Ofcom's Plan of Work 2023–24

Summary of responses to our consultation

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Overview

We published our proposed Plan of Work on 14 December 2022 for consultation, outlining planned project work across the organisation for 2023–24.

On the 26 January 2023 we hosted a hybrid consultation event across the UK to gain feedback on the proposed Plan of Work. This gave us the opportunity to engage with a range of stakeholders and hear diverse views on Ofcom's priorities.

We received 55 written responses to our proposed Plan of Work from communications and media firms, trade bodies, consumer interest organisations, individuals and others.

We have considered all responses in confirming our Plan of Work. We have also published all non-confidential responses in full on our website. In this document, we provide a summary of the submissions received, as well as our responses to key points, grouped by strategic priority.

1. Internet we can rely on

Affordability and social tariffs

1.1   Affordability was a prominent theme across the responses we received this year, with cost-of-living pressures being cited frequently. Over a dozen separate points were made in relation to the affordability of telecoms services and the extent to which Ofcom prioritises affordability for consumers in its work. Specifically, the issue of affordability and social tariffs were raised by the Scottish Government, Vodafone, The Consumer Council (NI), Welsh Government, TalkTalk, MG ALBA, Which?, Consumer Scotland, the Ofcom Advisory Committee for Scotland (ACS), BT Group, Openreach, Citizens Advice and Citizens Advice Scotland (CAS) among others.

1.2   The Scottish Government noted that the varying levels of affordability of different modes of connectivity should be considered by Ofcom and large providers. For example, it referred to a recent Lloyds Digital Index Survey in which a significant number of people said they were considering giving up their broadband contract due to a lack of affordability.

1.3   Vodafone noted that the industry has and continues to offer goodwill solutions to help address the cost-of-living crisis. It encouraged Ofcom to be more vocal around how this public need is addressed and noted that Ofcom's support for the delivery of a wholesale social tariff remains critical. In its view, appropriate wholesale input is crucial in underpinning retail social tariffs, making them more sustainable. Points were made by BT who are also supporting efforts on affordability.

1.4   TalkTalk said that "Ofcom has so far failed to make the most logical step it could take to relieve the cost-of-living pressures on consumers: making a reasonable adjustment to the CPI-linked wholesale price increase that Openreach has proposed to impose in April 2023". It also proposed that Ofcom review its activities in the round to ensure it is taking a joined-up approach to regulating to achieve the best outcomes for consumers and urged Ofcom to review its regulatory approach to ensure consistency between its interventions across the wholesale and retail markets.

1.5   The Consumer Council (NI) outlined that, "as consumers continue to experience the worst cost-of-living crisis in decades, it is incumbent on regulators like Ofcom to support consumers facing financial hardship and stopping detriment before it happens". It encouraged Ofcom to include affordability as part of the 'Internet we can rely on' outcome title.

1.6   The Welsh Government recognised and welcomed the focus of Ofcom's outlined work plan and commitment to an ongoing programme on the affordability of mobile and broadband services and expressed a desire to work closely with Ofcom on the issue of affordability during 2023–24.

1.7   MG ALBA noted that the communities it serves are reliant on secure and stable internet and broadband connections to live their daily lives, including accessing media communications and content. The understanding of affordability is paramount to this.

1.8   On social tariffs specifically, Which? found that awareness remains "very low", with 63% of eligible consumers having never heard of social tariffs, but also drew attention to other barriers to take-up. It proposed that Government and Ofcom work with the providers to identify consumers who are eligible for social tariffs, but have not yet taken them up.

1.9   Consumer Scotland made a range of points on affordability, welcoming Ofcom's continued attention to the affordability of broadband and other communications services. It encouraged the take-up of broadband social tariffs and offered to meet with Ofcom to consider how best to raise awareness of social tariffs and how they can be targeted towards eligible consumers. CAS urged a review of eligibility criteria for social tariffs.

1.10   ACS recognised the importance that Ofcom has placed on social tariffs. It recommended that Ofcom expands this to engagement with key charities and groups concerned with supporting vulnerable individuals, in order to learn how social tariffs could be improved.

Our response

1.11   Ensuring people can access affordable fixed broadband and mobile internet services remains a priority for Ofcom. Ofcom has a duty to carry out, publish and take account of consumer research regarding the experiences of consumers of communications services. In discharging these duties, we regularly collect and publish market intelligence and consumer research information, including on the affordability of comms services.

1.12   Ofcom does not have to power to introduce regulated social tariffs without being directed to do so by the UK Government. However, over the past two years, we have been calling for broadband and mobile providers to introduce social tariffs on a voluntary basis. Most major fixed broadband providers now offer a social tariff which means 85% of customers can now switch to a social tariff with their existing provider if they meet the eligibility criteria of that provider. We are now also seeing some mobile social tariffs becoming available. We continue to call on providers that do not offer a social tariff to do so.

1.13   The eligibility criteria for social tariffs are at the discretion of providers and we have seen a variety of approaches taken. However, we are now seeing that most providers include Universal Credit, Pension Credit and the legacy means-tested benefits, which target low-income households. We expect that the use of the Department for Work and Pensions API will enable more automated eligibility checking and reduce the barriers to take up that more manual approaches may have.

1.14   However, awareness and take-up of social tariffs remains low. As of August 2022, 136,000 households were on a social tariff compared to 55,000 in January 2022 – this represents just 3.2% of households eligible for a social tariff. Our research found that almost 7 in 10 eligible consumers were not aware that broadband social tariffs existed. This leaves millions of customers not taking up social tariffs and not benefitting from the savings they offer. We believe companies can respond to a unique economic climate within their means, and without compromising on continued investment.

1.15   Providers currently offering a social tariff should do much more to promote them, make them easy for eligible consumers to find and do more to remove other barriers to their

take-up. We are engaging with them on the specific asks we made in our September 2022 Affordability report including to make social tariffs more prominent and easy to find on provider websites, that contact centre staff should be trained to identify where social tariffs may be needed by customers, and providers should use regular communications (such as end of contract notifications) to highlight social tariffs.

1.16   In order to extend the awareness of social tariffs, we have provided targeted material to Department for Work and Pensions, Department for Education and Citizens Advice to send out to their agents/schools. We continue to have close engagement with governments across the UK, consumer bodies and charities to share findings of our regular affordability tracker research. We also use our own communications channels to raise awareness of social tariffs and other ways consumers can get support if they are struggling to afford their bills.

1.17   We recognise that some customers will, despite the availability of social tariffs, still find themselves in arrears with their phone, broadband or pay TV bills. We have therefore updated our Guide on Treating Vulnerable Customers Fairly in September 2022 with additional good practice for providers on how to treat customers who are in debt or struggling to pay.

1.18   We will publish a further update on social tariff take-up and awareness in 2023 and welcome engagement with other bodies who can help to raise awareness of social tariffs.

1.19   We also promote competition in the telecoms sector, as this provides choice for customers, with a range of providers, services and packages on offer. This competition leads to providers offering discounts to attract new customers. Customers have benefited from better, faster services and are using more data than ever before. As demand for data continues to accelerate, the UK's broadband and mobile infrastructure is getting a much-needed upgrade. This requires significant investment from telecoms companies, who are also increasing the capacity of their networks to accommodate increasing data use. We also regulate wholesale telecoms prices in a way that sets the right conditions for companies to build these faster, more reliable networks. In total, next-generation 'gigabit-capable' broadband is now available to 70% of the UK – nearly 21 million homes – and around 70% of UK properties are in areas where 5G is available from at least one mobile network operator.

1.20   Our recent Pricing Trends report found that there are good value deals available for communication services for those who shop around. There is choice in the market, and many customers can save money by switching to a new provider or negotiating with their current one.

Mid-contract price rises

1.21   Which? requested that Ofcom undertakes a full review of the use of mid-contract price increases and considers its impact on the competitiveness of the market. Which? have also raised concerns about the fairness of mid-contract price rises, stating that current practices place expectations on consumers to have a firm understanding of inflation. Which? also

stated concerns surrounding transparency of mid-contract price rises and urged Ofcom to consider how best to promote the new guidance from the Committee of Advertising Practice (CAP) on the presentation of mid-contract price rises within telecommunications advertising.

Our response

1.22   We note the concerns around mid-contract price rises. We have two key workstreams underway to look at different aspects of this. Firstly, in December 2022 we announced an enforcement programme to assess providers' compliance with our rules in relation to making mid-contract price rises prominent and transparent to customers before they enter into a contract. This forms part of our ongoing programmatic work to monitor and enforce compliance with our rules.

1.23   Secondly, in February 2023 we launched a review to assess whether the practice of inflation-linked, in-contract price rises gives phone and broadband customers sufficient certainty and clarity about what they can expect to pay. The unpredictability of inflation rates means it can be difficult to know – months in advance – what an inflation-linked price rise will equate to in pounds and pence when consumers enter a contract. Our preliminary research has found that around a third of mobile and broadband customers do not know whether their provider can increase their price. Among those who do know that their provider can increase their price, around half do not know how this would be calculated. And nearly half of all customers do not know what CPI and RPI measure. Our review will examine these issues to see whether tougher protections are needed. We expect to publish our initial findings later in the year. We are aware of the recent CAP proposals for new guidance on how price rises should be presented in telecoms adverts and will continue to liaise with CAP as appropriate.

1.24   Consumers can also switch to and away from social tariffs penalty-free and they are not subject to any in-contract price rises.

Vulnerable users and consumer information

1.25   We welcome the points made by consumer organisations, third sector stakeholders and others on vulnerability, services and support for disabled consumers and consumer information and have attempted to summarise these points below.

1.26   The Royal National Institute of Blind People (RNIB) noted that Ofcom's work on affordability of communication services should take into account people with disabilities such as sight loss – a community who are more likely to be living in poverty, as are people with other disabilities. RNIB also said that blind and partially sighted people had benefitted from the rise in remote working and videoconferencing that the pandemic brought about, and that this made affordable broadband and communications packages even more important.

1.27   CAS asked that Ofcom consider analysing the impact of the good practice for providers in the Treating Vulnerable Customers Fairly Guide to establish where providers are

successfully implementing policies for vulnerable customers in this area. CAS also urged continued engagement with consumer bodies representing vulnerable groups to understand if the guide was being effectively utilised by providers. A similar point was also made by the Scottish Government who recommended further promoting awareness of the current services available from telecoms providers to block nuisance calls, including awareness of the Telephone Preference Service.

1.28   The Communications Consumer Panel and Advisory Committee on Older and Disabled people (CCP-ACOD) encouraged Ofcom – across its remit – to use its influence even where it did not have formal enforcement powers to protect, promote and elevate the rights of consumers. They wished to see more commitment to this. In their view, the Plan did not say enough about what Ofcom will do to ensure that services are accessible to all.

1.29   CCP-ACOD also said that the Plan did not provide adequate detail on Ofcom's approach to 'consumer vulnerability' in the year ahead, aside from references to consumers experiencing online harm and a reference to Ofcom's ongoing scams programme and cross-sector work with UK Regulators Network. They encouraged Ofcom, in its consideration of 'vulnerability', to place greater emphasis on examining the intersections of detriment that can exist or be created. This accorded with the Panel and its stakeholders' support for applying the 'Social Model of Disability' as opposed to the 'Medical Model of Disability' – the Panel encouraged Ofcom to apply a new 'Social Model of Consumer Inclusivity' in the communications sector.

Our response

1.30   Eligibility for voluntary social tariffs (for broadband and mobile) and mandated social tariffs (landlines) in our sector is on the basis of certain benefits such as universal credit, so blind and partially sighted people on low incomes are eligible. Ofcom also requires communications providers to offer a suite of services for disabled users (including free directory enquiries for people unable to use a printed directory). These are free at the point of use and eligibility is on the basis of disability rather than income. This reflects our policy objective that disabled people should not have to pay more for telephony services than non-disabled people.

1.31   We have a programme of activity to monitor the implementation of our guide to treating vulnerable customers fairly. As part of this programme, we are engaging with consumer bodies and providers to understand to what extent best practice in the guide on the fair treatment of customers in debt or struggling to pay is being implemented.

1.32   Our work is focused as much on the needs of vulnerable customers as the circumstances causing those vulnerabilities. We recognise that everyone can find themselves in circumstances that make them vulnerable and encourage providers to take a flexible approach to defining vulnerability, ensuring that they focus on meeting the needs of customers. Our rules require some regulated providers to offer additional services for people with disabilities so they can access communications services in a way that meets their needs and ensures they can manage their accounts effectively.

Migration to new technologies

Migration from PSTN to VoIP services

1.33   We received multiple responses on the industry move away from traditional telephony (the switch-off of the Public Switched Telephone Network (PSTN)) and towards landlines delivered with Voice-over-Internet Protocol (VoIP) services over broadband connections.

1.34   Multiple stakeholders raised concerns about the lack of national awareness of the changes in their industries. They welcome the recent website updates from Ofcom and the UK Government, and the work many large service providers are doing to spread the message. They said that such a significant change has the potential to cause serious negative impact on the most vulnerable people and deserves much greater publicity and joined up thinking. The Federation of Communication Services (FCS) remained concerned that the PSTN closure and move to VoIP services timeline remains complex and potentially very challenging. Additionally, Magrathea Telecommunications said that formal and neutral messaging will greatly assist with showcasing the necessity for change as well as the benefits for migration.

1.35   BT said that it had made extensive improvements to its Digital Voice migration programme to enhance customer understanding and prioritise customer experience, especially for the vulnerable and at-risk customers. BT also noted that Ofcom is uniquely placed as an impartial industry voice to play an important role in helping to oversee the industry move away from traditional telephony and maintain a balanced view of the programme with wider stakeholders.

1.36   Openreach welcomed that Ofcom has recognised the importance of migration to VoIP services and included this in its Plan of Work. Particularly, it asked Ofcom to consider the future regulation required to enable exchange exit and copper withdrawal.

1.37   Openreach said that as it looks to migrate end-users across from legacy platforms it continues to be important that customers are reassured that they are selecting their broadband technology and network with confidence as they make the choice between different technology types and infrastructure providers.

1.38   The Scottish Government sought further detail on how Ofcom will be working with both the UK Government and the telecoms industry to protect or maintain access to Emergency Organisations during prolonged power disruption events.

1.39   The Welsh Government stated that as part of the Plan of Work it would be helpful for Ofcom to undertake an appraisal of the risks from the planned industry migrations to identify gaps in preparedness, and to share this analysis with interested bodies including the Welsh Government. While the transition away from powered infrastructure of the PSTN to fibre is an industry-led policy, the Welsh Government asked Ofcom to exercise all available regulatory levers to ensure that the telecommunications industry does not proceed until the safety concerns and safety mitigations around loss of power are fully addressed.

1.40   The Consumer Communications Panel welcomed Ofcom's expertise in considering how the duties applied to traditional telecoms networks apply to the virtualised networks. The Panel also was pleased to see Ofcom's support towards the UK Government's thinking on the future requirements for resilience of digital infrastructure. The Panel said that it is vital that the entirety of the UK is protected and that prompt action is taken to ensure protection and prompt recovery from attacks or accidents leading to outages. The Panel raised concerns that if the landline network goes down post-VoIP migration, it is not reasonable for communications providers to rest on the expectation that all consumers will have a working, charged mobile phone. The Panel noted that Ofcom must ensure that communications providers understand the risks faced by their customers in the parts of the UK that they serve and to offer contingency to those at higher risk.

1.41   These concerns were echoed by CAS, who noted the particular risks faced by consumers in rural and island communities as the migration to VoIP continues and urged Ofcom to monitor these risks and any consumer detriment emerging throughout the migration period.

1.42   Vodafone raised that, following PSTN switch-off, mobile will default into the position of becoming the UK network of last resort. Vodafone noted that should the public desire good levels of resilience, then this needs to be fairly funded either through state funding or from a much broader set of stakeholders. It shared concerns that the sector no longer has the resources to promote resilience.

