

ACOD response to the Draft Ofcom Annual Plan 2011 -2012

Background

1. ACOD welcomes the opportunity to respond to the draft Ofcom Annual Plan for 2011-12 and appreciates the continued efforts of the Annual Planning team in engaging with ACOD throughout the Annual Plan process.
2. We recognise that this has been particularly challenging, given the complexities around changes to Ofcom's funding and the wider challenges facing the UK economy. These issues – and their impact – are clearly addressed in the document. The Annual Plan team is to be congratulated for the clarity with which these implications have been outlined.
3. ACOD also notes that in contrast to last year, the Draft Annual Plan is more explicit about the work undertaken/proposed to be undertaken by Ofcom in relation to older and disabled people. This is a welcome development, although it will come as no surprise to Ofcom that we would like to see this made even more prominent. In particular, we feel that these references could be made earlier in the document. However, this is not to take away from a document which is both more readable and more obviously takes on board our feedback to date, than publications of previous years.
4. As a result, we will focus our response on areas we would like to see addressed more effectively (or indeed addressed,) rather than those areas which we think have been successfully covered.

Supporting Older and Disabled Consumers

5. Given the proposed changes to Ofcom's Governance structure, we would like to see a more explicit outline of how Ofcom will continue to support older and disabled consumers; and in particular how Ofcom will engage with stakeholders representing these constituencies.
6. This may include the appointment of individual members, with expertise relating to older and disabled people, to the three National Advisory Committees as well as the proposed expanded Nations and Communities Committee. In addition to this, we would encourage Ofcom to organise regular stakeholder roundtables (across the UK, not just in London) as well as continue to support and give due prominence to work of the Consumer Forum for Communications (CFC).
7. ACOD is keen to ensure that Ofcom communicates effectively the changes it is putting in place so that stakeholders understand how issues of concern can continue to be raised – and effectively dealt with - within Ofcom.

Research

8. Ofcom's research work is often held up by industry for its rigour and value. In previous years ACOD has been fortunate to work with the Ofcom Market Research team to commission work where we felt research gaps existed; such as the services that super-fast broadband could deliver which would benefit older and disabled people. (See: <http://www.ofcom.org.uk/about/how-ofcom-is-run/committees/older-and-disabled-people/research/>)
9. The benefit of this activity has been seen both internally and externally. It has also been highly cost effective. ACOD is keen to ensure that opportunities for such activity continue.

10. We think that there is a value in conducting 'deep dives' into the needs and behaviours of older and disabled audiences (or segments there within) especially as these audiences often consume media and communications in a different way to other demographics. Moreover, this is especially important given that fact that not all older and disabled audiences are the same. Younger disabled people, for example, often have very different communications needs and habits when compared to the needs of older disabled consumers. Therefore, we would encourage Ofcom to segment these audiences where possible.
11. High levels of market research into early adopters - the young and other more commercially attractive demographics - by industry and the media is likely to continue. Therefore we would urge Ofcom to continue to conduct research into less commercially attractive – or newsworthy - audiences, such as older and disabled people, and to ensure that Ofcom's research continues to use sample sizes large enough for differences in consumer behaviour to be identified and understood.

Ofcom's duty to promote effective and sustainable competition

12. As with previous years, we want to reiterate the point that competition and market led solutions do not always cater effectively for minority groups. ACOD remains concerned to ensure that the digital divide does not widen further, and we would like to see this consideration factored more explicitly into Ofcom's view of competition and markets. We would therefore seek to ensure that Ofcom promotes "competition with a conscience" – ensuring that competition isn't pursued at the expense of an overall societal benefit.
13. ACOD remains committed to ensuring equality of opportunity and access to services for all groups, especially important for older and disabled people; groups who may be most at risk from financial, technical or geographic exclusion from communications products and services.

Helping markets work for Consumers

14. One area where we think Ofcom has the opportunity to make a real difference is in its current Review of Relay Services. We are encouraged to see this has been prominently featured in the Draft Plan. ACOD is keen to see Ofcom identify ways to develop current Relay Service provision (e.g. enhanced text relay, video relay) so that it remains relevant to the needs of deaf and hard of hearing consumers; and equivalent to the services enjoyed by other consumers.
15. As many stakeholders will have noted, current services are very old and have been succeeded by a range of other more modern technologies. It is important that Relay Service users do not fall even further behind in terms of the technology available to them.
16. ACOD welcome the excellent work done by the consumer team in the last year – via a mystery shopping exercise - to explore whether telecoms providers were fulfilling their obligations to support older and disabled consumers by mandated means such as priority fault repair, large print bills etc.

We would encourage Ofcom to revisit this work during the next year, and on a regular on-going basis, to see if their earlier intervention has resulted in a positive step change in behaviour from these providers. We appreciate that these activities are expensive and time consuming, but they have the benefit of providing valuable insight into industry behaviour, insight which can otherwise be much harder to quantify. A regular undertaking of this type of research, along with the publication of its findings, could be invaluable for consumers and keep business on its toes.

17. Ofcom's on-going commitment to tackle "not-spots" is welcome. Given that many of these areas are rural, ACOD has noted previously that older consumers tend to disproportionately be found in these locales. Therefore, not-spot issues continue to be of interest to the Committee.
18. These three examples demonstrate the often unique needs of older and disabled consumers. For this reason we would like to see something more specific about Ofcom's interest and role in – as well as commitment to – the needs of older and disabled consumers, rather than presenting strategic priorities and major work areas in a way that assumes they apply in the same way to all consumers.
19. This is all the more important given, as noted earlier, Ofcom is moving from a position of having a statutory committee to provide a specific focus relating to older and disabled people, to one where the responsibility for these interests will be mainstreamed across the Ofcom structure. Presenting material in this way will go some way to providing stakeholders with the reassurance they need that these groups are understood and will not be overlooked.
20. Finally, we may thank you for taking the time to read our submission. We would be very happy to discuss our views and opinions in more detail should this be welcome, and we look forward to seeing the final version upon publication.

Jo Connell, Chair ACOD

3rd March 2011