

Consultation response form

Your response

Question	Your response
<p>Question 1: Do you have any comments on Ofcom's proposed Plan of Work 2023/24?</p>	<p><i>Is this response confidential? – N</i></p> <p>The Advisory Committee for Scotland (ACS) advises Ofcom about the interests and opinions, in relation to communications matters, of persons living in Scotland.¹ This response from the ACS to the Consultation on the 2023/24 Plan of Work draws on the knowledge and expertise of ACS members and is informed by our individual experience and through discussion at our meetings. We have categorised our response into sections and highlighted areas of specific relevance to Scotland wherever possible.</p> <p>General Comments</p> <p><u>Research and Evidence</u></p> <p>We would urge Ofcom to commit to regional and national breakdown in whatever research or evidential work they undertake within Ofcom and with partners (e.g., the Digital Regulation Cooperation Forum). Whilst this happens to great effect in certain areas (Connected Nations) it is not always the case. The ability to get to this granular level is key to understanding if/any differences exist across the country and we believe it is particularly important in the new area of online safety (elaborated later in this response).</p> <p><u>Engagement</u></p> <p>No specific mention is made within the Plan for Ofcom to reach out into communities to meet stakeholders throughout the country. This was particularly successful as part of the research undertaken for the Small Screen: Big Debate work. Now that the pandemic is behind us, we would encourage Ofcom to commit to this form of outreach engagement, particularly in Scotland where audiences outside of the Central belt can feel excluded. The ACS is very supportive of the Scotland team's forging of local relationships and partnerships and focus on the tech/gaming sectors.</p> <p><u>Sustainability and Climate Change</u></p> <p>This is an area where Scotland is working to a different timetable from the rest of the country (Scottish Government target of Net Zero by 2045). There needs to be some recognition of this within the Plan as Ofcom and UK wide stakeholders begin to consider how this earlier target will be managed.</p> <p>The relatively sparse inclusion of sustainability in the Ofcom plan of work is a significant weakness in the opinion of ACS. We highly recommend that Ofcom review the</p>

¹ <http://www.ofcom.org.uk/about/how-ofcom-is-run/committees/scotland/>

research paper by highly respected STL Partners, "[Building a Green Network: Sustainability Game Changers](#)", published in August 2022. This outlines the significant impacts on communications service provider networks from the net zero/sustainability perspective.

Further, we would ask Ofcom to consider redefining some of its 2023/24 plan of work focus items as follows, in order to create more significant emphasis on sustainability:

(Sect 2.2): "World-class digital infrastructure:" could be changed to "World-class **and sustainable** digital infrastructure:" ... in order to bring sustainability in focus.

(Sect 2.2) "Secure and resilient telecoms infrastructure:" could be change to "Secure, resilient and sustainable telecoms infrastructure:" for similar reasons.

Such changes could put Ofcom in a leading global position among regulators with regards to sustainability in telecoms networks (similar applies to broadcasting).

Finally, the ACS recommends that Ofcom proactively engages telecoms and industry in order to push for a standard set of sustainability metrics that can be used to measure progress towards sustainable networks. This is an area that is relatively immature at this time, where Ofcom could bring much needed focus.

Internet we can rely on

Cloud

Ofcom refer to examination of the cloud services market operation in their plan of work. The ACS notes this is a general market examination. ACS recommends that Ofcom investigate current and planned use of public cloud services in UK service providers. We raise this issue because 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. (This is in contrast to current network designs, where the equipment, albeit much of it US-designed, is owned and operated by the UK service providers themselves.) If not already being considered, the ACS recommends that Ofcom examine the so-called 'sovereign cloud' approaches being taken in several European countries in order to protect data and privacy as well as ensuring security.

Network Resilience

There have been network outages around Shetland and Uig in the past 12 months. e.g., see <https://www.ispreview.co.uk/index.php/2022/11/frustration-over-6-week-ee-4g-outage-on-lewis-reaches-parliament.html> Previous outages at significant tourist destinations (e.g., Glencoe Mountain ski centre) have also resulted in multi-week impacts. At Glencoe Mountain it can be sometimes observed that the mobile

and Digital Subscriber Line networks at this location are (still) not sufficiently robust to support processing of credit card payments over those networks, which is quite an indictment.

The ACS wonders if 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 coming up with better plans, further resilience and redundancy measures, and faster operational response time to such outages. Anecdotal evidence suggests that typical outages in rural areas incur disproportionate times to repair, and in cases, the time to even acknowledge that an issue exists can be painfully frustrating for local residents and businesses. Arguably each mobile mast and fixed line aggregation point should have outage response time formally documented. For example, in the event of another outage in Uig, do the service provider plans have a formal scenario response mapped out for Uig? Is formal outage scenario planning required? Do they have a specific arrangement in place for example, to do what airlines do: essentially pay passengers to disembark a flight if over-booking has occurred?

Social Tariffs

ACS recognise the importance that Ofcom has placed on social tariffs and we recommend that Ofcom expands this to engagement with key charities (e.g., Children1st) and groups concerned with supporting vulnerable individuals, in order to learn how social tariffs could be improved.

