Minutes of the 77th meeting of the Advisory Committee for England held via Teams on 23 September 2021

Present

Paula Carter	Chair
Aaqil Ahmed	Member
Emma Davison	Member
Matthew Littleford	Member
Mark Smith	Member

Apologies

Alan Nunn	Member

In attendance

Angela Dean	Ofcom Board Member for England
Richard Spencer	Consumer Panel Member for England
David Edwards	Governance and Accountability Team
Ian Vaughan	Head of Governance

A colleague from The Good Things Foundation (minutes 14 - 16)
Colleagues from Changing Faces (minutes 17 - 18)
Colleagues from Cardiff University (minutes 19 - 20)
Other Ofcom colleagues

Introduction

1.   The Chair welcomed Members and attendees to the 77th meeting of the Committee which would have an online theme, all taking part remotely via Microsoft Teams, in particular Ofcom Board member Angela Dean who was attending her first Committee meeting. Rob McGruer, Ofcom Director for England, was unable to take part on this occasion and Ian Vaughan had agreed to attend, to provide additional Executive input to the meeting.

Declaration of Members' Interests – Oral

2.   No interests were declared by Members or attendees.

Minutes of the meeting held on 24 June 2021 and matters arising - Minutes 76(21)

3.   The minutes of the meeting held on 24 June 2021 were APPROVED as an accurate record and for signature by the Chair.

4.	Ofcom had reviewed its relationship with Stonewall and had issued a statement to say that it had taken the decision to step back from membership of the Stonewall Diversity Champions programme. Ofcom would continue to participate in the Stonewall Workplace Equality Index. The Chair reported that she had written in reply to a former Member of the Committee on matters related to this topic.

5.	It was noted that the Committee had submitted a response to the DCMS *Consultation on a change of ownership of Channel 4 Television Corporation*.

Board update

6.	Angela Dean spoke briefly about her background as a tech analyst and her role as a member of the Ofcom Board, which included chairmanship of Ofcom's Risk and Audit Committee. She reported and the Advisory Committee noted recent topics discussed by the Ofcom Board (minutes and notes of meetings being available on the Ofcom website).

7.	An England issue of note and discussed by the Ofcom Board was Arqiva's plans to restore service following the 10 August 2021 fire at the Bilsdale Transmitter Mast, in North Yorkshire, leaving around 600,000 homes without a terrestrial TV service. It was further noted that network resilience was not just an issue in broadcasting, the outage of a telephone exchange could be equally significant.

8.	A Member raised the issue of diversity in relation to membership of the Ofcom Board. The Board was aware that this was an issue (DCMS had restarted the process to appoint a new Chairman of Ofcom and a Board member appointment process was also due to begin shortly).

Consumer Panel update - ACE 12(21)

9.	Members noted recent Consumer Panel activity and current priorities (minutes of Panel meetings being available on the Panel's website). The update focussed on the Panel's recent research with a vulnerability focus. This included research on parcel services, looking at rural and urban differences and whether disabled consumers were able to make clear their access requirements to parcel suppliers; and research related to PSTN switch-off/ migration to VoIP, raising issues of customer confusion and effective communication of the migration programme.

10.	It was noted that postive engagement with the Panel's consumer hubs had continued and recently the first of two pilot consumer immersion sessions had been held to provide Panel members with the opportunity to observe and hear directly from consumers on the types of issues they faced. In relation to the latter, the Chair suggested that there could be value in a 'heat map' of overlapping issues for consumers.

Public Policy Update - ACE 13(21)

11.	Members had been provided with a paper to update them on key public policy developments since the last meeting.

12.	Discussion itself focussed on the recent Cabinet reshuffle, which Members noted had resulted in a change of Secretary of State and a new team of ministers at DCMS (only one minister remaining in post and Chris Philp MP being given responsibility for

online safety in a team of five that was formerly six) and appointment of Michael Gove MP as Secretary of State for Levelling Up, Housing and Communities. There was brief discussion about whether a new team at DCMS could result in a change in emphasis.

Online scene setting

13.   Members were provided with a brief introduction on the range of Ofcom's work related to online safety, topics including Ofcom's input to the pre-legislative scrutiny phase of the Draft Online Safety Bill; the future regulatory regime, which was expected to differ from existing broadcasting rules and concentrate more on systems than content and have a focus on user-generated content whilst attempting to protect freedom of speech. It was noted that there could be a mismatch between public expectations and what the Bill and Ofcom would be able to deliver; that Ofcom codes of practice for platforms were not expected to be in place until 2024; and that the Draft Bill envisaged a super-complaint function.

The Good Things Foundation

14.   The Committee received a presentation from The Good Things Foundation, a UK digital inclusion charity working to address the digital divide and to ensure that everyone in society could benefit equally and safely from digital technology. The Foundation had recently published a report entitled *Digital inclusion and online safety for adults in the UK*.

15.   The presentation covered digital inclusion and what it meant in terms of internet access, skills and support; the pandemic and the impact of digital exclusion; how the latter interacted with the complexity of people's lives; and the key findings of the report which had reviewed research, policy and practice and focused on 'everyday' internet risks to understand more about the links between online safety and digital inclusion.

16.   Issues raised and discussed by the Committee included the scale of possible harms and the potential for digital inclusion risks to be overlooked; the need to target support to vulnerable individuals that did not see themselves as such; the increasing importance of good literacy skills; a need for trusted sources of support; whether there was a need for a national curriculum for digital literacy; and that online safety affected everyone, there would be an opportunity for Ofcom to address concerns through new and existing powers and to highlight where its powers were inadequate.

