

Communications Consumer Panel and ACOD's response to Ofcom's approach to Impact Assessment

About us

The Communications Consumer Panel, established by the Communications Act 2003, is a group of independent experts with direct sectoral experience. We ensure the voice of UK consumers, citizens and micro-businesses is represented in communications policy development.

The Panel's job is to ensure that the sector works for consumers, citizens and micro businesses - and in particular, people who may be in a more vulnerable position in society. We commission research, provide advice and encourage Ofcom, governments, industry and others to look at issues through the eyes of consumers, citizens and micro businesses.

The Panel pays particular attention to the needs of older people and people with disabilities, the needs of people in rural areas and people on low incomes, and the needs of micro-businesses, which have many of the same problems as individual consumers.

Four members of the Panel also represent the interests of consumers in England, Northern Ireland, Scotland and Wales, respectively. They consult with the key stakeholders in the Nations to understand the perspectives of consumers in all parts of the UK and input these perspectives to the Panel's consideration of issues. Following the alignment of ACOD (the Advisory Committee for Older and Disabled people) with the Panel, the Panel is more alert than ever to the interests of older and disabled consumers and citizens.

Our response

We support Ofcom's review of its approach to impact assessment, which we believe is a cornerstone to a fair communications market for consumers, citizens and micro businesses.

Panel Members received an update on Ofcom's proposals during their monthly meeting in March and this response summarises points raised by Members to Ofcom colleagues, which also feature in the Panel's minutes.

The Panel, particularly Members who had extensive expertise in the equality sector, discussed the proposed guidance and fed in its views and suggestions.

Comments included:

1. That promoting equality of opportunity is an ongoing statutory duty and should not only be considered in the early stages of policy development, but throughout Ofcom's policy work.
2. The importance of considering intersectionality in equality of consumer outcomes and not only focusing on protected characteristics individually.
3. That to ensure impacts assessments were embedded across the organisation, responsibility at Board-level was required.

4. That the guidance should also reference the UK Nations and the UK's smallest businesses.

We expand on these comments in more detail in the remainder of this response:

Promoting equality of opportunity is an ongoing statutory duty and should not only be considered in the early stages of policy development, but throughout Ofcom's policy work.

The Panel Membership was recruited to provide a matrix of knowledge and experience across consumer, citizen and micro business advocacy in this or other sectors, communications technological expertise and awareness of the concerns of consumers, citizens and micro businesses facing additional challenges, who require additional support to reach equality of access in this sector. Through the Panel and Ofcom's independent research projects we note the impacts on people on low incomes, people who have additional access requirements and communications preferences and people living and working in rural and remote locations. As Members of Ofcom's Advisory Committee for Older and Disabled People, we work with Ofcom to aim to prevent assumptions about disabled people, or older people in decision-making and policy design and implementation. We encourage Ofcom to approach a 'co-design' mindset, involving the consumer voice in their thinking wherever possible.

The importance of considering intersectionality in equality of consumer outcomes and not only focusing on protected characteristics individually.

As highlighted above, we believe it is vital that Ofcom challenges its own assumptions around groups of people affected by its projects and policies, and about people within those groups.

Each individual is a carrier of multiple identities and labels - each consumer, citizen and micro business will not have identical needs to each other, so we believe Ofcom should look for ways to identify the range of consumer, citizen and micro business impacts, mitigations, requirements and desired outcomes, to prevent unintended consequences. In doing so, Ofcom may also be able to harness the power of the consumer voice in preventing poor policy design that leads Ofcom to need to reinvest time and money later on.

To ensure impacts assessments are embedded across the organisation, responsibility at Board-level is required.

The Panel has previously advised Ofcom of the importance of senior sponsorship in embedding best practice in equality, diversity and inclusion policies and practices. The Panel were encouraged by the depth of thinking that had been undertaken by the Ofcom colleagues presenting the proposed approach, but cautioned that senior sponsorship was always needed to empower colleagues to do the right thing and to ensure that positive corporate memory was retained.

The guidance should also reference the UK Nations and the UK's smallest businesses



The Panel's specific remit includes the UK Nations of England, Northern Ireland, Scotland and Wales - and micro businesses, employing up to ten people. As referred to above, we would highlight the layers of detriment that can impact micro business owners, who face the same challenges as individual consumers, who are consumers themselves and who may provide services to consumers. Barriers to opportunities within this sector can be compounded by other factors, such as living in a remote or rural location, interactions between UK and devolved government policies and human factors such as requiring additional access or communications support.

Our engagement with Ofcom's Nations offices, Ofcom's Advisory Committees for each Nation - which our Members for each Nation sit on as Observers, and our National Hubs, attended by consumer, citizen micro business representatives from each Nation on a regular basis are a hugely positive set of resources and we have encouraged Ofcom's policy teams' use of the Hubs as one way of testing the impact of their proposals. Not all participants in the Hubs have the resource to respond to Ofcom's consultations. A summary note of each round of National Hubs, along with our consumer research studies and other news and events are published on the Panel's website:

www.communicationsconsumerpanel.org.uk

Conclusion

We welcome Ofcom's thought around improving impact assessment - and Panel Members - particularly those with a background in diversity, equality and inclusion, would welcome further discussions to support Ofcom colleagues with this whenever this may be useful.