1.43   As industry moves towards VoIP, FCS raised concerns that resellers and smaller retailers will buy voice services from wholesalers (instead of buying products and services directly from Openreach, for example) who will be able to choose what functionality and, for example, pricing deal offers are passed on to the small retailers/resellers. FCS said it will benefit the industry if Ofcom monitors this issue and prevents anti-competitive agreements and potential abuse of dominant positions, especially via mergers and acquisitions, ensuring that smaller retailers/resellers are not disadvantaged when compared with the larger retailers associated with vertically integrated companies.

1.44   The Communications Council UK (CCUK) raised that in the executive summary, Ofcom appeared to place too great a focus on the internet connectivity and spectrum aspects of the UK's telecommunications industry. While these are two essential elements of the industry, CCUK's members are concerned that this signals a direction of travel that pays too little attention to voice services – an essential part of our critical national infrastructure – in favour of more publicly-visible outcomes, such as gigabit connectivity.

1.45   TalkTalk also asked Ofcom to set a framework for copper switch-off to aid industry discussions and support customer awareness at the appropriate time.

2G/3G switch-off

1.46   In relation to migration from legacy services, stakeholders welcomed the managed transition away from legacy services such as traditional landline telephony and 2G/3G mobile. The Consumer Council and Consumer Scotland raised that this transition must,

however, have regard for Northern Ireland's and Scotland's most vulnerable consumers. CAS raised that disabled consumers may be particularly reliant on 2G and 3G only devices which are built with accessibility in mind and encourages Ofcom to work with providers to ensure such consumers are supported.

1.47   Which? welcomed Ofcom's continued commitment to ensure that consumers are supported and protected through the managed transition away from legacy services, such as the PSTN and 2G/3G networks. It believes that much more needs to be done to make consumers aware of the switch-off and to understand the potential consumer impact. It, as well as the Welsh Government, raised concerns that the switch-off may be problematic for those in rural areas with poor or non-existent 4G or 5G coverage. It was also concerned that consumers using older mobile devices and services which rely on these networks could be forced to pay more for their devices or services, and that if devices are not properly recycled, the switch-off could have an environmental impact.

Our response

Migration from PSTN to VoIP services

1.48   The migration from traditional to VoIP landlines is led by industry. Ofcom's objective is to support a smooth transition and protect consumers from harm. To fulfil this objective, we have an ongoing monitoring programme and have relevant rules and expectations for telecoms providers. Notably, we are engaging with large telecoms providers, consumer groups and industry bodies. Our 2019 [Future of Fixed Telephone Services policy statement](#) sets out our expectations of telecoms providers during the migration to IP. We are clear that the industry must communicate effectively and clearly with end-users about the change and support them during the transition if needed.

1.49   We will continue to monitor how communications providers communicate with their customers about the migration. Ofcom has neutral consumer advice and information about the migration to IP and continue to work with a range of stakeholders to ensure they have the information they need about the migration to IP.

1.50   In relation to concerns about the resilience of VoIP landlines, Ofcom has placed regulatory obligations on telecoms providers to ensure that consumers can make emergency calls when they need to during ordinary power cuts. In 2018, we published guidance on how providers can meet these obligations for customers using VoIP services. This states that telecoms providers must have at least one free solution, for customers who are landline-dependent, that enables access to emergency organisations for a minimum of one hour in the event of a power cut. In addition, in July 2022, Ofcom launched a compliance monitoring programme looking at whether providers are taking all necessary measures in accordance with our rules on access to emergency calls during power cuts. This programme is due to report later this year.

1.51   With respect to the responses from the Scottish Government and Vodafone on resilience of networks, the telephone and broadband networks require power to function. Together with the telecoms industry, the UK and devolved governments and other regulators, we

are working to identify what lessons can be learnt for future network resilience from the significant disruption caused by storms in winter 2021/22.

1.52   Ofcom will continue to monitor risks and issues emerging from the migration to VoIP. This includes whether there are additional risks to customers arising from potential impacts of the migration on the fixed telecoms market, and how providers are migrating vulnerable customers, landline-dependent customers and Critical National Infrastructures.

1.53   We continue to welcome the feedback from CAS, the Communications Consumer Panel and other consumer stakeholders on the consumer experience.

1.54   We set out the rules that apply to Openreach for copper retirement in the Wholesale Fixed Telecoms Market Review and have published our expectations for providers to protect consumers when migrating customers from traditional to VoIP telephony. As industry looks to take action in relation to copper retirement – such as exiting exchanges – we expect industry to engage, including through the OTA2, in discussions on changes to commercial arrangements to support the shift from copper to fibre.

1.55   Finally in response to the CCUK's response, we recognise that voice services are important to consumers and society. We completed our regular review of wholesale voice markets in 2021 and set out the regulation of these markets for the period until 2026. We are monitoring the effect of the migration to IP voice and adherence to regulation and commitments in relation to voice.

2G/3G switch off

1.56   We recognise the importance of ensuring that, as Mobile Network Operators (MNOs) start to switch off their 3G and, subsequently, 2G networks, consumers are treated fairly and made aware of the steps they need to take to maintain access to the services they need with minimal disruption – this is particularly important for customers in vulnerable circumstances.

1.57   We recently published a document setting out our expectations of mobile providers as they implement 2G/3G switch-off. One of our key expectations of mobile providers is about ensuring there is clear and timely communication with customers, as well as ensuring that vulnerable customers are given additional support during this process. This particularly includes those customers who may be struggling financially – we expect mobile providers to point customers towards affordable handset options, and offering discounts on handsets may also be appropriate.

1.58   We have also made clear that we expect mobile providers to make every effort to identify other types of devices (including, for example, telecare devices) that are reliant on their networks, and to help raise awareness of the impact of switch-off on such devices, so that relevant suppliers and customers have time to update their devices and consumers do not lose access to vital services.

1.59   In relation to coverage, our expectations document explains how EE, Three and Vodafone have committed to ensure that they offer a broadly equivalent level of coverage after the 3G and subsequent 2G switch-off, with areas currently reliant on 2G/3G being upgraded to

4G ahead of switch-off. We welcome this and expect Virgin Media O2 (who has yet to set a date for its 3G switch-off) to make a similar commitment once it has progressed its plans.

1.60   We expect mobile providers to undertake detailed coverage analysis ahead of switching-off their networks to ensure they meet these commitments, and we will be monitoring their progress closely as part of our regular programme of meetings with the MNOs. We note the concern about the environmental impact, but we expect mobile providers to point customers towards options for recycling their old devices. Switching-off these networks will also provide benefits in terms of improved energy efficiency.

1.61   While Ofcom does not have a formal role in the switch-off process itself, we do have a programme of work in place to monitor 2G/3G switch-off to ensure that consumers are treated fairly and can continue to access the services they need. As part of this work, we will continue to engage with mobile providers to understand how they are taking account of our expectations, as well as working with a range of stakeholders to help raise awareness of switch-off.

Switching

1.62   The Consumer Council outlined that consumers must have adequate broadband choice in order to enjoy the full benefit of One Touch Switch (OTS). In its view it will be essential in the year ahead that OTS is promoted widely to ensure consumers understand their rights, protections and the benefits of switching.

1.63   On OTS, Which? outlined its view that it is important Ofcom maintains the existing timeline for implementing OTS in April 2023. Meanwhile, the Comms Council UK (CCUK) stated projects like OTS are insufficient to improve the switching experience and become overly expensive if wholesale issues such as number portability are left in their current state. Ogi also urged continued collaboration and engagement by Ofcom on OTS.

1.64   The Federation of Communication Services (FCS) felt strongly that 'day one' delivery requirements need to include business Gaining Provider Led (GPL) switching functionality (the development of which FCS believes has a minimal impact on The One Touch Switch Company Ltd. (TOTSCo) OTS delivery). In its view, consideration should now be given to switching between all customer services, which should in future include mobile, fixed voice, IP voice and broadband plus the switching of infrastructure supply. FCS discussed that these points should be considered holistically (including infrastructure) as we move closer to the all-IP world. Assessing regulation and competition in silos (i.e. looking at mobile in isolation) is no longer fit for purpose.

1.65   BT supported the implementation of a new switching process, and noted that it is working hard to ensure it is implemented as soon as possible. However, BT made clear its view that the deadline of April 2023 remains extremely challenging despite the progress already made in building the new communications hub and establishing a governance structure.

Our response

1.66   Ensuring better switching for consumers remains a long-standing priority for Ofcom. We recognise the importance of ensuring that consumers understand their rights and the benefits of switching. We will engage with stakeholders to consider how best to promote consumer awareness of OTS for broadband and phone services when it is launched for residential customers.

1.67   We will continue to work with industry to ensure that OTS is implemented as quickly as possible. Industry has indicated that it anticipates some delay in the delivery of the technology which facilitates the Hub, which is a part of the OTS solution. We are disappointed by the rate of progress made by industry on OTS. Our expectation is that communications providers will take all possible steps to establish OTS as quickly as possible. To the extent that providers are not in compliance with their switching obligations after 3 April 2023, we will consider whether it is appropriate to take enforcement action to ensure that outcome.

1.68   We note FCS's comments. Our principal focus is to ensure easy and reliable switching is implemented as quickly as possible so that all consumers can start to benefit. We decided that it would not be appropriate to specify a detailed switching process for business customers as they have different needs and levels of sophistication compared to residential customers. Instead, we set out a number of high-level switching requirements including that business switches must follow a GPL process.

1.69   We have given industry significant time to prepare for the new high-level switching requirements, including our rules on GPL.

1.70   As to whether businesses switching functionality should be included into OTS, it would not be acceptable for the benefits of easier switching for residential customers to be delayed because of business switching requirements when there has been more than adequate time for industry to prepare.

Network security and resilience

1.71   Multiple stakeholders noted the challenges for Scotland's rural and island communities. They noted outages suffered in Shetland and Uig last year impacting both private and business needs. Stakeholders asked whether it is time for a root and branch review of service provider response to outages and performance degradation in rural areas, with the aim of producing improved resilience and redundancy measures, and faster operational response time to such outages.

1.72   Consumer Scotland welcomed Ofcom's commitment to issuing guidance in relation to network resilience and the pro-active monitoring of resilient design in current network deployments. It also welcomed extending the current reporting and monitoring system to cover climate related resilience issues.

1.73   The Comms Council UK (CCUK) shared a particular concern that its members continue to experience various 'attack vectors' (TDOS, DDOS, SPIT), placing various important services

at risk. It noted that an attack on a small internet telephony service provider (ITSP) could render a much larger proportion of a particular sector's internet and voice services inoperable. The CCUK welcomed Ofcom's engagement with its membership and indeed, noting that they have had constructive conversations with the National Cyber Security Centre and the UK Government.

1.74   Hellen Systems Ltd raised the issue of the increasing reliance on Global Navigation Satellite Systems (GNSS) as a significant enabler and dependency for many forms of critical national infrastructure networks. They noted that the vulnerability of the GNSS systems to deliberate interference and systemic failures is becoming more of a systematic risk to the UK economy.

1.75   Vodafone noted that, following PSTN switch-off, mobile will become the UK network of last resort by default. Vodafone was concerned that if good levels of resilience should be desired by the public, then this needs to be fairly funded either through state funding or from a much broader set of stakeholders.

1.76   The Voice of the Listener and Viewer (VLV) was concerned that the drive towards IP based communications networks leaves these networks open to attack. This can be at a personal level, for example scammers, ransomware, or at national levels where state security agencies and vital infrastructures can come under attack.

1.77   The Federation of Communication Services (FCS) commented on the increased costs larger members will incur and how responsibilities are to be apportioned. FCS said that security obligations/regulation should be targeted on infrastructure parties and for over-the-top (OTT) services, on the supplier/provider themself (i.e. Teams would be Microsoft). FCS will continue to monitor this area closely as the proposed timeline requirements progress.

Our response

1.78   On the concerns about resilience in Scotland's rural and island communities, we note we have provided guidance to assist providers in complying with their resilience-related security duties in our [Revised Guidelines on resilience requirements](#) imposed by or under sections 105A to D of the Communications Act 2003, published in December 2022. We are undertaking further work to identify and close gaps in standards, and develop further guidance to communications providers on what we consider to be appropriate design and operational principles. The learnings from major incidents, such as the case in Shetland, are important inputs to our thinking in this regard. Climate related incidents, such as storms Arwen and Malik, over the last 18 months have made clear the need to plan for the possibility that such events become more common. We are working with industry to ensure that lessons learned are acted upon and will continue to monitor the situation.

1.79   Ofcom is working with the UK Government and stakeholders to align on a common understanding of the challenges in relation to typical levels of expected resilience against prolonged loss of service scenarios for communications networks and services. We are working through the expectations of all parties, the root causes of the problems and

considering potential remedies to determine the best way forward for consumers and citizens.

1.80　We note the concerns expressed on the 'attack vectors' experienced by ITSPs and will continue to work with all of the sector to address such vulnerabilities.

1.81　We recognise many communications networks do use GNSS derived timing for network synchronisation. There are alternatives to GNSS, usually based on the use of atomic clock-based timing information, which are used by some, particularly larger providers. More generally, in the wake of the Blackett Report, the UK Government has a programme addressing broader position navigation and timing services (PNT) resilience in which Ofcom is participating.

1.82　On the concerns raised by FCS, the obligations in section 105A-D of the Communications Act 2003 apply to all providers of public electronic communications networks/services (PECN and PECS), regardless of size or other considerations such as how extensive their ownership of infrastructure is. The accompanying [Department for Science, Innovation and Technology Code of Practice](#), setting out more detailed technical measures that PECN and PECS are required to take, established the concept of tiering based on the relevant turnover of each provider. Ofcom's [guidance](#) explains how we intend to tailor our regulatory oversight of each tier, in an appropriate and proportionate way.

Coverage and rural connectivity

1.83　RethinkPNT and Which? raised concerns regarding persisting 'not spots' (i.e. areas with a lack of mobile coverage) in multiple areas including Scotland, Wales and the southwest of the UK. RethinkPNT suggested Ofcom acts to strongly encourage telecoms providers to work together to ensure that areas of no signal or lack of reliable data service provision are covered to the same level as other parts of the country.

1.84　Which? argued the importance of Ofcom ensuring that mobile operators are taking steps to guarantee their 4G coverage is improved ahead of the switch-off, so that consumers do not face a loss of service. Which? also stated Ofcom should seek to enable consumers to understand the information provided to them regarding mobile coverage and performance. Which? pledged to support Ofcom's programme of work in this area to report on the availability and quality of mobile coverage.

1.85　The Communications Consumer Panel and Advisory Committee on Older and Disabled people (CCP-ACOD) recommended Ofcom co-designs industry change programmes with consumer representatives to ensure that industry and policymakers raise awareness of changes and listen to the needs of consumers who face various barriers, including location, lack of digital skills and sensory loss. CCP-ACOD also urged Ofcom to consider public safety and protect consumers from unintended consequences from communications industry change programmes.

1.86　The Welsh Government stated there is little indication in the Plan of Work of how Ofcom will use the levers at its disposal to further drive improved connectivity in Wales. As such,

the Welsh Government requested that Ofcom explicitly outline the actions it will take in its Plan of Work, and said that Ofcom's actions should be over and above planned industry and government action.

1.87   The Welsh Government welcomed Ofcom's commitment to work with industry to improve the consistency and accuracy of mobile coverage information. The Welsh Government requested that this data is shared with them to support policy initiatives that extend mobile coverage in Wales.

Our response

1.88   The Shared Rural Network (SRN) will further improve 4G coverage by reducing partial and total not spots in rural areas. We recognise that some not spots will remain after current programmes have been rolled out. Further public funding may be needed if these are to be addressed, which is ultimately a question for the UK Government. We continue to monitor MNOs' deployment of the SRN and report on this in our Connected Nations publication. In addition, we are increasing the information we provide on the quality of mobile coverage to inform choice and drive competition, alongside increasing access to mobile spectrum in a way that allows alternative providers to support certain solutions, including Fixed Wireless Access.

1.89   We will continue working with industry to improve the accuracy and consistency of available coverage information. As part of this we will explore how different sources of real-world data can provide consumers with more information about the mobile performance they can expect to receive where they will use it to enable them to make more informed choices about services and providers. This information will also help inform policymakers.

