**Minutes of the 61st meeting of the Communications Consumer Panel**

**Tuesday 3 November 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
Leen Petré
Damian Tambini (items 3-10)
Bob Warner

Apologies
Roger Darlington
Maureen Edmondson

In attendance
Alistair Bridge (Principal Adviser)
Nicola Ebdon (Panel Secretary)
Emily Keaney (Policy Adviser)
Ofcom colleagues (items 5, 6, 7 and 8)

**1.    Declaration of members' interests**

1.1    There were no interests declared.

**2.    Minutes of the meeting on 7 October 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 including:
- Kim Brook was meeting with Richard Sewell from the Welsh Assembly.
- AP7, 8 & 9 – Details of how the National Members would input into Panel debate relating to their agreed areas of special interest was to be finalised.
- AP11 – Following further discussion with the Ofcom team a special meeting of consumer groups has been arranged on 9 December 2009.  An invite list for the meeting would be circulated to Members.  If attending the Consumer Experience Event, Members were asked to stay on for the special meeting if possible.

2.3    Members **NOTED** the content of the meeting forward plan.

**3.    Governance Update – Appraisal Process**

3.1      The Panel **CONSIDERED** a paper which updated Members about the work of the Panel's sub-group in this area.

3.2    The Panel **NOTED** the approved Accessibility Statement, as published on its website.

3.3    The Panel **APPROVED** the recommended Appraisal form and process and **NOTED** that the process would be initiated shortly.

**4.    Digital Participation – Framework and Research Proposal**

4.1    The Panel **CONSIDERED** the paper which detailed the work of the Advisory team in this area.

4.2    When considering the research proposal a number of points arose from the discussion and Members gave **ADVICE** and **AGREEMENT** as follows:

- Members agreed that the primary aim of the research is to give some substance to what digital participation means to people's lives, identifying what their package of needs are, what barriers they encounter and giving a real life context to the framework.  In addition the research will give the Panel some sense of whether the framework is appropriate and the areas of the framework on which evidence is limited;
- Further consideration should be given to when during the research the Framework should be introduced to research participants;
- The proposal would contain a recommendation that between five and ten research participants should be included in each socio-demographic group;
- An additional group of research participants to be included aged over 75;
- The research agencies be requested to draft typical profiles/personas of research participants, to be used when publishing the research;
- The research should give more focus to researching areas of the Panel's Framework where current evidence is limited;
- The literature review (including academic review) and research will be published together;
- To give flexibility to the timetable preliminary findings for the unemployed socio-demographic group could be requested for February, to enable the Panel to input into the Digital Participation review and inform the rest of the research if appropriate.  With final research results to follow in March; and
- Potential audiences for the research are Digital Participation National Plan in February, National Digital Inclusion Conference in March, and possibly European Commission.

4.3    When considering the literature review a number of points arose from the discussion and Members gave **ADVICE** and **AGREEMENT** as follows:

- The integration of the framework into the literature review is helpful and Members were pleased with the direction of development of the review;
- A foreword should be included to identify what the review is trying to achieve;
- The criteria behind sources included in the review should be made clear;
- Contact organisations to identify if they have conducted any relevant research;
- Further detailed comments from Members to be submitted to EK;
- A tender process should be completed for an academic to review all relevant academic research and fill out the evidence in the literature review to be used by the advisory team when pulling together the final version of the literature review for publication;
- Further thought will be given to whether a critique of the completed literature review is appropriate.  Suggestions included an academic critique, academic seminar or peer review critique, or combination of the three; and
- The academic review brief will be circulated to the Panel sub-group for approval.

## 5.    Technical Demonstration

5.1    The Panel **RECEIVED** a presentation and demonstration on the following aspects of current technology:
- Broadband beyond the reach of ADSL;
- Home media Networks; and
- Online content services.

## 6.    Consumer Affairs Update

6.1    The Panel **CONSIDERED** an update on progress made with Ofcom's consumer policy projects and enforcement work since July 2009 and expected activity over the next quarter. Members also considered a draft of Ofcom's six monthly Consumer protection report. A copy

of the Policy Executive cover paper to the Consumer protection report and a final version of the report will be circulated to Members.

