



Communications Consumer Panel and Advisory Committee for Older and Disabled People: draft Priorities and Work Plan 2018/19

This is the 2018/19 draft Work Plan for the Communications Consumer Panel and Ofcom's Advisory Committee for Older and Disabled people (ACOD). It sets out our intended priorities for the coming year.

Introduction

Communications services are integral to the everyday lives of consumers, citizens and micro businesses. The rapid rate of change in this sector and the significance of its role to people's lives and the UK economy mean that it is vital that the Panel and ACOD put the perspectives of consumers and micro businesses at the heart of the debate.

Broadband and mobile coverage and quality of service continue to be at the forefront of this agenda. Nuisance calls, customer service and complaint handling are other important topics where the Panel and ACOD has been instrumental in ensuring that the voices of consumers, citizens and micro businesses are heard.

The Panel's objective is to protect and promote the interests of consumers, citizens and micro businesses in the communications sector by giving advice to Ofcom, the EU, Governments, industry and others. Our starting point when thinking about our Work Plan is always: "What is the scale of the issue for consumers, citizens and micro businesses? And can the Panel and ACOD make a difference?" We then organise our work by focusing on key areas of engagement, whilst keeping a wider range of topics under review, following the debate and progress, and contributing with expert advice and constructive challenge.

Highlighting the interests of those who may not always be heard by the industry (for example, vulnerable consumers, exchange line only consumers and micro businesses) is an important part of the Panel's and ACOD's role, as is working with communications providers, Ofcom and other policy and industry stakeholders. We use research to inform our work, commissioning our own where necessary.

Collaboration, constructive challenge and clarity of purpose remain central to our approach. We will continue to strive to ensure that the interests of consumers, citizens and micro businesses are protected and promoted, so that the opportunities offered by existing and emerging communications services are inclusive and fair, and so that the market succeeds in meeting the needs of us all.

About us

The Communications Consumer Panel is an independent body set up under the Communications Act 2003. The Panel pays particular attention to the needs of people whose circumstances make them permanently or temporarily more vulnerable; older people and people with disabilities; people in rural and urban areas; people on low incomes; and micro businesses, which face many of the same issues as individual consumers. Members, in their ACOD capacity, also provide advice to Ofcom on issues relating to older and disabled people including television, radio and other content on services regulated by Ofcom.

We have eight members who have experience in many different fields, including accessibility, consumer advocacy, dispute resolution, the telecoms, digital and content industries, access services, micro and small business, the third sector, social policy and market research.

There are four members of the Panel who represent the interests of consumers in England, Northern Ireland, Scotland and Wales respectively. They liaise with the key stakeholders in the Nations to understand the perspectives of consumers and citizens in all parts of the UK and input these perspectives to the Panel's consideration of issues. These Members also attend meetings of the Ofcom Advisory Committee for each Nation and ensure a two-way communication of ideas.

We engage with stakeholders to help inform the advice that we give to Ofcom and to keep the interests of consumers, citizens and micro businesses on the agenda across the sector. We also engage with a range of other organisations working on behalf of these constituencies - including those representing older and disabled people.

The Panel is often described as a 'critical friend' to Ofcom. We provide robust and independent advice that is constructive, realistic and cognisant of the trade-offs which regulatory decisions often involve. This is made possible by the fact that Ofcom shares information and ideas with the Panel early in the regulatory process before consulting formally with other stakeholders. We publish information about our advice and activities on our own website <http://www.communicationsconsumerpanel.org.uk>

Wider context

Given our role to influence Ofcom, it is vital that we take into account the work to be undertaken by Ofcom in the coming year, as well as wider developments in the area of communications. Our Work Plan is therefore informed by Ofcom's priorities and workstreams, as outlined in its Annual Plan¹, in addition to other significant developments that will affect consumers, citizens and micro businesses in the UK.

We will remain alert to issues that may arise during the course of the year; and for many of the areas that we have identified there are specific dimensions arising from the devolved Nations. Our work with the Advisory Committees and other stakeholders in the Nations will inform our approach to these matters. Additionally, we will undertake close co-operation and explore joint working with other consumer-focussed organisations on a range of issues that relate to the topics that are listed below, or those that arise during the year.

¹ <https://www.ofcom.org.uk/consultations-and-statements/category-1/proposed-annual-plan-2018-19>

Priorities for 2018/19

The limit of the Panel's resources - both financial and the size of the executive team - directly impacts upon the extent of our work so there is a need to focus on key areas of consumer interest. Accordingly, our Plan aims to encompass and prioritise those issues most likely to impact significantly upon consumers, citizens and micro businesses in the communications sector, including postal services. At the same time, it seeks to enable effective monitoring of a broader range of topics so that the Panel and ACOD can react flexibly to emerging areas.