1.90   We plan to update our coverage checker with better information on the quality of service.

Roaming customer protections

1.91   Following three of the four major UK mobile operators reintroducing roaming charges, Which? shared concerns that other protections under the now expired EU Roaming Regulations 2012 will not be maintained voluntarily, such as the £45 default limit on data usage and the obligation to inform customers when they have reached 80% and 100% of their data allowance. Which? agreed that Ofcom must closely monitor consumers' experiences of roaming and ensure that consumers are well protected when they are roaming abroad.

1.92   MoneySavingExpert welcomed the inclusion of roaming customer protections in Ofcom's project work for 2023–24, but would like to see more detailed milestones set out for this workstream. MoneySavingExpert also urged fast action to improve how roaming charges are communicated to consumers (for instance clearly outlining definitions for a 'day' of charging) and to restore key protections that have now lapsed, ideally in time for summer 2023.

Our response

1.93   We welcome Which? and MoneySavingExperts's responses and will consider the evidence submitted as part of our review. Our review of roaming customer protections will consider the risk of consumer harm and how to best protect customers in this area (e.g. through other existing rules, voluntary agreements and/or amending the General Conditions). Ofcom does not have the power to prevent mobile companies from charging customers for using their services when travelling and, therefore, we will not be looking at the level of roaming prices as part of this work. We note MoneySavingExperts's concerns in relation to timing of the review. We have included information about timeframes in the Plan of Work but note that we will not have concluded our review by summer 2023. In planning this work, we have considered the breadth of Ofcom's priorities for the coming year, and that at present most providers have retained voluntary roaming protections.

Scams

1.94   In relation to Ofcom's work on scams, the Consumer Council noted there is an "urgent need to move from consultation to actions that increase protections, strengthen rules, raise awareness and improve information for consumers".

1.95   BT expressed pride in their progress developing and implementing solutions to prevent scams and increase consumer confidence in communications services. BT noted that there is opportunity to improve policymaking in this area beyond the scope of the upcoming Ofcom consultation and asked Ofcom to ensure coordinated implementation of services that rely on 100% adoption to remove opportunities for scams.

1.96   Citizens Advice Scotland (CAS) said that Ofcom should work with providers and stakeholders to tackle the stigma around being scammed; to encourage victims to report and seek support. CAS noted that Ofcom should work with colleagues from across the UK Regulators Network to draw upon best practice from various markets and sectors in relation to supporting victims of scams.

1.97   Which? welcomed Ofcom's plan to consult on changing existing rules to strengthen number authentication, potentially through a common numbering database, to address the growing volume of scams received by phone calls. Which? thought that the introduction of number authentication would have the potential to reduce the risk of scams. Which? however, expressed concerns that if only some providers introduced such a service the disparities would lead to some consumers still being left vulnerable.

Our response

1.98   We have a number of initiatives in place to reduce scam calls and texts. We have strengthened our rules and guidance for providers to detect and block spoofed numbers and have published a good practice guide for telecoms providers to help prevent scammers accessing valid phone numbers. These are being implemented now and offer some immediate benefits to consumers. However, as noted on page one of our Policy Positioning

[Statement](#) that we published in February 2022, given the pace at which scammers change their tactics, we understand that it will not be possible to stop all scams from reaching consumers.

1.99 It is encouraging that telecoms providers and other third-party services are taking steps to tackle scam calls and are considering further steps in this space. While some initiatives will take time to evaluate, there is already some evidence of measures having an impact.

1.100 We are considering our options as to how number authentication might help address scams. We are also moving beyond consultation to actions – for example, from May 2023 providers will be required to follow strengthened rules to detect and block spoofed numbers. Additionally, as noted above, working with stakeholders and consumer awareness (including in relation to reporting) form part of our broader scams strategy as noted in our Policy Positioning Statement. Therefore, we acknowledge the responses and will continue to engage with stakeholders throughout 2023–24, as we progress our proposed Plan of Work.

Openreach

1.101 Multiple stakeholders said that Ofcom must monitor Openreach's approach to drive fibre rollout to ensure Openreach is not acting anti-competitively to squeeze out nascent competition. Stakeholders highlighted that it would be valuable for Ofcom to outline the Openreach Monitoring Unit's (OMU) planned activities to support effective stakeholder engagement on this topic and ensure Openreach understands what is expected.

1.102 Additionally, TalkTalk requested that Ofcom set out a timetable for future OMU reports to be published and to be identified as a distinct report within the Plan of Work.

1.103 The Independent Networks Cooperative Association (INCA) asked Ofcom to assess the possible competition impact of the exchange closure programme. Through this assessment INCA noted that Ofcom could inform stakeholders what it considers to be the appropriate principles that should be adopted and ensure that Openreach's own commercial and technical design and decisions could not lessen competition in fibre networks.

Our response

1.104 We note the interest in our Openreach Monitoring Unit (OMU), and the timeline of publication for our OMU reports. We intend to publish an Openreach Monitoring Report in the summer.

1.105 On exchange closure proposals specifically, we expect the industry to engage with Openreach's consultation process and we will continue to monitor developments in the market, including proposals for exchange closures. We will consider relevant developments when working towards the next market review framework, due in March 2026.

Digital markets

1.106   BT expressed its support for our work on Number Independent Interpersonal Communication Services (NIICS). It asked that Ofcom look broadly at digital markets in the communication sector including services currently outside of its regulatory parameters, to assess whether the current regulatory regime remains appropriate for a changing market.

Our response

1.107   Our publication on 22 September 2022 on Digital Markets in the communication sector looked at Ofcom's approach to competition and consumer issues in internet-based communication markets. In October 2022, we commenced a market study looking at the supply of cloud services in the UK. We are also reviewing whether users of online personal communications services (or NIICS) are appropriately protected from harm, as well as considering if there are any competition issues in these important communications markets for UK consumers and businesses. We will continue to engage with stakeholders on these issues throughout 2023–24.

Future approach to mobile markets

1.108   Cellnex said that Ofcom should focus on publishing network performance data, which is high quality, comparable across Mobile Network Operators (MNOs), and sufficiently localised. Cellnex said that this would ensure MNOs are rewarded for their investment; with the availability of comparable data likely to increase 'network performance' as a consumer purchasing criteria creating a virtuous circle of network investment leading to better economic outcomes for the MNOs. It also noted that this would enable industry to optimise infrastructure investments for use by multiple parties.

1.109   The Federation of Communication Services (FCS) encouraged Ofcom to have close oversight over larger vertically integrated suppliers owning both mobile and fixed networks and offering converged solutions with consideration of the potential for these large supplier retail arms to hold an unfair advantage when compared with the medium/smaller retailers and resellers. FCS encouraged appropriate focus on the market structures to ensure that there is fair competition, equality of access and appropriate regulation going forward to ensure the market remains fully and fairly competitive (down to and including at the infrastructure level).

Our response

1.110   We agree with Cellnex that better information on network performance should enable consumers to make informed choices about the network that best suits their needs, and could encourage industry investment to meet those needs. We plan to continue working with industry to improve the accuracy and consistency of available information on mobile coverage and explore how different sources of real-world data can provide consumers with more information.

1.111   With respect to oversight of larger vertically integrated suppliers in both mobile and fixed networks, we will continue to monitor how markets are evolving and the delivery of good outcomes for customers.

Business Champion

1.112   The Comms Council UK expressed support for a business champion within Ofcom. This would be an individual or working panel of experts that would spend time speaking to business networks and service providers, to understand the structure of the industry, and then attend Ofcom meetings to provide that insight during policy formation. They noted that such a role would significantly improve the decision making, and by extension the policy outcomes, from the regulator.

Our response

1.113   We recognise the importance of communications services to businesses and the important role that industry bodies play in representing customers and providers and welcome engagement with those industry bodies. We also recognise that the supply chain for business services and needs of business customers are in some cases different to those for consumers but we have no current plans to appoint a business champion. Our regulation of relevant wholesale markets considers their role in downstream markets for both consumers and businesses, and we shape our regulation though consultation accessible to all stakeholders.

Take up of FTTP

1.114   TalkTalk raised that ensuring sufficient rates of take-up of services offered over the new networks is an important factor in promoting competition between networks in rolling out gigabit capable broadband infrastructure. It noted that low levels and slow rates of take-up will compromise the ability of altnets to compete with Openreach and jeopardise the fulfilment of coverage targets overall.

1.115   TalkTalk said take-up is fundamental to the delivery of Ofcom's strategic objective to promote competitive investment in gigabit-capable broadband. It noted that the promotion of take-up of gigabit-capable services are missing from Ofcom's Plan of Work and said it would like to see activities to support FTTP take-up. It also asked Ofcom to take steps to support better consumer understanding of FTTP and publish more regular and granular analysis on the levels of FTTP take-up by geography.

1.116   Separately, Which? and Openreach were pleased to be asked to convene an Advisory Group (GigaTAG) to drive take-up of gigabit-capable connections in 2021 and appreciated Ofcom's proactive engagement on the issue. Which? supported the importance of maintaining momentum in driving consumer awareness and take-up of gigabit-capable connections through developing common terminology and a core set of use cases and benefits.

1.117   Which? shared their disappointment that implementing the GigaTAG recommendations were not included in Ofcom's Plan of Work. However, they look forward to Ofcom's research into consumers' understanding of broadband terminology being published and would like to see this provide a catalyst for engagement with industry to ensure that consistent terminology is used and that a core set of use cases are developed to inform consumers.

Our response

1.118   In relation to TalkTalk's comment about monitoring FTTP take-up, we currently publish full fibre take-up data by nation on an annual basis as part of our Connected Nations report. We will be reviewing whether we can publish more granular data as part of this year's report.

1.119   We were pleased to work with Which? and Openreach on the GigaTAG recommendations and welcome continuing engagement in this area. We are continuing to engage with industry and other stakeholders to take forward work to improve customer understanding of the broadband market and to empower people to make informed decisions about their broadband purchases. We published a [consultation](#) on proposals to improve consumer information about the underlying technology used to deliver their broadband service, and the results of consumer research on broadband terminology, in March 2023. We will consider all responses before making our final decision, which we aim to publish later this year. This work is now included in the Plan of Work.

Net neutrality

1.120   We received comments from the Federation of Communication Services (FCS), Vodafone and BT on the net neutrality framework. They noted that the current regulatory framework needs to be reviewed to consider how net neutrality could and should operate in the UK at infrastructure, network and service layers and in a future All-IP world and to support the UK's 5G ambitions.

1.121   FCS noted that industry requires detailed and transparent reporting and metrics on both fixed and mobile to enable a fuller understanding of net neutrality success or areas of concern.

1.122   BT encouraged Ofcom to conclude its net neutrality review for communication providers to begin operating under the new regime with certainty.

Our response

1.123   Our review of net neutrality is considering a wide range of questions in terms of how different services and types of traffic should be handled by internet service providers, as well as how these providers should provide transparency of how they manage traffic on their network in compliance with the rules. Our review is also considering how new and innovative 5G services can be supported within the net neutrality framework. Whilst we are seeking to conclude our review quickly, we also need to be sure we consider fully the

responses we have received. We are currently planning to finalise our review in autumn 2023, as stated in our <u>consultation</u> in October 2022.

1.124   The overall framework is set within legislation and changes are a matter for the UK Government and ultimately Parliament; Ofcom is responsible for monitoring compliance to the framework.

Cloud services market study

1.125   We received some responses from our stakeholders on our market study into cloud services. BT encouraged Ofcom to use the ongoing market study to build an understanding of current and future harms (resulting from lack of interoperability, leveraging and/or vertical restraint); identifying both what action is needed now and consider how to track future developments in the market.

1.126   The Ofcom Advisory Committee for Scotland (ACS) urged Ofcom to investigate current and planned use of public cloud services in UK service providers. ACS noted that as this area is dominated by primarily foreign power independent companies (albeit the US-based hyperscalers), the UK needs to consider how dependent it wants to be on US owned and operated telecoms infrastructure components.

Our response

1.127   Although we are conducting a general examination of the market for cloud services, this will involve looking specifically at the telecoms and broadcasting sectors within our remit. If we find potential concerns that have specific implications for us as a sectoral regulator, we will consider what further work we should pursue as part of our duties.

1.128   We acknowledge BT's comments on utilising the cloud market study to understand future and current harms. If we find any competition concerns or potential consumer harms, then we will explore potential policies or interventions that would seek to mitigate those harms.

Broadband USO

1.129   The Welsh Government shared concerns that the broadband Universal Service Obligation (USO) will not deliver connectivity to the hardest to reach homes and businesses in Wales. It noted the premises cost cap still does not reflect the reality of providing a sustainable broadband solution in the most rural areas of Wales. The Welsh Government encouraged Ofcom and the UK Government to come together to address this as a matter of urgency.

1.130   Which? asked Ofcom to consider whether existing speeds (10Mbit/s download speed) are sufficient, especially as superfast broadband (speeds of at least 30Mbit/s) is now available to 97% of UK homes.

Our response

1.131   The broadband USO is set out in legislation by the UK Government and any changes to it, including to the specified download speed of 10Mbit/s and the 100GB cap, would be a matter for it. Since the USO launched in 2020 we have been monitoring its delivery by the designated providers (BT and KCOM), and we will continue to do so.

1.132   Most recently we reported on progress of the USO as part of our 2022 Connected Nations report, where we noted that there have been 168 USO orders in Wales, resulting in over 1,000 homes passed by the resulting full-fibre build. Last year, the UK Government published the results of its consultation on premises in very hard to reach locations – we understand it plans to use the evidence gathered from this to produce a set of policy proposals to address the needs of these premises. Ofcom will continue to work with the UK Government as it develops its policy in this area.

2. Media we trust and value

Public service broadcasting

2.1   Several stakeholders made points about Public Service Broadcasting (PSB) in the UK. The Voice of the Listener and Viewer (VLV) expressed concern that Ofcom should not lose sight of the importance of traditional broadcasting as Ofcom increases its focus on digital and online platforms.

2.2   Points were also made in relation to PSB by the Welsh and Scottish Governments. The Welsh Government expressed its desire to continue discussions with Ofcom to support a regulatory framework that delivers for Wales, while the Scottish Government made points around the upcoming renewal of licences for Channels 3 and 5 and any impact on both audiences and the creative industries in Scotland.

2.3   The VLV was concerned that the renewal of Channel 3 and 5 licences is partly dependent on new provisions being included in the Media Bill, which is yet to be published.

Our response

2.4   In our last review of public service media (PSM), <u>Small Screen: Big Debate</u>, we said that the PSB framework needed to be reformed to include relevant online services, while also recognising the ongoing importance of broadcast services for most households.

2.5   Relicensing the commercial PSB services will be a priority area of work for Ofcom in the year ahead. We have commenced licence renewal processes for the Channel 3, Channel 4 and Channel 5 licences and will continue this work with stakeholder input as appropriate over 2023–24. We will be seeking the views of the Advisory Committees for England, Northern Ireland, Scotland and Wales as the process develops, and will keep officials from governments across the UK up to date with the process.

2.6   On the renewal of Channel 3 and Channel 5 PSB licences specifically, we published a <u>Report to the Secretary of State</u> in June 2022 that set out the case for licence renewal along with key dates in the renewal process and our next steps. We found that the current obligations could be commercially sustainable, such that the licensees could continue to deliver them over the next licence period. We did however note that PSB sustainability is increasingly at risk and that the position could be strengthened by implementing proposed legislative reforms to establish new prominence and availability regulation for relevant PSB online TV services.

2.7   The UK Government signalled its intention to legislate in its Broadcasting White Paper <u>Up Next</u> in April 2022. We will continue to work with the Department for Culture, Media and Sport (DCMS) on their plans and, meanwhile, we will ensure the existing regulatory framework works as effectively as possible.

Regulation of the BBC

2.8   A range of points were made in relation to Ofcom's regulation of the BBC. The VLV expressed concern that Ofcom might be effectively reducing its role in the regulation of the BBC.

2.9   The Welsh Government welcomed the changes to the BBC First complaints process and the work of Ofcom in ensuring increased transparency in relation to complaints, due impartiality and accuracy. It would welcome the opportunity to work with Ofcom and BBC Wales to identify themes and issues for particular focus and to ensure that this work is undertaken with a clear understanding of the unique requirements of a Welsh audience.

