Minutes of the meeting of the Communications Consumer Panel and ACOD

on 19 April 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
Richard Williams

In attendance
Adrian Ball
Jenny Borritt
David Edwards
Fiona Lennox
Colleagues from DCMS (item 7)
Ofcom colleagues

1. Welcome and introduction

The Chair welcomed Members and attendees to the meeting.

2. Declarations of Members' interests

There were no new interests to declare.

3. Minutes of the meeting on 22 March 2018 and matters arising

The minutes of the meeting of 22 March were **APPROVED** for signature by the Chair.

Members **NOTED** that:
- Futuresight's draft report (findings from research undertaken on behalf of the Panel on effective complaints handling) would be copied to Members for comment.
- The Panel's access services research had been presented to Ofcom's Advisory Committees, with the exception of the England Committee which was due to take place the following week. The Panel felt strongly that there should be improvement in the provision of access services and would engage with Ofcom to discuss how to progress this. Meeting device manufacturers could be the next step for the Panel.

- The Chair had attended a catch-up meeting with Ofcom's Chief Executive. Issues discussed had included access services, Ofcom's work on the BBC, and standalone landline services. The Chair would meet the new Ofcom Chairman shortly and a date would be agreed to allow the Chair to report Panel activities to the Ofcom Board.
- Ofcom was consulting on improving mobile coverage proposals in award of the 700 MHz band. The Panel would respond to the consultation and invite the Ofcom team back to meet the Panel.

4.   Consumer update

The Panel was briefed on a recently published report on the failure - after the attack on Manchester Arena on 22 May 2017 - of the National Mutual Aid Telephony system, supplied to the Home Office by Vodafone. The service is not part of the public network that Ofcom has a remit to regulate. The Panel **AGREED** to write to urge Vodafone to ensure that this failure did not occur again and to write to the Home Office to enquire about assurance and service level agreements in its national contract with Vodafone.

Issues arising from the update and related matters included:
- nuisance calls, the Ofcom team would attend the next Panel meeting to discuss its research plans and would provide Members with a note on accessibility of CLI services prior to the next meeting;
- complaints handling, which would be an agenda item at the May meeting;
- comparing service quality; [redacted from published minutes] and accuracy of communications providers' (CP) data;
- vulnerability, homelessness as a category and the Panel would raise this at its next round of meetings with CPs;
- standalone landline services;
- automatic compensation, it was reported that good progress was being made towards implementation of the industry scheme by April 2019;
- migration to VoIP, the Panel requested early sight of Ofcom's planned consultation on proposed guidelines on measures CPs should have in place to ensure customers can make emergency calls in the event of a power cut and the Ofcom team would attend the next Panel meeting; the Panel would be updated on interoperability dimensions of VoIP migration;
- and quality of service, the Panel requested a note on the minimum standards that would apply to wholesale services from April 2018.

5.   Business customers' assessment project

There was discussion of qualitative research into Small and Medium Enterprises' (SME) experience of the communications sector undertaken by BDRC on behalf of Ofcom. The research was expected to be published shortly. The Panel had undertaken similar research in 2014 and there appeared to be little change in findings. Issues raised by the Panel

included:
- SME confusion about products to buy that best meet their needs; contract lengths and overlaps; and the ability of small business organisations to provide advice;
- an SME requirement for advice, in addition to information, and a lack of trust in some suppliers;
- lack of back-up services, when new technology was bedding in, and whether CPs could be encouraged to be more proactive in this regard;
- value in a TripAdvisor-type review site/ intermediaries to assist SMEs to navigate the communications market;
- and Stewarton, an *accessible small town* in East Ayrshire, which illustrated the complexity of categorising locations according to rurality.

6.   Mobile Experience report

Members were updated on the latest and key findings from Ofcom's research into performance of mobile voice and data networks on mobile phones, scheduled for report publication in May. The report, the second of its kind, would focus on network share (4G/3G/2G), data service availability, data and voice performance and additional information on overall satisfaction and service importance. Issues raised by the Panel included:
- Ofcom's Mobile Research app, the research was based on data from Android-only users and the Panel stressed the need for Ofcom to make that clear when it published the research;
- the importance of consumer awareness of the availability of mobile coverage and its type, whether 4G, 3G or 2G, to aid decisions about online activity, eg when/where to download data or an app;
- whether there were constraints on mobile operators repurposing their spectrum allocations, eg from 3G to 4G [Note: this would require issue of a licence variation.];
- indications of slowing data speeds in peak periods, the Panel felt that this should be monitored;
- and GDPR considerations with respect to app users, of which Ofcom was aware.