We have developed our Work Plan by applying two questions to each issue that it might address:

- What is the scale of the issue for consumers, citizens and micro businesses?
- What difference can the Panel and ACOD make?

Types of engagement

We organise our work by focusing our ongoing effort on areas of key engagement, using research to inform our work and keeping a wider range of topics under review. Our advice is actively sought by Ofcom and a number of other organisations. We use our body of research and knowledge to provide this advice on issues where we feel we can have a positive influence on behalf of consumers and to act as a resource for others.

The fast changing communications environment means that we must also build flexibility into our plans in order to be responsive to new challenges. We may receive requests for advice in relation to issues that are not in our Work Plan, and the Panel itself is likely to identify new issues which are of importance to consumers and which warrant our attention. We will continue to monitor issues in the communications field and liaise with a wide range of organisations representing the interests of consumers to gather - and share - intelligence about developments.

Our proposed work areas are set out below.

Work areas 2018/19

Key areas of engagement

Many of the Panel and ACOD's key areas of engagement fall into common themes, such as the protection of consumers in vulnerable circumstances; quality of service; affordability; and the protection of consumers' and citizens' personal data. Specific areas of engagement for the year ahead are below and these are explained in more detail on the following pages:

- Broadband/mobile coverage and quality of service
- Nuisance calls and texts
- Unfair policies and practices
- Customer service and complaints handling
- Access services (subtitling, audio description and signing) on broadcast and on-demand content
- Future of voice calls (migration from the public switched telephone network (PSTN) to voice-over internet protocol (VOIP))

Research

TBC - we invite views on specific areas of harm to consumers where evidence would be helpful to inform policy-making

Review

- Progress on implementation of policies that are designed to protect consumers, for example:
 - consumer related objectives highlighted in the Strategic Review of Digital Communications 2016, including pricing complexity, consumer information and switching
 - consumer-focused policies set out in the Digital Economy Act 2017
 - the broadband USO
 - Ofcom's revised General Conditions
- Post - quality of service
- Affordability and debt
- Digital Participation
- Internet of things, data privacy and security
- Micro businesses' experience of communications, as consumers
- Spectrum Strategy (including 700MHz coverage obligations)
- Consumer implications of regulatory/policy changes arising from Brexit

Additional ACOD specific work areas

- Inclusion, portrayal and participation

Key Areas of Engagement:

Broadband/mobile coverage and quality of service

Consumers, citizens and micro businesses are more reliant than ever on communications services in a vast array of ways – and particularly via mobile devices. The Panel’s view remains consistent: sub-optimal delivery of communications services as a result of inadequate infrastructure – be it a lack of reliable, fast broadband or the absence of robust mobile voice and/or data coverage – is an issue of real and significant consumer detriment. Although the percentages may appear to be relatively small, the absolute numbers of people affected remains of real concern as the impact on their lives is disproportionately harmful.

The Panel considers that 10 Mbps is the absolute minimum speed for an acceptable broadband user experience. We have been encouraged to see the Government commit to a broadband USO. We agree that a legal right to broadband speeds of at least 10 Mbps is needed across the UK by 2020. We are also pleased to see that there will be potential to review the speed to keep up with consumer needs. We will continue to encourage Government and Ofcom to do all they can to avoid a protracted implementation of the USO.

Ofcom estimates that approximately 3%² of UK households would qualify for the USO, in order to allow them to access speeds of 10Mbps. We continue to argue that providers should focus on bringing that final 3% up to an acceptable speed as a higher priority than rolling out superfast speeds.

Reliable upload speeds should also be ubiquitous. We will encourage Ofcom to keep under review the broadband needs of smaller and micro businesses in particular. Ofcom estimates that almost 230,000 SMEs (7% of small businesses) cannot receive the broadband speeds defined by the proposed USO. It will be vital to the survival of smaller businesses that they are able to keep up with the demands of their customers. The type of business and number of users per premises may put extra demands on these businesses.

We continue to press for attention to be given to the need to provide robust mobile coverage in remote and rural areas, as well as high-density urban areas. Twenty-seven percent of premises in rural Scotland still do not have access to decent broadband. However, quality of broadband service needs to be judged by reliability and not just speed and we look forward to the publication of Ofcom’s next Comparing Service Quality report to see what improvements have been made and what work still needs to be done.