2.10   The Scottish Government noted that, while Ofcom's latest Annual Report on the BBC shows some improvement from previous years, some viewers and listeners in Scotland still continue to feel less positive about representation and authenticity of BBC programmes. It urged Ofcom to ensure that audiences in Scotland receive a more representative service that supports the creative economy in Scotland and contributes to its development. The Scottish Government also asked whether Ofcom's planned BBC Thematic Review of underserved audiences will take a wider look at underserved audiences, including disabled audiences and those from Scotland and other nations.

2.11   Ofcom's Advisory Committee for Scotland (ACS) also made points around the performance of the BBC, for example that some mention should be made on the impact of podcasts on audiences and the measurement of data and its analysis. The Committee also stated that, particularly during the BBC Operating Licence review, they consider it is key that Ofcom's Scotland team encourage a more engaged and outgoing presence from the BBC Scotland Committee, as this is the main governance tool for the BBC in Scotland and that a more transparent relationship with Ofcom and other stakeholders would be beneficial.

Our response

2.12   Our statutory duties in regulating the BBC are set out in the BBC Charter and Agreement. In 2022 we published our review of How Ofcom regulates the BBC. We have also recently consulted on and published our statement on Modernising the BBC's Operating Licence where we are clear that we expect the BBC to continue to provide a breadth of content for all audiences, however they choose to watch or listen. We will continue to monitor how the BBC delivers this, including for audiences who continue to rely on traditional media and broadcast services.

2.13   The new Licence will benefit audiences by safeguarding important content, while giving the BBC the ability to shape its programme output and genre mix to meet their changing needs. Critically, the new Operating Licence now comprehensively regulates the BBC's online services. This is supported by strict and detailed requirements in the new Licence specifying what the BBC needs to report and when, and an extensive oversight programme.

2.14   On the points made by the Welsh Government, the editorial choices and direction taken by the BBC across its output are ultimately a matter for the BBC Executive and Board, and not Ofcom. However, we will continue to hold the BBC to account for its performance; identify issues through our ongoing monitoring and our BBC Annual Report; and input into the UK Government's BBC Mid-term Review.

2.15   We also monitor where issues have been previously raised and the BBC has made changes. For example, we aim to undertake further 'mystery shopping' research on the BBC First complaints system following the changes to the system that are being put in place by the BBC. We have regular ongoing engagement with stakeholders and broadcasters to understand issues, and undertake regular audience research to understand the needs and preferences of their audiences. Our research includes audiences across demographics and across the UK.

2.16   Responding to the Scottish Government's point on diversity and representation, the BBC has a Public Purpose to reflect, represent and serve the diverse communities of all of the nations and regions and, in doing so, support the creative economy across the UK. We noted in our most recent BBC Annual Report that the BBC had made progress on supporting the UK's creative industries, and would be implementing initiatives to enhance representation on and off screen.

2.17   Following our review of the BBC's Operating Licence, we will also be consulting on updating the performance measurement framework later this year. We have proposed increased transparency and reporting requirements so we will have more information to monitor the BBC's performance against its Public Purposes, including this Purpose. We have also retained quotas for nations and regions programming which will work alongside the new tools to safeguard content for audiences in the nations and regions and support the production sectors.

2.18   We will continue to monitor progress against these through our Annual Report.

2.19   In our last BBC Annual Report we noted a number of audiences that appear underserved by the BBC. We have launched a review of BBC audiences to examine why specific audience groups, including those in what are traditionally called D and E socio-economic groups, are persistently less satisfied with the BBC and seek to better understand their habits, and how the BBC is delivering for them. These groups are more likely to be older, unemployed, have a disability or be retired. Our review will include commissioning new in-depth qualitative research, capturing the diversity of these audiences across the UK. Our findings will inform our next annual assessment of the BBC's performance, which will be published in Autumn 2023.

2.20   Regarding the point on engagement by the BBC Scotland Committee, Ofcom colleagues in Scotland meet regularly with the executive of BBC Scotland and will continue to discuss the role of the Committee with them and others accordingly. However, ultimately the structure and remit of the BBC Board's Committees is a matter for the BBC.

Trust in news

2.21   The Welsh Government outlined the need to ensure news is relevant and tailored to the needs of different parts of the UK, and that this correctly reflects the devolution settlement. The Welsh Government were pleased to see clear commitment by Ofcom to continue their enforcement of such standards and sought further detail on how learning has been taken from the independent analysis (conducted by Professor Stephen Cushion of Cardiff University and Dr Richard Thomas of Swansea University) looking at how UK network news providers report devolved policy issues on television and online.

Our response

2.22   The 2021 Network news report is important context informing our ongoing work on the requirements and coverage of news for audiences in the nations and regions by the BBC and other PSM providers, and supports our wider programme of research and engagement on the Future of Media Plurality in the UK.

Protecting audiences

2.23   The majority of responses in relation to harmful content were made in relation to online harm and are summarised in the relevant sections. The Welsh Government raised the point that, with younger people becoming increasingly exposed to broadcast content, they particularly welcome the focus on the protection of children and welcome the timely work around research on audience attitudes to violent and sexual broadcast material.

Our response

2.24   Ofcom considers the protection of children to be one of our most important content standards duties and we will continue to prioritise this area of our work. Our latest research findings on current attitudes and relevant parental and carer concerns will inform our future enforcement of broadcast and on demand content standards.

Diversity in UK broadcasting

2.25   Several points were made around diversity in broadcasting. The Welsh Government said a more diverse workforce in the media industry is a particular priority in Wales, as reflected in its Anti Racism Wales Action Plan and the Locked-Out report. The Welsh Government welcomed the acknowledgement of this issue by Ofcom and the launch of the equality, diversity and inclusion toolkit in November 2022.

2.26   The Scottish Government said it would be helpful to understand Ofcom's specific plans for improving the diversity of the creative sector in Scotland, and how Ofcom's regulatory approach is adapting to take account of the views of the sector and audiences in Scotland.

2.27   Ofcom's Advisory Committee for Scotland (ACS) suggested Ofcom publish data for each of the specific nations and regions and in more depth e.g. production roles of staff and freelancers working for a broadcaster.

Our response

2.28   We share the goal of a diverse and inclusive broadcasting sector across all UK nations and regions. Last year we published, for the first time, data in relation to the diversity of BBC staff across Scotland and the other nations. We also, in November 2022, published a statement outlining changes to our updated toolkit for collecting data on equity, diversity and inclusion in broadcasting, with a renewed focus on the diversity of their workforces by nation/region.

2.29   While we generally do not have the powers to require information on freelancers, we will be reporting on workforce geographical data in as much detail as we are able, given data protection constraints.

Vulnerable and disabled consumers

2.30   The Royal National Institute of Blind People (RNIB), Better Media, the Welsh Government and the Communications Consumer Panel and Advisory Committee for Older and Disabled People (CCP-ACOD) among others made representations concerning the protection of, and support for vulnerable and disabled consumers.

2.31   RNIB outlined its disappointment in the lack of progress towards securing access service quotas for on-demand programme services but welcomed the fact that Ofcom does recognise this area of concern.

2.32   Better Media expressed that they had "little confidence in Ofcom's ability to monitor and manage effective markets, particularly those that operate in the interests of low-income or otherwise marginalised consumers, such as people outside of urban areas, people in diverse communities, or people with significant social needs". They urged Ofcom to act in the interest of all citizens, not just those who are perceived to be active consumers of new media equipment.

2.33   The Welsh Government welcomed the continued commitment by Ofcom to enforce the requirement of access services including subtitles, audio description and signing and the announcement of collaborative work with the UK Government for the introduction of new accessibility requirements. They are keen to engage in further work on accessibility requirements.

2.34   CCP-ACOD noted that they have often encouraged Ofcom – across its remit – to use its influence even where it does not have formal enforcement powers to protect, promote and elevate the rights of consumers. They would like to see more commitment to this, e.g. in their view the Plan does not say enough about what Ofcom plans to do to ensure that services are accessible and usable by all. They noted that aspects of Ofcom's work still show alignment to the medical model, e.g. 'limiting conditions' and hope to see a

significant shift in language from 'limiting conditions' with more emphasis of people's access requirements (i.e. the social model). CCP-ACOD encouraged Ofcom to meet more regularly with these groups to ensure that communications services work for people with sensory loss.

Our response

2.35   Ofcom's work considers the needs, assesses potential impact and includes research across audiences, including where there are different geographic, socio-economic and vulnerable circumstances. We aim to identify and understand specific issues for these audiences. For example, as set out above, we have begun a thematic review of the BBC's provision for lower-socio economic audiences. We also research the experiences and preferences of vulnerable and disabled people in relation to television and on-demand services.

2.36   Responding to the RNIB's point on access service quotas for on-demand services, while we await legislation requiring on-demand accessibility, we continue to push for progress with our annual monitoring and reporting of accessible services (and the Electronic Programmes Guides that give access to them). This year's review of our accessibility best practice guidelines will be expanded to cover on-demand viewing. In reviewing our accessibility best practice guidelines, we are keen to engage as broadly as possible to understand audience needs and preferences. This will include extensive engagement with groups representing consumers with sensory loss, qualitative research into user experiences and preferences, and a public consultation in Spring 2023. This is one of the ways we can encourage progress in the provision of accessible media services in advance of the introduction by the UK Government of on-demand requirements.

2.37   Responding to CCP-ACOD's points, we strive to use inclusive language across our work on diversity and inclusion, and explicitly acknowledge the shift from a 'medical model' of disability to a 'social model', for example in updating the data that we collect from broadcasters on the representation of disabled people in their workforces.

Video on-demand content regulation

2.38   Points were raised by The Samaritans who would like to see the Plan of Work put a greater focus on regulating video-on-demand (VOD) services as the Media Bill goes through Parliament, particularly in relation to any VOD services that include suicide and self-harm content who choose to be 'based' outside of the UK.

2.39   More broadly, the Welsh Government welcomed Ofcom's commitment to work with DCMS in assuring alignment of regulation and the commissioning of research to better understand the expectations and attitudes of audiences regarding VOD.

Our response

2.40   Any extension of the current regulatory regime for video-on-demand services is a matter for the UK Government and the UK Parliament. We will continue to work with DCMS and stakeholders including The Samaritans to ensure that: any new regulatory regime is

proportionate; and audiences are adequately protected from harmful content. We note and welcome the Welsh Government's support of our intentions.

Nations and indigenous languages

2.41   Submissions from the Welsh and Scottish Governments and MG ALBA raised points in relation to public service broadcasting in Scotland and Wales and the use and representation of indigenous languages (i.e. Welsh and Gaelic).

2.42   In addition to the points made above, the Welsh Government raised general concerns around the Wales section of the proposed Plan of Work providing little information on Ofcom's plans and priorities for Wales during the next financial year. They requested more information on these plans and activity to grow the presence and skills base of Ofcom in Wales, particularly in relation to Ofcom's priority areas of focus in Wales.

2.43   MG ALBA noted that, while the fierce nature of competition and the impact of evolving business models, new technologies and changing audience behaviour is being felt by all media providers, Gaelic media is uniquely impacted with limited support to ensure that it can transition effectively in this evolving digital media landscape.

2.44   Meanwhile the Scottish Government was concerned that the BBC Agreement says very little about the Gaelic service, in contrast to the commitments it makes to the Welsh language service. Scottish Government believe there may also be questions that could be asked about the BBC Operating Licence, which offer "little comment on the difference between the funding of the Welsh service as compared to the Gaelic service, and could go further for BBC ALBA with a focus that goes beyond news and learning".

Our response

2.45   Ofcom's teams in the nations work across all aspects of Ofcom's remit and therefore the priorities as detailed in the proposed Plan of Work are relevant to our work in Wales, Scotland, Northern Ireland and England. The team in Wales works closely with colleagues across Ofcom ensuring that matters of relevance to consumers in Wales are represented and considered in all that we do. This plays an increasingly important part in the way that Ofcom ensures that it delivers the best outcomes for consumers in Wales. We are conscious of the need to ensure that we have the necessary skills and expertise in the nations and we are currently recruiting for an individual to lead on our work on Online Safety as well as an additional person to work on Ofcom's work in the Welsh language.

2.46   We engage with MG ALBA regularly both as we carry out our statutory duties relating to the organisation and as a partner with the BBC in operating the BBC ALBA channel. As such we understand well the challenges highlighted by MG ALBA in its submission. The most direct way we can help to address those challenges is by continuing to appoint Board Members to MG ALBA (with the approval of Scottish Ministers) in the year ahead that have the right range of skills to meet the challenges facing the organisation. Beyond this, we welcome the commitment from both the BBC and MG ALBA to modernise its partnership

agreement in relation to the BBC ALBA service and hope to be able to reflect on it in our own Annual Report of the BBC later in the year.

2.47   We recently published a statement on [Modernising the BBC Operating Licence](#) that will modernise the licence conditions that we think are necessary to ensure that the BBC continues to deliver a modern service for Gaelic-speaking audiences. Both funding decisions for BBC ALBA and the BBC's requirements regarding Gaelic-language broadcasting in the BBC Agreement are beyond Ofcom's remit.

Radio and local radio

2.48   In relation to local radio, Better Media discussed that Ofcom's regulatory actions in the radio sector have resulted in a "highly centralised and homogenised service provision by a few large corporations". Their response outlined that place is at the heart of the UK Government's levelling-up policy agenda, but Ofcom has failed to respond adequately by putting the interests of local communities first. In its view, Ofcom applies no meaningful test or threshold that defines the 'localness' of a service when approving and regulating broadcast radio.

2.49   The Welsh Government welcomed the commitment to continue to place a spotlight on radio broadcast, industry diversity and the promotion of the plurality of radio services available in Wales and the UK. However, caution is required in their view, to ensure that services that provided distinct content to communities are not lost through any licence amendment.

Our response

2.50   We note the response from the Welsh Government and Better Media on radio services. Ofcom disagrees with Better Media's contention regarding our approach to local radio. Over the past decade Ofcom has licensed over 300 community radio services which target small geographical areas, and our small-scale DAB licensing programme is providing further opportunities for local radio stations. Although we recognise there has been considerable consolidation in commercial radio, our regulation continues to secure that local commercial radio services provide the local news and information that our research tells us listeners value.

Small-scale DAB (SSDAB) radio

2.51   A range of issues were raised by stakeholders in relation to small-scale DAB (SSDAB) radio by stakeholders including Real Radio Leicester, Leicester Community Radio, the Federation of Communication Services (FCS), Bedford Radio, Better Media / Decentred, UK Community Radio Network and Rutland & Stamford Sound CIC, in particular around Ofcom's approach to SSDAB licensing, alongside queries relating to future licensing of FM and AM at a local level.

2.52   FCS noted that, unlike previously, Ofcom intends to offer licences to SSDAB operators, permitting a 'relaxed' specification for the 'Out-of-Band' and 'Adjacent Channel Emissions' in certain circumstances. It warned that the transmission characteristics of radio signals at High VHF and Band III frequencies, could cause disruption in the form of severe service loss, at even relatively low transmit powers over a significant area. As the Business Radio allocations are very close (in frequency terms) to the lower DAB blocks in Band III and are even located within Band III, FCS asks that the most extreme caution be exercised in the assignment of DAB systems to radio spectrum near to that used by these systems, especially in the case of proposals to permit the relaxed specifications.

2.53   Better Media queried whether that, in limiting the function of the broadcast licencing process exclusively to SSDAB, Ofcom is in effect "blocking the efficient use of existing analogue broadcast spectrum which could easily be made available on-demand". It proposed that Ofcom's workplan enable the speeding up of the SSDAB licencing process, or alternatively, provide additional capacity for a simplified and on-demand process of licensing of analogue spectrum simultaneously. Meanwhile Rutland and Stamford Sound CIC called for a review of the ongoing SSDAB rollout as soon as possible, examining viability, technical capability and ensuring more profitable multiplexes and more marginal rural multiplexes are examined, and an analysis of what rates stations are paying to be on multiplexes.

2.54   The UK Community Radio Network welcomed the continued rollout of SSDAB and want to encourage Ofcom to continue as quickly as possible to enable as many community radio stations to use SSDAB as a path to DAB radio.

