



Communications Consumer Panel and ACOD response to Ofcom's consultation on its review of the General Conditions

The Communications Consumer Panel (the Panel) and the Advisory Committee for Older and Disabled People (ACOD) welcome the opportunity to respond to Ofcom's review of the General Conditions of Entitlement relating to network functioning, public payphones, directory information and numbering.

The Panel works to protect and promote people's interests in the communications sector, including the postal sector. We are an independent statutory body set up under the Communications Act 2003. The Panel carries out research, provides advice and encourages Ofcom, governments, the EU, 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 with the Panel, the Panel is more alert than ever to the interests of older and disabled consumers and citizens.

Response

Continuing to protect the consumers who may be affected by the review of the general conditions

We are in full support of simplifying, clarifying and refocusing regulation - as long as this still enables Ofcom to achieve its objectives without removing vital protection for consumers - especially those who most need it, such as consumers in vulnerable circumstances.

We are responding in respect of the Conditions that cover emergency services (Condition 4), public payphones (Condition 6) and directory information (Conditions 8 and 19) and will be keen to respond to Ofcom's forthcoming consultation on the General Conditions that relate to other consumer protection issues.

Emergency services

- Communications services are relied upon by consumers - especially those already in vulnerable circumstances¹ and micro businesses² - as the Panel's recent research³ has highlighted. We welcome increased clarity in defining 'exceptional circumstances' for communications providers (CPs) (current GC4.3(b) to proposed GC3.6(b)).
- We remain concerned about the level of protection for consumers - especially those in more vulnerable circumstances who depend heavily on communications services - where call location services fail. This is especially pertinent in the case of VoIP, so we welcome the retention and consolidation of the requirement for VoIP providers to require their customers to register their location if the VoIP is used mainly at a fixed location; and for those providers to recommend that customers update location information if the service is to be used from several locations. We also agree with Ofcom's proposal to retain the requirement on VoIP providers to inform customers who can make calls to national/international numbers that access to emergency calls may cease if there is a power cut a power failure or a failure of their broadband connection.
- We agree that GC5 has been an important backstop power which has encouraged industry to undertake emergency planning voluntarily and it should be retained. It is vital that CPs cooperate with central and local government and the emergency services to ensure the rapid reinstatement of communications services in the event of disasters and major incidents.

Public pay telephones

- We agree that the minimum price of a call must still be displayed in each call box.
- We are not opposed to removal of the requirements in 6.3(d) regarding removal of Public Call Boxes (PCBs) where they are duplicated in Condition 3 of the Universal Service Provisions.
- While there is still evidence of demand for public pay phones, we believe the Universal Service Provider(s) must still be mandated to provide and maintain them (6.3). Ofcom's Affordability Report 2014³ shows that while only 3% of respondents found public payphones essential to themselves personally, 9% still found them essential to society and 22% viewed them as important to society. The qualitative research recognised the need to retain public pay phones for people with no other alternative who would otherwise be left in vulnerable circumstances, for example when in need of accessing the emergency services and as a way that people could call a helpline anonymously. Such circumstances might be victims of domestic

¹ <http://www.communicationsconsumerpanel.org.uk/research-and-reports/we-re-not-all-the-same-inclusive-communications>

² <http://www.communicationsconsumerpanel.org.uk/research-and-reports/realising-the-potential-micro-businesses--experiences-of-communications-services>

³ https://www.ofcom.org.uk/__data/assets/pdf_file/0010/40231/affordability_report.pdf



abuse and modern slavery who may be denied access to a mobile phone or the internet⁴.