The Panel believes that there should be much greater (and ideally 100%) mobile coverage – both voice and data – for all consumers. In 2017, 12% of the UK’s geographic landmass had no mobile coverage from any operator; 22 % of the UK’s geographic landmass had no 4G coverage from any operator; and only 58 % of UK premises

² <https://www.ofcom.org.uk/research-and-data/multi-sector-research/infrastructure-research/connected-nations-2017/concise-summary>

had indoor 4G coverage. As 94% of adults personally own/use a mobile phone, these statistics reveal a problem that is far-reaching. But rural areas experience a disproportionate number of problems and this is illustrated by the fact that just 18% of premises in rural areas have mobile coverage indoors (dropping to 10% in rural Wales).

With 70% of calls to the emergency services now made over mobile networks, consistent, reliable coverage through a range of operators, via secure, resilient networks is vital.

We have welcomed initiatives to improve mobile quality of service such as the 4G coverage obligation of 98% indoor coverage UK wide, and 95% in each Nation by the end of 2017. We hope that the undertakings given by Mobile Network Operators (MNOs) to Government - guaranteed outdoor voice and text coverage from each operator across 90% of the UK geographic area by 2017 and full coverage from all four mobile operators increasing from 69% to 85% of geographic areas by 2017 - will be met, and will make a significant impact.

We would like to see the known issues in 2G-4G coverage resolved as a matter of priority - these issues need to be resolved now and not postponed while MNOs look into the unknown potential of 5G. We believe that the forthcoming auctions should include conditions intended to build on the mobile coverage initiatives mentioned above - and that measure connectivity at a threshold that is relevant to the needs of consumers and micro businesses.

Meaningful speed information for consumers

The Panel does not find it acceptable for broadband providers to use the term “up to” when advertising broadband speeds to consumers and microbusinesses. It is now easier than ever for broadband providers to accurately predict speeds by location and consumers should benefit from this, by receiving an accurate prediction of the range of speeds likely when enquiring about subscribing to a broadband product for their premises.

We have supported both Ofcom’s revised Broadband Speeds Code of Practice (the Code) and the ASA’s CAP and BCAP’s review of the advertising of broadband speeds. We also welcomed the strengthening of consumers’ rights to exit a broadband contract where the speed they could access did not meet expectations. In the year ahead, we will follow the progress of the work of Ofcom and the ASA’s committees, Code signatories and non-signatories, to help broadband consumers to get a fairer deal.

Specific Objective

We will help ensure that the needs of consumers, citizens and micro businesses are central to policy making, that delivery of a high quality service experience is consistently achieved and that consumers and citizens are not excluded from participating effectively in the digital world. To do this, we will continue to engage with Governments, Ofcom and other regulators and industry so that consumer, citizen and micro business interests are taken into account in relation to both the provision of infrastructure and quality of experience.

Nuisance calls and texts

While the number of nuisance calls has dropped in the past year, the impact of those calls must not be overlooked – especially on consumers in vulnerable circumstances. Ofcom has estimated that the overall number of nuisance calls made to UK consumers is now about 3.9 billion per year. We have welcomed the renewed efforts to tackle the problem, by Ofcom, the ICO and by communications providers via network and account-holder level call ‘blacklisting’ and blocking; and we continue to urge Ofcom and the ICO to pursue and maintain an uncompromising enforcement policy, naming, shaming and punishing the perpetrators.

The Panel has long called for the provision of free caller line identification (CLI) at no additional cost to all consumers. We have welcomed the inclusion of our proposal in Ofcom’s review of the General Conditions and encourage all providers to implement the changes without delay and by the 1 October 2018 implementation date.

Specific Objective

To help reduce both the incidence and the impact of nuisance calls/texts including silent calls and unrequested marketing calls and texts, the Panel will continue to work with Governments, Ofcom, the Telephone Preference Service (TPS), the Information Commissioner’s Office (ICO), industry and other consumer groups. We will encourage: implementation of the recommendations of the Which? taskforce’s review of consumer consent; co-operative efforts between agencies; effective use of the available technology; and support for consumers and micro businesses wishing to report nuisance calls - so that people are well informed and better protected. We will continue to urge communications providers to provide free CLI for consumers by October 2018 at the latest.

Unfair policies and practices

We believe fairness for all consumers is the bedrock of a well-functioning market. This includes pricing, equality of access and availability, clear information, excellent customer service and good access to complaint escalation and redress. If consumers perceive a lack of fairness, they are less likely to trust a provider and, potentially, less likely to fully engage with their services.

