

Minutes of the meeting of the Communications Consumer Panel and ACOD

on 18 October 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

Fiona Lennox

Holly Terry

A colleague from the Information Commissioner's Office (item 5)

Ofcom colleagues

Item

1. Welcome and introduction

The Chair welcomed Members and attendees to the meeting.

2. Declarations of Members' interests

Richard Williams had co-authored the Click Away Pound survey and report. [Click Away was referred to during discussion of items 10 and 11.]

3. Minutes of the meeting on 20 September 2018 and matters arising

Subject to minor amendment, the minutes of the meeting of 20 September were **APPROVED** for signature by the Chair. Members had received a link to the Citizen's Advice response to the *Modernising consumer markets: green paper*. In July the Panel had published *Still Going Around in Circles: Complaints handling in telecoms* research. This would be highlighted to CPs and a range of relevant stakeholders. A Member would engage with Ofcom's Migration to VoIP team on telecare issues.

4. Consumer update

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

- Re-prioritisation of Ofcom consumer work areas; work on mobile handsets (customers continuing to be charged for a handset beyond their contracts) and price discrimination would take higher priority.
- Nuisance calls; spoofing of numbers and other scams, eg calls purporting to come from a CP and requesting personal details.
- Complaints handling; it was noted that there had been an increase in customer service complaints in August and the Panel queried whether this related to a particular CP.
- Standalone landline purchasers; CPs were able to request information from Openreach about the lines to customer premises, eg based on an address. The Panel questioned whether this was fair in circumstances where adults paid for separate phonelines in the same household, for example where elderly relatives moved in with their children.
- Ofcom's trialling of different forms of letters/consumer information with BT, to encourage standalone telephony customers to look for better value deals, was ongoing.
- Vulnerability; Ofcom was planning a stakeholder event on implementation of the new General Condition and would engage with the Panel on the staging of the event.
- Effective implementation of a new Code of Practice on broadband speeds.
- Post; the Panel queried how close Ofcom was to reaching a provisional decision in its investigation of Royal Mail's compliance with its quality of service (QoS) performance targets. Ofcom's monitoring of QoS had been given a RAG status of green, in a context of missed annual QoS targets the Panel argued that this should be amber.

5. Information Commissioner's Office

The Panel was briefed on the work of the ICO's Privacy and Digital Marketing Investigation teams; the ICO's statutory powers in this area; intelligence-led investigations; complaints received; and decision-making process and outcomes, including monetary penalties. Topics discussed and points raised by the Panel included:

- Redress for victims of personal data breaches by CPs; any redress would come from a CP, not from ICO fines.
- The ICO's work to address malpractice by data brokers; education, enforcement and monitoring.
- The General Data Protection Regulation (GDPR); a Member queried whether GDPR was a valid concern in relation to PAC codes with CPs arguing that they constituted personal data. The ICO would follow this up and report back to the Panel.

6. Annual Plan 2019/20

Views were sought from the Panel on the areas of work that should be highlighted in next year's Ofcom Annual Plan. Points raised by the Panel included:

- Given the high level of competition in UK communications markets and as a statement of intent, Ofcom should re-order its strategic goals, to make *Protect consumers from harm* the first amongst the three goals (as opposed to *Promote competition and ensure that markets work effectively for consumers*, listed first in last year's Annual Report).
- Standalone land line customers should not be forgotten whilst promoting competition in new services/other markets.
- Inclusion of narrative in the Annual Plan to explain how issues were being pursued, where there was an absence of competition.
- The need for Ofcom to make use of 'soft powers' and its ability to influence the behaviour of CPs to ensure that consumers were treated fairly.
- Priorities should include improving CP customer service and complaint handling; and the accessibility of on-demand services. More generally, Ofcom needed to be clear about what it meant by the 'accessibility' of services.
- When undertaking its postal user needs review, Ofcom would need to ensure it had a sufficiently robust user sample in rural areas across the UK.
- The need to communicate the impact of Brexit on consumers.
- Important issues of online harm, cyber security, digital literacy and the accessibility of online resources were highlighted.

7. Mobile roaming and bill limits

The Panel was briefed on Ofcom's approach to monitoring and enforcing the 'Roam like at home' regulations and the bill limit rules.

- It was noted that Ofcom's investigation into Lycamobile compliance with the roaming regulations was ongoing and an Ofcom decision was expected by the end of the year.
- There was discussion about expectations regarding communications of the Fair Use Policy (FUP), introduced by some mobile providers.
- A Member raised the importance of consumers having the ability to proactively monitor their relevant usage against their provider's FUP.

8. Post

The Panel was updated on Ofcom's programme of postal work and, in particular, the review of safeguard caps (on the prices charged by Royal Mail for Second Class stamps for standard letters, large letters and medium parcels up to 2 kg) and the investigation into Royal Mail's quality of service (QoS) performance.

In relation to the review, the Panel was in broad agreement with Ofcom's market analysis. Members noted that Ofcom had undertaken robust research on whether residential consumers (particularly vulnerable consumers) and small businesses were likely to consider safeguard products to be affordable and a Member highlighted research from the General Consumer Council of Northern Ireland.

In relation to the QoS investigation, there was discussion of the efficiency of Royal Mail as a factor in its ability to meet targets. The Ofcom team engaged in annual monitoring of Royal Mail's performance would present key findings to the Panel in December.

9. Government and Parliamentary update

It was noted that:

- The Treasury had appointed an expert panel to look at competition in the digital economy;
- the National Infrastructure Commission would be undertaking an independent review of UK utilities regulators (telecoms, energy and water);
- and that the European Union (Withdrawal) Act 2018 had given Ministers powers to create statutory instruments and had set up a new sifting system in Parliament to check the choice of procedure (affirmative SIs would always have a debate and require both Houses to actively approve, negative SIs were not guaranteed a debate).

10. Accessibility at Ofcom

The Panel was briefed on the work of Ofcom's Accessibility Working Group, a new initiative to review the accessibility of external communications and the Ofcom website. Points raised by the Panel included:

- a direct link between accessibility and usability;
- the need to test the Ofcom website for usability with people with access needs;
- and the importance of senior level Ofcom 'buy-in' to the initiative.

A Panel Member would be involved in user testing.

11. Panel research discussion

It was agreed that a research proposal would be drawn up to evaluate the digital presence of the key players in the communications sector (to assess accessibility and usability and whether it meets the requirements of users who might have access needs). There was discussion about other possible research work.

12. Any other business

The Panel would respond to Ofcom's consultation *Helping consumers to get better deals in communications markets - mobile handsets* and would make the argument that consumers should be advised of in-contract and out-of-contract tariffs at the point of sale.