

Minutes of the meeting of the Communications Consumer Panel and ACOD

on 20 September 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

Karen Lewis

Craig Tillotson

Richard Williams

In attendance

Jenny Borritt

David Edwards

Holly Terry

Ofcom colleagues

Item

1. Welcome and introduction

The Chair welcomed Members and attendees to the meeting. Members were updated on the current Panel recruitment exercise. It was noted that Chris Holland had spoken the previous day at a workshop on comparing service quality hosted by the Consumer Forum for Communications. The text of his presentation would be copied to members.

2. Declarations of Members' interests

Richard Williams had co-authored the Click Away Pound survey and report (on the online shopping experience of people with disabilities and the cost to business of ignoring disabled shoppers). The next Click Away survey would begin shortly. Chris Holland reminded Members of his role as Independent Complaint Reviewer for the Centre for Effective Dispute Resolution (CEDR) in anticipation of item 6 on ADR.

3. Minutes of the meeting on 12 July 2018 and matters arising

Subject to minor amendment, the minutes of the meeting of 12 July were **APPROVED** for signature by the Chair. The Panel had shared its response to the Government's *Modernising consumer markets: green paper* with Citizen's Advice (CA). A link to the CA response would be shared with Members. The Panel had recently published *Still Going Round in Circles: Complaints handling in telecoms*. Consideration would need to be given to

how best promote the research.

4. Consumer update

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

- Nuisance calls; Ofcom was continuing to engage with communications providers (CPs) on blocking/stopping calls.
- Complaints handling; Members noted that signposting to ADR had improved but felt that there was still more to be done, that the ADRs needed to publish data in a format that was intelligible to consumers and the Panel maintained its view that ADR referral should be reduced from 8 to 4 weeks.
- Standalone voice; whilst in April 2018 BT had introduced a line rental reduction for landline-only households, Members noted with disappointment that BT had now increased monthly line rental charges for all its customers by £1 (amongst a raft of other price increases). There was discussion of how BT's retail arm was able to confirm landline-only status, particularly to establish if broadband was being provided by a competitor, and this would be raised with Ofcom's Openreach Monitoring Unit.
- Review of Call Costs; it was noted that Ofcom expected to publish a statement by the end of the calendar year.
- ADR; the two schemes had recently published annual reports but with different timeframes and formats. The Panel's view was that consistency would allow more meaningful comparison of performance and this would be fed back to the ADRs.
- Vulnerability; members noted that Ofcom was planning an event to engage with communications providers (CPs) on how the new General Condition was being implemented. The Panel raised definition of vulnerability and how CPs recorded and used the information and whether definition was a matter for individual CPs or for Ofcom.
- Automatic compensation; it was noted that following implementation, Ofcom expected to report on compensation.
- Members noted that Ofcom had merged its consumer and competition enforcement teams.

5. Update on migration to Voice over IP services

The Panel was briefed on responses to Ofcom's recent consultation on General Condition A3.2(b) and on guidance on measures that CPs should have in place to ensure consumers that migrate to VoIP services can contact emergency services in the event of a power cut. Ofcom had consulted on guidance based on four high-level principles and the Panel had responded to the consultation. Topics discussed and points raised by the Panel included:

- Master sockets; these had sometimes been installed in a position remote from a mains supply in a customer's premises. This begged

the questions of who would pay to re-site the socket and whether the cost should be covered as part of a consumer support scheme.

- Vulnerable/at risk customers; whether CPs were best placed to identify these customers and value in applying the social model to reach a standardised definition, otherwise there could be scope for inconsistent approaches by CPs. This was a topic that the Panel would keep under review.
- Survey data on personal alarms; a Member would provide Ofcom colleagues with a link to recent research undertaken.
- Duration of battery back-up; the Panel's view was that a minimum one hour's protection could be inadequate to give consumers peace of mind, vulnerable consumers in particular.
- The scope to change the General Condition; it was noted that proportionality would be a factor.