Media we trust and value

Channel 3 Licences

In terms of priorities for Scotland, it should be recognised that this year could be particularly challenging for the broadcasting/media Ofcom team based in Edinburgh. As the Channel 3 licences come up for renewal, the Edinburgh team are the only team outside of London that have a Channel 3 licensee on their doorstep (STV). The timescale involved is extremely tight but this is of extreme importance to STV as continuation of their licence will allow to plan for the future - something audiences, shareholders and the sector are keen to see. We would assume that the Edinburgh team will be very involved in the STV process and urge Ofcom to ensure that they have sufficient support and time.

BBC Operating Licence

Meanwhile the Ofcom team will also be considering the changes proposed to the BBC Operating Licence. Again, many of the major changes suggested will directly affect the Nations and Regions commitments, placed on the BBC by Public Purpose No 4. The management and implementation of these changes, whilst perhaps when viewed through the larger overall review may seem small, the impact they could have on Scottish audiences and the fragile Scottish sector could be immense. Transparency and vigilant monitoring, as these changes are implemented, will be key to ensuring that audiences and the sector are not disadvantaged. Content changes within BBC Scotland Radio, which have recently been implemented

without any audience consultation (the removal of specific Jazz, Piping and Classical Music from the schedule) has already delivered a very public audience backlash. It is important that any future changes are transparent and consultative and should involve stakeholders as well as the local executive team.

As part of this review into Public Purpose No 4 we also think it is key that the team in Edinburgh encourage a more engaged and outgoing presence from the BBC Scotland Committee. It is this body which is the main governance tool for the BBC in Scotland and a more transparent relationship with Ofcom and other stakeholders would be beneficial, particularly as the changes to the Operating Licence are being discussed.

Podcasting

Some mention should be made on the impact of podcasts on audiences and the measurement of data and its analysis. For example, if the BBC says its overall audience reach of younger listeners has increased, how will these be measured, will the figures be split between podcasts, 'radio & online' and how will this tie-in with BBC's audience diversity targets, particularly for age groupings?

Monitoring diversity and equality of opportunity in broadcasting

This needs to include 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.

We live a safer life online

Scottish experience

The draft Plan of Work references the use of Ofcom's transparency reporting powers to reveal platforms' performance in protecting people online. It is critical that both the platforms' transparency reports and Ofcom's own reports provide an analysis of people's online experiences by nation. We feel it is important to understand the *Scottish* experience of online harms and protections. Online risk can be rooted in offline context. For example, are rural and/or remote communities at greater risk of harm online, because of a greater dependence on online services? How do online platforms respond to harmful sectarian content? What are the online experiences of people with drug or gambling addictions? What role do communications technologies play in relation to offline violence (such as knife crime)? To this end, the ACS thinks it is important that transparency reporting provides information analysed by nation. The Plan of Work recognises how transparency reporting will help to "incentivise further improvements", by exposing the current experience of harm and showing whether safety measures have been effective. But UK-wide data may mask regional variation. And if the regulator, governments and other stakeholders are not informed about how different communities experience harm online, they may not be able to respond effectively.

There are also legislative differences across the UK of relevance. For example, definitions of hate crime vary between the nations. The current draft Online Safety Bill does not place a requirement on platforms to address all nation-specific offences.

Ofcom should give consideration as to how transparency reporting could include nation-specific online harms.

Inequalities in online safety

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 language². Ofcom should 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. It could also inform understanding of the impact of a platform's business model on equality of safety. For example, consider the hypothetical choice facing a vulnerable consumer who wishes to use an app which has both free and paid-for (ad-free) versions, where the free version is funded by relying on extreme content to keep users engaged and thereby exposed to personalised gambling, personal loan and crypto investment adverts.

Enabling wireless services in the broader economy

Support for Innovation Projects

The ACS notes 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. The ACS would suggest 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. University of Strathclyde Department of Electrical and Electronic Engineering is one such group.

Postal

On review of Ofcom's plan of work 2022/23, we believe that oversight of the postal market has slipped down its priorities. However, it remains a key priority in Scotland, initiating discussion across communities in Scotland, including within the Scottish Parliament³.

² For example, see [Online Nation 2022 Report](#), Ofcom; [Refuge and Risk: Life Online for Vulnerable Young People](#), Katz and El Asam, 2021; <https://www.theguardian.com/society/2021/mar/12/people-from-poor-uk-areas-more-likely-to-be-high-risk-online-gamblers-study>; [Engaging in risky online behaviour – prevalence and associated factors: initial findings](#), Scottish Government, 2021; and <https://www.saferinternet.org.uk/blog/revenge-porn-pandemic-rise-reports-shows-no-sign-slowing-even-lockdown-eases>.

³ https://archive2021.parliament.scot/parliamentarybusiness/report.aspx?r=14054&mode=html#iob_127318

In the face of ongoing service issues and prolonged industrial action by Communication Workers Union exacerbating the overall service the general public in Scotland is enduring, the postal market should retain a high priority for Ofcom. 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. The cumulative impact of the range of less reliable communications services on these 'converged consumers' should be recognised.