



Communications Consumer Panel and ACOD response to Ofcom's proposed guidance on protecting access to emergency organisations when there is a power cut at the customer's premises

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 clarity of the proposed guidance for communications providers (CP) in this important area. We would welcome the introduction of the guidance, with suggested additions below, without delay.

CPs should have at least one solution that enables access to emergency organisations for a minimum of one hour in the event of a power outage in the premises

We agree that CPs should have at least one solution available - battery back-up or other. However, we urge Ofcom to strengthen the guidance, broadening its definition of 'emergency organisations' and extending protection to a minimum of two hours as standard and eight hours for the most at risk.

Minimum timeframe

We do not consider one hour to be a long enough minimum timeframe to allow protection to consumers, particularly consumers who are at a higher level of risk.

Given that a power cut can happen at any time, including during the night and for a number of reasons, including bad weather, we would suggest Ofcom extends the minimum

timeframe to eight hours for people who are 'at risk' (including those on the CP's Priority Services Register).

Emergency organisations

The consultation document sets out, at paragraph 2.12, below, the definition of an emergency organisation. It highlights Ofcom's remit to direct any other organisation, from time to time, as providing a vital service relating to the safety of life in emergencies.

- 2.12 'Emergency Organisation' is defined in the revised General Conditions of Entitlement: "'Emergency Organisation' means in respect of any locality:
(a) the relevant public police, fire, ambulance and coastguard services for that locality; and
(b) any other organisation, as directed from time to time by Ofcom as providing a vital service relating to the safety of life in emergencies"¹

As the consultation document states, Ofcom has not directed any other organisations as providing a vital service relating to the safety of life in emergencies. We consider this a clear opportunity for Ofcom to do so.

Access to Alarm-receiving centres

In the event of a power cut, consumers who use personal alarms, for example, older or disabled people living alone in the community, need to be guaranteed access to their alarm-receiving centre. The incident causing the person to use their alarm may, or may not be life-threatening, for example, a fall, where a person is not injured but would be unable to help him/herself up or reach the phone.

Failing to protect access to an alarm-receiving centre may mean that a) the alarm-user doesn't receive any help, which could risk lives and complicate people's health conditions or b) the alarm call is directed to the emergency services, putting pressure on their already stretched resources. Protecting access to an alarm-receiving centre means that an alarm-user with a non life-threatening incident is connected to someone who can talk to them about the incident and perhaps send someone out to help them, avoiding the need for an emergency services response and maintaining confidence amongst vulnerable people in their alarm services.

Access to '105' - 'the national power cut and electricity network safety service'²

This number has been promoted as the first number that consumers across England, Scotland and Wales should call in a power cut, so it is important that it is available. We strongly advise Ofcom to include it as access to an emergency organisation, if it is not already, or to direct CPs to protect access to it.

¹ See page 65 of the revised General Conditions of Entitlement:
https://www.ofcom.org.uk/__data/assets/pdf_file/0023/106394/Annex-14-Revised-clean-conditions.pdf. 'Emergency Organisation' is defined in the same way for the purposes of current GC3.1(c).

² https://www.ofcom.org.uk/consultations-and-statements/category-3/three-digit-number-power-cut#accordion__target-89552

For customers on a CP's Priority Service Register, or who have otherwise flagged to the CP that they would be 'at risk' without access to their landline, the above should also allow access to a nominated friend or family member.

Age UK's 2015 research³ highlights older people's fears of being 'cut off' from loved ones when a power cut occurs; with 'being unable to contact anyone by phone' at number four for those surveyed:

Table 1: Biggest concerns about power cuts
(source: Age UK 'Your Voice' panel, 2015)

Rank	Concern
1	Your home becoming cold, causing discomfort
2	Lack of light, raising risk of trips or falls
3	Lack of light, causing discomfort
4	Unable to contact anyone by phone
5	Cold, exacerbating health issues
6	Cold, causing illness
7	Anxiety or distress
8	Unable to use medical equipment

One man in his 70s said: 'The first thing I would do would be to phone my daughter and ask if I can go and stay with her.'

The solution(s) provided by CPs should apply for a minimum of two hours for all CPs' customers, except where the customer is on the CP's Priority Service Register, or has otherwise flagged to the CP that they would be 'at risk' without access to their landline, in which case, the above solution(s) should apply for a minimum of eight hours.

The solution(s) should be suitable for customers' needs and should be offered free of charge to those who are at risk, as they are dependent on their landline

We agree with the above proposal; customers who are dependent on their landline should not be expected to - and in some cases may not be able to - pay for solutions.

CPs should i) take steps to identify at risk customers and ii) engage in effective communications to ensure all customers understand the risk and eligibility criteria and can request the protection solution

The Priority Service Register is key to this and we believe that it is fundamental to helping to identify consumers at risk - and so should be promoted to all consumers. CPs should apply a consistent criteria to the collection of sensitive personal data, so that consumers know what to expect.

³ https://www.ageuk.org.uk/globalassets/age-uk/documents/reports-and-publications/reports-and-briefings/active-communities/rb_feb16_older_people_and_power_loss_floods_and_storms.pdf

Additionally, we would recommend that Ofcom and Ofgem and providers work collaboratively with those statutorily responsible for the care of at risk and vulnerable adults. Developing partnerships that allow sharing of good practice and where relevant the careful transfer of data, with consent from individuals, will allow CPs to draw on the expertise of other stakeholders with knowledge on how to identify at risk consumers.

We agree with Ofcom's principle that **CPs should have a process to ensure that customers who move to a new house or whose circumstances change in some other way are aware of the risk and protection solution available.**

Summary

We welcome the guidance and would strengthen the principles in the following ways:

- Extend the minimum of one hour access to battery back-up or another solution in the event of a power outage in the premises to two hours as standard and eight hours for consumers identified as 'at risk';
- Ofcom should use the powers afforded to it under the General Conditions to protect access to alarm-receiving centres and the '105' emergency power cut telephone number;
- For customers on a CP's Priority Service Register, or who have otherwise flagged to the CP that they would be 'at risk' without access to their landline, the above should also allow access to a nominated friend or family member;
- The Priority Services Register should be promoted to all consumers;
- CPs should apply consistent criteria to the collection of sensitive personal data and should form collaborative partnerships to allow best practice to be shared.
- We would urge Ofcom to implement the guidance without delay, but to build in the opportunity to review the guidance when necessary for the protection of consumers in vulnerable circumstances.