

Communications Consumer Panel and ACOD's response to Ofcom's consultation on removing fax from the Telephony Universal Service Order

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 carry out 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 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 note that Ofcom's consultation asks for responses to the question: *"do you agree with our proposal to implement the changes to the Universal Service Order by amending the definition of 'Telephony Services' in BT and KCOM's universal service conditions to remove the reference to facsimile transmission?"*

Our answer to Ofcom's question is necessarily framed by broader consumer and citizen safety issues, of which we have previously advised Ofcom of our concerns and which we believe Ofcom should give due consideration in order to make communications work for everyone and to protect people from harm.

We believe that addressing these issues is the only way of ensuring a safe transition away from fax and other services that currently do not rely on an internet connection as the UK begins to transition away from the PSTN network.

These issues are:

- addressing the risk to UK consumers and citizens in health or safety emergency situations, of network outages, and
- raising widespread awareness of the migration from the PSTN network to Voice-Over Internet Protocol (VoIP) networks

Addressing the risk to UK consumers and citizens in health or safety emergency situations, of network outages

We have recently engaged with stakeholders including in the NHS in Wales over concerns about the impact of removing the USO's protection of fax services, not to defend continued use of these services, but in the context of how consumers of health services could potentially be affected because the health sector is 1) unaware that changes need to be made and 2) unaware of the number of machines still currently in regular use by their staff. In a network outage, fax provides a reliable, easy-to-use back-up service to ensure the smooth running of some NHS services.

The potential impact of removing the protection of these services under the USO without ensuring that there is a working back-up solution for transferring patient and prescription data by those who currently rely on fax services when there is poor/no internet connectivity should not be disregarded. It could impact citizens in an emergency situation and citizens awaiting prescriptions for medications that they rely on.

While some parts of the NHS across the UK have already begun to transition away from the use of fax, not all are at that point and we believe a plan is needed to enable that to happen safely. We would urge Ofcom and governments to engage with the health and care sectors across the UK to help build an understanding of the scope of their use of fax and to help them put alternative measures in place promptly and with support. Health sector employees cannot be expected to become technology experts overnight and we welcome any support from the communications sector in assisting a supported and safe move away from fax.

Raising widespread awareness of the migration from the PSTN network to Voice-Over Internet Protocol (VoIP) networks

The Panel has published two reports based on independent research studies we commissioned in 2021 ([qualitative research](#)) and 2022 ([quantitative research](#)).

The CCP's 2021 research - Switchover from analogue to digital telephony: UK consumer and micro-business reactions

The 2021 research identified a risk that policy-makers' and industry's preparations for migration to VoIP may not have given sufficient weight to some people's specific circumstances. Some customers (both residential and business) have additional requirements - they may still be reliant on PSTN for certain services such as care alarms or fax machines, or lack the right equipment in their home to switchover easily, or simply not understand what they need to do when the switchover happens. There is therefore a risk that they may be adversely - and in some cases seriously - impacted by the switchover.

The research comprised 46 in-depth interviews across the UK with residential and business audiences:

- The residential interviews included interviews with people we identified as potentially at a higher risk in terms of the impact migration to VOIP could have on their daily lives.

Participants were recruited who were expected to be more reliant on their landline telephone services, so potentially more vulnerable to changes in the telephone system included people who were over 75, adults of any age living with physical or mental disabilities, people lacking broadband internet at home and anyone with additional PSTN services beyond a telephone such as care alarms or fax machines. We included participants who were less likely to experience detriment as a control sample, as well as family and friends of people more vulnerable to the changes.

- The business interviews included businesses reliant on PSTN technology, as well as 'expert' businesses selling/installing/buying PSTN equipment on behalf of people with additional requirements.

Key insights from the CCP's 2021 research:

1. Awareness of the VoIP switchover was generally very low, but awareness was more varied amongst expert businesses.
2. Overall, most people accepted the concept of the VoIP switchover as technological progress - though some were upset that a trusted technology was being taken away. It was seen in similar terms to the analogue to digital TV switchover some years ago.
3. Consumers - including those most at risk of detriment and businesses reliant on PSTN - generally believed they understood what the VoIP switchover meant when it was presented to them.
4. There was considerable variability of response among expert businesses, with some seeing PSTN as more reliable, and others perceiving VoIP to have benefits in areas like telemetry and others not knowing enough to have a view.
5. There were a number of factors that could increase or decrease the likely impact that switchover could have on customers. The most important indicators of increased risk of impact were not having broadband at home or the office, but age, more severe disability, cognitive impairments, low digital literacy and limited support from friends or family were all factors leading to potentially higher impact.
6. There was a wide variety of different types of landline setup, related to the number and type of PSTN services being used and the placement of master, power and extension sockets.
7. Participants felt they could manage the switchover themselves, perhaps with support from friends and family. They were more likely to anticipate needing help from providers after the switch with potential issues around compatibility in order to avoid gaps in their landline service - though most people accepted it was their responsibility to source and pay for new handsets if required.
8. Participants considered that the onus is firmly on providers to initiate the switch and support customers to migrate, to provide the necessary routers and basic instruction and offer hands-on support if needed during the process, potentially including checking phone compatibility. This may include providing extra help to people with additional access requirements.

