

Minutes of the 82nd meeting of the Communications Consumer Panel
on 16 November 2011 at 9.30

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

Present

Consumer Panel

Bob Warner (Chair)
Fiona Ballantyne
Kim Brook (ex-officio member)
Colin Browne
Roger Darlington
Maureen Edmondson
Chris Holland (co-opted member)

In attendance

David Edwards
Fiona Lennox
Ofcom colleagues (items 4 - 9 & 11)
CAP colleagues (item 10)

1. Declarations of interest

1.1 There were no declarations.

2. Minutes of the meeting on 11 October 2011, matters arising and progress on actions

- 2.1 Members **APPROVED** the draft minutes for signature by the Chair, subject to a minor amendment.
- 2.2 Members had received an updated actions list.
- 2.3 In response to a previous enquiry about the Content Board's thinking on radio switchover it was reported that strictly speaking this was not a matter for the Content Board, since its focus was on content matters.
- 2.4 The final research brief for the Panel's project on digital participation had been copied to members. A research agency was about to be appointed.
- 2.5 There was brief discussion of debates and issues related to BIS, the Consumer Landscape and the future of the Panel.
- 2.6 Members **NOTED** the information in the latest Panel Implementation Plan, providing a summary and strategic overview of Panel activities.

3. Feedback

- 3.1 Members had received information related to two initiatives: an update on Ofcom consultations provided by Roger Darlington and a news release on *midata*.
- 3.2 Roger Darlington had recently attended a brainstorming meeting with Graham Howell, Ofcom's new Consultation Champion, as part of a wider group. Various practical suggestions had been made on how to encourage and facilitate responses to consultations by consumer groups and organisations. It was **AGREED** that the Panel Chairman would discuss Ofcom's consultation process at his next meeting with Graham Howell and that it could be useful

for the Panel to be provided with a regular list of forthcoming Ofcom consultations.

3.3 The Panel was one of the consumer groups working with *midata*, an initiative led by Government with industry to give consumers increasing access to their personal data in a portable and electronic format. It was **AGREED** that colleagues from the *midata* programme would be invited to meet the Panel.

4. Bill Shock

4.1 Members had received a paper and annex on the work Ofcom had undertaken to review unexpectedly high bills. Ofcom colleagues joined the meeting for discussion and key points **NOTED** were:

- high bills coupled with some types of use of smartphones did not come as a surprise to the Panel;
- the Panel expressed concern that it could take up to 24hrs to disconnect a lost or stolen mobile phone and about the consumer harm incurred prior to discovery that a phone was missing when customers were liable for charges incurred;
- data from ADR schemes could be a useful addition to Ofcom’s knowledge base and a holistic approach by the schemes could be beneficial, ie providing consumers with information to avoid bill shock, with guidance related to bill disputes and advice and support to agree payment plans with their telecoms operator;
- a suggestion that operators could target information campaigns at particular times of the year, eg the holiday season when consumers were more likely to use their mobile phones abroad;
- there was a lack of awareness in some areas, ie of mobile charges for calling local rate and ‘freephone’ numbers and mobile data charges incurred whilst roaming; Ofcom was giving some consideration to the 0800 issue in its work on non-geographic numbers;
- credit limits could be beneficial to operators; tariff limits could benefit consumers; patterns of mobile use could be examined to good effect;
- the benefit of alerts to consumers when they were close to exceeding their credit limits; the Panel preference being an opt-out model for such alerts;
- BEREC was currently considering if the scope of EC roaming regulation should be extended to cover data roaming outside the EU; there would be various hurdles to overcome if roaming regulation was to be extended to voice calls.

4.2 It was **AGREED** that the Panel would continue to remain closely engaged with this issue and await with interest Ofcom’s planned statement on unexpectedly high bills.

5. PhonepayPlus report

5.1 Members had received a bi-yearly report from PhonepayPlus (PPP). Members requested details of out of remit enquiries received by PPP, ie their nature and an indication of what happened to enquirers’ issues, and details of the 44% ‘other’ category reason for complaints received. The Panel would be discussing mobile apps at its December meeting, when the issue of who regulated apps could be discussed. Further discussion of apps and other premium rate issues could take place with PhonepayPlus via an invitation to

attend a Panel meeting in the New Year. Those issues included premium charges for the receipt of certain text messages.

6. Comms Update

6.1 The Panel noted an update paper on recent coverage of the Panel's work in the media. The Panel had gained coverage in national and technical trade press and Colin Browne had been interviewed on Radio 4's You & Yours about the Panel's views on the forthcoming spectrum auction. Website statistics for September and October had been provided but, going forward, data for the past year would be supplied to allow trends to be observed.