6.2    In relation to **fixed line mis-selling** the following points arose from the discussion:
- A new issue of address mismatching has arisen.  To enable solutions to be identified Ofcom has commissioned a root cause analysis;
- Data in relation to how often the consumer protection letter ('Cancel Other') fails to protect consumers in this area is now being tracked; and
- Focus is being made in relation to small businesses as the amount of harm caused is very high, with no consumer protection.

6.3    In relation to **rollover contracts** it was **NOTED** that due to the issue being one of potential detriment, the team is reviewing the evidence and raising the debate within Ofcom. Information on rollover contacts will be passed to the Panel.

6.4    In relation to **complaints handling** it was noted that the team plans to consult on this area in December, but welcomed input from the Panel.

6.5    In relation to the **telephone preference scheme** the following points arose from the discussion:
- Ofcom gave reassurance to Members that the scheme should become effective one month after signing up;
- Companies not following the rules regarding data cleansing were in breach of privacy laws, regulated by the Information Commissioner; and
- Ofcom is planning to do work in this area to better understand enforcement issues.

6.6    Members **NOTED** that Consumer Empowerment Strategy had dropped down in priority in the teams' plans.  This is an area of priority to the Panel, to gain a strategic view of all the issues in this area by identifying how consumers use information.

6.7    The Panel **ADVISED** Ofcom to ensure that when looking at levels of complaints the team always sought to use and identify the most relevant measure of quantum.  Ofcom reassured Members that this is the case and that relevant benchmarking is undertaken.

6.8    The Panel made the following **DECISIONS**:
- It would consider the issue of how complaints data is presented by Ofcom when communicating externally, possibly via a sub-group and Claudio Pollack;
- It would schedule an opportunity to look at the issue of rollover contacts in more detail and take a view on whether it is an issue of interest to the Panel; and
- It would schedule an opportunity to look at the issue of complaints handling with the team, either at a future Panel meeting or via a sub-group, to give the team further advice.

6.9    The Panel **NOTED** the content of the Bi-Yearly report from PhonepayPlus.

**7.    Digital Europe and International Consumer Engagement Strategy**

7.1    The Panel **CONSIDERED** two papers which updated the Panel of the work of Ofcom in these areas.

7.2    In relation to **Digital Europe** the following points arose from the discussion:
- Some other regulators in Europe were converged, however not to the same extent as Ofcom and few have an explicit responsibility in relation to consumers; and
- There is some interest in other regulators creating similar Panels to represent consumer and citizen interests.

7.3    In relation to **Digital Europe** the Panel gave the following **ADVICE** to Ofcom:
- Within the Digital Europe Pillars the issues of usability of equipment should be brought out in more detail;
- Ofcom should seek to engage Europe on issues of importance, such as accessibly,

on which it is not currently engaged; and

- When engaging with the European Commission, who will be interested in the consumer view, Ofcom should consider using the Panel's Digital Participation Framework to question its pillars and identify issues for consumers.

7.4     In relation to **International Consumer Engagement** the following points arose from the discussion:

- Members welcomed the approach taken to promote consumer interests internationally;
- Within BEREC there are four work streams arising from the new end user project group: switching, transparency, universal service obligations and cross border enforcement, with a fifth (accessibility) being initiated next year;
- Ofcom is leading the switching and cross border enforcement works streams and engagement with stakeholders is being undertaken; and
- Engagement of consumer groups varied considerably between work streams.

7.5     In relation to **International Consumer Engagement** the Panel **ADVISED** Ofcom to raise the issue within Ofcom and BEREC of how BEREC is going to take account of consumer interests and engagement with consumer interest groups.  The team should come back to the Panel with proposals if it is appropriate for the Panel to become involved.

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

- It encouraged Ofcom to consider and discuss with AIB the issues in relation to which the Panel could usefully provide advice;
- In relation to the work on horizontal consumer protection issues the Panel would like Ofcom to keep it up to date, but did not expect to engage in detail as Consumer Focus would continue to take the lead in this area;
- It would be willing to help advise Ofcom on how to raise its profile as a consumer-focused body in Europe; and
- Ofcom should discuss with AIB when would be the right time for further engagement with the Panel.

