

Ofcom's Proposed Plan of Work 2022/23
Response to Consultation from
Ofcom's Advisory Committee Northern Ireland
February 2022

The Advisory Committee for Northern Ireland (ACNI) advises Ofcom on the needs and interests of consumers and citizens in Northern Ireland, across the range of the regulator's work.

As part of this remit, the Committee is consulted annually on Ofcom's Proposed Plan of Work for the next financial year, adding to a wide range of feedback from stakeholders and interested parties. The Committee discussed Ofcom's Plan of Work at meetings on 9 September and 7 December 2021. The Committee was also represented at an online event on 24 January 2022 where stakeholders from Northern Ireland fed their views directly in to Ofcom. We draw on our experience throughout the year of contributing advice across the broad range of Ofcom's work from the perspective of consumers and citizens in NI, as well as identifying emerging issues.

Overall, the Committee considers that Ofcom's Proposed Plan of Work for 2022/23 encapsulates the range of work streams that will progress the regulator's remit to make communications work for everyone. Whilst many issues of importance to consumers in NI also resonate elsewhere across the UK, there are also a number of areas where the experience is distinct. We especially welcome NI specific priorities in Section 4 to reflect these particular interests and circumstances.

ACNI wishes to make a number of comments on behalf of consumers and citizens in NI. It has identified six key issues:

- (i) **Affordability of communication services – making this a high priority and focal point for at least two years after the pandemic**
- (ii) **Public Service Media (PSM) – ensuring that audiences in NI are well served as PSM and its regulatory framework are overhauled**
- (iii) **Implementation of Brexit and the NI protocol - the implications of evolving arrangements on communications, including parcel delivery and mobile roaming charges**
- (iv) **Universal connectivity – addressing the needs of those without the prospect of a decent broadband connection; and ensuring that particular needs for 2nd class letter and parcel USO services continue to be met**

- (v) Switchover of copper landlines to internet calls - ensuring a smooth transition that takes account of the support needs of consumers, including vulnerable groups**
- (vi) Representation of NI interests in the regulation and governance of communications and broadcasting**

The Committee has outlined its views on each of these areas below:

- (i) Affordability of communication services – making this a high priority and focal point for at least two years after the pandemic**

The Committee welcomes Ofcom’s strong focus on matters of affordability and fairness for customers during the pandemic. It asks that this strengthened focus is retained for at least two years, recognising the enduring nature of affordability issues and typical timeframes for the accumulation of debt.

This year, Ofcom’s research on the Affordability of Communication Services¹ was especially helpful in understanding the range and extent of issues and how they impacted consumers. In addition, Ofcom’s strengthened focus on scams, in collaboration with other organisations, has been – and continues to be - crucial, given the escalation of these practices during the pandemic.

In 2021 the Committee also contributed advice to Ofcom’s consultation for its Review of Measures to Protect People In Debt Or At Risk Of Disconnection² which showed that communications providers could do more, both by developing their offer for customers in financial stress, and also through better signposting so that consumers were aware of their support arrangements as well as external advice services. The Committee asked Ofcom to do all it can to leverage action from communications providers and to be prepared to intervene at an early stage if this is not successful. ACNI also continues to keep a close eye on the impact of the Fairness for Customers Commitments³, noting that, notwithstanding some important improvements, there is still a long way to go to embed these across the breadth of customer experiences.

ACNI emphasises the importance of Ofcom continuing to keep an especially tight focus on this area over the next two years at least, reflecting the fact that debt can often take up to two years to become problematic. As the cost of living crisis becomes increasingly felt across the UK, ACNI is especially mindful of particular circumstances and high levels of need in Northern Ireland. It notes, for example, that disposable income in NI is lower than any other part of the UK and social

¹ [Affordability of communications services - Ofcom](#)

² [Call for inputs: Review of measures to protect people in debt or at risk of disconnection - Ofcom](#)

³ [Fairness for Customers - Ofcom](#)

security benefits make up a higher proportion of income for the lowest quartile – thus making it harder to absorb additional costs.

The affordability of communications services is part of a much wider cost of living crisis, for which communications providers are not responsible. Nevertheless, communications services are essentials of everyday life and affordability considerations are inextricably linked with other pressures on households. We therefore ask that Ofcom seeks, possibly in collaboration with other organisations, to undertake research to better understand this fuller picture as it is experienced in different ways across the UK. We believe that this will provide a richer understanding of the issues and opportunities for mitigation.

The Committee will consider these issues as a priority in 2022/23.

