

Communications Consumer Panel and ACOD's response to Ofcom's consultation on its Plan of Work for 2022/23

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 citizen and consumer voice 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 carry out research, provide advice and encourage Ofcom, governments, the EU, 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 liaise 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 welcome the opportunity to respond to Ofcom's plan of work. We believe it is vital that Ofcom underpins its work to 'Make Communications Work for Everyone' with a clear vision of the consumer outcomes it aims to achieve. As the statutory consumer panel for the communications sector, we highlight the importance of understanding customers' experiences in this sector in informing any new or continuing policy work by Ofcom.

Our response focuses on the broad themes of: positive outcomes for consumers; listening to the consumer voice; providing universal coverage that is affordable, reliable, resilient and accessible; fairness and redress; micro-businesses and proactive prevention of harm to consumers, citizens and micro-businesses.

Consumer outcomes: strengthening and learning from the consumer voice

In order to understand what barriers to good outcomes consumers are facing when shopping for, selecting and paying for a service that works for them, or contacting their provider when their service is not as expected, Ofcom must ensure that it listens regularly to a wide range of consumer voices and it must encourage industry to do the same.

- **Our Industry Forum**

We have been working with providers to drive up service standards for vulnerable customers, or consumers in vulnerable circumstances. We recognise communications providers' willingness to support consumers and to learn from good practice in other sectors. However, there is still no consistent language in the communications sector around what it means to be 'vulnerable' and we are concerned that consumers who would benefit from additional support do not know what is available or that they can ask for it. We are keen to continue to work with industry and consumer groups on this, so that people receive the support that is available and ask for what they require. We have commissioned more research on this topic to help foster understanding and move towards fairer outcomes for consumers in circumstances that make them 'vulnerable' in a market designed for the mainstream.

While these meetings are held under 'Chatham House rules', we welcome Ofcom's Policy team's continued input in the form of insights into Ofcom's future thinking on Vulnerability.

- **Our National Consumer Stakeholder Hubs**

The Panel's National Stakeholder Hubs provide valuable insights from organisations and charities representing consumer, citizen and micro-business interests from across the UK, welcoming new stakeholders all the time. The Hubs also provide us with an opportunity to share communications sector information with those organisations, to help convey information to consumers and others and for them to make connections with each other.

We have welcomed Ofcom's policy teams to a number of Hub sessions on various topics of interest to Hub participants that fall within Ofcom's remit, including affordability and debt, a topic of continuing concern to the Panel as we move away from the immediate impact of the pandemic.

While the meetings have been taking place online, due to the pandemic, we have received positive feedback and engagement from participants across the UK, including people with accessibility support requirements, and continue to welcome Ofcom's policy teams to these sessions in the coming year.

- **Our Consumer Advocacy Hubs**

We regularly collaborate with a group of consumer advocates from across the UK to ensure that our work and research helps to fill knowledge gaps and supports rather than duplicates the efforts of others.

We appreciate regular engagement with the Consumer Council for Northern Ireland, Citizens Advice Scotland, Citizens Advice (for England and Wales), Which? and others and look forward to working with Consumer Scotland in the near future.

Universal access to reliable communications services via strong, secure networks

We support Ofcom's efforts to ensure that people have internet connectivity they can rely on whether at home, at work or on the move and have stressed to Ofcom both the importance of sector investment in existing digital infrastructure to safeguard digital resilience and mitigate network outages - and the need for monitoring of consumer detriment experienced during these outages.

It is our view that communications services are now essential to the majority of the UK population and that universal access to affordable, reliable, accessible communications services should be supported by excellent standards of service and of customer service for everyone, by design and throughout the customer lifecycle. These should be informed by learning from the consumer voice and being fair and accountable - putting right wrongs and protecting consumers from harm.

Mobile strategy

We support Ofcom's mobile strategy as an important component in getting hard to reach areas connected and welcome increased monitoring and testing to ensure that all UK consumers have a decent, reliable and affordable signal, taking into account the nuances of geography that may be beyond a consumer's control. For example, we would urge that inadvertent roaming in Northern Ireland is not billed at international prices, as a matter of fairness.