## 8.     The implications of widespread use of the internet for Ofcom

8.1     The Panel **CONSIDERED** a presentation which reflected on the implications of mass internet adoption for consumers, regulation and public policy.  The following points arose from the discussion:

- That the Ofcom Board had previously received the presentation;
- The team planned to meet with stakeholders to identify current and future issues; and
- The team planned to undertake some consumer research, and welcomed Panel input.

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

- In order to address the issues Ofcom should develop some guiding principles;
- In order to be able to identify if any of the emerging issues in this area would be of specific detriment to consumers, Ofcom needs to identify criteria for assessing emerging issues;
- That the Consumer Toolkit might usefully be applied;
- That Ofcom should give some thought as to degrees of intervention and collaboration with other organisations;
- In order to build up a picture of areas requiring further engagement, it may be beneficial for Ofcom to look to identify areas of consumer harm as well as opportunities for consumers; and
- That Ofcom should think about undertaking some horizon scanning to try and identify what could potentially cause consumer harm.  One way of thinking about potential future harm is where consumer expectations (such as customer service and privacy expectations)

differ from reality. Therefore the Panel recommended that some research into consumer expectations would be beneficial.

8.3     The Panel made the following **DECISIONS**:
- At a future Panel meeting it would give consideration as to what should be the principles to guide consumer experience of the internet; and
- The Panel was keen to keep in touch with Ofcom on this area, in particular in relation to the possible consumer research.  It was recommended that the team engage with the Panel via AIB and a sub-group of the Panel, coming back to the Panel if necessary.

## 9.     Panel Draft Work Plan 2010/11

9.1     The Panel **DISCUSSED** a paper which gave an overview of the Panel's work plan for the remainder of 2009/10 and initial plans for 2010/11. The following points and ideas for future work arose from the discussion:

Future Internet Regulation
- Development of principles to guide consumer experience of the internet;
- Research into consumer expectations and experiences of the internet (if not undertaken by Ofcom); and
- Identification of bodies responsible for the rights and responsibilities of consumers online and related knowledge of consumers.

Universal Service
- Increased involvement to steer work.

EU engagement
- Potential engagement on consumer issues in general or on specific areas in the Panel's Work Plan;
- Promotion of the Consumer Panel Toolkit; and
- Build on the relationship with the Ofcom international team.

Consumer Empowerment
- Consider doing research to better understand consumer behaviour;
- Research into how consumers actually use information; and
- Rolling contracts and an integrated process for switching would be important issues for consumers in the context of enabling the effective operation of markets.

9.2     The Panel **DECIDED** that it would:
- Revisit the initial list of work ideas at a future meeting;
- Focus resources onto three or four areas of significant proactive work, with a clear sense of what the Panel wants to achieve in each; and
- In finalising the work plan space should be made available for the Panel to take on new work during the year if necessary.

9.3     When considering the work plan again it was **AGREED** that on each area of the work plan thought be given to:
- How the work will be undertaken strategically to be the most effective (i.e. at high level or in detail on niche areas);
- Whether the Panel should undertake EU engagement;
- What the audience for the work will be; and
- What the necessary commitment of resources will be to achieve the desired level of impact.

## 10.   Any Other Business

10.1    Members were advised of a scam involving ITunes. It was **AGREED** Ofcom would be alerted to the scam so investigation could be undertaken as appropriate.

10.2    Members were advised of a potential issue with 3DTV.  It was **AGREED** that any relevant evidence should be brought to Ofcom's attention and that Ofcom's technology team would be approached for their thoughts.

10.3    **Website Analytics** – It was **AGREED** that a consultant would be engaged to identify how the Panel could use its website better for engagement and undertake a benchmarking exercise against similar organisations.

10.4    **Paper template** – Members welcomed the new template and felt that it had improved the focus of content to the needs of the Panel.  Members felt that presenters should give more thought to the appropriateness of annexes.

10.3    The next Panel meeting would be held on Wednesday 2 December 2009 at Riverside House, London.

……………………………….Chairman

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