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Which? Response to Ofcom's Proposed Plan of Work 2021/22

Introduction

Which? welcomes this opportunity to respond to Ofcom's proposed Plan of Work for 2021/22. We believe that the Plan of Work has the right focus by ensuring that consumers have access to the connections they need to fully participate in the digital world and that they are treated fairly. Below we set out Which?'s views on Ofcom's proposed plan under each of its strategic priorities.

Investment of Strong, Secure Networks

Which? welcomes Ofcom work in improving connectivity across the UK. The Covid-19 pandemic has further highlighted the importance of consumers having access to the right connections for their needs. The rollout of new technologies, such as 5G and gigabit-capable broadband, will improve consumers' connectivity and ensure that the UK's infrastructure is fit for the future. However, it is essential that all consumers are able to benefit from these connectivity improvements and that no one is left behind.

Getting Everyone Connected

Broadband

We support the work Ofcom is undertaking to ensure that consumers can easily and safely migrate to VoIP. Which? believes that careful consideration must be given to the needs of vulnerable consumers, consumers without a broadband connection and those with PSTN dependent devices. Ofcom needs to ensure that consumers have access to clear information about changes to their services and the steps that they will need to take in the course of the migration to avoid any disruption.

We welcome Ofcom's continued work on the Broadband Universal Service Obligation (USO). As noted, it is critical that consumers across the UK have access to a decent broadband connection. Ofcom must monitor and review the USO and ensure that



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consumers are being provided with these connections and that they are meeting consumers' needs.

We support Ofcom's role in making sure that consumers and businesses have access to the right information that will enable them to make informed decisions about the broadband services that are best for them. Which? looks forward to continuing working with Ofcom as part of the Gigabit Take-up Advisory Group and considering as part of this the importance of consumer information to ensure awareness and understanding of gigabit-capable connections.

Mobile

Which? welcomed the agreement that was reached on the Shared Rural Network in 2020. It is essential that Ofcom continues to monitor the progress being made in delivering the SRN so that consumers can benefit from coverage improvements as soon as possible. There may be an opportunity for Ofcom to consider whether similar approaches could be used to support the rollout of new mobile technologies.

Fairness for customers

Which? welcomes Ofcom's ongoing programme of work to deal with unfair business practices and to ensure fairness for customers. Given the rollout of gigabit-capable broadband, we support Ofcom's work to introduce a simpler broadband switching process. The process must be easy and clear for consumers to help overcome some of the barriers they face when engaging with the broadband market.

We welcome Ofcom's ongoing work on open communications and how this may support other interventions and the adoption of new broadband technologies. While we don't believe that it is a 'silver bullet', it could help support some consumers to engage with this market and ensure that they get the right deal for them. However, Ofcom will need to ensure that consumers should always be in control of their data and made aware of how those data are used, especially when it comes to sensitive information such as personal finances or healthcare.

Ofcom must review whether end-of-contract notifications are working to help consumers engage with the broadband market and get the best deal. As Which? has previously highlighted, we believe that trialling and testing this remedy will help ensure that the most relevant information is included and that they are having the intended effect.

Which? is glad to see Ofcom's plans to work with communications providers to disrupt and prevent nuisance calls and scams and to ensure the major providers are meeting their obligations in this area. Ofcom should look to take a more active role in this space, for example ensuring intelligence sharing across all providers and ensuring that telecoms companies are doing as much as possible to address nuisance calls, scam texts and SIM swap fraud.



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Preparing to regulate online harms

Which? welcomes the appointment of Ofcom as the regulator of UK-established Video Sharing Platforms (VSPs) and as the potential future regulator responsible for protecting users from harmful online content.

Consumers value being online, but they expect to have a safe experience no matter the platform they use. Ofcom must have the right technical expertise and resources to ensure that it can effectively fulfil its role in regulating Video Sharing Platforms (VSPs) and Online Harms.

We, therefore, welcome Ofcom's commitment to stepping up collaboration with other regulators, including through the Digital Regulation Cooperation Forum. We would also urge Ofcom to engage with civil society, industry and consumer groups to further support its preparation for regulating online harms and its research into online harms as set out in 3.29 of the proposed Plan of Work.

More broadly, we believe that the Online Safety Bill is a positive step toward giving online platforms greater legal responsibility for protecting their users. However, the Bill is a missed opportunity to tackle the recent, rapid growth in online scams and the growing role of platforms in enabling these crimes.

The Government has rightly acknowledged that online scams are a serious problem. It must urgently come forward with new proposals to give platforms greater legal responsibility for preventing scam content from appearing on their sites. Further commitments from the Government to ensure consumer protections online are fit for purpose must swiftly follow.

We are keen to continue to support Ofcom in supporting consumers online. For further information about our comments, or to discuss in more depth, please contact Jacopo Lange, Policy Adviser at jacopo.lange@which.co.uk.

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