(ii) **Public Service Media – ensuring that audiences in NI are well served in a new framework for PSM**

Ofcom plays a key role in the review of the remit and regulation of Public Service Media, in light of significant shifts in technology, the media market and consumption patterns. ACNI has been closely engaged with this work, contributing its advice throughout the year to the Review of Public Service Media, Ofcom’s approach to regulating the BBC and consideration of performance of the BBC and Channel 4, to name but a few. It plays a particular role in identifying issues, challenges and opportunities that relate specifically to NI.

ACNI has emphasised the importance of ensuring that a new framework for PSM builds on, rather than diminishes, the strengths of the current system in serving audiences all around the UK. It observes that at times of transition and scarce resources there can be a greater pull towards the centre than is necessary, or intended, unless proactively checked. There is a challenge in ensuring that this geographically distributed structure contributes to thinking not just on the new PSM offer but in all aspects of how a new framework is constructed, including structures, funding, technology, partnerships, accountability and so on. And there is a particular challenge in meeting the often very distinct needs of audiences in the smallest and most geographically distant Nation of the UK. We are especially focused on ensuring that audiences in NI continue to be served by a rich range of local content, that meets the range of interests and needs; that they are fully and authentically portrayed and represented across the UK; that there is enhanced investment in local talent and the NI creative economy; and that NI’s voice is well represented in decision-making and accountability structures.

(iii) **Universal connectivity – addressing, as a high priority, the needs of those without the prospect of a decent broadband connection**

ACNI strongly welcomes the very substantial expansion of full fibre across NI, through Project Stratum and commercial build. NI has, by far, the highest proportion of full fibre broadband access of all the Nations of the UK and expansion continues.⁴ Many households which have not had decent broadband now have access to gigabit capable networks, which can be transformative for learning, work and life. We are very supportive of Ofcom's emphasis on supporting enhanced connectivity through broadband and mobile, including progressing the Shared Rural Network programme and the Mobile Action Plan.

ACNI is very aware, however, that this is a story of two parts, as NI also has by far the highest proportion of households unable to access superfast, or indeed decent (10Mbps), broadband. 2% of households in NI are unable to access decent (10Mbps) broadband, compared with 0.4% across the whole of the UK.⁵ A portion of these households will not be helped by Project Stratum but the Universal Service Obligation programme is unlikely to help many of those who are left. Our new ways of living and working since the pandemic struck mean that the level of detriment for those who do not have good connections has increased dramatically, and the impacts are often felt in multiple ways, through for instance, employment and education as well as through access to services and cultural and consumer activity. It is clear that this is a trend which will continue beyond the current Covid-19 restrictions.

Whilst ACNI recognises that it is not Ofcom's role to set or resource government policy in this regard, it nonetheless has an important contribution to make in informing and progressing this process and ensuring that it is high on the agenda for all concerned, reflecting consumer, citizen and societal priorities. ACNI would like Ofcom to give this work a higher priority in its Work Plan.

The Committee is also aware that the complexities of roll out under a range of technologies and schemes can make it very difficult for consumers to understand what choices are open to them and when and how they can avail of these. Ofcom has an important role to play in examining the gap between opportunity and outcome so that the full benefits of increased connectivity can be realised. We wholeheartedly support its increased focus on media literacy as part of the solution.

We also note that a number of events in 2021/22 highlighted the importance of resilience of communications infrastructure. The Red Bee outage in September had a significant and prolonged impact on consumers who depend on subtitles, signing and audio description to have access to some key services. It will be important for Ofcom to consider what further work is required to ensure greater resilience and quicker fixes.

⁴ [Connected Nations 2021: Northern Ireland report \(ofcom.org.uk\)](https://www.ofcom.gov.uk/consult/condocs/cn2021/cn2021.pdf)

⁵ [Connected Nations 2021: Northern Ireland report \(ofcom.org.uk\)](https://www.ofcom.gov.uk/consult/condocs/cn2021/cn2021.pdf)

The Committee is also engaged with Ofcom's current Review of Postal Regulation. Members believe that it is vital that the review takes full account of the interests of those consumers in NI who have a particular need for the USO 2nd class letter and parcel services. This is especially important in the context in which many other parcel providers levy a surcharge to send goods to NI from GB.

