

Minutes of the meeting of the Communications Consumer Panel and ACOD

on 15 November 2018 at 10.30

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

Present

Consumer Panel/ACOD

Jo Connell (Chair)

Amanda Britain

Jaya Chakrabarti

Rick Hill

Chris Holland

Craig Tillotson (items 1-6, 9-11)

Richard Williams

Apologies

Karen Lewis

In attendance

Jenny Borritt

David Edwards

Fiona Lennox

Holly Terry

Ofcom colleagues

Item

1. Welcome and introduction

The Chair welcomed Members and attendees to the meeting. Jaya Chakrabarti was attending her last meeting and thanks were expressed for her contribution to the work of the Panel.

2. Declarations of Members' interests

Richard Williams declared that his company, Freeney Williams Limited, engaged in website usability testing. Website usability would feature in a forthcoming Panel research project.

3. Minutes of the meeting on 18 October 2018 and matters arising

Subject to minor amendment, the minutes of the meeting of 18 October were **APPROVED** for signature by the Chair. Matters noted:

- The Chair confirmed that comms activities to promote the Panel's *Still Going Round in Circles* research report, published recently, were planned and circulation to the Panel, including a briefing note, would be imminent.
- Members had been invited to Ofcom's upcoming workshop with stakeholders to develop principles for migration to all-IP networks.

- The Panel wished to be informed when Ofcom publishes its provisional decision in its investigation of Royal Mail compliance with its Quality of Service (QoS) performance targets.
- The ICO had provided feedback on a query related to PAC codes and had confirmed they were not personal data but could become so if combined with other data about an individual.
- A Panel member would take part in user testing the following week, as part of work being undertaken by Ofcom's Accessibility Working Group.

4. Consumer update

The Panel was updated on Ofcom's consumer priority work areas. Topics discussed and points raised by Members included:

- Nuisance calls and SMiShing (SMS-phishing); the Ofcom team working on reduction would attend a Panel meeting to update Members further. Noted were instances of fraudsters 'hijacking' bank text message threads and a concern about calls with service providers when customers were asked to confirm details like a date of birth, thereby helping to normalise the supply of personal data over the phone.
- Broadband USO; the Ofcom team would meet the Panel in December to update Members. It was noted that a consultation on designation regulations was being drafted and due for publication shortly.
- ADR; the Ofcom team would update the Panel in December and respond to queries related to complaints about communications providers.
- Vulnerability and Ofcom liaison with All-Party Parliamentary Groups (APPGs), it was noted that Ofcom and BT had met the APPG on Deafness.
- Citizen's Advice's loyalty penalty super-complaint to the Competition and Markets Authority (CMA); the Panel had made a submission to the CMA; the outcome of the investigation would be known by the end of December.
- Usable websites; the Panel would be conducting a digital accessibility audit. Ofcom would share with the Panel details of the work it had undertaken in this area.

5. Access and Inclusion

The Panel was briefed on interim key findings/themes from recent Ofcom research on access and inclusion due for publication as a narrative report and an interactive data-visualisation tool. Topics discussed and points raised by Members included:

- Disengaged consumers; confirming the importance of ensuring that all consumers got a fair deal, including those experiencing loyalty penalties.
- The importance of asking the right questions, avoiding disability labels and using the social model to determine barriers, effects and what would make a difference.

- Affordability; its potential to be a growing problem in the context of an ageing population.
- Lack of awareness or confusion about contract status amongst a substantial minority of consumers.
- For the Panel, the accessibility of an Ofcom interactive tool on disabled people's access to communications was a necessity.
- A Panel recommendation that the Ofcom team take note of the international Web Content Accessibility Guidelines in designing the interactive elements of research publications.

6. SMEs update

The Panel was briefed on recent Ofcom qualitative research on the experience of SMEs in the communications market. The next step would be to understand how SMEs engage with the market and the three interrelated issues of their understanding of technology, products and services; willingness to trust smaller suppliers; and awareness of different suppliers and services. Points raised by Members included:

- SMEs of different sizes could have very different communications needs.
- The economic benefits from ultrafast networks would not be fully realised if SMEs' did not take up new services.
- The importance of providing clear and simple information, including guidance on the Ofcom website, and this making the difference between SME engagement with the market and none.
- Use of Google search, the Panel suggested that a high search ranking for Ofcom SME guidance would be beneficial.
- A role for trade associations in disseminating information.
- SME hesitancy in switching, due to the risk of the process going awry and jeopardising the business.
- Excessive length of contracts was an issue.

7. Connected Nations update

The Panel was briefed on Ofcom's plans for this year's Connected Nations publication, due in December, including an interactive dashboard. The report would focus on fixed and mobile networks and services, including security and resilience. Internet and TV services would be omitted but included in dedicated publications in 2019. Points raised by Members included:

- The risk that some consumers have access to faster and faster services, whilst others remain further and further behind, eg in rural areas in Northern Ireland.
- The need for accessible interactive elements of the publication and clear language and definitions.
- Value in linking the report to Ofcom's broadband checker app.
- A suggestion that data on geographic mobile coverage includes the category of coverage 'by some operators' (in addition to 'by all operators' and 'not covered by any operator'), to give an indication of the scale of opportunity for national roaming.

- A request that actual numbers and not just % figures be included in the report, eg 3% of the UK population unable to access a decent broadband service was a significant number of people.

8. Comparing Service Quality

The Panel was briefed on Ofcom's work on its third annual Comparing Service Quality (CSQ) report, due for publication in 2019. It would include information collected from communications providers (CPs) and consumer research. The intention was to publish a comprehensive interactive report with access to datasets and allow easy visualisation, alongside a short written report/factsheets. The Panel encouraged Ofcom to ensure consumer awareness and accessibility and usability of its CSQ report/findings by all. The Ofcom team would return to the Panel in Feb/March with preliminary research findings.

9. Vulnerability

Members were briefed on Ofcom's work to review implementation by CPs of the new General Condition (GC) on consumer vulnerability (in force since 1 October 2018). All CPs were required to establish, publish and comply with effective policies. Ofcom would be holding bilateral meetings with CPs and would provide the Panel with feedback. An Ofcom-hosted industry roundtable would take place in the New Year and identify best practice. The Panel would be invited to take part. Topics discussed today included:

- Ofcom desk research of CP websites; policies were available for most large CPs, some easier to find than others.
- The Panel was concerned that a mobile network operator had not published a policy.
- It was noted that several smaller CPs, including mobile virtual network operators, were yet to publish a policy. The Panel asked Ofcom to consider whether Mobile Network Operators carried responsibility for the compliance of those using their network as a 'virtual' operator;
- The Panel stressed the importance of awareness of vulnerability policies amongst CPs' employees.
- Under what circumstances proof of 'vulnerability' was needed and controls to access measures for vulnerable end-users.

The Panel would raise vulnerability at its next round of meetings with CPs.

10. Panel research

Members had an in-depth discussion of the outline scope for a qualitative Panel research project among low-income and financially vulnerable households. The research would explore their experience of communications markets, services and providers, and tell these consumers' stories. Issues discussed included debt and affordability; age breaks; homelessness; vulnerable consumers with a reliance on a carer; and

consumers without a bank account. The Panel agreed the research proposal and would proceed to tender and appoint a research company.

11. Any other business

The Panel discussed a forthcoming Consumer Roundtable to be hosted by DCMS and at which the Chair would be in attendance.

The Panel requested more information about CP's found to be hindering attempts to port numbers and referred to in an Ofcom letter to the Office of the Telecommunications Adjudicator, published on the Ofcom website.