Ofcom expected to publish final guidance in early October and would provide the Panel with a broader migration to VoIP update in November/December.

6. Case acceptance study - ADR

The Panel welcomed and was briefed on the progress of Ofcom's review of ADR case acceptance. It was based on a sample of case files from the two schemes and designed to identify trends/patterns, consistency or lack of, and to make recommendations on how to address any issues that arose or on changes that the schemes could make. To date, 50% of the sample had been reviewed. [Withheld from published minutes.]

7. Communications Market Report

The Panel was briefed on the key findings of Ofcom's Communications Market Report 2018 (CMR). It was noted that this year's CMR was made up of a short narrative/overview report and a comprehensive online/interactive data report. Issues discussed included:

- Accessibility of the online/interactive report, eg for people who might use assistive software such as those with a visual impairment.
- User testing with people with access needs was suggested by the Panel.
- Audio files; these were a component of the CMR but did not provide an equivalent experience to accessing the interactive report.
- The interactive data tool; it was noted that this would block data splits that were not statistically significant.

8. Broadband USO update

The Panel was updated by the Ofcom team working on implementation of a broadband universal service obligation, capable of delivering download speeds of at least 10 Mbit/s and upload speeds of at least 1 Mbit/s. In June Ofcom had issued a call for expressions of interest as prospective provider, now closed, and had just published a consultation setting out its proposals on the process for the designation of a Universal Service Provider. The

team reported on the expressions of interest. Issues raised in discussion included:

- Charging framework, price ceiling and affordability.
- Regulation as a proxy for competition in Northern Ireland.
- Coordination between the USO project and broadband rollout activities taking place across the nations and regions of the UK.
- Designation of a single USO provider for each locality.
- Timeframes for the right to request, under the USO, and the delivery of a broadband service.

9. Ofcom research update

The Panel was updated on recently completed, current and forthcoming Ofcom research projects. Issues that came up in discussion included access and inclusion, eg whether research would look at access to customer service/care or include mental health as a category; and tracker research, including switching experience. Ofcom feedback to outstanding research queries would be provided by email.

10. Internet regulation

The Panel was briefed on Ofcom's recent work on harmful online content. This included publication of a discussion document; a summary of research commissioned by Ofcom on internet users' experience of harm online; and a recent speech by Ofcom's Chief Executive, delivered to a Royal Television Society conference.

11. End of contract notifications

Ofcom had published a consultation with proposals to set new rules that would require CPs to send notifications to customers when they approach the end of their minimum contract period. The Panel would submit a response. Topics raised in discussion included:

- Charging and overcharging of services and for devices, eg broadband deals sold at a 'discount' for the duration of a contract and continued charging for mobile handsets beyond the expiry of a contract.
- A Panel member suggestion that customers, when accessing their account online, be alerted to the expiry of their contracts.
- Format, language and accessibility of information provided to customers at the end of contracts.

12. Any other business

Members reviewed the Panel's top-5 unfair policies and practices affecting consumers. CPs charging for caller line identification would be removed from the list (free CLI would be mandatory from 1 October 2018 when revised General Conditions (GCs) came into force). Ofcom colleagues would be invited to discuss monitoring of the GCs. The lack of access services on video on demand services would be added to a revised top-5 and it was

noted that the Panel's related research would be presented to the Digital Television Group's (DTG) Accessibility Group.

Ofcom would be asked to provide the Panel with details of its consumer research strategy.

There was discussion of the Panel's approach to its forthcoming research, in recent years based on an annual project, and the current research proposal, related to digital accessibility and usability and at the scoping stage.

An Ofcom colleague would be invited to talk to the Panel about new rules due to come into force to allow mobile customers to limit their bills.

Craig Tillotson reported briefly on his attendance at the recent meeting of Ofcom's Advisory Committee for England in Chris Holland's place. An update on Panel activities had been well received.