Switching is a particular example where, in the interests of fairness, consumers need to have confidence that the process (for all services, including bundles) will be hassle-free with effective “safety nets” to mitigate against loss of services. We have been pleased to see improvements in the ease of switching mobile provider³ and in information that must be provided to consumers about the end of their contracts.

But not all consumers want to switch – or are able to: for example, landline-only customers and mobile customers in certain areas where there is a limited number of MNOs from which to choose. Consumers who are not the target of competition need protection from sharp practices. Communications providers must not be permitted to gain any unjustified enrichment from these customers.

³ <https://www.ofcom.org.uk/about-ofcom/latest/media/media-releases/2017/switch-mobile-provider-with-a-free-text>

Information must be clear, accessible and easy to understand, with no hidden charges, or ambiguous wording about the level of service to be provided. Companies should avoid information overload, such as lengthy privacy notices, which prohibit consumers from finding out quickly and easily what they need to know.

With the above concerns in mind, some of the unfair practices we will be paying particular attention to in the year ahead are:

- **Consumers having to wait eight weeks to escalate their complaint to an Alternative Dispute Resolution (ADR) scheme** - we believe a shorter waiting period must be implemented;
- **Post-contract charges for handsets and handset unlocking** - we believe it is unfair that once a consumer has paid off the cost of their handset they continue to be charged by some providers, as is the practice of charging to unlock a handset so it can be used on another network;
- **Voice-only fixed line telecoms pricing** - we believe the price reductions for BT customers, announced in 2017 are a step in the right direction; but we will be watchful of the treatment of this group of consumers.. None of the overcharged consumers were awarded a refund for the amount they had been overcharged;
- **Call costs** - we will be closely following Ofcom's progress in tackling unfair pricing by directory enquiries providers under its Call Costs Review. We will also urge clarity by communications providers in their access charges and the use of non-geographic numbers.
- **Charging consumers to view caller line identification** - we hope that implementation of Ofcom's new rules by October 2018 will eradicate this practice.

Unfair policies and practices face all consumers, but may particularly affect those who are older, disabled (for example, people requiring information in a specific format), less digitally skilled, or on lower incomes - or where a Power of Attorney is involved. Any consumer who is made vulnerable by a life event such as redundancy or bereavement may also find communications providers' processes harder to navigate. We will be keen to see communications providers take a more active approach this year to assisting consumers with extra needs, following Ofcom's review of the General Conditions, which requires them to publish policies on vulnerability.

Consumers who are not online should be able to benefit from deals that are available online. Deals should be available through more than one channel (e.g. a consumer should not be prohibited from claiming a deal because they can't speak on the phone).

In the Panel's view, micro businesses also warrant particular attention. Micro businesses, accounting for 96%⁴ of all UK businesses, should not be penalised for disclosing that they are micro businesses operating from a residential location; nor should they be tied into lengthy contracts. Expecting micro businesses to commit to the same length of contract as their larger counterparts is unfair and unrealistic - we believe micro businesses should be treated as consumers in this respect.

Specific objective

We will continue to work to ensure that consumers are not disadvantaged as a result of confusing or unfair practices by working with Ofcom and communications providers, especially where unjustified enrichment for companies at the direct expense of consumers is the outcome. This in turn will help sustain an effective competitive market for all stakeholders.

Customer service and complaints handling

The Panel's research *Inclusive Communications: We're Not All the Same*⁵ highlighted the continued existence of many of the customer service issues we originally identified in our 2013 research *Going round in circles? The consumer experience of dealing with problems with communications services*.³ The reports and the Panel's detailed recommendations are on our website.⁴ Whilst there has been some progress in this area, there continue to be a number of areas of concern which we will pursue with communications providers so that we can understand and monitor progress on the initiatives they are undertaking.

We have been particularly concerned about the communications providers' performance in terms of complaint escalation and referral to Alternative Dispute Resolution schemes (ADR) generally. We recognise that the number of letters advising consumers of their right to ADR at eight weeks has increased; but having to wait eight weeks if a deadlock letter has not been issued is unacceptable in our opinion. We will continue to call for the shortening of the eight-week referral period and greater publicity of ADR. We will publish qualitative research which gives fresh insights into the experiences - good and bad - of users of complaints processes. We will be sharing our recommendations with communications providers, Ofcom and the ADR schemes.