Our response

2.55   Ofcom is not resourced to do all of the radio licensing work for which there is demand. We consider it is currently in the interests of UK audiences for us to prioritise the licensing of SSDAB over licensing new analogue (i.e. FM or AM) services. This is because we are of the view that SSDAB will ultimately offer audiences more stations, more efficiently, and in more locations, than FM or AM could, and therefore represents the optimal use of spectrum and best fulfils our duty to secure the provision of a wide range of television and radio services which (taken as a whole) are both of high quality and calculated to appeal to a variety of tastes and interests.

2.56   Ofcom's approach to licensing SSDAB, and the reasons for this approach, are set out in the Licensing small-scale DAB statement published in April 2020 (see, in particular, paragraphs 4.1-4.17 and 7.2-7.24 of that statement), and in the Review of demand in the first three licensing rounds published in May 2022.

2.57   In relation to the FCS point on out-of-band and adjacent channel emissions, Ofcom has recently consulted on a potential relaxation to the mask for SSDAB multiplexes. We are reviewing the responses we have received to this consultation and have taken no decisions at this point. Our decisions will be reflected in the Statement when that is published.

3. We live a safer life online

Setting up our operations, online safety roadmap and the Online Safety Bill

3.1   Carnegie UK Trust welcomed Ofcom's July 2022 [roadmap](#) on the Online Safety Bill but it said that given the delays to the Bill, it is now out of date. It would welcome a revised timetable for the succession of consultations and codes that will be required from the regulator as soon as the Bill receives Royal Assent in this year's Plan of Work.

3.2   The Age Verification Providers Association commented that Ofcom became responsible for enforcing the updated requirements of the Audio-Visual Media Services Directive in November 2020. It mentioned it was confusing to read in October 2022 that Ofcom were setting out their "priorities for the second year". It believes this is now the third year for Ofcom to implement this regulation.

3.3   The Age Verification Providers Association discussed that the published roadmap rightly prioritises child sexual abuse material (CSAM) and terrorism content, but is concerned that it is under-ambitious when it comes to other priority harms.

3.4   BT Group welcomed Ofcom's roadmap for the implementation of the online safety regime once the Online Safety Bill becomes law. They discussed that the Bill is not meeting what the UK Government has repeatedly told BT it intends: that any service which enables access to a service subject to enforcement, could be subject to an access or service restriction order. They would like to engage with Ofcom at the earliest opportunity to clarify the operation and scope of blocking orders, including providing a list of access facilities that are in scope to implement access restriction and service restriction orders.

3.5   Reset proposed that the Digital Regulation Cooperation Forum (DRCF) and member regulators (incl. Ofcom) should establish a formal framework to commission research and analysis and solicit tenders from civil society groups, academics and the non-profit sector. It said that such a process would be particularly helpful in connection with secondary legislation relating to the Online Safety Bill and the drafting of the Codes of Practice.

3.6   Clause 146 of the forthcoming Online Safety Bill mandates Ofcom to provide a report on how and whether independent researchers should be afforded access to data relating to social media platforms. Ofcom will be required to do this within the first two years of the Bill coming into effect. Reset outlined that this report should detail how to provide researcher access to data, not if the data should be made available. Reset additionally asked Ofcom to accelerate this work to improve researcher access to data within a shorter time frame, it proposes 6 months. The EU's Digital Services Act provides for a similar program of work and will be up and running this year. In order to ensure British researchers are not left behind Reset is of the opinion that Ofcom needs to prioritise this important transparency measure and work with European counterparts to ensure a similar standard of data access is in place in the UK.

3.7   Match Group commented that app stores are not currently recognised as a service category within the Online Safety Bill, despite being the gateway to the majority of digital content for both adults and children. As envisioned currently in the legislation, it appears that the app stores were incorrectly thought to play no role in promoting or enhancing online safety. In their view, it is crucial that Ofcom examine this issue in the Plan of Work for 2023–24, considering the role which app stores themselves play in the digital economy, and examine app stores' potential obligations under the new online safety regime. It also suggested that Ofcom consider the existing efforts of Apple and Google to contribute to a safer internet.

3.8   The Welsh Government commented that it is committed to keeping people safe whilst they are online, and it is fully supportive of the role of Ofcom in overseeing a new, clear regulatory regime that will improve user safety online. The Welsh Government outlined it as vital that Ofcom's work in this area is delivered in such a way that a wide range of people are able to benefit from this work, including those who are less digitally enabled and those who are the most vulnerable. For the Welsh Government it is imperative that Ofcom consults with all relevant stakeholders within Wales, both through the formal consultation process and through ongoing regular stakeholder engagement, to ensure that the regulatory regime reflects the priorities in Wales and recognise differences in devolved areas, such as education and the curriculum, safeguarding and the Welsh language. Also, work on phrase lists and algorithms to automatically flag potentially harmful online content in English should be adapted for the Welsh language too, to ensure Welsh speaking children are also kept safe online.

3.9   The Welsh Government noted the commitment to engage with a wide range of subject matter experts and interested parties in order to share experiences and best practice. Compatibility across different regulatory regimes, where possible, could help to ensure a greater understanding among online service providers of the requirements placed up on them, hopefully leading to improved compliance. It supports the intention to grow the organisation's online safety capability. It would additionally find it helpful to understand more about the role and remit of the proposed Online Safety Group.

Our response

3.10   We agree that it is important to keep stakeholders updated of Ofcom's plans for putting online safety laws into practice, and what we expect from in-scope tech firms. We plan to publish a short update to our roadmap once parliamentary timelines are clearer.

3.11   Ofcom was given new functions to regulate video-sharing platforms (VSPs) in November 2020. We began developing and implementing the regulatory framework from this point and in October 2021 we published our industry guidance alongside our plan and approach for VSP regulation for the following year. The period October 2021 to the publication of Ofcom's first VSP report in October 2022 therefore marked our first full year of regulation ('Year 1') and in October 2022 we began our second full year of regulation ('Year 2').

3.12   As currently drafted, the Online Safety Bill makes it clear that regulated services are responsible for addressing all priority harms. The Bill continues to evolve, but we have been able to invest in developing our underlying evidence base in ways that will enable us to set out targeted measures we expect services to take to address priority harms. We will set out more information in our consultation documents.

3.13   We will be consulting on draft guidance on how we will approach enforcement of the online safety duties, including our use of business disruption measures. We encourage stakeholders to respond to that consultation to help us shape our approach and would be keen to hear from third parties who may be the subject of a business disruption order as to any challenges they envisage with the process.

3.14   As public bodies, Ofcom and the other DRCF members procure in accordance with the Public Contracts Regulations (PCRs), in addition to other relevant legislation and regulations that may apply to each authority. Further details on Ofcom's procurement approach, along with information about our Online Tendering System, can be found here. Under the DRCF workplan, the DRCF members have jointly commissioned research, including on Age Assurance.

3.15   Ofcom will publish its report on the provision of researchers' access to platform data as soon as is practically feasible. There are numerous stakeholders that Ofcom is required to consult with in its preparation of the report, which will necessarily affect the speed with which Ofcom can conduct its duties on researcher access reporting. We are committed to ensuring relevant experts can contribute to our considerations in the report. As part of its work, Ofcom will report on the various mechanisms through which platforms currently provide access to data for research. The specific powers that Ofcom has in relation to researchers' access to platform data are a matter for the UK Government and Parliament.

3.16   Regarding the point raised around whether app stores should be brought into scope, this would require amendments to the Bill and is therefore a matter for the UK Government and Parliament, and not for Ofcom.

3.17   We are very pleased that the Welsh Government welcomes Ofcom's new role as the Online Safety regulator. Safeguarding young people is a key objective of the Online Safety Bill and the protection of children is a high-priority area for Ofcom's regulation of online services. We are actively working to build stakeholder relationships in Wales, to enable us to benefit from the considerable experience and expertise in academia and the third sector. Our colleagues in Wales will continue to contribute to policy development within Ofcom, flagging relevant issues and feeding in insights that we have gained from our stakeholder engagement in Wales. We have also been proactively building our evidence base through a wide programme of research and will continue to do so in the coming year. However, it is not within the scope of our duties to develop phrase lists and algorithms to automatically flag potentially harmful online content.

3.18   In April 2023, we will be launching a new Online Safety Group within Ofcom, led by Gill Whitehead. Gill joins us from the DRCF where, as Chief Executive, she led the collective digital expertise of four member regulators: the Competition and Markets Authority

(CMA), Financial Conduct Authority (FCA), Information Commissioner's Office (ICO) and Ofcom. We recognise that technology regulation is complex and requires a sophisticated, joined-up approach between regulators. We have increased our co-operation with the CMA, FCA and ICO. Through the DRCF, we are able to pool knowledge, expertise, skills and resources to promote regulatory cooperation and alignment. We also want to ensure that the UK online safety regime aligns with emerging online safety frameworks internationally. Ofcom has recently launched the Global Online Safety Regulators Network with Australia's eSafety Commissioner, and Fiji's Online Safety Commission – with support from the Broadcasting Authority of Ireland. The Network is intended to pave the way for a coherent international approach to online safety regulation, by enabling online safety regulators to share insights, experience and best practices.

Age verification

3.19   Barnardo's mentioned that along with a coalition of other organisations they are calling for all pornography sites with UK users that host content, to implement independent, standardised age verification with minimum standards in a manner that is approved by Ofcom, so that regulated services are satisfied beyond reasonable doubt that a user is 18 years old or older. Age verification was supposed to be implemented under the Digital Economy Act, however since the UK Government decision not to implement Part 3 of that Act was taken, children have had unfettered access to pornographic content. It proposes that Ofcom must prepare and issue a code of practice for all pornographic content within four months of Royal Assent and that age verification should be implemented within six months.

3.20   Match Group highlighted that they were fully supportive of Ofcom's aims of driving the implementation of robust age assurance to protect children from adult content in order to protect the most vulnerable users (children) from online harms.

3.21   Barnardo's would have liked Ofcom's proposed Plan of Work to include a focus on ensuring that pornography companies verify the ages of performers in content to ensure that they are over 18, and to ensure that the videos are consensual. Barnardo's state their view that, currently, there is no way of ensuring that performers in pornographic content are over the age of 18, beyond assurances by pornography sites.

3.22   Barnardo's expressed concern that the Online Safety Bill contains a loophole that pornography sites will be able to use to get around age verification by arguing that the UK is not its target market. In clauses 3(5) and 67(4) of the Bill, it mandates that to fall under the Bill's provisions services must either have "a significant number of UK users" or the UK users form "one of the target markets for the service (or the only target market)". Pornography sites may argue that they do not meet this requirement, allowing them to get around age verification measures.

3.23   The Age Verification Providers Association noted that the Plan of Work states that Ofcom will focus, in Year 3, on "Driving the implementation of robust age assurance to protect children from the most harmful online content, including pornography." It noted this is an

action more suited to Year 1 than Year 3 but welcome this focus. It also strongly welcomed the opening of a four-month enforcement programme in this area, and trusts that the obvious failures to comply with the current legislation by some notified VSPs will lead to investigations and enforcement action.

3.24   The Age Verification Providers Association detailed that it does not agree with the rationale in the roadmap to delay the enforcement of Part 5 on provider produced content artificially to align it with Part 3. There is a complex critical path of secondary legislation that delays Part 3 which does not apply to Part 5 at all. It proposed Ofcom can move ahead with this Part quickly and address all the sites with provider produced content. It further argued that this includes the major 'tube' sites as only approved agents of these sites can upload videos. The general public cannot do so, so they do no host user-to-user content. To leave access to porn by children unfettered until 2025 or, likely later is politically indefensible.

Our response

3.25   We will be consulting on our approach to age verification to balance relevant considerations including consideration of the innovation of new innovative technologies, to protect children online. We have commissioned joint research with the ICO to build our evidence base on the accuracy and effectiveness of current age assurance measures. This will allow us to set reasonable expectations of in-scope services with a duty to ensure that children are not normally able to encounter pornography on their service. Furthermore, under Part 5 of the Online Safety Bill, Ofcom will be required to produce guidance for providers of pornographic content in complying with their duties under Part 5. Producing this guidance will require a consultation procedure and setting a fixed timeline for implementation is not something we are able to comment on ahead of that process. Under Part 3 of the Online Safety Bill, Ofcom will be required to produce Codes of Practice for user-to-user and search services. These will include, but are not limited to, mitigations to be put in place against primary priority and priority harms, of which we understand pornography is likely to be one. We will consult on our approach to this and setting a fixed timeline for implementation is not something we are able to comment on ahead of that process.

3.26   We are pleased to see Match Group recognise the importance of protecting children from adult content and other harms to children.

3.27   Ofcom has set out its [strategic priority](#) for Year 2 of VSP regulation ensuring robust age assurance. This will focus on securing protections for children against the most harmful online content (including pornography).

3.28   Our regulation of online services will cover all in-scope services that have links with the UK, whether or not those services are established in the UK. This includes services which may be both small and established in other countries, but that are capable of being used in the UK by individuals. Determining whether a service has the requisite links will not be determined according to the platform's own assessment but by considering all the relevant

evidence, including the extent to which a service has UK users or is capable of being used by UK users

3.29   We appreciate the appetite for rapid progress in this area and acknowledge the urgency of protecting children online. We are being proactive in building our evidence-base on age assurance through a wide programme of research and stakeholder engagement, including collaboration with other international regulators in this space to learn from their experiences and avoid potential stumbling blocks to successful regulation. We will ensure that our process for setting our codes and guidance is robust and comprehensive. We need to allow sufficient time for proper consultation and evidence gathering because we are confident this will enable us to get effective, enforceable rules into place more quickly. We also opened an enforcement programme into age assurance measures for UK-established, adult video-sharing platforms in January 2023 as part of our VSP regulation. This enforcement programme is seeking to determine the scale of any compliance concerns and we will use the outputs from this to decide how best to address any potential harm. This will include considering whether any further enforcement action is needed. We believe it is important that all dedicated pornography services provide an equivalent level of protection to children, regardless of whether they are Part 3 or Part 5 services. Engagement with international regulators has demonstrated that ensuring a level playing field will be an important aspect of successful regulation in this area.

Pornographic content standards

3.30   Barnardo's strongly recommended that Ofcom's proposed Plan of Work should include a focus on the regulation of pornographic content, to bring online standards for pornographic content in line with offline standards. Pornographic content, which is illegal offline, for DVD, Blu-Ray or for video-on-demand, is prevalent online. This disparity between offline and online standards should be addressed by preventing content from being uploaded online if it would fail to attain an R18 certification and contains prohibited content.

3.31   Barnardo's recommended that a definition of pornography is included in the Online Safety Bill based on section 15 of the Digital Economy Act. It requested that Ofcom's proposed Plan of Work on pornography extends to all platforms which include pornographic content.

3.32   Barnardo's are concerned that children are encountering sexually explicit content which is being marketed to them through social media apps without the user even seeking out pornographic content. This marketing of pornographic content can act as a gateway to children seeking out of pornographic content on other sites. Barnardo's commented that Ofcom's proposed Plan of Work should set out how Ofcom will work with VSPs including TikTok to tackle this content and protect children from pornography.

3.33   Barnardo's strongly argued that duties placed on providers of pornographic content in Part 5 of the Online Safety Bill should also be applied to platforms that fall under Part 3 of the Bill. It believes "pornography is pornography", and no matter where a child accesses it, it is damaging for them.

Our response

3.34   Ofcom has set out its strategic priority for Year 2 of VSP regulation ensuring robust age assurance. This will focus on securing protections for children against pornographic material. In relation to making online and offline standards for pornographic content consistent, this is not part of Ofcom's powers under the VSP regime, and it is not detailed in the draft Online Safety Bill.

3.35   It is for the UK Government to decide on definitions included in the Bill, not for Ofcom. In terms of where else Ofcom provided guidance on similar terms, please see Ofcom's VSP guidance: "Videos whose primary purpose is sexual arousal or stimulation should be considered as only suitable for adults, in line with BBFC Classification Guidelines on Sex works at 18".

3.36   In October 2022 we published a report "Ofcom's first year of video-sharing platform regulation". It contains our priorities for Year 2 which covers how platforms keep all users safe from harmful material, but in particular how platforms use age assurance, including age verification, to keep under-18s safe from harms including pornography.

