

ACOD response to the Draft Annual Ofcom plan 2010-11

1. ACOD welcomes the opportunity to respond to the draft Ofcom Annual plan for 2010-11 and appreciates the continued efforts of the Annual Planning team in engaging with ACOD through the Annual Plan process.
2. We recognise that this has been particularly challenging this year given the complexities around the Digital Economy Bill and potential impacts that this may have on Ofcom's work for the year ahead.
3. However, that said, we believe that this remains a useful document and that there remain some key considerations which we are keen to make.
4. In particular, we would like to see the draft Annual Plan being far more explicit about the work undertaken/proposed to be undertaken by Ofcom in relation to older and disabled people.
5. In part, we feel that Ofcom is modest about its achievements in this arena, but we would also like to see these achievements and priorities given a greater prominence. This is particularly disappointing given the layout of this year's plan which has been designed to emphasise outcomes for consumers and citizens. We believe that this could be done within the Annual Plan via the Executive Summary, the One Page Overview, and in particular the charts such as the ones shown in 1.3, 1.5 and Figure 1 on Page 12.

As these have very limited references to either Older and Disabled people, or keywords/phrases such as "Access & Inclusion", "Disability Equality Duty" etc. the document could give the impression that Ofcom sees its concern for older and disabled people as a "fringe" responsibility, rather than a priority that is an integral part of its work. Over the past three year period Ofcom, through its staff at all levels is automatically considering the needs of Older and Disabled people and this should be recognised and built upon.

6. Greater coverage – and prominence - on older and disabled people issues in documents such as the Annual Plan would help to stress the importance of these groups to stakeholders including industry and service providers. Alongside the Annual Report, it would also help to more formally address some of the questions we are often asked by Stakeholders about what Ofcom is doing in the older and disabled people's arena (including the presence and role of ACOD, which is not mentioned in the Plan. Given that ACOD is a body established in statute we think that Ofcom should make more of the fact that it has a specialist body advising it on older and disabled people's issues).
7. Our concern is that if Ofcom doesn't make explicit the importance of acting for our community's overall benefit, then certain stakeholders will take advantage of Ofcom's silence, and not prioritise these areas either (as reflected by the results of our research project last year which focussed on issues of inclusive design). One of the ongoing work areas (p12) refers to protecting consumers and audiences from harm and unfair practices.

Disabled people could argue that “unfair practices” already result in their exclusion from some communications products and services.

8. One good example of where Ofcom is arguably underselling itself is the Single Equality Scheme (SES). This has been an important area of Ofcom’s work and which we feel should be given greater emphasis, especially as this will continue to generate further and ongoing activity.
9. In addition we also believe that on-going projects, including those in the Access & Inclusion field could be given greater coverage. We feel that the importance of this on-going work is understated in the Draft Plan.
10. As with previous years, we want to reiterate the point that competition and the market do not always cater effectively for minority groups. ACOD remains concerned that the digital divide does not widen further, and we would like to see this consideration factored more explicitly into Ofcom’s view of competition and markets. We would therefore seek to ensure that Ofcom promotes “competition with a conscience” – ensuring that competition isn't pursued at the expense of an overall societal benefit.
11. Competition as a means of reducing prices for consumers is important, however there is also a danger that in seeking to be competitive, companies will cut back on services that have more social benefit because they are less profitable - e.g. provision of Next Generation Access to council estates, or rural areas with lower population density but a higher than average proportion of older people.
12. ACOD remains committed to ensuring equality of opportunity and access to services for all groups, especially important for older and disabled people; groups who may be most at risk from financial, technical or geographic exclusion from communications products and services.
13. This is particularly true in the current economic climate, where the need to encourage investment and innovation may, at times, be balanced with the need to reduce regulatory burdens. We understand both of these needs, but are keen to ensure that in both of these instances it is not at the expense – or exclusion- of services for older and disabled people.
14. Paragraph 2.33, for example, talks about NGA and acknowledges the needs of potential investors and network operators, but makes no reference to avoiding the digital divide widening. We think this is a very real risk and would like to see more concrete plans in place to address this concern, or at least an acknowledged awareness of this concern and a commitment to tackle this issue in due course.
15. Similarly, we would like to see some reference to ‘Horizon Scanning’ in terms of situations Ofcom thinks may well require regulation or enforcement in the future.

Annex 3, which looks at simplification of regulation, ably shows how Ofcom is proactively about reducing existing regulatory burdens, but we would also like to see Ofcom address some of the areas where it thinks regulation may – or may not – be needed in the future.

This would give some reassurance to vulnerable communities that Ofcom will continue to protect their interests and that it is already considering how best to do this as convergence becomes increasingly a reality.

16. Finally we also want to acknowledge the roll that Digital Britain has played in giving a higher profile to the debates around Digital Participation, NGA and Broadband Roll Out. These are all areas that ACOD has seen as a priority for some time. Irrespective of the passage of the Digital Economy Bill the Committee would be concerned if these priority issues were lost. We therefore hope that whatever happens to the proposed legislation the next 12 months continues to see real progress on these fronts. Considerations by the Department of Health for the delivery of new Community Services via new media need to be coordinated with this work.

Thank you for the opportunity to respond to the consultation and we look forward with interest to seeing the final version.

Mike Whitlam CBE

Chair ACOD