorities and metrics; and,
- Equality of delivery across whole of the UK.

6. Ofcom's Policy Making Processes

6.1 The Panel **CONSIDERED** a presentation which outlined the work Ofcom was undertaking to rationalise policy-making guidance and evaluate its policies more systematically. The following points arose from the discussion:

- The Panel's Consumer Interest toolkit (CIT) would be rationalised into the new set of guidance;
- Ofcom reassured Members that cross-Ofcom involvement was being undertaken both in the development and implementation of the Guidance in a variety of ways; and,
- There was possibly a need for an internal audit/compliance function within Ofcom to review regulation policy.

6.2 The Panel **ADVISED** Ofcom to ensure that rationalisation did not reduce the robustness of the processes, and that commitment to transparency and evidence based assessment should be maintained.

6.3 The Panel made the following **DECISIONS**:

- Work with Ofcom in relation to the integration of the CIT, and review progress at its January 2010 Meeting.

- Support the Better Regulation (BR) Guidance project to help ensure Ofcom buy-in at all levels; and,
- Suggest to Ofcom the need for an internal audit/compliance function to ensure that the new guidance is followed.

7. Developing the Consumer Interest Toolkit

7.1 The Panel **CONSIDERED** a presentation which proposed development of the CIT to reflect Ofcom's principal duty to further both consumers' and citizens' interests. The following points arose from the discussion:

- Integration of the citizen aspect into the CIT was important to identify trade-offs between consumer and citizen interests; and,
- Undertaking a further review of Ofcom projects against the CIT was important, in particular to inform the development of Ofcom's BR Guidance.

7.2 The Panel **RECOMMENDED** that the toolkit be used by Ofcom at the planning stage when priorities are being set, as well as in relation to individual projects.

7.3 The Panel made the following **DECISIONS**:

- Development of the CIT in relation to citizens as outlined in the presentation should be progressed, so that the new version is reflected in the BR Guidance;
- Undertake the review of Ofcom projects against the toolkit in two stages;
 - 1) Case study (un-published) - Identify and review a project to identify learning outcomes. Include in the review a workshop with Ofcom colleagues to receive wider feedback on the CIT. Case study to be undertaken in a time frame to enable input into the BR Guidance development.
 - 2) Review of other Ofcom projects (as planned) which will be published;
- Plan the above reviews to begin as soon as possible, within current resources; and
- Request a formal response from Robert Madelin (Director General of DG SANCO) with regard to European interest in the CIT.

8. Digital Participation Framework

8.1 The Panel **CONSIDERED** the revised Framework and the following points arose from the discussion:

- The updated Framework was an improvement; and
- The main Framework had been shared with a number of stakeholders and reactions had been positive.

8.2 The Panel gave the following **ADVICE** regarding the revised framework:

- Under "To get interested" include a new section "I have a reason to use it";
- Include an explanation of the background research used to differentiate between groups and the significance of the different highlighting; and
- Include an explanation of any gaps in knowledge relating to highlighted areas.

8.3 The Panel made the following **DECISIONS**:

- Further comments from Members to be submitted to EK by 12 October;
- Build the framework into the Literature review; and
- Commission an academic to complete the literature review and ensure it includes all relevant academic research.

9. Digital Inclusion (DI) Taskforce

9.1 The Panel welcomed Graham Walker to the meeting, **RECEIVED** an update on the work of the DI Champion and Taskforce and their action plan was tabled for information.

9.2 The Panel **DISCUSSED** the issues raised by the update and the following points arose from the discussion:

- The Taskforce had limited resources, so intended to use external resources where possible and act as a facilitator to co-ordinate work. Its main objective was to get at least 3 million people online by 2012.
- The proposed initiatives were a good way forward, however caution was expressed regarding focusing on initiatives which involved travelling to receive training/learn skills, as certain groups of consumers would benefit more from training at home and about the need to ensure that inter-generational training is two-way training respectful of the older persons' knowledge and experience; and
- The remit of the Taskforce covered England only. However there were established working relationships to ensure calls from, for example, Scotland were re-directed and the Taskforce was actively working with the Nations.