3.37   It is for the UK Government to decide on how services are covered in the Bill and which provisions apply to them, not for Ofcom. While Part 5 services are separate to Part 3 services, services falling under Part 3 will be required to protect children from content that is harmful to children, including primary priority content which we understand will include pornography, so these services will also be required to put safety mitigations in place.

Codes of practice on fraudulent advertising

3.38   Both MoneySavingExpert and Which? commented on the inclusion of fraudulent advertising which is included in the Online Safety Bill and expressed an interest in working together with Ofcom as it develops codes of practice to tackle user generated fraud and fraudulent advertising. MoneySavingExpert commented that it would like to see Ofcom consider platforms that are paid to publish fraudulent adverts as 'publishers'. As such, it should be incumbent on industry to implement measures which proactively protect consumers and stop fraudulent adverts from appearing in the first place, rather than for consumers to have to report scams when they come across them.

3.39   Which? highlighted that it found it promising to hear that Ofcom will continue to work with the Department for Culture, Media and Sport (DCMS) as it reviews the regulation of online advertising. However, Which? outlined that it had some specific concerns with the risks associated with open display advertising, with only 1% of the ecosystem secure against fraud, and fraudsters making up to $1m in a day. Which? explained that it is calling for the ad Tech intermediaries to be regulated to ensure that they have proportionate systems and processes in place to prevent fraud. Their call would extend the approach of the Online Safety Bill on fraudulent advertising to other parts of the internet.

Our response

3.40   In keeping with how we approach our existing regulatory duties, we will take a consultative approach to developing the online safety regulatory regime, so that it is informed by the input of industry, organisations promoting the rights of internet users, academics and other stakeholders. We will consult on the Fraudulent Advertising Code once the categorisation process is complete, which we expect to be in 2024/25.

3.41   We understand that DCMS is considering the role of intermediaries as part of its Online Advertising Programme. Ofcom will continue to work with DCMS as it considers the regulation of online advertising, to help ensure the cohesiveness of digital regulation.

Vulnerable consumers

3.42   The Advisory Committee Scotland (ACS) commented that it is clear that online risk is not the same for all. Vulnerable people are more likely to experience harm online and may respond in different ways to it (such as likelihood of reporting). Exposure to online risk is influenced for example by age, gender, ethnicity, disability, mental wellbeing, history of addiction etc. and factors such as poverty, being a carer or not speaking English as a first language. ACS urged Ofcom to consider how transparency reporting could provide an avenue to understand the unequal experiences of vulnerable people online and the effectiveness of systems and processes designed to protect them.

Our response

3.43   Ofcom's transparency powers allow Ofcom to set out exactly what data platforms need to publish in their annual transparency reports. After Royal Assent, Ofcom will consult on its Transparency Guidance, which will set out how Ofcom decides what information platforms must publish in their transparency reports and we would welcome a response from the Committee. Ofcom published a [Transparency Strategy paper in January 2023](#).

Harmful content

3.44   Barnardo's referred to Section 2.17 of the proposed Plan of Work which states that Ofcom will ensure that their approach to the regulation of the Online Safety Bill will uphold the importance of freedom of expression online. Whilst Barnardo's noted the importance of freedom of expression, it discussed that Ofcom should caveat its approach, and ensure that freedom of expression is balanced against the need to safeguard children from harmful and illegal content online.

3.45   Carnegie UK Trust mentioned that missing from the Plan of Work is how Ofcom intends to consult and engage with civil society – whose insight and expertise on the prevalence and nature of online harm is invaluable and who will be vital partners in the years ahead. It argued that it would be good to understand how Ofcom will work with victims of online harm and representative groups who can aggregate victim experience in a manner less traumatic for the individual victim and more convenient for Ofcom.

3.46   Carnegie UK Trust noted that much is made in the Plan of Work's narrative of the convergence in the way that users consume media, particularly via digital and online platforms, and how Ofcom itself is reflecting that new online world in its approach. It noted, however, that the content that users hop between on a minute-by-minute basis now has different standards and definitions as to what constitutes 'harm', with Ofcom having different powers in each area. Carnegie UK Trust suggested that there may be the case for a review of the coherence of these systems to regulate 'harm', wherever it may be found, to identify inconsistencies and address gaps – particularly from a user's perspective; it would pose the question, for instance, as to how the service Discord is categorised, given that it is a backdoor for user interaction (and significant potential harm) when used alongside gaming platforms but does not fall into the services that Ofcom has a duty to regulate currently. Notwithstanding the pressures already faced, Carnegie UK Trust suggested that Ofcom might add initial thinking on this to its priority work in the year ahead.

3.47   Samaritans highlighted that Ofcom should prioritise improving reporting processes on websites so that harmful content can be identified and removed, including ensuring that all sites which host user generated content have a process in place. Its industry guidelines include suggestions for accessible reporting processes. Ofcom should also place an emphasis on ensuring that websites have transparency around their guidelines and terms and conditions. Its industry guidelines recommend that users should be provided with clear and accessible community guidelines about what content is allowed on the site. They should also be given step-by-step information including how to make a report and what action may be taken.

3.48   Samaritans said that language around reporting functions for self-harm and suicide should also be treated with caution and sensitivity. Quite often what a person posts about suicide or self-harm is without malicious intent, despite it potentially being harmful to other users. With this in mind, other users may not report such content to avoid it being removed by moderators. The current lack of self-harm and suicide specific reporting categories can also deter users from reporting content. Samaritans therefore suggested that Ofcom establish clear guidelines on suicide and self-harm content for hosts to refer to. These should include guidance on reporting processes and guidance around distinguishing between malicious and innocuous content.

3.49   ACS commented that the Plan of Work references the use of Ofcom's transparency reporting powers to reveal platforms' performance in protecting people online. It argued that it is critical that both the platforms' transparency reports and Ofcom's own reports provide an analysis of people's online experiences by nation. It felt it is important to understand the Scottish experience of online harms and protections. ACS recommended that Ofcom should give consideration as to how transparency reporting could include nation-specific online harms.

Our response

3.50 Ofcom's core duty under the Online Safety Bill will be to secure the adequate protection of citizens from harm presented by content on regulated services, through the appropriate use by providers of such services of systems and processes design to reduce the risk of such harm. Securing a higher level of protection for children than for adults will be a key objective for us. In seeking to achieve this, we will be mindful of the need to secure an appropriate level of protection for the right to freedom of expression.

3.51 It is important that Ofcom hear from a wide range of stakeholders and expert organisations to inform our regulatory approach, including those that bring a harms and user perspective. We are actively engaging with such organisations and we will take a consultative approach to developing the online safety regulatory regime, so that it is informed by the input of civil society stakeholders (such as those who represent victims of online harm), as well as industry, academics and other stakeholders.

3.52 With regard to observations around the fact there are different regulatory systems in operation which might apply to similar services in slightly different ways, the scope of statutory regimes in the UK (and whether or not to conduct a review of these) is a matter for the UK Government and Parliament.

3.53 The Online Safety Bill sets out that services include in their terms of service information about how they protect users from illegal content, and that these provisions are clear and accessible. It also provides that services have provisions in their terms of service explaining their policies and processes for complaints relating to illegal content, and that these are easily accessible. We are planning to set out key measures to meet the Bill requirement that reporting should be easy to use, having regard to proportionality and size/risk profile of the service. We are also considering accessibility as part of these measures. We are looking at evidence from our own research plus responses from our call for evidence and stakeholder reports.

3.54 We are mindful of the distinctions between types of suicide and self-harm content, and this is informing the development of the consultations referred to in our Plan of Work. In keeping with how we approach our existing regulatory duties, we will take a consultative approach to developing the online safety regulatory regime, so that it is informed by the input of industry, organisations promoting the rights of internet users, academics and other stakeholders.

3.55 As noted above, Ofcom's transparency powers allow it to set out exactly what data platforms need to publish in their annual transparency reports. After Royal Assent, Ofcom will consult on its Transparency Guidance, which will set out how it decides what information platforms must publish in their transparency reports and we would welcome a response from the Advisory Committee for Scotland on this. Ofcom published a Transparency Strategy paper in January 2023.

Making Sense of Media

3.56   Lego Group welcomed a strengthened focus in Ofcom's Plan of Work on 'media literacy' and is proud to be a part of Ofcom's Making Sense of Media working group. They detailed that they would continue to work closely with the organisation to achieve their shared ambitions.

3.57   The Welsh Government iterated that it is particularly supportive of work to enhance media literacy provision, particularly the commissioning of a range of pilot interventions for underserved groups/communities. It emphasized that it is vital engagement continues with all relevant stakeholders within Wales, to ensure all those involved in improving media literacy are working in a cohesive manner.

Our response

3.58   We look forward to continuing our engagement with Lego Group and other stakeholders involved in the Making Sense of Media Programme e.g. through our MSOM Advisory Panel.

3.59   We continue to engage with stakeholders across the UK, and we are pleased that two out of 13 pilot programmes are in Wales. We are keen to expand our network across Wales and look forward to our second in-person media literacy event in Wales in June.

4. Enabling wireless services in the broader economy

4.1 A wide range of stakeholders made representations around spectrum management. Many of these were constructive and we have endeavoured to respond to salient points made below. Stakeholders should continue to refer to our Spectrum Roadmap for a more detailed outline of our activity in relation to spectrum over the coming ten years.

Spectrum management – accelerating innovation and spectrum sharing

4.2 Cellnex UK made the point that the UK Government and Ofcom have achieved shared spectrum access leadership across Europe in the 3.8 – 4.2 GHz spectrum band. However, as we are now moving beyond initial pilots/trials and into scale numbers of deployment, its view is that Ofcom should review the licencing processes and associated conditions to ensure they are fit for purpose, automated where possible and scalable during 2023–24.

4.3 The Dynamic Spectrum Alliance recommended that Ofcom implement automated dynamic spectrum management systems as soon as possible to build upon the successful sharing access licensing framework it has already put in place, which will further improve operational flexibility for new services and maximize spectrum efficiency to achieve its stated goal in the Plan of Work.

Our response

4.4 We launched the Shared Access licensing framework in 2019, and at that time we said we would review our approach in the light of experience. Our objectives, reflected in our initial rules, were intended to enable what was at the time uncertain demand for local access to mobile spectrum. With now more than 1,600 licenses across these shared bands, we will start a review to evaluate how we could improve the process. We also believe that our plan to enable industry led sandboxes in the 3.8-4.2GHz band should provide additional real-world data on deployment characteristics that will inform our review.

4.5 Spectrum sharing is a pillar of our spectrum management strategy, and will play a critical role in enabling more users to access the spectrum they need. We are committed to developing our authorisation tools to meet this evolving spectrum management environment. We have engaged with users, database providers and other stakeholders to inform our thinking on whether more dynamic and time-based management tools would bring benefits in the Shared Access bands. Our current view is that our Licensing Platform Evolution (LPE) programme will provide stakeholders with the faster spectrum access they want, and that introducing more dynamic authorisation tools would reduce the certainty of spectrum access for users in these bands. We will continue to explore the suitability of these tools for other spectrum management decisions in the future (and have set out our thinking on these opportunities in our publication on Adaptive Spectrum Allocation).

Spectrum for specialised sectors

4.6   Cellnex UK and others also made points around the use of Spectrum for specialised sectors, e.g. utilities, manufacturing and transportation (including rail).

Our response

4.7   We will consider future operational rail spectrum requirements as part of our ongoing work. We have recently published a consultation on the 1900 MHz band in which we note that the potential use cases for this band include operational rail communications which have been harmonised at the European level.

Vulnerability of Global Navigation Satellite Systems

4.8   Hellen Systems and Rethink PNT Ltd raised specific concerns relating to the vulnerability of Global Navigation Satellite Systems (GNSS). RethinkPNT suggested that the activities within the Plan of Work immediately start to address "systemic vulnerabilities to services" by ensuring that market-based, private non-telecommunications wireless solutions are enabled to provide mitigation to the vulnerability to the loss of GNSS. Hellen Systems noted that vulnerability of the GNSS systems to deliberate interference and systemic failures is becoming more of a systemic risk to the UK economy.

4.9   Intelsat would welcome a more ambitious plan and an active role from Ofcom in terrestrial and satellite convergence than just monitoring developments.

Our response

4.10   Our space spectrum strategy recognised the importance of GNSS, in helping us to navigate wherever we are in the world and in providing highly accurate timing for critical national infrastructure. We are providing support as appropriate for the UK's work on resilient position navigation and timing services (PNT), including monitoring and taking compliance actions as needed against the use of illegal jammers affecting these services, and will work with the UK Government to understand any potential spectrum requirements. We plan to consult on access to radio spectrum in the 90-110 KHz band in 2023–24.

4.11   We have recognised the trend in terrestrial and satellite convergence in our Space Spectrum Strategy. We have committed to look at direct to device services this financial year and are engaging with a range of stakeholders as part of this work.

Spectrum sharing and hard to reach areas

4.12   The Welsh Government noted that spectrum sharing has the potential to deliver mobile phone connectivity and mobile broadband in hard-to-reach areas through emerging innovative technologies. It welcomed our commitment to continue to engage with spectrum users and to review the spectrum framework in light of experience and growing interest from spectrum users; and believes that shared spectrum could play a significant

role in addressing persistent mobile 'not spots' and in developing new uses to support businesses in rural areas.

4.13   The Dynamic Spectrum Alliance claimed there is high demand for next-generation wireless connectivity for both consumer and enterprise networks. Spectrum sharing will be an important component to meet this demand, as will both licensed (including shared, local licensing) and license-exempt access options.

Our response

4.14   As set out in this Plan of Work we will be reviewing our approach to shared access licences to ensure it continues to support innovation. We also continue to offer local shared licensing access in areas where Mobile Network Operators (MNOs) do not use their spectrum.

4.15   Spectrum sharing is a pillar of our spectrum management strategy and will play a critical role in enabling more users to access the spectrum they need. We are committed to ensuring we have the most appropriate authorisation tools available to ensure the optimal use of the spectrum. Our Licensing Platform Evolution (LPE) programme of work will deliver automation of the licencing process and a better experience to stakeholders when accessing spectrum.

Utilities, international collaboration, and associated costs

4.16   The Joint Radio Company (JRC) is concerned that utilities are having access to other spectrum allocations curtailed or removed completely e.g. 26GHz, 1.4GHz, 6GHz. JRC acknowledged and discussed appreciation for Ofcom's recent work in the International Telecommunication Union (ITU) WP5A along with regulators from other European countries. JRC also noted that recent announcements regarding changes to the microwave bands to be used for 5G & 6G services, coupled with either LTE or WiFi based solution in the 6GHz range are likely to necessitate expensive hardware swap outs, the costs of which will be borne by the energy consumer. JRC observed that major changes to these three frequency bands seem at odds with the current work activity to review the changing (increasing) requirements for utilities to have access to dedicated radio spectrum to facilitate 'Smart Grid' developments.

Our response

4.17   As set out in this Plan of Work we will publish an update on spectrum options for utility communications.

4.18   The 26 GHz, 1.4 GHz and 6 GHz bands are all used for fixed links. The 26 GHz and 1.4 GHz bands are being planned for future mobile use and we will consult on proposals for the future use of the upper 6 GHz band in the UK at a suitable time. We also plan to undertake a new review of how spectrum demand for fixed links in existing and higher frequency bands may evolve in the coming decade.

Spectrum sandboxes

4.19   While Intelsat welcomed the approach from Ofcom to enable innovation and sharing by experimenting in sandboxes i.e., in specific geographic locations and bands, it recommended that any such experiments are done in a cautious manner and by including all spectrum users, to avoid any possible detrimental effect to services offered by existing spectrum users both in band and in adjacent bands.

4.20   A submission from the University of Strathclyde and the University of Glasgow applauded Ofcom's intention of working with academia and industry to explore new ways for innovation and sharing, in specific geographies and specific bands.

4.21   There continues to be broad interest in and support for sandboxes – this was also reflected in the response from the Welsh Government.