Specific Objective

The Panel will continue to urge the communications industry to raise its level of customer service so that people enjoy better protection and improved, holistic standards. We will continue to promote the findings of our research studies and encourage implementation of our related recommendations with communications providers and Ofcom, and will review progress during the year. We will pay particular attention to the needs of older and disabled people (and other potentially vulnerable consumers) with specific communication needs.

⁵ <http://www.communicationsconsumerpanel.org.uk/research-and-reports/we-re-not-all-the-same-inclusive-communications>

Access services (subtitles, audio description and signing) on broadcast and on-demand content

The Panel believes that, as far as practicable, everyone should have equivalent access to both broadcast and on demand content, so that visual and/or hearing-impaired people can watch programmes that entertain and inform and help them to share common interests with friends and family.

Participants in our 2017 research '*Access to broadcast and on-demand content: Time to catch-up!*'⁶ felt that access services were not given sufficient priority by broadcasters. They found availability and usability varied across programme services. Many of the people who would have benefitted from using subtitles, audio description or signing were unaware that they existed or how to switch them on. However, good quality, readily-available access services can bridge a sensory gap and promote social wellbeing.

We believe that there should be a simple way that potential and actual users of these services can access them and an easy way of providing feedback on what works and what doesn't.

We have shared our research and recommendations with Action on Hearing Loss and the RNIB and will be taking our recommendations to providers in the broadcasting and on-demand sectors. Collaboration between content providers, access services providers and others within the industry is vital to providing an equivalent experience of broadcast and on-demand content between disabled and non-disabled viewers and listeners.

Because the nature and severity of people's sensory abilities varies, their needs and preferences vary, too. Technology that allows personalisation can empower viewers and listeners and must be integrated into software and devices from design stage.

We have welcomed the Government's amendment to the Digital Economy Bill to introduce Code powers for Ofcom in respect of Access Services for On Demand programme services, although we remain disappointed by the recent lack of progress in Access Services generally - and especially in relation to subtitling and speaking Electronic Programme Guides.

Specific Objective

We will continue to strongly encourage Ofcom to commit more resource to this area. We will work closely with Ofcom to develop the Code, with equivalent access being the ultimate goal.

⁶ <https://www.communicationsconsumerpanel.org.uk/access-to-broadcast-and-on-demand-content-time-to-catch-up/access-to-broadcast-and-on-demand-content-time-to-catch-up>

The future of voice calls: migration from the public switched telephone network (PSTN) to voice-over internet protocol (VOIP)

The communications industry is a rapidly changing environment and the pace of technological advance is ever-increasing. However, for some consumers, their landline remains the communications service that they most heavily rely upon and one that is their vital link to loved ones and emergency services. Approximately 1.5 million adults live in a home with a landline and no mobile phone or internet and 40% of these consumers are aged 75 and over⁷.

We are particularly concerned about the plight of land-line only consumers, but also of all consumers who may need access to the emergency services.

The Panel believes that before migration to VOIP takes place, the needs of landline-only consumers- those who do not own a computer and do not regularly use a smartphone - should be prioritised. This group of consumers and citizens has been shown by Ofcom's research to be more likely to be people who are older, disabled and on lower incomes. With little or no access to the internet, landline-only consumers have one less way of validating that the information they receive on migration to VOIP is genuine, which may increase their susceptibility to scams - for example, engineers or installers asking for entry to their home. It is vital that intrusion is minimised and support and security measures are in place.

Specific Objective

We will provide advice to Ofcom, Government and industry so that the rights and safety of consumers and citizens before and during migration are duly promoted and protected.

Additional ACOD specific work areas

Inclusion, portrayal and participation

The participation of older and disabled people in programmes, and their accurate portrayal, are central pillars to maintaining audiences' confidence and engagement with broadcast content. We will engage with Ofcom's and broadcasters' work in this area.

We will also continue to advise Ofcom on the development of its Diversity and Inclusion Plan and particularly its Disability Action Plan which sets out how Ofcom will ensure that it is a positive organisation for older and disabled employees and consumers.

Research:

In relation to our specific research projects, we aim to:

- ensure widespread awareness of our research and associated recommendations amongst relevant communications providers, policy makers and organisations working with disabled and older people and people in vulnerable circumstances; and
- encourage actions as a result of Panel recommendations.

We will undertake analysis and research to support our work to promote the interests of consumers and citizens in the sector, in line with the Panel and ACOD's remit. We would welcome stakeholders' suggestions for relevant areas of inquiry.

⁷ https://www.ofcom.org.uk/__data/assets/pdf_file/0015/107322/standalone-landline-statement.pdf