

Your response

Question	Your response
<p>Do you have any comments on our proposals?</p>	<p><i>'The Advisory Committee for Scotland advises Ofcom about the interests and opinions, in relation to communications matters, of persons living in Scotland.'</i>¹</p> <p>This response from the ACS to the Consultation on the Ofcom 2022/23 Plan of Work draws on the knowledge and expertise of ACS members and is informed by our individual experience and through discussion at our meetings.</p> <p>We have categorised our response into sections and highlighted areas of specific relevance to Scotland wherever possible.</p> <p>General comments</p> <p>Our first observation is that this is a comprehensive and ambitious plan of work, we agree with key priority and focus areas for the year ahead and we are looking forward to maintaining and building upon our strong working relationship which, we hope, enriches Ofcom's understanding of the sector it regulates.</p> <p>In reviewing the plan however, we are conscious of the lack of reflection on last year's plan of work. Whilst we are well cited on progress in some areas, it would seem prudent to reflect on what has changed or been delivered in the last 12 month period.</p> <p>We would be keen to see an assessment of what, from last year's objectives, worked, and what didn't work as this allows us to better evaluate how achievable the plan of work for the year ahead is. We would like to see what initiatives in this plan of work are a continuation of what was committed to be delivered last year, what is an extension of this work and what is new. A regular dashboard or status on progress</p>

¹ <http://www.ofcom.org.uk/about/how-ofcom-is-run/committees/scotland/>

would also be welcome for the year ahead to track progress.

We would suggest setting out the performance against the 2021/22 Consumer Outcome Measures² with a clear articulation of the path taken, success criteria and the development therefore of the new measures detailed in section 4.

Although we appreciate that Ofcom has no formal duties, we are delighted to see a commitment to drive towards net zero. Through corporate focus and in discussion with industry, we would also like to understand how Ofcom intends to role model this for the communications industry. For example, is there a set of metrics that Ofcom can put in place to help measure Communication Service Provider progress towards reducing energy consumed by the equipment in their networks and data centres.

We were also pleased to see a focus on diversity and inclusion highlighted in the plan of work. We welcome geographical representation from colleagues and offices and agree this is a key enabler to Ofcom's success. The diversity focus seems to be highlighted clearly with very little mention of inclusion initiatives; we would be keen to understand more about how Ofcom's culture is developing to become more inclusive. In particular, we would be delighted to see Ofcom role model this for the communications industry.

We feel there is good recognition that this plan of work will be progressed in a post-pandemic UK, and in particular the references to the changes in how we all connect for work now; we would like to see this recognition extended to home and leisure. Work practises have changed for individuals and businesses but so have many other aspects of life and we feel the plan of work should account for changes in lifestyle, hybrid working and virtual schooling as well.

²[Statement: Ofcom's plan of work 2021/22](#)

Ofcom should also challenge itself as to whether the scope of work is suitable for a country recovering from a pandemic. The cost of living is increasing with affordability considerations, including social tariffs more important than ever. Ofcom has proven success in setting up mechanisms to support consumers, specifically vulnerable consumers, however we feel now is the time to evidence success and publish the tangible impacts.

Social tariffs are a good starting point, but we would like to see a commitment to measure the impact they are having and accountability for service providers to take appropriate steps to protect vulnerable consumers and ensure they can stay connected. We would suggest this is specifically considered as Ofcom shift their focus to 'monitoring and understanding the effect of the implementation and delivery of those [customer programmes] interventions'.

We would suggest that internal priorities are elevated to demonstrate that Ofcom appreciates the level of risk and is responding appropriately. We are really pleased to see recognition of the current skills and capability gap, and evidence of the great work to address. However, the commitment to develop Ofcom's skills and capability as their remit grows is of equal importance to the priorities for the year ahead with the latter a key enabler of the former.

The plan of work should demonstrate the same approach to business planning as Ofcom requires from others. For example, transparent performance reporting, risk-based, evidence-informed with a focus on building stakeholder trust and consumer focused thinking. We do not feel the plan meets this high bar currently.

We agree with the priorities set out but are concerned that the plan is too wide, and not focussed enough with clear metrics of success. There are some bold commitments to continuing work and developing work in certain areas, but there is often a lack of specificity.

The priorities cannot be delivered without the appropriate enablers in place, in this case skills and capability. There is also a biggest question

regarding capacity of the organisation to undertake such a vast remit successfully. Due to sheer breadth of topics, we would question if Ofcom have the capacity to undertake the works to any great depth and if the impact on consumers therefore will be limited.

The pace of change, particularly in online safety, is phenomenal. Ofcom needs to demonstrate that it can demonstrate agility and respond to change. Similarly, there is a greater need to recognise the risk where there are multiple regulators involved in the same issues. The involvement with UKRN is key to this, however, there seems to be a lack of protocols to address disagreement raising a concern regarding consumer protection and consistency.