Broadband USO

We welcome Ofcom's continued monitoring of the Broadband USO and its considerations around affordability. Consumers may not be the experts in knowing what connectivity options will provide them with the service they need, but they may have clear expectations about the outcome they are hoping for and information on the service they are actually getting. We hope that Ofcom will listen to consumers and micro-businesses in hard to reach areas to understand how to best address their connectivity needs and will consider solutions with industry.

We have previously expressed our support for technology neutrality and innovation in connecting homes and businesses to a decent, affordable, reliable and resilient internet connection. We would encourage Ofcom to work with industry to help build stronger connectivity in remote areas, learning also from international examples.

Ofcom's commitment to universal access to all communications services

We would also like to see Ofcom assuring an equal strength of commitment to people's access to other UK communications services, such as:

- **Resilience and affordability of landline services**
These services provide a lifeline for many across the UK, including those with poor connectivity, additional services such as telecare, or no usable access to a mobile

phone. We believe that access to a reliable landline service during a power cut is a major public safety consideration which, as a market with low potential for competition, should be given due focus by Ofcom.

With the switch from the PSTN/analogue network to the VOIP/digital telephony network and 2G/3G switch-off on the near horizon, we urge Ofcom to take prompt action wherever it can to protect vulnerable consumers from harm, working with UK and devolved governments, industry and consumer bodies. Our 2021 consumer research revealed insights into consumers' and micro-businesses' reactions to the switchover to VOIP when it was explained to many of them for the first time.

Quotes from the Panel's research participants (*Switchover from analogue to digital telephony - UK consumer and micro-business reactions, CCP, 2021*):

"I accept change and progress - you have to. That's keeping up with the modern world" (Higher risk participant, Northern Ireland)

"It's all about moving technology forward... and some people say 'oh it's progress' but I say 'well my phone has worked and I've had it 40 odd years, and it's all been quite straightforward'... They're pushing all these things but they don't think [about whether] everyone wants it. It's all expense, everything is working fine at the moment and I don't need to do it" (Higher risk participant, Wales)

"If it's going to mean that my mum has to pay for broadband, which she's never needed and will never need for anything else, that's going to be an additional cost for the privilege of making a phone call or a couple of phone calls a day. I can see no end of problems..." (Family & Friends, England)

"The landline is almost like the 'old faithful' in my life... Mobiles aren't always the most reliable. It's always been there and it connects my other systems [care alarm] so it makes a big difference to me" (Medium risk participant, Scottish borders)

- **Postal services (letters and parcels)**

We believe there should be greater visibility of Ofcom's work regarding postal services and of Ofcom's review of the future of postal services regulation.

As highlighted above, we have appreciated Ofcom's policy team's attendance at the Panel's National Consumer Stakeholder Hubs, chaired by our Members for each Nation of the UK, where Ofcom's proposals on postal regulation could be delivered to stakeholders representing consumers, citizens and micro-businesses with a range of needs and requirements.



We also held Hub meetings during lockdown, to gather insights into impacts of the pandemic, particularly lockdowns, on communications services and the related outcomes for consumers. In one of these sessions, our stakeholders highlighted the affordability of redirection services as an issue for Ofcom's attention, with particular attention to the needs of micro and small businesses - which Ofcom raised with Royal Mail, resulting in action from Royal Mail to help address this problem.

We have shared with Ofcom the findings of the Panel's 2021 independent research into the experiences of parcels services users, which primarily highlighted the service experiences of disabled, rural and micro-business users and users in Northern Ireland. The research highlighted issues of concern in terms of usability and quality of the service and gave consumers the opportunity to suggest improvements - we welcome Ofcom's proposals to increase protection for disabled parcels users under its regulatory framework review.

Quotes from participants in our 2021 research '*Are parcels services delivering what we need in 2021?*'

"I see a lot of adverts on our local town Facebook group where people haven't received a parcel and they post the photo that is sent by the delivery driver to find out which house it is at. It seems to happen a lot." (Rural participant, England)

"I've had some next day [deliveries] going out 4 days later. [...] My wife sent a parcel back two weeks ago. It was £6 delivery [to send from] Northern Ireland but £3 for the rest of the UK." (Micro business owner, Northern Ireland)

"The thing I've noticed is that Northern Ireland postcodes are excluded from sellers. No Scottish Highlands, Isle of Man, Northern Ireland. There's either an extra charge or they just don't do it: it's actually a bit annoying. It's part of the UK but also a part of Europe, so there's a wealth of restrictions that will probably get worse." (Rural participant, Northern Ireland)

"I think if they're aware of [my needs] they go above and beyond. They're not always aware but sometimes you can put a message to the driver, for example, when it's something heavy. The fact that they listen to the notice on my door that I'm shielding I really appreciate." (Participant with access requirements, England)

- **Broadcast and on-demand access services**

We were shocked that the recent outages in subtitles, audio description, from September to November 2021, were able to continue for so long and a contingency plan had not been in place to mitigate the impact.