- We note BT's comments (quoted in the consultation document) that the number of UK mobile phones exceeds the UK population. But mobiles are only a substitute where everyone is able to afford and use them and where everyone in the UK receives a good enough quality signal to make and receive calls. This is not yet the case. Ubiquitous, good quality coverage is needed and the problem of not spots must be resolved fully before the obligation to maintain public call boxes can be removed altogether. For some people in particularly vulnerable circumstances, call boxes also allow them to make calls to organisations such as helplines without recording a call history on a personal device.
- Not spots and partial not-spots have a negative impact across UK premises, roads, rail and landmass. They have a disproportionately high impact in rural areas and we have previously highlighted that they give rise to serious safety issues. The ability to access a public pay phone is an essential protection measure and a safety net where a mobile phone call will not connect. We believe that it is vital that all public payphones are able to offer free 999 calls (6.2) for this reason.
- PCBs may be needed not only to alert emergency services to an accident but also to prevent unnecessary calls to those services - where members of the public in remote rural, particularly mountainous areas are able to let someone know they are safe. We recommend that card-only payphones, particularly in those locations, give information on how to make reverse charge calls;
- For the reasons stated above we also believe that payphones in rural areas should be able to accept incoming calls, to enable emergency services to call back a member of the public who has phoned them.
- Evidence of demand should not, we believe, simply be a case of monitoring the number of calls to and from a PCB; the specific needs of people living in and travelling through remote rural locations need to be taken into account. We note the current consultation by the Highland Council⁴ on BT's proposed removal of 178 PCBs in that area.
- We note the evidence that is provided in the consultation document regarding the removal of direction-making powers concerning textphone facilities in public callboxes (6.3(c)). We hope that the consultation exercise has been highlighted specifically to deaf consumers and deaf-representative consumer groups in an accessible format, so that they have an opportunity to provide any evidence to the contrary.
- The consultation document highlights take up of the NGT Lite app as a means of enabling hearing and speech impaired users to communicate with people with and without hearing and speech impairments via a smartphone. We would encourage CPs to promote further the use of the NGT Lite app. Our earlier comments about ubiquitous coverage remain the same in these circumstances; it is only possible to make a call via a smartphone where there is a strong enough signal.
- We believe that PCBs should be accessible to users with disabilities and consider the obligations protecting wheelchair users and people who are hard of hearing should therefore be retained. Paragraph 5.10-12 of the consultation document

⁴ <https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/modern-slavery/risk-and-identification/>

⁴ <http://consult.highland.gov.uk/portal/dp/teleconsult/payphoneconsult>



suggest that the Equality Act 2010 provides enough protection to ensure that reasonable adjustments are made. However, Ofcom does not have powers to enforce the Equality Act 2010. In the case of a failure by a CP to provide accessible equipment, with no General Condition in place Ofcom's hands would be tied and the consumer may have to take the CP to court to pursue the matter. We therefore do not support the removal of this Condition.

Directory Information

- We are not opposed to the idea of combining GC 8 and 19, as they both concern the provision of directory information.
- We strongly support the retention of the requirement to provide a printed directory on request, for the reasons set out in paragraph 6.16 - particularly the fact that about 14% of adults in the UK do not have access to the internet. There is also a segment of internet users that have access but are not confident online.
- We note that GC 8.2 only requires CPs to offer printed directories on an 'on request' basis and they currently over-deliver on this by providing free directories to all. However, the consultation document outlines changes in market conditions: reduced income from advertising and the prohibition of the Universal Service Providers recovering costs from the provision of wholesale line rental. This presents a risk that consumers who currently receive a free, printed directory may no longer receive it. Should this be the case, any changes must be well-publicised; customers who do not have access to the internet and are used to receiving a printed directory each year must be informed in advance so that they know they will need to request this and will still receive it free of charge.

Summary

- We agree with the overall approach as set out in Section 3 of the document;
- We agree with Ofcom's proposal to retain the requirement on VoIP providers to inform customers who can make calls to national/international numbers that access to emergency calls may cease if there is a power cut/a power failure or a failure of their broadband connection;
- We agree that GC5 has been an important backstop power which has encouraged industry to undertake emergency planning voluntarily and it should be retained;
- We do not believe that Ofcom should rely on the Equality Act to provide protection for disabled consumers; Ofcom needs to retain its own powers and not rely on an Act that it cannot enforce;
- Public call boxes are still a vital part of the communications consumer landscape and will be until there is affordable, ubiquitous mobile coverage; they must remain accessible to all consumers except where a suitable alternative is proven to exist;
- CPs must continue to be required to provide free printed directories for consumers who require them, especially consumers who are not online;
- All changes that affect consumers - especially consumers who are vulnerable and who do not have access to the internet, must be well-publicised.