7.   Security by design

Members were updated by DCMS following its recent publication of *Secure by Design: Improving the cyber security of consumer Internet of Things Report*. Its central proposal was a draft Code of Practice aimed primarily at manufacturers of consumer IoT products and associated services. The Panel would respond to DCMS' consultation on the draft Code. Issues raised by Members included:
- the risks associated with foreign devices, their purchase in the UK even when banned in other jurisdictions and the risks associated with "backdoors" to bypass customary security measures;
- risks associated with some consumers' inability or unwillingness to engage with cyber security;

- and the importance of clear product labelling, the Panel urging simplicity in approach.

8. Thematic review of representation and portrayal on the BBC

In their ACOD capacity Members were briefed on the progress of Ofcom's thematic review looking at the representation and portrayal of the diverse communities of the UK in BBC television programmes, both linear and on the iPlayer. The outputs of the review would be a report structured by theme, drawing on Ofcom research, and interactive website content. Issues raised by Members included:
- challenges in communicating findings when there were intersecting themes;
- the need for Ofcom to give careful consideration to the audiences of the review's outputs, an Easy Read version of the report being suggested;
- the need for careful thinking about non-visible disabilities when planning further research and about categories of mental health;
- and the importance of diverse and representative research samples.

The review team would return to the Panel later in the year to update Members further.

9. Diversity in broadcasting

In their ACOD capacity Members were briefed on Ofcom's annual Diversity in Broadcasting monitoring programme. Its focus was on how well broadcasters were promoting equality of opportunity, diversity and inclusion in employment. In September 2017 Ofcom had published its first report with data on the main five UK broadcasters: the BBC, Channel 4, ITV, Sky and Viacom in *Diversity and equal opportunities in television*. The main finding was that broadcasters needed to do more to improve the diversity of their workforce, with women, ethnic-minority groups and disabled people all under-represented in the industry. Ofcom was now working on a radio report. Issues raised by Members included:
- lack of data, whether due to employee reluctance to make a declaration or employer failure to request information;
- and the need to extend monitoring to the independent production sector, in addition to the licensed broadcasters

10. Access and inclusion project

The Panel was updated on Ofcom's Access and Inclusion research, due for publication in a report later in the year. A Member had provided detailed comments by email on Ofcom's draft disability research questionnaire and these would be shared with Ofcom. Issues raised by Members in discussion included:
- the importance of avoiding pejorative language about disability when drafting research questions;
- value in asking questions about the effects of a condition rather than its cause (type of disability);

- the importance of all consumers being able to fully access government services online, in particular those dependent on a mobile device;
- participants in Ofcom's research sample had been tasked with shopping around for the best deal for them personally, it would be useful to assess whether they had been successful, ie whether they had found the best deal;
- scope and plans to disseminate findings;
- requests that disabled people with microbusinesses be included in the research sample, along with individuals with a mental illness, manual dexterity issues, and 65+ age-breaks;
- value in combining publication of the research with raising awareness of services, eg priority fault repair;
- the fact that the budget for this important work seemed to have been reduced, which was of concern to the Panel/ACOD;
- and the need to be aware of audiences for the Ofcom publication, taking care with font size and the description of any graphics.

11. Media literacy research

Members were briefed on two Ofcom reports covering adults' media literacy, one a quantitative report and the other qualitative, and to be published shortly. Issues raised by Members included:

- a preference to include actual numbers where possible, eg 4% of UK 45-54s not going online in 2017 represented a significant number of people;
- and a significant (55%) lack of consumer awareness that deals listed first on price comparison websites could be there because companies may have paid for the deal to appear first; the Panel urged Ofcom to ensure that this was made clear on the Ofcom accredited price comparison schemes page on the Ofcom website.

12. Any other business

- A meeting with Ombudsman Services in Warrington would be arranged and a visit to the Ofcom office nearby. Members were invited to join the meeting and visit.
- A respondent to the Panel's work plan consultation had requested that the Panel explore the consumer implications and outcomes of the liberalisation of duct and pole access.
- CPs did not appear to be proactively offering superfast broadband following Openreach upgrade of cabinets. Enquiries would be made to explore this topic further.
- Members had received an information paper on Ofcom's 2018 Pricing Report, due for publication in May. Members' feedback would be forwarded to the team.
- There was discussion of the Panel's unfair policies and practices list and comments noted. Members would forward any further revisions by email.