Our regular contact with sensory loss charities and previous consumer research in this area gives us an appreciation of the importance of access services to a large number of audience members and as Members of Ofcom's Advisory Committee for Older and Disabled People, we welcome Ofcom's investigation into the outages and its review of the wider impact on viewers and listeners.

Fairness for all customers and proper redress when something goes wrong

We encourage Ofcom to continue their work on Fairness for Customers - we believe this should refer to all, including 'vulnerable' customers, across Ofcom's communications remit - and should be informed by consumers and the organisations representing them.

Fairness should be embedded into every process and service, from ensuring affordable, usable, accessible and reliable access to services; to making it easy to engage with a communications provider when something does go wrong; to making a complaint and escalating to an alternative dispute resolution scheme where a consumer's dissatisfaction cannot be resolved by their provider.

We are aware that not all dissatisfied consumers will engage with communications providers' formal complaints processes and urge Ofcom to proactively seek communications consumer insights through other channels, for example, social media. These channels may be perceived by some consumers as a way of obtaining a quick response from a provider. It is essential that consumers are able to have complaints resolved promptly and to escalate to an Alternative Dispute Resolution Scheme without delay. Consumers may in certain circumstance have the right to raise a case under the Equality Act and while we would prefer to see communications providers embed a culture of fairness that would mean no consumer would need to raise such a case, we believe they should not prevent a consumer from doing so by obstructing the legal timeline.

Consumer information

Some consumer dissatisfaction can be prevented by clear, proactive information. We do not believe that consumers should be expected to be alert to changes in telecoms policy, technology and billing, proactively or automatically.

We welcome Ofcom's use of a range of communications channels to educate consumers on broadband services, getting a fair deal and protecting themselves from scams, via social, digital and traditional media. We urge Ofcom to continue using a range of channels to communicate important information to consumers, keeping in mind that not all consumers regularly access the internet, and to retain a clear, Plain English style - this will be particularly helpful in informing consumers about the switch from PSTN to VOIP.

While we welcome the consumer information page on Ofcom's website on the switchover to VOIP, we would urge that more is done to dispel myths that landlines are to be 'switched off' and to prepare - and protect the safety of - consumers using additional services such as telecare or Medicare alarms.

- **Awareness of connectivity options and support for parts of the market that may not be the target of competition**

We have highlighted previously in this response our belief that consumers may not be fully aware of connectivity options available to them and we referenced consumers in remote, rural locations.

Other parts of the communications market that may also be marginalised by where and how they live. We recently looked into the experiences of people who have moved into residential care homes, as a less heard voice in policy-making, to understand whether they know what is available to them to keep connected with life outside of the care home and can access it.

Our 2021 research into connectivity in care homes - at a time when many care home residents had been isolated in lockdown - showed us that there is a lack of awareness of possibilities for care home residents. Residents had low expectations unless connectivity was advertised as part of a care home's offering, with responsibility falling to friends and family to help keep residents connected to interests, news, friends and family outside the home.

The research also highlighted the benefits of digital connectivity for those who were able to make the most of it.

We believe government, Ofcom and industry could play a role in improving connectivity, particularly for those residents who lack support from tech-savvy friends and family members.