7. Draft Annual Plan 2012/13

7.1 Members had received a paper providing details of proposed Ofcom priorities for 2012/13 and extracts from Ofcom's Draft Annual Plan. Ofcom colleagues joined the meeting for discussion and the key points **NOTED** and raised by members were:

- the Panel was pleased that some of its earlier views on the Draft Annual Plan had been taken onboard by Ofcom; the Panel recognised that the Annual Plan was dictated by Ofcom's remit whilst the Panel was able to give advice on the communications matters that it saw fit to do so;
- Panel concern about the static nature of the 2G and 3G footprint;
- to resolve issues outwith Ofcom's remit it should be urging action by others, ie Government in the case of improving mobile coverage;
- a plateauing in internet takeup was another issue for Ofcom to proactively bring to the attention of Government, perhaps in its response to the anticipated Green Paper on a new Communications Bill;
- a number of observations were made on Post;
- Ofcom would be assessing levels of mobile coverage and competition for key broadcasting, telecoms and postal service across the Nations - a next step would be for Ofcom to explain how such issues would be addressed;
- an Ofcom priority was to help communications markets work for consumers; the Panel suggested that the emphasis should be to seek to ensure consumers benefit from efficient markets.

7.2 It was **NOTED** that the Ofcom Board would sign-off the Draft Annual Plan the following week. It would be published in the week beginning 5 December for consultation. When it had sight of the published document, the Panel would decide on whether to respond to the consultation.

8. Complaints data

8.1 Members had received a slide set to brief them on issues including Ofcom's consumer complaint work to date and next steps; trends related to the top five telecoms complaint issues; the complaints categories of billing for cancelled services and silent calls. An Ofcom colleague joined the meeting for discussion. Key points **NOTED** and raised by members were:

- the value of monitoring and analysing emerging complaint issues;
- value in examining other complaints data, from ADR schemes and from communications operators;
- recognition that good companies should wish to address their

<p>customers' complaints.</p>
<p>9. Consumer Experience</p> <p>9.1 Members had received a paper and a detailed slide pack on the key research findings from Ofcom's Consumer Experience research. An Ofcom colleague joined the meeting for discussion. Key points NOTED and raised by members were:</p> <ul style="list-style-type: none"> • concern about the high cost of mobile data compared with fixed-line costs, when in Northern Ireland, for example, a high proportion of consumers were mobile-only; • plateauing internet take-up could be flagged in the Ofcom policy publication that would be published alongside the research and in presentations at the forthcoming publication launch event; • consumer satisfaction levels included in Ofcom's data were surprisingly high and greater geographical granularity would be helpful; • high levels of consumer satisfaction could be the result of low expectations; • rising fixed-line price increases were a concern and efforts to improve the switching experience were encouraged. <p>9.2 The Panel Chairmen would be speaking at the Consumer Experience report launch event and Panel members would attend the event.</p>
<p>10. Broadband speeds</p> <p>10.1 The Panel had responded with concern to the recent Committee of Advertising Practice (CAP) guidance on advertising broadband speeds. CAP representatives were present to explain its thinking on the guidance. CAP had sought to ensure that consumers would be provided with the necessary levels of information to avoid being misled by broadband speed claims. Its view was that the guidelines conformed to the legal framework of the Consumer Protection from Unfair Trading Regulations 2008 and provided the Advertising Standards Authority with the necessary basis to address any problems with broadband advertising.</p> <p>10.2 The Panel remained dissatisfied and noted, amongst other things, that the consultation process was short at one month's duration; that the guidance would result in advertising that while maybe not misleading, could remain unhelpful to consumers; and that the guidelines should have been tested with consumers before being finalised.</p>
<p>11. ADR principles</p> <p>11.1 Members had received a paper and Ofcom colleagues joined the meeting for discussion. Ofcom had engaged consultants to examine the two ADR schemes CISAS and Otelo to better understand why there appeared to be different outcomes experienced by consumers who had used the two schemes when seeking redress. The consultants were developing a draft framework of common principles with Ofcom and the two schemes and would then hold a workshop with those parties, they would consult relevant decision makers and then present a final report to Ofcom. The process was due to be completed in December. It was AGREED that the framework would be shared with the Panel ahead of the workshop. The value of combining ADR and Ofcom complaint</p>

data was again stressed and Fiona Lennox would discuss this matter further with Ofcom colleagues.

12. Any Other Business

12.1 Members **NOTED** that Chris Holland would attend the Broadband Stakeholders Group conference *Local Growth Through Broadband* on 23 November 2011. He would report back on the event.

.....ChairmanDate