Changing Faces

17.   The Committee received a presentation from Changing Faces, the visible disability and disfigurement charity. Presenters included a Changing Faces Ambassador who gave a powerful account of his own experience of online abuse on social media, partly a result of its transient and anonymous nature, and argued the need for users to sign up and adhere to terms and conditions and for these to be enforced by platforms. De-anonymisation, accountability and media literacy were all necessary. Although there were many benefits derived from social media, including the ability to connect with a community with a shared experience of difference (but more than four in ten people

with a visible difference have had a negative experience online and one in ten have been repeatedly harassed online). Another concern was representation and negative stereotyping onscreen in the media, with facial scars and other visible differences used as a shorthand for villainy.

18.   Other issues raised and discussed included the weariness of victims of online abuse to complain, in particular where limited or no action was taken by platforms; the need for platforms to understand the impact of online harms on those subjected to it; a need to inject humanity into solutions and not just rely on algorithms and technology; and the ease for offenders to set up multiple and non-verified social medial accounts.

Cardiff University School of Journalism

19.   The Committee received a presentation from academics at Cardiff University that covered topics including the decline in local journalism and election participation in a context of online media, that decline's impact on the democratic process, in reporting on local politics and in holding authorities to account; dis/misinformation and news and commentary outlets; a narrow news agenda; and harms caused by conspiracy theories and fake news circulated on social media.

20.   Issues raised and discussed by Members included news versus opinion; whether independent and religious outlets were being held to the same standards as mainstream media; whether harm was greater than in the past; and campaigns, that could include journalists, that drive people off social media.

Online conclusions

21.   Members were grateful for the presentations and discussion and an Ofcom colleague noted the different perspectives that had been provided by colleagues from The Good Things Foundation, Changing Faces and Cardiff University. He commented that the presentation from Changing Faces had stood out in particular, with some of the harm described being deeply repugnant but in may cases legal. Unfortunately Ofcom would not be able to address all online issues, public expectations would need to be addressed and there would be a requirement for a holistic strategy and a wide suite of options to tackle online harms and Ofcom would wish to partner with other organisations. It was further noted that definition of legal harms could change as the parliamentary process progressed.

BBC Annual Report and Performance Report - ACE 14(21)

22.   Members were briefed on Ofcom's approach and expected areas with an England focus, including regional news and current affairs, in what would be Ofcom's fourth Annual Report and Performance Report on the BBC (to be published in late November).

23.   Topics discussed by Members included the BBC's 6-year strategy *Across the UK* looking at how it would expand outside London, whether it was bold enough and the

necessary building blocks were in place to achieve its plans and whether timescales should be shorter. It was noted that publication of these plans was also important to allow stakeholders to engage with the BBC before it rolled out any changes and that the BBC's ability to deliver would be dependent on the next financial settlement with the Government. It was suggested that Ofcom talk to local radio stations about the potential impact of BBC plans. It was noted that the BBC had performed well during the pandemic but that should not free the corporation from meeting the requirements of its remit. It should also be driven by what its audience of licence payers wanted from the BBC.

Members' open session

24.   A Member had met with Ofcom's Corporate Group Director via Teams to follow-up discussion of consumer complaints, which had been an agenda item at the June meeting of the Committee. One topic had been complaints related to online harm and an offer from Ofcom to talk more to the Committee about this in the months ahead.

25.   A member reported that he had recently provided training on harm and offence to a small digital TV station. He queried whether Ofcom provided relevant training or guidance. [Ofcom had, in specific circumstances, provided workshops from time to time and on occasions provided guidance to new licensees.]

26.   Another member outlined various projects he had been engaged in, including some with the International Broadcasting Convention, related to 5G and AI, all with the potential to impact positively on how content was produced by new technologies.

27.   It was noted that telecoms/mobile topics had featured less prominently in Committee agendas over the course of the year and a member suggested that those topics be a part of future meetings.

Ofcom Plan of Work 2022/23 - ACE 15(21)

28.   Members were briefed on the process for the Ofcom Plan of Work 2022/23 and work on strategy development, which was expected to result in a consultation in December and publication of the Plan in March 2022. Online safety was noted as an important area of work, including partnership with the Digital Regulation Cooperation Forum. It was noted that the high-level structure of the Plan was not expected to differ radically from the existing 2021/22 plan.

29.   Issues raised by Members included the role of Ofcom's new Manchester office and what this out of London presence would mean for diversity and inclusion. It was felt that there could be a risk that preparation for regulation of online safety could overshadow other areas of Ofcom's work. The Committee did not underestimate the challenges in planning and executing Ofcom's work programme.

Information Items

30.   Telecoms, Broadcast & Postal Complaints (England) - ACE 16(21). Due to software issues in producing data it had not been possible to provide the paper for the meeting. [It was circulated shortly afterwards.]

Future agendas

31.   There was brief discussion about a return to face-to-face Committee meetings (the options being virtual, hybrid or face-to-face). The Committee met four times a year and the Chair's initial thinking was that two meetings could be held face-to-face at Ofcom's London office or elsewhere in England and that two be hybrid (meaning some members face-to-face and some taking part via Teams). The Chair would have conversations with members about their preferences.

32.   It was noted that the theme for the next Committee meeting would be diversity. The Chair had already had an introductory meeting with the Director of BBC England, who would take part in the December meeting. The Chair proposed that Channel 4 be invited in December to discuss diversity (rather than its annual appearance to discuss its production activities in England). If possible, the Chair also wished to include a telecoms-related item in the agenda.

Any Other Business

33.   There was no other business.

Date of the Next Meeting

34.   The next scheduled Committee meeting would be held on 9 December 2021.