9.3 The Panel **DECIDED** that it would engage with and offer advice to the Taskforce, possibly through a Panel sub-group.

10. Digital Retuning

10.1 The Panel **CONSIDERED** a presentation on Ofcom's Digital Terrestrial Television (DTT) clearance programme. The following points arose from the discussion:

- As a result of Ofcom's decision to clear DTT and Programme Making and Special Events from channels 61, 62 and 69 a coherent strategy had been developed to ensure minimal impacts on consumers;
- There are three consumer affects: retuning digital sets, aerial changes and some coverage impacts. Frequency changes will be limited to ensure that the number of aerials requiring replacement is limited to those which are not up to the required standard. Coverage impacts will be known and help offered to consumers who require a change to their aerial position. The majority of aerials not up to the required standard will have already been changed as a result of digital switchover.
- Ofcom reassured Members that the survey results of national retuning will be reviewed for lessons to ensure more appropriate help is made available (for instance for blind consumers retuning digital sets) and messaging is accurate;
- The help scheme which provides new aerials and digital boxes as part of switchover for the most vulnerable has developed boxes which self retuned. The help scheme already covers registered users for an additional 12 months after DSO in each area, and the team are reviewing whether the scheme should be extended to cover the DTT clearance programme though this decision rests with DCMS; and
- A workshop will be held in a few months to look at consumer issues.

10.2 The Panel **ADVISED** that when dealing with stakeholders on this issue Ofcom should ensure presentations clearly outline the consumer issues and the policies which have been put in place to mitigate and deal with these issues. The Panel offered to help with preparing presentations to stakeholders, if required.

11. Universal Service Obligation (USO) Review

11.1 The Panel **CONSIDERED** a paper which outlined the development of the review and proposed processes. The following points arose from the discussion:

- Ofcom reassured Members that information collected through the review would be made available;
- Ofcom is considering whether to undertake deliberative research that would involve examining the value attached to a set of services wider than those covered by the USO;
- Ofcom will return to the Panel with the research specification; and
- Ofcom reassured Members that its review would take into account the views of different regions.

12. Any Other Business

12.1 **Panel's views on Ofcom's Priorities** – The Panel **CONSIDERED** a paper and **RECOMMENDED** that the letter to Ofcom be re-drafted with the following three sections:

- 1) Raising the future regulation of the internet as an important issue that should be on Ofcom's agenda.
- 2) Identifying three areas of current concern to the Panel, of which Ofcom has been advised already: Complaints handling, Switching and Consumer Information (including information provided on bills).
- 3) Outlining the four areas on which Ofcom is working – which are of major interest to the Panel: Universal Service, Digital Inclusion and Participation, Mobile Coverage and Ofcom Policy Making guidance.

A final draft of the letter will be agreed and submitted.

12.2 Members **AGREED** that the issues outlined in 12.1 were the right issues for the Panel to discuss in relation to its Workplan for 2010/11.

12.3 In relation to the Digital Inclusion Taskforce's remit not covering the Nations, it was **AGREED** that Ofcom's National Offices will be contacted to identify what parallel activity is taking place.

12.4 Members **NOTED** that an email regarding Panel paper templates and advice for presenters will be circulated after the meeting for comment. Members were requested to send comments to NE so an agreed template and guidance could be created ahead of the next Panel meeting.

12.5 It was **AGREED** that a governance statement would be drafted and circulated for agreement, regarding the Panel's position on use of its logo as an endorsement. To ensure its independence the Panel would not allow its logo to be used by another body, unless on collaborative research.

12.6 The next Panel meeting would be held on Tuesday 3 November 2009 at Riverside House, London.

.....Chairman

.....Date