

Emailed to: planofwork@ofcom.org.uk

8 February 2021

Dear Sir/Madam,

Ofcom Proposed Plan of Work 2021/22.

We write in response to the Ofcom Proposed Plan of Work for 2021/22. We provide:

- some general comments welcoming the proposed work plan;
- a number of areas of specific interest where we hope we can support Ofcom; and
- background information about Ombudsman Services at Appendix A.

General comments

The Covid-19 pandemic has highlighted the importance of communications infrastructure and services for consumers and businesses. We fully agree with the strategic priorities set out in Ofcom's Proposed Plan of Work, in particular:

- ensuring that investment continues to assure strong and secure networks;
- getting everyone connected; and
- ensuring fairness for consumers.

We agree that ensuring communication services are affordable, accessible and fair for consumers and businesses, especially those in vulnerable circumstances, is important and will be even more necessary as the longer-term impacts of the pandemic play out. It will continue to be important that consumers can easily find the best deal for them and then switch easily. The end of contract and annual best tariff notifications were a positive step in helping consumers engage and get better deals and we agree it makes sense to review how effective those measures have been.

Treating consumers and small businesses fairly

We think the areas raised in the work plan in relation to fairness for consumers are particularly important. The consumer outcome measures seem sensible and align well to Ofcom's priorities. We think it will be necessary to continue to consider different ways to place consumers at the heart of the discussion and ensure their voice is heard, for example by working with different stakeholders and sharing data and insight.

Affordability is likely to be a growing issue in the communications sector and beyond, so we think it is right to include this as a priority. On broader issues of fairness, we welcomed the chance to provide our perspective to Ofcom on the possibility of unfair practices in the communications sector, to assist with Ofcom's review of its Fairness for Customers Commitments. We would welcome further opportunities to support Ofcom's future work in this area.



Affordability will also be a key concern for many small businesses, and we may see an increase in financial vulnerability as the longer-term impacts of the pandemic emerge. At various points across 2020 as the country responded to the Covid-19 pandemic, we saw spikes in the likelihood of consumers (both domestic and business) coming to us showing signs of vulnerability.

We appreciate that significant support has been provided for small businesses but think there are opportunities to do more. One is the opportunity to widen access to free redress for all small businesses, i.e. more than ten employees. Small businesses often approach us to assist them with dispute resolution, but we are unable to help them because of the current definition of microbusiness that we operate under. Currently, the Small Business Commissioner can help small businesses with fewer than 50 employees, as can the Financial Ombudsman Services, yet in other essential service sectors such as communications and energy the small business definition remains at fewer than ten employees. We think there is an opportunity to reassess the protections given to small businesses, particularly given the crucial role they will play in our economic recovery from Covid-19. We would welcome the chance to explore this with Ofcom.

Switching

Consumers and businesses should be able to shop around and find the deals that best suit their needs. We support plans that aim to make this simpler for broadband customers. We still receive complaints from consumers that suggest can still be a confusing process and think it is important to get consistent messaging and support across the industry.

Getting everyone connected

We support the measures included in the priorities listed and look forward to seeing the effects on coverage of the Shared Rural Network Programme. We support Ofcom's continued work under the Broadband Universal Service Obligation (BUSO) to improve access for all consumers and would welcome the opportunity to support this through the insight we have on complaints relating to BUSO

Regulating on-line harms

We would welcome working with Ofcom and other key stakeholders to look at how a regulatory landscape can protect consumers against on-line harms, for example what role alternative dispute resolution may play to help protect consumers and build consumer trust and confidence in these fast changing markets.

Please do not hesitate to contact us if you would like further information regarding our response. Our response is not confidential.

[✂]

Appendix A

About Ombudsman Services:

Ombudsman Services is a not-for-profit private limited company established in 2002 which runs a range of discrete national ombudsman schemes across different sectors including energy, communications and an appeals service in private parking. Each scheme is funded by the companies under our jurisdiction and our service is free to consumers. In 2019 we received 157,808 initial contacts from complainants and resolved 88,840 complaints. In the energy sector we received 116,700 initial contacts and resolved 58,034 cases, and in the communications sector, we received 40,184 initial contacts and resolved 17,426 cases. We also received over 84,000 appeals in our private parking appeals service.

We are:

- to our consumers, the people they can turn to for impartial advice and solution that's fair;
- to our partners, the people they look to for knowledgeable and insightful ways to help them reduce complaints by enabling them to make the changes they need to deliver better customer services;
- to our regulators, champions in protecting rights as well as partners in information sharing, we share our analysis so that regulators and business partners can make improvements; and
- to our people, here to enable them to deliver clarity to consumers and partners through meaningful work.