(iv) Switchover of copper landlines to internet calls: ensuring a smooth transition that takes account of the support needs of consumers, including vulnerable groups

Although the switchover from copper landlines to internet phone services (VOIP) will not be complete until 2025, many consumers are already being required to make the transition. Last year we pointed to anecdotal evidence that the process for operators can be technically complex, resulting in problems for consumers that can be very disruptive. We have been especially concerned about the needs of more vulnerable consumers in terms of support to migrate and to be able to make emergency calls in a power outage, and to be protected from costs incurred. We observed that previous switchovers – for instance digital TV switchover and the more recent Freeview retune to release spectrum – have required and benefited from well-developed and resourced support schemes, and that the same consideration should be applied to VOIP migration at this critical stage.

The Committee has continued to monitor progress and issues arising in 2021/22. We have noted some anecdotal evidence of improvements in processes and customer care amongst key providers, and wish to see these further developed and replicated across the broad range of suppliers, including the smaller players. We consider that the need for a well-resourced and communicated support and information scheme is now especially pressing.

(v) implementation of Brexit and the NI protocol - the implications of evolving arrangements on communications, including parcel delivery and mobile roaming charges

Last year we noted that the exit from the EU and application of the NI protocol had had very particular and deeply felt impacts on businesses and consumers in NI. We were particularly concerned about the impact on parcel delivery and roaming charges, and we monitored developments and impacts on consumers across the year. These continue to be issues for consumers into 2022/23 as the NI Protocol remains the subject of political negotiations with the EU.

Customs arrangements for parcels from GB to NI remain complex and uncertain and this has led to detriment for consumers and small and micro-businesses. Some retailers, of all sizes, have increased their delivery charges to NI, adding to the existing surcharge problem. Others have chosen not to deliver to NI at all, which has limited choice for consumers. Such is the degree of complexity and uncertainty that

some retailers have implemented customs processes that have not – at this stage - been required, with knock on impacts through delays and added costs. ACNI is mindful of the growing use of online shopping by consumers as well as the impact these distinct arrangements could have on the postal universal service obligation. The Committee notes in particular the higher level of detriment that can be experienced by disabled consumers who are more reliant on online shopping. There can also be significant impact on some small businesses relying on delivery from GB to maintain their supply chains, with wider economic and consumer impacts. ACNI recognises that Ofcom has limited powers in this respect but asks it to continue to use its convening and advisory role to ensure the issues are well understood. The Committee is also mindful that customers in NI, unlike those in the rest of the UK, are not liable for customs charges or additional VAT on goods imported from the EU.

On 1 January 2021 roaming charges became a voluntary matter rather than a legal obligation for operators provided they take 'reasonable steps' to avoid or mitigate them. At the time, ACNI observed that this is a very undefined requirement that may provide little tangible consumer protection.

In 2021/22 most of the major providers did indeed introduce roaming charges in some ways, for example for new customers and renewed contracts, or through the reduction of the fair usage cap. ACNI is pleased that, in these cases, calls on the island of Ireland have been exempted with the notable exception of the fair usage cap charges which could, potentially, still have significant financial implications for those who roam inadvertently or live in border areas. The Committee is also very aware that the arrangements for Ireland are voluntary and there is no longer any legal protection for consumers. As the only part of the UK with a land border with an EU state, NI consumers are particularly susceptible to roaming charges should they be applied again. This would impact not only on mobile users crossing the border but also on those who inadvertently roam by picking up a signal from across the border whilst still in NI. This would impact heavily on those who live and work near the border. It would also, by the nature of the terrain and mast infrastructure, have an impact well beyond those areas.

We therefore welcome Ofcom's focus, in Section 4.21, on making sure that people and businesses in NI continue to benefit from communications services that are provided on a UK-wide and all-island basis. ACNI will continue to monitor developments in this constantly evolving area and advise Ofcom accordingly.

(vi) Northern Ireland's voice in decision-making:

There has, quite properly, been substantial focus on getting the models of regulation and governance in the communications and broadcasting industries right. However, these can only ever work to best effect if the various roles and structures are populated. We continue to be concerned that Northern Ireland's voice has been underrepresented across a number of key roles in the industry for a prolonged

period. The absence of an Ofcom Board member for NI and, more recently, a Content Board member for NI, are especially felt as part of a wider picture. We therefore welcome the first Northern Ireland objective (4.19) and will wish to see Northern Ireland's voice, and its particular interests, fully represented in decision-making as soon as possible.

The Committee again wishes to extend its sincere thanks and appreciation to Bob Downes, Board Member for Scotland, who has been helpfully fulfilling this role for NI for an extended period.

The Advisory Committee has a continued interest in a wide range of the work streams in Ofcom's Annual Plan, across all of its priorities, and this will be reflected in its business and advice to Ofcom across the coming year.

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