Highlighting the Ofcom values of collaboration, empowerment, agility, excellence and respect, and how these are to be demonstrated throughout the plan would support building credibility and trust. We feel it is crucial that Ofcom does this, specifically when taking on new powers. Where public institutions presume trust and do not claim that space, it can be claimed by others with a different agenda; we feel there is an opportunity for Ofcom therefore to do this proactively and with vigour in this plan of work.

A single picture of the impact on consumers would help demonstrate that Ofcom's new powers do integrate well into Ofcom's existing work, and it would bring the plan to life. We would be interested to see how the suite of parallel strands of work impact on an individual household. This is something that ACS feels particularly strongly about and has raised as a point of note before, we feel there is a much more holistic view of consumers required by Ofcom to truly understand the digital divide and communications poverty.

For example, Ofcom has previously talked about the narrowing but deepening digital divide. The plan could look at those members of society for whom there are intersecting barriers and failures in communications. We would like to see Ofcom join the dots to ensure it really is making communications work for everyone and not focussing on advancing progress in each area in a

siloed manner which ultimately, by default, will exclude parts of the population.

This is more prevalent in Scotland due to rurality and the challenges this brings to connectivity specifically. A consumer impacted by poor connectivity is the same consumer facing challenges with their local postal service or can't get an amazon delivery or has lost power due to a recent storm; these consumers need to be forefront of mind.

In reference to the Consumer Outcomes Measures specifically, we wish to highlight that the stated objectives of 'a reduction in the number of homes unable to get 10Mbit/s broadband' is not sufficient. We would advise that the annual report should also report on the number of homes and businesses getting 30 Mbit/s and 100 Mbit/s broadband throughput and above.

Postal Regulation

We are waiting with anticipation the publication of Ofcom's review of postal regulation and are in agreement and support of the need for this work to be completed. This is crucial for Scotland and we are looking forward to working with Ofcom on the next steps following the conclusion of the review.

We are specifically concerned with a payment of £400 million in dividend to Royal Mail shareholders during the pandemic in parallel with the recent implementation of a 9.6% cost increase to wholesale postal operators, which will ultimately be passed onto the public sector and impact consumers.

Internet we can rely on

The migration to VoIP will be very important in Scotland and could be viewed by some as a backward step as a result of the requirement for home phones to be supplied with electrical power. As well as the impact on older and vulnerable groups – who may struggle to understand why they need power for every phone they have – there is, in Scotland, a higher probability that business premises and homes could

be left behind as a result of poor internet connectivity. We need to see a clear statement that, during the migration of exchanges to full fibre, phone service will not be turned off to homes and business premises that do not have good levels of broadband internet.

This requirement for power to VoIP phones could also be a more significant issue in Scotland than in other parts of the UK, due to the likelihood of winter and high-wind storms in Scotland as witnessed recently.

It is also important to recognise that, if we are making communications work for everyone, then we need to offer suitable alternatives. Interestingly, in Scotland it is now law to have integrated fire and smoke alarms in every household with those that work via wireless internet non compliant due to the reliability of the connection. We need to be cognizant of consistency in policies impacting consumers or recognise distinctions for different approaches overtly.

We note reference to the Space sector and suggest this needs to be monitored and reported upon. It is important to inform the public as these new services launch to ensure accurate communication on their capabilities and to prevent miscommunication.

We are pleased to see Ofcom advocating the role of emerging tech in enabling more efficient use of spectrum. We would encourage Ofcom to consider some of the tools developed as part of the DCMS-funded 5G project called '5G New Thinking'³, which has developed some automated tools for spectrum allocation.

Given recent reports of spectrum policy impacting aircraft operation as 5G macro cells were rolled out in the US, we are pleased to see Ofcom's intention to 'improve our understanding of spectrum use'. We know Ofcom are looking ahead also as wireless spectrum becomes increasingly congested to understand where potential spectrum conflicts could occur and take

³ <https://www.5gnewthinking.co.uk>

proactive action, it may be useful to reference this in the plan of work.

We are unclear on the specific action regarding telecoms security and would encourage a more detailed view be included in the plan of work addressing how we measure whether the objectives here have been successfully met. This will be key for service providers.

We would encourage Ofcom to create a focus on the SP 'subscriber' network – that is, their network that is provided to consumers and businesses. This is distinct from their internal network, and we observe often that SPs invest heavily to protect their enterprise network but hold a view that their 'subscriber' network is less at risk and therefore does not hold the same priority status. We feel this is a crucial focus area linked to cyber protection.

A specific focus in Scotland is the R100 roll out and we would like to see enhanced reporting on this. In addition, as we move to gigabit ethernet, we would be interested to know how much of the still-to-be-delivered R100 original superfast plan be delivered as gigabit capable networks.

Telecoms advocacy in Scotland remains uncertain and although not highlighted in the plan of work, is an important issue for Scotland and we are concerned this may limit progress in some areas.