Quotes from participants in our 'Connecting with Care' (CCP, 2021):

"It's down to us [family] to organise anything tech related, there isn't a skillset for it within the team." (Family member whose mother is in an independent care home, England)

"[The residents] don't need anything else to be honest, you can tell by their demeanour and body language" (Care support worker, independent care home, Northern Ireland)

"I don't know what's out there...I'm a nurse not an IT expert" (Care home manager, independent care home, Scotland)

"If we want to continue our business going forward, we need to compete on [the connectivity] other people are offering... I think moving forwards that's what residents will look for. It's very important to invest now" (Newly-appointed Care home manager, independent care home, Wales)

A care home manager in London described the difficulty staff had in caring for ‘Jimmy’, an isolated 46-year old resident admitted to the home after a life-changing accident, before Jimmy’s brother had internet connectivity installed: *“He was very hostile...and abusive, especially to female staff. They’d often come out of his room in tears. They started to find it difficult to care for him.”*

Since gaining connectivity Jimmy is more independent and as a result staff find it easier to engage with him, enhancing his quality of life overall: *“He’s married to his Alexa. It somewhat empowers him...and keeps him company”* (Care home manager, London)

- **Data privacy and ethics**

Having previously conducted [research](#) into consumers’ perceptions of the way their personal data is handled online and [research](#) into consumers’ and micro-businesses’ experiences of being targeted by scammers through communications networks we remain concerned about consumers’ ability to protect themselves. We support Ofcom’s continued momentum in working with enforcement partners and industry, as well as consumer groups, in tackling scams.

We welcome Ofcom’s new powers to enhance consumer safety online and Ofcom’s ongoing media literacy programme ‘Making Sense of Media’. We believe it is only by tackling wrong-doing collaboratively and without delay that consumers will be protected from harm and able to get the most from communications services - and providing clear, up-to-date, accessible information is a vital part of this work.

Micro-businesses - facing many of the same issues as consumers, but bearing a responsibility to their own customers, too

The Panel’s remit covers consumers, citizens and micro-businesses. In our view, micro-businesses face many of the same challenges as individual consumers, but with a duty of care towards their own consumers which puts them under financial pressure.

The pandemic has seen many individuals set up their own business in a challenging time and those businesses require reliable, affordable, accessible communications services - including postal services, to run successfully. Our research into the experience of parcel services users in 2021, referred to earlier in this response, highlighted the ‘hassle factor’ faced by micro-businesses in rural areas, living with parcel surcharging, with little access to competition beyond sourcing their own courier.

Micro-businesses interviewed for our research into people’s perceptions of the PSTN-VOIP switchover, also previously highlighted in this response, needed more information on timeframes in order to prepare and protect their businesses and provide valid information to their customers.

We would highlight that it should not be assumed that all micro-business owners are digitally skilled or able to access a reliable internet connection, or informed enough to find the right deal for their business among the residential and business options available.

Awareness of potential consumer harm and a proactive approach to tackling it before it's too late

We urge Ofcom to act ever more promptly to protect at-risk consumers facing the impact of a fast-moving sector and a complex market, amidst the barriers of financial vulnerability, inadequate accessibility, digital skills gaps, confusopoly of the market and less than reliable connectivity.

We believe Ofcom must take a proactive approach to consumer protection, using equality impact assessments to ensure that the full intersectionality of consumer detriment is understood.

Protection should include being a trusted source of information for consumers - and working closely with other trusted sources, such as governments, public service broadcasters, consumer bodies, charities and communications providers that some consumers may have built loyalty towards.

We consider that there are lessons to be learned from switchover to VOIP and will continue to press for a consistent, comprehensive communications plan and close monitoring of the impact of the switchover on consumers to ensure that those who are at risk of harm can receive preventative support at no extra cost.

Summary

- The Panel supports Ofcom's Plan of Work overall, recognising particularly its commitment to universal connectivity and promoting commitment to Fairness to Customers
- We believe Ofcom should stay firmly focused on positive outcomes for consumers and to understand what 'good' looks like should engage widely with consumers, citizens, micro-businesses and the organisations and charities that represent them
- While internet connectivity is increasingly important, we urge Ofcom to stay committed to ensuring that providers deliver a high quality of service and customer service across all the sectors it regulates and enable easy access to proper redress when something goes wrong
- We believe there is a stronger-than-ever need for clear consumer information, given the complexity of the sector and including Ofcom's new powers. We encourage Ofcom to make information about communications work for everyone and we support its Making Sense of Media programme
- Ofcom should consider micro-businesses as a group that can potentially fall subject to harm, due to their similarity to consumers and responsibility to their own customers.

- Equality impact assessments can be useful in understanding the full intersectionality of consumer detriment
- Ofcom should work closely with industry, consumer bodies and charities, governments and others to play an active role in protecting consumers, citizens and micro-businesses, preventing harm caused by the communications sector to those served and affected by it.