

Communications Consumer Panel and ACOD's response to Ofcom's consultation on promoting competition and investment in fibre networks

The Communications Consumer Panel, established by the Communications Act 2003, is a group of independent experts with direct sectoral experience. We ensure the citizen and consumer voice is represented in communications policy development.

The Panel's job is to ensure that the sector works for consumers, citizens and micro businesses - and in particular people who may be in a more vulnerable position in society. We carry out research, provide advice and encourage Ofcom, governments, the EU, industry and others to look at issues through the eyes of consumers, citizens and micro businesses.

The Panel pays particular attention to the needs of older people and people with disabilities, the needs of people in rural areas and people on low incomes, and the needs of micro businesses, which have many of the same problems as individual consumers.

Four members of the Panel also represent the interests of consumers in England, Northern Ireland, Scotland and Wales respectively. They liaise with the key stakeholders in the Nations to understand the perspectives of consumers in all parts of the UK and input these perspectives to the Panel's consideration of issues. Following the alignment of ACOD (the Advisory Committee for Older and Disabled people) with the Panel, the Panel is more alert than ever to the interests of older and disabled consumers and citizens.

Response

The Panel welcomes the opportunity to respond to Ofcom's consultation on 'promoting competition and investment in fibre networks: measures to support Openreach's proposed trial in Salisbury - migrating customers to full fibre and withdrawing copper services'.

The handling of the migration of voice calls to IP networks has been an area of great concern for the Panel. We have engaged closely with Ofcom to promote and protect the rights of people who are likely to be the most vulnerable, including landline-only consumers and consumers with additional telephony needs, such as telecare. Therefore the contents of this response will not come as a surprise to Ofcom.

Ofcom's standalone landline review revealed that there are approximately 1.5 million consumers that only use a landline and that these people are more likely to be older, disabled and on a lower income. We have raised concerns on behalf of this group of

consumers in regard to the installation of new equipment and the need to provide trustworthy support services.

We have been encouraged by the level of priority that migrating consumers to IP networks has been given by Ofcom and the UK Government, in terms of seeking to protect vulnerable consumers therein.

In our response to DCMS' draft *Statement of Strategic Priorities*, we welcomed prompt discussion of the process of switching over to IP networks, in order to ensure that the needs of consumers - especially the most vulnerable consumers - are held in the foreground of the process. We highlighted the needs of not only consumers who rely on telecare services, but also those who have poor coverage in both broadband and mobile services.

We also noted that we have urged Ofcom to ensure a wide-ranging communications plan is in place to inform consumers about the switchover and to protect consumers from misinformation and scammers.

We were pleased to see that the switchover - or migration - to IP networks continued to have a specific project in the *Ofcom work plan 2019/20*.

In the Panel's own *workplan for 2019/20* one of our areas of focus is ensuring that consumers who currently rely on PSTN are supported through the switchover process and do not incur extra costs.

Impact on vulnerable consumers

We believe there is a risk that consumers may be at greater risk if migration is poorly handled and the safety of people who rely on personal alarms could be compromised if the switchover is not carefully managed. There are other vulnerable groups who might be adversely impacted other than telecare users and it is vital that their needs are understood before a widespread migration takes place.

We therefore welcome the trial in Salisbury. We agree with Ofcom's assertion in the consultation document: "The trial will provide important information about copper retirement and PSTN switch-off, including on the communications providers' commercial and technical approaches, consumer response, and communications providers' approaches to protect vulnerable customers". The Panel has recently been facilitating discussions with communications providers in its Industry Forum, on the subject of making communications services work well for vulnerable customers.

We also consider that the potential benefits of the trial justify regulatory intervention to facilitate it and that a year's notice of the stop-sell is reasonable as long as there is widespread communication of this so that consumers can make well-informed decisions

and seek advice where necessary. We note that local stakeholders will be informed of the plans, which we welcome. In this process, care needs to be taken that a full range of engagement techniques and methodologies are used and that specific access needs are thought about and met.

Proposed approach to protecting consumers during the trial

We agree that the following mitigations should be put in place for this trial and that Ofcom should work with Openreach and communications providers to ensure that the mitigations are implemented effectively - failing to do so could have life-threatening or life-changing consequences.

- *Customers using telecare or other safety-of-life services should not be migrated unless suitable replacement services (i.e. that operate effectively and have appropriate resilience in a power cut) are in place.*
- *Customers dependent on textphones should not be migrated or lose service*.*
- *Customers who are dependent on their landline for access to emergency services (e.g. because they do not have mobile coverage in their home or do not have a mobile) should not lose service.*
- *Restoration of former services should be available rapidly in the case of failure of telecare or other safety-of-life services.*
- *Openreach and communications providers should have a robust information campaign and security procedures for home visits to avoid the risk of harm to consumers.*
- *Openreach and communications providers should engage with local stakeholders at an early stage to ensure they are aware of the change and the potential implications.*

*On point two, we would suggest that Ofcom works directly with D/deaf stakeholders to fully understand the needs of textphone users and users of other services that might be affected.

We would also suggest considering whether there needs to be a specific contact system for vulnerable people to contact their providers to address access needs enquires and related issues during the trial and to be sure that where contact is needed the access needs of households involved in the trial are understood by providers. Again, this may benefit from consultation with stakeholders who may or may not be in a position to respond to this consultation.

Affordability

We have previously pressed Ofcom and Openreach to ensure that consumers are not left out of pocket by the migration and this applies to the trial as much as it does to a full-scale migration. Where a customer wants to buy a voice-only equivalent of the current

copper-based service and is unable to, we believe that it would be a matter of fairness that their provider demonstrates flexibility in charges in this context. Our concern is that the consultation document uses the following wording:

“Openreach’s intention is for those consumers with copper based superfast or standard broadband to be migrated to full fibre services. It intends to offer a full fibre service adapted so communications providers can offer a voice-only service **at prices similar to current voice-only services**” [Emphasis added]

We see no reason that retail prices should not remain the same. As stated on page one of this response, based on Ofcom’s standalone landline review there are approximately 1.5 million consumers that only use a landline and these people are more likely to be older, disabled and on a lower income. We strongly believe that there should be no price increase for current customers with a landline only after migration to IP networks and that a landline only service for new customers is provided at the same price as to existing customers.

We have also previously highlighted the fact that extra equipment may be needed and work done inside consumers’ homes (for example, reciting the master socket for connection). It is our belief that all reasonable efforts should be made by providers to guarantee that consumers do not suffer detriment - of a financial nature or otherwise - from these works.

Summary

- We strongly support a trial as a method for testing how best to implement a wider scale migration. However, the need of vulnerable consumers who are involved in the trial need to be considered fully and mitigations put in place to protect them;
- We agree with the mitigations proposed, but would urge that more consideration is given to the access needs of potentially vulnerable consumers and not only consumers using telecare;
- We urge Ofcom to promote fairness to consumers, by providers, by ensuring that households involved in the trial are treated fairly, including where pricing is concerned. We strongly advise that providers do not increase prices for existing or new landline-only consumers. A ‘similar’ price is not good enough, particularly where consumers have not actively chosen to migrate to IP networks; and
- We believe that all reasonable efforts should be made to ensure as little detriment to consumers as possible - financial or otherwise - including such matters as extra equipment being needed and the cost and disruption of reciting the master socket.