9. The most frequent questions raised about the switchover related to timescale and cost, but issues of reliability and performance, the role of the CP, extension sockets, external rewiring, compatibility and the impact of power cuts on the service.

The safety implications for consumers using services such as telecare - which their communications provider may not know they use - are of significant importance. Consumers need to know to tell their provider that they have these services. Telecare users and those assisting them also need to know that the people they are buying these services from are informed enough to be selling them kit that will work after migration to VoIP. As our research showed, this should not be taken for granted as awareness varied considerably.

The CCP's 2022 research - Switching from analogue to telephony: Listening to the needs of landline consumers

To build our knowledge base in this vital area and look more deeply into the issues we found in our qualitative research, we commissioned an extensive survey of 4612 consumers around the UK. While we did not specifically look into the use of fax, we believe the findings highlight network resilience and cultural issues that should be addressed before migration and before removing fax from the USO.

Key findings from the CCP's 2022 research

Landline and mobile phone use:

62% of people make calls using their landline from home - and this is higher for some groups: those aged 65+ (75%), rural dwellers (67%), disabled people (69%), and people with low digital literacy (67%). In our sample responding by telephone, this rose to 91% for both those aged over 65 or disabled people.

The landline is the preferred device for making calls at home for 34% of people overall - more so for 55-64s (38%), those aged 65+ (54%), rural dwellers (42%), people with low digital literacy (38%), DE households (38%), or disabled people (47%).

Many people already use mobiles to make calls from home (89%) - indeed 65% of respondents preferred to use them at home over other devices.

In terms of network connection, 2% of people who had a mobile were using a 2G connection, 10% a 3G connection 75% a 4G or 5G and 13% didn't know.

People aged 65+ were more likely than the general population to have a 2G (3%) or 3G (14%) connection. However, 11% of our sample said they didn't use a mobile to make calls from home - and that rose to 17% of disabled people and 20% of those aged 65+.

2% of people said that they don't have a mobile - rising to 3% of DE households, 4% of people aged 65+, people living in Scotland (4%), or people with low digital literacy (4%). **Amongst our sample responding by telephone, 17% of those aged 65+ did not have a mobile.**

64% of respondents had experienced a power cut in the last two years - rising to 84% of people in rural areas. Overall, 27% had experienced one power cut, 19% had two power cuts, 8% had three power cuts and 11% had over four.

In rural areas the pattern differed - 20% had one power cut, 21% had two, 14% had three and 29% over four power cuts.

67% of people who had experienced a power cut in the last two years said that, on average, power cuts lasted for up to an hour, 32% 1-24 hours and 1% more than a day. In rural areas, 3% said the average was more than a day. Participants living in Northern Ireland were more likely to report an average duration of 1-24 hrs (46%), while those in Scotland were more likely than average to report 24 hrs + (4%), as were people in North-East England (5%).

In terms of reliance on more traditional technologies and in the experiences of consumers and citizens in power cuts, we would consider these findings indicative that more work is needed to ensure that all consumers and citizens have a back-up solution when the internet is down. This applies also to the use of fax. We understand that removing fax from the USO does not mean that consumers and citizens will no longer be able to use fax, but removal of fax from the USO removes a level of service guarantee that we do not believe should be lost until there is a suitable alternative to fax to support businesses and public services that use fax currently.

We would urge Ofcom to speak to the NHS in all parts of the UK and understand how they use fax and how long they would need to transition away from it as a back-up solution, given that fax is currently a useful alternative to email that doesn't use the internet. We don't expect the NHS to determine what that back-up solution may be, but they will need to commit to a culture shift and staff training.

Similarly to the issue of selling telecare services that will work after migration to VoIP (as highlighted earlier in this response), the removal of fax will have implications on future procurement processes, in ensuring that future standards are met.

While we do not endorse the use of fax to share personally identifiable information or sensitive personal data, it may in some cases be the only current practical solution to providing information when there is an internet outage. We would urge Ofcom to consider innovative solutions to protect the safe, timely availability of pharmacy services and urgent and emergency care, particularly in areas where internet and mobile outages can be more common, to protect UK consumers and citizens from potentially grave harm.

Summary

- We recognise that changes in technology are necessary and in many circumstances fax has been superseded by other technologies, many of which offer an arguably higher level of protection of personal data.
- We recognise that fax is declining in use and understand the incentive to encourage a move to more innovative solutions by removing fax from the USO.
- However, we believe this should only be done at the right time, with the right support available for those who rely on it to make and test contingency plans.

- As some public and business services currently rely on fax and do not have an alternative solution, we believe Ofcom has a responsibility to protect consumers and citizens from the risk of serious harm that may occur if the protection granted by the USO was removed from fax services too soon.
- We therefore urge Ofcom, UK and devolved governments to work together, with industry and the health sector, to ensure that there is a safe and secure business-as-usual alternative in place to protect consumers and citizens from failure of services due to internet and mobile outages.
- In addition to this, we believe that raising greater awareness of the migration from PSTN telephony to VoIP among consumers, citizens, businesses and public and third sector organisations will assist in driving awareness of the technologies currently being used that are due to be updated, enabling governments, Ofcom and industry to have a more accurate picture of the issue; and will help to drive the culture change necessary for some to adapt to alternative technologies.