

Ofcom's draft Annual Plan 2011-12: CFC response

The Consumer Forum for Communications (CFC) is an informal grouping of representatives of consumer organisations, and others with an interest in influencing communications policy and regulation in the interests of consumers. It currently has participants from around 40 organisations, and since September 2009 has received support from Ofcom's Consumer Group. These comments include inputs provided by CFC participants, not just in response to the draft Annual Plan itself, but also at various times over the past year.

CFC participants welcome the opportunity to comment on Ofcom's draft plan. However, the way the draft is presented lends itself only to two types of comment:

- Congratulations to Ofcom on its past achievements and its good intentions for the future, in the face of budget and staff cuts.
- Specific comments on points that people happen to notice, or on activities that seem to be missing.

Without some idea of the scale of different activities, or of which activities Ofcom proposes to drop, postpone or slow down, stakeholders cannot make constructive suggestions on substitutions, and are likely to miss some important points. Along with others, we requested extra information of this kind at and after Ofcom's London consultation meeting, and were told it could not be provided this year. We request that **future consultations about Ofcom's plans should include additional information to enable stakeholders to make more meaningful contributions.**

Accordingly, here are some observations on the draft plan that have struck CFC members.

1. **Consumer research** (para 2.26-27 and 6.35): we note that Ofcom will have to cut its research budget. We would welcome **discussion of what consumer research will now be planned**, bearing in mind especially the importance of picking up on new areas of activity and concern as well as understanding changes in existing patterns. Ofcom previously commissioned very useful consumer research on the specific needs of people with learning difficulties, hearing impairments etc and we would like to see this programme continue.
2. **Consumer policy** (para 3.9-10): we agree that Ofcom needs a consumer policy as well as a competition policy, and we note that Ofcom's consumer policy was last fully reviewed in 2006. Given the current stress on consumer information on broadband speeds and traffic management policies, it is surely time to **review Ofcom's strategy for consumer information**, which was an important part of the overall policy. A **complete consumer policy review** could be considered for priority status for 2012-13.
3. **Strategic purposes** (para 3.17 chart "what would success look like?"): it is surprising that a systematic approach such as the NAO suggested for **measuring Ofcom's performance** is not clearly being adopted here; we hope it will be developed later. At a detailed level, we suggest that an additional criterion for good consumer outcomes should be "low and falling levels of involuntary exclusion from communications access and use"; and Ofcom needs to say how it will assess what is an "efficient" level of switching.
4. **Governance** (para 4.10 first bullet, 4.12-14): it is vital that **effective advocacy on behalf of all the varied consumer constituencies should continue uninterrupted through the governance changes.** We ask Ofcom to provide a detailed plan showing

how this will be achieved. We recognise that Ofcom's consumer affairs staff have grown in competence and stature, but **we believe that the "critical friend" role fulfilled until now by the Consumer Panel is still needed, as is the particular focus on concerns of older and disabled people that ACOD provided.** The disappearance of these bodies and their associated funding creates a large gap in consumer advocacy.

We appreciate the support that Ofcom provides to CFC, but most of our activities are unfunded and depend on the voluntary efforts and goodwill of individual and organisational members. The merger of our major participant Consumer Focus with another major participant, Citizens Advice, adds risk to what was already a worrying situation – all concerned acknowledge that Citizens Advice needs extra resources and time to prepare for its new responsibilities.

5. **Priority actions** (Section 5): we do not disagree that these should be priority actions. We are surprised that given its priority status, introducing streamlined switching processes is taking so long. This is a project where "the devil is in the detail" and **strong consumer participation will be needed to make sure that implementation genuinely serves consumer needs.** Maybe it is time to consider stronger actions to encourage switching, such as a co-ordinated campaign by Ofcom and other regulators across sectors regarded as having inadequate switching.
6. **Other actions** (Section 6): nor do we disagree that the "other actions" listed should be done. However, overall, there is a disappointing lack of continuity in terms of reference to past work and priorities; and especially for issues which are not included in the key priority areas, it is unclear how much resources or importance will be attached to them, e.g. **tackling mobile coverage problems.** Other examples we have noticed include:
 - a. Access and inclusion now seems to be reduced to a review of relay services, without comment on other elements. **We strongly support the long awaited review of relay services,** but we believe other elements also need attention. One of these is **monitoring and measuring affordability of telecommunications services** (landline, mobile and broadband), which is likely to have increased in importance given the growing economic pressures on households.
 - b. Paras 6.43 and 6.44 refer to Ofcom's **duty to promote usability** but what is proposed is very narrow and limited, and does not appear to involve much that is pro-active.
 - c. The **quality of service** project that was supposed to follow withdrawal of the Direction and subsequent closure of Topcomm is no longer visible in the plan.
7. **Transparency** (second case study, p 48, on improvements to Ofcom's website): we acknowledge the changes that have taken place in the past year, some of which we have found helpful. However we note that despite several requests the website still does not provide systematic guidance on who does what within Ofcom, below a very senior level of management; nor does it help with tracking the status of non-priority projects, which can just "disappear" (see above). We suggest that the detailed action programme which will accompany the final Action Plan for 2011-12 should be provided this year in an electronic form which Ofcom would keep updated, and which would make it easy for stakeholders to contact the Ofcom colleague who is responsible for any action.
8. **Consultation procedures** (Annex): The Annex is standard in Ofcom consultations, and includes the following passage, on a matter of great importance to CFC participants:

“We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, who are less likely to give their opinions through a formal consultation.”

Ofcom has tried various different approaches to broader engagement, mainly Plain English versions of consultations and stakeholder meetings, but also videos and interactive websites. CFC is currently experimenting with targeted simplified briefings and questionnaires among its members. But it is unclear how consultations are chosen for any particular approach, or how successful any approach has been for either Ofcom or stakeholders.

Given the changes in the external “consumer landscape” and Ofcom’s own governance structure (discussed above), a **review of Ofcom’s procedures for seeking broader engagement in consultations** would be very timely. Selecting particular approaches for consultations can have a major influence on the feedback received. **Each selection of consultation approach should therefore itself take full account of relevant stakeholder views, and should be stated and explained within the consultation.**