Our response

4.22   We encourage all spectrum users to consider the potential of sandboxes, both incumbents and new users.

4.23   We are committed to exploring how industry-led sandboxes might provide us with data on spectrum use to inform future policy decisions; this is in line with our better data for better spectrum management area of work identified in the roadmap. All initiatives will be planned and monitored to protect existing users.

Technically Assigned (business) Radio application form and general licensing delays

4.24   The Federation of Communications Services (FCS) expressed support for the improvement to WTA (Wireless Telegraphy Act) Licence simplification and noted that the issuing of business radio (BR) licences for Technically Assigned and Area Defined spectrum, is a long and difficult process, often requiring many weeks of effort. FCS stated that the current obligatory seven-week period to issue a licence is in need of review and requires a much shorter timeline. It discussed that the online strategy should be extended to all BR licensing. Currently, the on-line application form for a 'Technically Assigned' must be printed-off by the applicant so it can be filled-in by hand.

Our response

4.25   The 42-day time limit, as set out in the Wireless Telegraphy Act 2006, is the maximum period that it should take for Ofcom to issue a licence. In most cases it is substantially shorter than this. As set out in this Plan of Work, we are currently in the process of updating our spectrum management systems as part of our Licensing Platform Evolution (LPE) programme. We are currently focused on the simpler licences and shared access licences and will then move on to our more technical licence products. We initially intend to provide an online application and batch process to allow applicants/licensees to manage

their own applications. Later, we intend to integrate an automated coordination functionality, where possible. Each stage of these upgrades should significantly reduce the time taken for applicants to receive their licence(s). Concerning the completion of application forms, in some areas such as for BR Technically Assigned licences, we already provide both the printable form and an online process where application details can be completed online. Most users choose to complete the form online and therefore do not need to print it to fill in by hand.

Spectrum test zones and support for innovation projects

4.26   The Advisory Committee for Scotland (ACS) noted that while Ofcom has a very flexible spectrum testing provision, testing across larger areas of a city could be more challenging. This is of particular relevance to the University of Strathclyde who are trying to establish a large area test zone that would not only benefit local residents, but could be effective in attracting investment inward to the university from sector-leading multi-national firms. ACS suggested that Ofcom engages with (e.g.) university departments who have the opportunity to grow Scotland's reputation for excellence in industry-aligned research, and related 'spin-out' companies, which have the potential to have wider economic benefits for Scotland's economy.

Our response

4.27   Providing access to city-wide spectrum can be difficult due to the need to protect existing users from interference and competing demand for the spectrum. We will continue to work with universities and other stakeholders across the UK to enable innovation and growth for a wide variety of spectrum users.

Upper 6GHz band

4.28   The Wi-Fi Alliance asked Ofcom to prioritize consideration of making the 6.425-7.125 GHz band available for Wi-Fi in its Plan of Work for 2023–24. The Dynamic Spectrum Alliance echoed these points.

Our response

4.29   Future use of the upper 6 GHz band (6.425-7.125 GHz) is attracting significant stakeholder interest. It has the potential to support wireless broadband uses from both commercial mobile and licence exempt uses such as Wi-Fi. The future of the band is under discussion internationally - it is on the agenda of the next World Radiocommunications Conference (WRC-23) and is also being considered in Europe through the European Conference of Postal and Telecommunications Administrations (CEPT). We published an update on the band in December 2022, where we set out our favoured outcome for WRC-23. Settling the future use of the band in the UK and Europe is a priority for us and we will continue to work within the UK and with our international colleagues to ensure an outcome that maximises the benefits future use of the band will bring.

Spectrum management – economic impact

4.30   BT Group and Cellnex UK raised points around the increased economic pressures on UK MNOs and associated impact on investment capability. BT Group proposed that Ofcom should develop a strategic plan for deriving maximum economic benefit from the spectrum presently used for digital terrestrial television (DTT). They argued that, considering the future and changing requirements of Programme Making and Special Events (PMSE), Mobile and Terrestrial TV, Ofcom should lead the thinking on the future application of that spectrum.

Our response

4.31   In its April 2022 Paper on Broadcasting, Government said it will ask Ofcom to continue to track changes to DTT viewing and to undertake an early review on market changes that may affect the future of content distribution before the end of 2025.

4.32   In the meantime, Ofcom's position on DTT remains unchanged: it has a future until at least 2030 and probably beyond. This has been reflected in the legislation that Government put in place to allow for the renewal of the five main multiplex licences until 2034, with a break clause at end 2030.

ALF (Annual Licence Fees) and Spectrum Allocation Limits

4.33   BT Group was of the view that Ofcom should conduct a fundamental review of its approach to setting annual fees for mobile spectrum. It urged Ofcom's approach to setting annual fees for mobile spectrum to be adapted to better align with the market scenarios today, with particular consideration to how best to enable or promote trading and leasing of spectrum, and a workable spectrum sharing data base.

4.34   Vodafone argued that the UK needs a set of robust and suitably scaled networks to thrive, enabling all sectors of the economy to develop and grow on the back of world class infrastructure. In its view 5G is crucial to this and Vodafone is seeking to see it prioritised in all decision making. It called for action to tackle: 1. the loss of capital from the industry through prohibitively high annual spectrum fees. Vodafone noted that it is keen to see this burden reassessed or funds ring fenced for network investment; and, 2. inefficient spectrum allocation decisions that necessitate the need to acquire more sites than is necessary in order achieve the similar coverage levels.

Our response

4.35   We remain of the view that fees for mobile spectrum should reflect market value. We continue to review our approach to setting these fees in light of market developments and submissions from stakeholders. In setting fees, we have regard to band-specific circumstances in determining the appropriate fee levels. Trading is already enabled in mobile spectrum bands and local licensing facilitates access to mobile spectrum in areas where it isn't being used by the operators.

4.36   We disagree that annual spectrum fees are prohibitively high, and we note they reflect the payments that operators have made for spectrum in competitive auctions. It is our view, that this approach helps to ensure that MNOs take the value of spectrum into account when making investment decisions. Moreover, as set out in our [Future Approach to Mobile Markets](), in our view measures to increase the overall profitability of MNOs will not necessarily improve incentives for future investment

World Radiocommunications Conference (WRC)

4.37   A range of stakeholders looked ahead to the opportunities provided by the WRC and were keen to engage further with Ofcom on this. BT welcomed the planned publication of Ofcom's view of future spectrum requirements for 6G, but noted that timing of the work is inconsistent with the timing of the ITU WRC-23 conference at which a decision on a future agenda item for 6G will be taken, as well as the pressing issue of access to spectrum at 6GHz and 600 MHz.

4.38   The Voice of the Listener and Viewer (VLV) expressed the view that public service television and radio services should be universally available across the UK free at the point of reception. The role of the 600MHz band that currently supports independent delivery of Freeview services is a vital part of PSB itself and needs to be protected in its view. Representations made to previous Ofcom consultations on spectrum and on preparations for WRC23 in specific relation to DTT in the 600 MHz ultra-high frequency (UHF) band were repeated.

4.39   The Welsh Government noted the forthcoming WRC and encouraged Ofcom, representing the UK, to seek the views of stakeholders and audience on any need to consider the extension of digital TV and radio in future.

Our response

4.40   Our work on enabling wireless broadband work will continue and will inform our contribution to the next WRC conference in November 2023.

4.41   While our Plan of Work does not mention PMSE specifically, we meet regularly with PMSE users and equipment manufacturers. This enables us to accurately represent PMSE views when fulfilling our spectrum management duties, including working with Government to represent the UK's interest effectively in international negotiations. Those upcoming meetings, notably WRC-23, are covered in our Plan of Work.

4.42   Ofcom's position on DTT remains unchanged: it has a future until at least 2030 and probably beyond. This has been reflected in the legislation that Government put in place to allow for the renewal of the five main multiplex licences until 2034, with a break clause at end 2030. Our position on the UHF spectrum at WRC-23 remains that there should be no change in allocation (to DTT and PMSE) i.e. there should be no new mobile allocation.

5. Post

Our approach to post

5.1   Citizens Advice, though generally supportive of Ofcom's consumer outcome-based approach, felt postal services require further attention from Ofcom in this regard. It urged Ofcom to focus on making sure that postal services are universal, affordable, consistent and fair and also expressed disappointment that there is no desired outcome for postal services in Ofcom's Plan of Work.

5.2   Ofcom's Advisory Committee for Scotland (ACS) stated that oversight of the postal market has slipped down Ofcom's list of priorities. It said it remained a key priority in Scotland, and it should retain a high priority for Ofcom.

5.3   Royal Mail argued significant resources were invested by both Ofcom, Royal Mail, and other stakeholders in Ofcom's 2022 review of regulation. However, the regulatory framework and Ofcom's Plan of Work maintain the policy status quo alongside increasing the regulatory reporting burden without demonstrating meaningful consumer benefit. Royal Mail further stated Ofcom's Plan of Work needs to reflect fundamental shifts in the dynamics of the postal market and changing consumer needs.

Our response

5.4   Regulation of postal services continues to be a core element of our work and our approach aligns with the values described by Citizens Advice (universal, affordable, consistent and fair): we are focused on securing a universal postal service that is financially sustainable for the future, maintaining efficient operations and furthering the interests of citizens and consumers who rely on postal services across the UK.

5.5   We set out our [decisions on the regulatory framework services for post](#) in 2022, following a comprehensive review and consultation process. We recognise that we will continue to need to look forward to the future of the postal Universal Service Obligation (USO) and how best to protect the interests of consumers. As explained the Plan of Work, our work this year will include enhanced monitoring to reflect the conclusions of our 2022 review, as well as to cover Royal Mail's efficiency progress and the longer-term sustainability of the postal USO. As noted in our 2022 [annual monitoring report](#), the uncertainties and risks around the sustainability of the USO have recently increased which means we will need to monitor the situation very closely and be in a position to respond if needed.

Affordability of post

5.6   A number of stakeholders made points about the affordability of post. Consumer Scotland encouraged Ofcom to undertake a full review of the affordability of all postal services and noted that if postal services became unaffordable for those in most need, this could risk undermining a key principle of the USO.

5.7   The Consumer Council recognised the importance of the second-class safeguard cap as protection for consumers and awaits Ofcom's proposals on price caps in 2023–24. The Consumer Council also pledged to work with Ofcom to ensure this key protection continues.

5.8   Citizens Advice welcomed Ofcom's work in this area and the opportunity to respond to Ofcom's consultation on the Second-Class safeguard caps later this year, but remains disappointed that Ofcom's regular affordability tracker doesn't include postal services at all. Citizens Advice stated that letter postage is an essential service in which Royal Mail has "a virtual end-to-end monopoly"; therefore it argued that setting an affordable cap seems proportionate and necessary.

5.9   Royal Mail maintained that affordability is not an issue for the vast majority of customers and that this should be reflected in the way in which it is regulated. Royal Mail requested that Ofcom concludes its safeguard caps review in good time to provide regulatory certainty when it is developing its pricing strategy and making pricing decisions.

Our response

5.10   We regularly review the affordability of postal services in our periodic assessment of safeguard caps and our separate consideration of individual services such as the recent review of redirections. We will next consider the affordability of postal services in our forthcoming review of the appropriate scope and level of the safeguard caps that will apply from April 2024. We note that our duties to ensure services are affordable must be balanced against our duties to ensure that the delivery of the USO services are sustainable.

5.11   Safeguard caps on some Second-Class products help to ensure that USO postal services are affordable for consumers. As noted by the Consumer Council (NI), in Q2 2023–24 we will be setting out our proposals for the next set of safeguard caps which would start in April 2024. To inform our work, we are engaging with a wide range of stakeholders, including consumer groups.

5.12   We consider affordability of postal services separately to telecoms services because of the different characteristics of the services and how they are purchased (for example, the fact that consumers usually enter into an ongoing contractual relationship with a telecoms provider, while postal services are purchased on a one-off basis). We use our regular Postal Trackers to inform our understanding of affordability of postal services.

Postal Universal Service Obligation (USO)

5.13   Royal Mail discussed that its research alongside Ofcom's, shows that customer needs would be met by a five-day letter service. Royal Mail also urged Ofcom to ensure that its Plan of Work allows it to work with relevant stakeholders to ensure the USO in the UK best meets consumers needs in the long term.

5.14   Royal Mail noted that Ofcom's Plan of Work confirms its view that change to the scope of the USO is a matter for the UK Government. Royal Mail also urged Ofcom to factor

flexibility into its Plan of Work to support the UK Government in its decision making; to allow Royal Mail to respond quickly to the financial challenges it faces. Royal Mail additionally requested that Ofcom works with Government to provide it and other stakeholders with a clear process and timeline setting out which organisation holds the responsibility for assessing the case and decision making at different points in the process. Furthermore, Royal Mail pledged its commitment to the USO and the one price-goes-anywhere service to every address across the country, noting a supportive regulatory regime is required to ensure that the USO remains relevant and sustainable.

5.15   Citizens Advice agreed that the postal market is an evolving sector and that Ofcom must respond to changing user needs. However, Citizens Advice also argued the regulator should recognise that postal services continue to be an essential part of its communications network. Citizens Advice additionally discussed the importance of the letters market alongside potential harms of letters failing to be delivered such as missed health appointments. Citizens Advice further argued that reliable and affordable postal services are a vital lifeline for the millions of people across the UK who have limited digital skills or no internet access at all. The Consumer Council stated a need to develop a better understanding about how consumers across Northern Ireland would be affected by a reduction to letter deliveries by removing Saturday deliveries as Royal Mail is requesting and looks forward to sharing its work with Ofcom in this area.

Our response

5.16   Any reform of the minimum requirements of the postal USO is a matter for the UK Government, but we stand ready to engage in any further consideration of the future of the USO. We recognise that postal services continue to play a key part in society, and we are focussed on securing a universal postal service that meets the needs of end-users and is sustainable for the future. Our active monitoring regime helps ensure we have an up to date understanding of the changing needs of users, market dynamics and the financial sustainability and efficiency of the USO, as well as any risks to universal service. We will continue to engage with relevant stakeholders on these issues as part of our enhanced monitoring work this year.

Post Quality of Service (QoS)

5.17   The Mail Competition Forum (MCF) stated that a change to the regulatory regime is needed to tackle the crisis in Quality of Service (QoS) in delivery. Whilst MCF expressed recognition that Ofcom have had regular meetings with Royal Mail to better understand the actions that Royal Mail's management are putting in place to tackle this poor performance, MCF argued this activity has not driven any real improvement in QoS performance. The MCF also offered three key proposals: Timeframe - Reduce the timescales over which the monitoring is performed; Fine - Make the penalty more transparent and commensurate/proportionate with the service degradation; Include Access in QoS monitoring regime.

5.18   Whistl argued that as a result of the very poor QoS offered by Royal Mail to its customers in 2022/23 the time is right to strengthen Ofcom's existing activities in this area. As a result of this unfortunate market development Whistl urged Ofcom to include a strand of work in its Plan of Work to assess the existing regime's suitability and to consider how it could be adapted to improve its effectiveness. Proposals included reducing the timescale of monitoring and enforcement from the exiting annual timeline to a monthly or quarterly timeline; and ensuring that the USO and the network that supports it are delivering to the standard expected and paid for by posters.

5.19   The Consumer Council argued that "Improving Royal Mail QoS performance must be a priority for Ofcom's postal work in 2023–24". The Consumer Council is also concerned that Royal Mail has breached the QoS for targets the past three years. While the Consumer Council appreciated the exceptional circumstances due to the Covid-19 pandemic, it argued letter delays can have a significant impact on consumers. The Consumer Council further argued of those who faced letter delays in Northern Ireland, 16% experienced a serious negative consequence as a result such as missed important documents, financial appointments, health appointments and Covid-19 vaccine booster appointments. The Consumer Council also highlighted that consumers have no choice in the letters market as Royal Mail is a monopoly provider.

5.20   ACS argued that the impact of poor performance is more significant on both vulnerable households and rural communities in the outlying areas of Scotland who have much greater reliance on these postal services. ACS further stated the cumulative impact of the range of less reliable communications services on these 'converged consumers' should be recognised.