Media we trust and value

We believe that 2022 will be an important year for broadcasting in Scotland and we would suggest that Ofcom should ensure that this is a key priority for the Ofcom Scotland team. There are some fast moving and far-reaching changes happening at a Westminster level which will impact on the Scottish sector.

A sudden BBC licence fee agreement has thrown up a £1.4bn funding gap which will increase the risk of centralisation as the organisation begins to consider cuts. Newer and more niche services (BBC Scotland channel) are likely to be under threat as bigger and more public services get

ring fenced. All could affect the potential for the BBC to deliver on its public purpose 4.

2021 saw the BBC miss key targets for Scotland due to the pandemic and audience appreciation continued to be below other areas of the UK. It is important that this new BBC crisis does not allow under delivery to continue into 2022. The current Ofcom review of BBC regulation will be important in ensuring this for the future.

Changes are also happening across the rest of the sector. ITV have just announced the biggest change to their news output in over 20 years going from 30mins to 1hr of news a day. The immediate impact on STV is on local CAFF programming and the STV player.

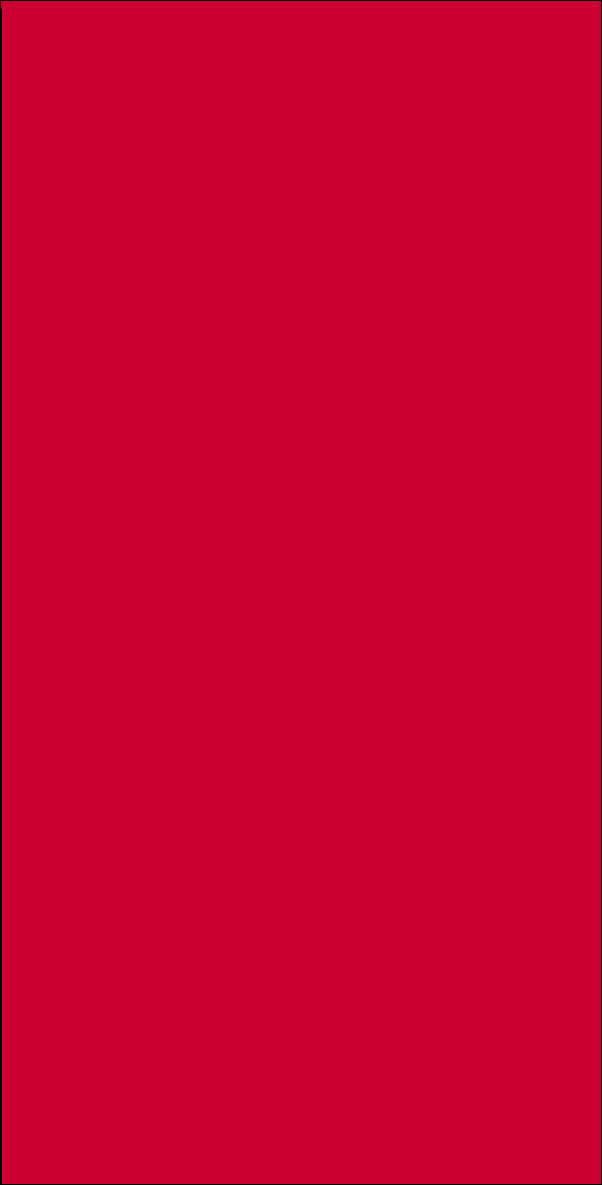
The discussion on C4 privatisation continues but again a decision on that could appear within the year and the various scenarios mentioned (SKY, ITV or BBC studios becoming the new owners) will directly affect STV and the local production sector.

And this is the year that Ofcom have to report on the commercial viability of STV's broadcasting service indicating the potential for another 10yr licence. As we move from a medical pandemic to an economic crisis at a business and household level, linear advertising remains fragile and volatile. It is important that we understand the transition from linear to digital and how that impacts on STV's future and its place in the broadcasting economy of Scotland

We therefore believe that Ofcom will have to be vigilant in recognising consequences of any change within the sector and continue to monitor these, as a priority, through a Scottish prism. We would also urge Ofcom to monitor the BBC's ambition, outlined in this year's Annual Plan, to 'increase the activity, visibility and powers of the BBC Boards committees for England, Scotland, Wales and Northern Ireland'.

As the key governance tool which can hold the BBC to account it is imperative that this commitment is delivered in 2022.

We live a safer life online



We recognise the limitations Ofcom has currently until their new powers regarding online harms come into effect. It is great to see the preparation for this reflected in the plan of work, and the recognition of the overall scale of this regulation. We would encourage Ofcom to push the boundaries within their current remit to ensure they are prepared to execute with pace when the time comes.

We will also reiterate there is a need for Ofcom to be agile in response to the pace of change in online safety and consider how it can build and retain trust as the regulator.

In the plan of work though, there seems to be some confusion between media literacy and online harms (including misinformation and disinformation); we would like to see Ofcom better articulate what they intend to do in each of these areas independently.