5.21   Citizens Advice has previously raised the need for more transparency and frequency to improve the QoS regime, in particular calling out the unsatisfactory nature of the current monitoring regime where Ofcom doesn't investigate quality of service issues until the end of the financial year. To illustrate, Citizens Advice further argued that in 2021/22 it found serious letter delays over the festive period and published research on 17 February 2022, yet Ofcom didn't conclude its investigation and publish a decision until 2 December 2022 - almost 10 months later. As such, Citizens Advice encouraged Ofcom to review its QoS regime as part of its Plan of Work for 2023–24.

5.22   Citizens Advice argued Ofcom should be more proactive and agile in its regulatory approach, to meet the challenges of a rapidly evolving market and prevent harm from occurring in the first place. Ofcom should also use its powers to provide a safety net for consumers, while still allowing businesses to thrive.

5.23   Citizens Advice was disappointed to see that Ofcom decided not to fine Royal Mail for failures to deliver in this essential market in 2021/22, as recent research identified that an estimated 31 million people (60% of UK adults) were hit by letter delays this Christmas and this was the third year in a row where research found significant consumer harm as a result of Royal Mail letter delays.

Our response

5.24   Ofcom's regulatory framework is designed to fulfil our duty of securing a universal postal service which meets the needs of users, ensuring the availability of affordable services while taking into account financial sustainability and efficiency. While our overall regulatory framework allows Royal Mail commercial flexibility when providing the USO, it is supported by important safeguards which include a safeguard cap on Second Class letters and QoS targets.

5.25   Our QoS targets require Royal Mail to deliver at least 93% of First Class post – across the UK – within one working day of collection, and 98.5% of Second Class post within three working days, over the whole financial year. We assess Royal Mail's performance against these targets for each financial year – looking at how it has performed over the year as a whole. As part of our recent 2022 Review of Postal Regulation we concluded that our QoS targets and annual assessment process remained appropriate. We know how frustrating and disruptive it can be when post is delayed and we are very disappointed with Royal Mail's recent QoS results, which are significantly below target.

5.26   We concluded in our 2021/22 investigation decision that, given the pervasive and significant impact of Covid-19, it would not be appropriate to find Royal Mail in breach of its targets. However, we also made clear that we do not expect Covid-19 to have continuing significant impact on Royal Mail's QoS going forward. We are currently preparing for our assessment of Royal Mail's results for 2022/23 so we can expedite the process as quickly as possible and, if appropriate, we will not hesitate to take enforcement action.

Parcels

5.27   The Consumer Council has raised concerns about the continued impact of Brexit on consumers and businesses who rely on the cross-border parcel market in Northern Ireland. The Consumer Council discussed its independent research showcasing consumers still require information about postal services in relation to EU Exit and its potential impact in Northern Ireland, which emphasises the need for clear, accurate and timely guidance to be made available. Furthermore, the Consumer Council pledged to utilise its insights to work in partnership with Ofcom, ensuring Ofcom is aware of the issues being experienced by consumers in Northern Ireland.

5.28   Consumer Scotland requested that Ofcom considers committing to publishing the number of complaints of each major parcel operator as part of their monitoring, stating this would have various positive effects such as greater transparency on quality of service in the parcel market or creating further incentives for parcel operators to improve their services to consumers.

5.29   Citizens Advice expressed support for Ofcom developing new guidance and obligations in the parcels market for the handling of complaints and the treatment of disabled customers, but laments that this market isn't working for everyone as consumers with

specific accessibility needs disproportionately experience delivery problems, while also being more severely affected by them. Citizens Advice therefore welcomed the new condition, which presents a framework for operators to better meet disabled consumers' needs around parcel delivery.

5.30   Citizens Advice expressed knowledge that consumers wanting to make complaints face challenges and further problems when doing so and argues with people experiencing problems at such a high rate, it's important that consumers can resolve their problem quickly and easily. As such, Citizens Advice welcomed Ofcom's new guidance for helping parcel companies improve their complaints processes.

5.31   Citizens Advice requested further detail from Ofcom on its plans to monitor companies' progress through research and data sharing, as well as enforcement action if needed. However, Citizens Advice also argued Ofcom could go further, by encouraging parcel companies to share their data with consumer bodies and the public, alongside also carefully considering the threshold for enforcement action to make sure it acts swiftly and decisively when parcel companies are repeatedly found failing to meet its standards.

Our response

5.32   We acknowledge the ongoing uncertainty around future trading arrangements with the European Union and the impact this has on cross-border parcel operations between the UK and other European countries. Implementation of the new Windsor Framework (which replaces the Northern Ireland Protocol) is a matter for the UK Government. We continue to engage with the UK Government, postal operators and consumer groups to advise on, and understand, the implications of this framework for the postal market.

5.33   Our new condition on parcel operators (including Royal Mail) to have policies and procedures in place that are designed to improve the experience of disabled consumers comes into force on 1 November 2023. We will be closely monitoring the implementation of this condition, and relevant policies and procedures. We expect adoption of such measures, and the transparency associated with them, to improve user experiences and are ready to investigate companies that fail to comply.

5.34   Our updated guidance on complaints handling comes into force on 1 April 2023, and we are also committed to monitoring parcel operators' performance in this area. To do this, we intend to draw on three main sources: operator data we gather using our statutory powers, consumer research we conduct and ongoing industry engagement. We will also review data and information from other sources, including the consumer advocacy bodies and the Communications Consumer Panel and Advisory Committee on Older and Disabled people (CCP-ACOD).

5.35   As noted in our 2022 Review of Postal Regulation statement, we do not intend to publish operator-specific complaints data which we obtain from parcel operators at this stage. While we appreciate that this could have some benefits, the publishing of such information may raise specific challenges (e.g. comparability of data), but we may return to this in due course if we consider that further steps are needed to incentivise better performance by

operators in managing complaints. If, after our guidance comes into effect, we identify concerns about compliance by parcel firms we can take enforcement action as necessary, in accordance with our enforcement guidelines.

Vulnerable post users

5.36   Consumer Scotland raised concerns that consumers with no fixed abode can find it very difficult to access postal services as they may not have a point to deliver to or may be moving location at short notice.

5.37   CCP-ACOD argued Ofcom's priorities leave postal service users underserved at a time when they need Ofcom's protection more than ever. CCP-ACOD welcomed Ofcom's continued monitoring of postal services and its ongoing work with Royal Mail, as well as its work across the UK nations, as set out in the Plan of Work, but believes that this is the minimum that is expected of Ofcom under its remit and would like to see Ofcom do more. CCP-ACOD also stated that some postal services users risk being left behind, particularly those who will not benefit from Ofcom's priority outcomes – those who chose not to or are unable to use the internet, for example.

5.38   CCP-ACOD additionally encouraged further research to ensure people are getting what they need, particularly the groups of people at higher risk of loss, delay or poor accessibility. These include people in Northern Ireland, the Highlands and Islands and people who have additional access requirements among others who face risks associated with parcel delivery.

5.39   Citizens Advice recommended that Ofcom specifically includes postal services in its work relating to the 'Supporting vulnerable customers' work. It said this might allow Ofcom to (e.g.) include postal services in its scores for the UK Regulators Network scorecard to bring transparency for postal consumers. Citizens Advice said it would have valuable insight to feed into this workstream - especially in relation to post exclusion and the treatment of people in vulnerable circumstances in the parcels market.

Our response

5.40   Our work on postal services carefully considers the needs of vulnerable users, and joins up with colleagues working on vulnerable customer issues in telecoms markets where appropriate. We recognise the importance of ensuring reasonable access to postal services for the most vulnerable and isolated communities. A number of our existing rules help to ensure widespread access for such groups, this includes our requirements on the distribution of access points, which is complemented by access to the Post Office network ensured by rules set by the Government.

5.41   While we recognise consumer interest in convenience when receiving postal items, in particular parcels, the market continues to develop infrastructure and technology to facilitate alternative delivery options distinct from home delivery, such as through collection hubs (including Post Offices) and parcel lockers. We monitor these

developments alongside consumer advocacy bodies, who are considering accessibility in relation to such new initiatives.

5.42   As noted above, we will be closely monitoring the implementation of our new condition on parcel operators (including Royal Mail) to have policies and procedures for the fair and appropriate treatment of vulnerable customers. As part of this we intend to commission consumer research to monitor the experiences of disabled consumers. This research will complement our ongoing research tracking consumer usage and satisfaction of postal services across the four nations.

6. General and underpinning work

Research and horizon scanning

6.1   The Royal National Institute of Blind People (RNIB) noted that the consultation document refers to research into the investment in online virtual worlds. It expressed concern that these are not mentioned in regards to the plan to develop Ofcom's understanding of emerging and disruptive technologies; it proposed that Ofcom needs to understand potential accessibility barriers that may be raised and have a plan to mitigate these barriers. Similarly, the RNIB felt it would be timely for Ofcom to perform its own research into the accessibility of the gaming industry and what encouragements could bring about better accessibility in gaming.

6.2   Openreach raised that that the large and detailed Openreach data sets used for the Connected Nations report remain challenging to produce because core base data for UK properties and postcodes is subject to continuous change. Openreach additionally expressed value for the positive and proactive way in which the Ofcom Connected Nations team engages with them to investigate and understand the data should any queries arise. Openreach has recently completed another major update to Ofcom's data models and look forward to this forming the basis of Ofcom's 2023 submissions alongside continuing to work with the Ofcom team to produce timely and accurate statistics for the UK.

Our response

6.3   Ofcom's technology programme seeks to understand how the evolution and adoption of a wide range of technologies may affect the lives of citizens and consumers. In undertaking such work we are guided by duties and provisions set out in relevant legislation and may, from time to time, involve research into the accessibility of emerging services.

6.4   We welcome the ongoing positive engagement with Openreach and all stakeholders who support our Connected Nations data gathering. Our reporting in this area helps to provide a measure of the improved availability of better networks across the UK.

Artificial intelligence (AI)

6.5   AI regulation was raised in some responses and, in particular, Which? suggested it was important that Ofcom examines how best it can implement such regulation in the context of the communications sector. Ofcom was urged to work closely with other regulators and Government to ensure that it has the sufficient capability and resources to effectively regulate AI and protect consumers.

Our response

6.6   Ofcom has been liaising closely with the Office for AI to support the development of its upcoming AI White Paper. At the same time, we have been considering how Ofcom can

make best use of the non-statutory principles which the government intends to include within its new AI regulation framework. This work will continue into 2023–24. In addition, as an active member of the DRCF Algorithms Project, Ofcom will be working closely with the other digital regulators over 2023–24 to ensure that we take a coherent and joined up approach to the implementation of the UK Government's new framework.

Climate change

6.7 The Advisory Committee for Scotland (ACS) noted that sustainability and climate change is an area where Scotland is working to a different timetable from the rest of the country (the Scottish Government target of Net Zero by 2045). ACS noted there needs to be some recognition of this within the Plan of Work as Ofcom and UK wide stakeholders begin to consider how this earlier target will be managed. Specific recommendations were made to how this could be presented and environmental issues emphasised in the Plan of Work.

6.8 Citizens Advice welcomed Ofcom's work on climate and sustainability and specifically raised the point that they would like to understand how Ofcom will work with companies in the postal sector to consider how they can contribute towards meeting the UK's net-zero carbon target.

6.9 BT Group advised that Ofcom should be more ambitious in addressing environmental issues. Regardless of specific duties, Ofcom can coordinate policy across telecoms and drive focus on this critical issue.

6.10 Meanwhile the Welsh Government "welcomed the focus on sustainability and climate change as an underpinning aspect of Ofcom's work". Building a stronger, greener economy and maximising progress towards decarbonisation continue to be key priorities for the Welsh Government. It would welcome further detail on how Ofcom can maximise its current regulatory powers to challenge the telecommunications and broadcasting industries on tackling climate change and improving sustainability.

Our response

6.11 Environmental sustainability is an increasingly important driver of commercial decisions for communications companies and many of our regulated firms have committed to net-zero plans to reduce their own environmental impact. While Ofcom has no regulatory duties regarding climate change, this is an area in which we are committed to making a positive difference. For example, we are undertaking research to help us understand the relative energy efficiency of communications technologies and the evolving connectivity requirements of other sectors, noting the interconnectedness of the communications and energy sector in particular. We also published consumer advice on how to save money and energy through the efficient use of communications devices.

6.12 We note that the Scottish Government has a net-zero target date of 2045, five years earlier than the UK Government's target. We recognise that our regulated sectors are contributors of greenhouse gas emissions albeit relevant data is only captured at UK level by the Office for National Statistics which impedes our ability to make assessments about

emissions by the industry at a Scotland level. We are happy to explore with Scottish Government and others how we might contribute further to this work.

6.13   We also note the important role of digital communications in enabling the decarbonisation of other sectors, for example via smart wireless solutions, however there is no agreed methodology for calculating the abatement of emissions. In addition to our established research noted above, we are building our knowledge of this enabling role of our sectors.

6.14   We are encouraging the telecommunications providers to convene themselves as an industry group via a roundtable event in May 2023. The aim is to encourage a sector-wide approach to tackling the mutual challenges to becoming more sustainable (e.g. exploring how to reduce emissions from the industry's supply chains). We hope that such an initiative can mirror the success that the broadcasting sector has made via the Bafta Albert industry forum, to reduce their carbon footprint.

Partnerships

6.15   BT Group commented that Ofcom should make use of the Digital Regulation Cooperation Forum (DRCF) to ensure effective cross regulator co-ordination on digital markets issues and harnessing of sector regulator expertise. BT Group sees a role for Ofcom working with the CMA to take forward remediation plans for findings identified in the CMA's Mobile Ecosystems Market Study that have a telecommunications nexus.

Our response

6.16   Ofcom is actively engaging with its fellow digital regulators (the CMA, FCA, ICO) both through the DRCF and bilaterally. We highly value the opportunity that the DRCF provides for coordination and cooperation in digital market related issues and are playing an active role in its workstreams. With respect to the CMA's Mobile Ecosystems Market Study, Ofcom actively supported the CMA in the market study and looks forward to engaging with it in the future on any relevant actions arising from it.

Future of TV distribution

6.17   On the future of TV distribution, BT Group expressed their view that Ofcom should also consider the future TV distribution model and that to enable the reuse of digital terrestrial television (DTT) spectrum Ofcom should drive a strategy to provide an alternative mode of consumption to homes yet to adopt IPTV.

Our response

6.18   In its April 2022 Up Next White Paper on the broadcasting sector, Government said it will ask Ofcom to continue to track changes to DTT viewing and to undertake an early review on market changes that may affect the future of content distribution before the end of 2025. To prepare for this, we are undertaking cross-cutting work to examine the strategic considerations which drive the long-term future of distribution for TV content in the 2030s

and beyond. We will explore what the implications might be for audiences, including vulnerable audiences, and our sectors if the distribution of linear TV were to change, particularly towards an increasingly IP-based model. We will be considering a range of economic and public policy issues across our sectors that this may raise, and expect to engage with different stakeholders in the course of this work.

Ofcom's approach to planning, engagement and consultation

6.19   Across the range of stakeholder responses we received, general points were made about Ofcom's approach to planning, engaging with our stakeholder and consulting on the Plan of Work and other areas of our work.

6.20   The Communications Consumer Panel and Advisory Committee on Older and Disabled people (CCP-ACOD) recommend greater co-designing with consumer representatives to ensure that industry and policy-makers raise awareness of changes and listen to the needs of consumers who face barriers e.g. due to their location. Better Media reflected similar points around whether Ofcom appropriately prioritised the interests of citizens vs 'large scale' providers.

6.21   INCA echoed previous representations around Ofcom incorporating consultation responses and explaining its rationale where it does not take stakeholder proposals on board in its revised Plan of Work.

Our response

6.22   The Plan of Work consultation exercise is central to our annual planning cycle. We hope that the responses outlined above provide transparency as to Ofcom's position on the key points extracted from the range of responses we received to our Plan of Work consultation. There are a broad range of channels through which Ofcom engages with consumers and the sectors we regulate. This includes through bodies such as the Communications Consumer Panel, our Making Sense of Media Advisory Panel and our nations Advisory Committees. We also undertake a broad range of horizon scanning work, including through the DRCF. Our work is driven by our mission to make communications work for everyone and updates to the Plan of Work consultation document will be included in our final published statement on 28 March 2023.