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Which? response to Ofcom proposed Plan of Work 2022/2023.

Introduction

Which? welcomes the opportunity to respond to [Ofcom's proposed Plan of Work for 2022/2023](#). The Plan of Work has the right focus, ensuring that consumers have access to reliable and affordable connections which are essential to participate in today's digital world. Consumers must be treated fairly by providers and receive good value for money for their telecoms services. It is also critical that consumers feel safe when they are online. Below we set out Which?'s views on Ofcom's proposed plan under each of its strategic priorities.

Investment in Strong, Secure Networks

We welcome Ofcom's commitment to continuing to support investments in high-quality and reliable communications networks. We look forward to the publication of Ofcom's discussion document on its Mobile Strategy and the opportunity to contribute to it. This strategy should be an opportunity to look at how to bring high quality connectivity to all consumers across the UK and ensure that they benefit from the changes taking place across the mobile ecosystem.

With regard to net neutrality, we welcome Ofcom's review of the current framework and ensuring that it is fit for purpose, particularly given the growing use of online services. However, while we understand the importance of a new net neutrality framework that helps spur innovation and allows businesses to grow, we believe that consumers' interests should be safeguarded and remain an important part of the framework.

Getting everyone connected

It is critical that all consumers are able to benefit from good connectivity, particularly as newer technologies and services become available.

Consumer take-up

The rollout of gigabit-capable, full-fibre and 5G infrastructure will improve consumers' connectivity and ensure that the UK's infrastructure is fit for the future. It is essential that the rollout of these technologies is supported by strong consumer take-up. This will not only help to support ongoing commercial investment from industry in these new services, but it will also ensure that consumers are able to benefit from them. It is critical that no one is left behind as part of the rollout of new communications infrastructure and that all consumers across the whole of the UK are able to benefit.

Broadband

The PSTN switch off will see more consumers move to digital voice. It is critical that through this process consumers have the information and assistance they need to easily and safely migrate to Voice over Internet Protocol (VoIP) technology.

While the migration process will be relatively simple for most consumers, with little to no impact on their connections and services, there is a risk that some consumers may experience loss of services. According to our research¹ awareness amongst consumers about the switch off remains low, with 74% of those with a copper line landline connection being unaware of the migration². Ofcom must continue to monitor industry progress and ensure that providers are supporting consumers in the migration process, especially those who are vulnerable.

We also believe that Ofcom should continue to monitor and review the Broadband Universal Service Obligation (USO). The USO is an important safety net to ensure that all UK consumers have access to decent connections and are able to participate in our increasingly digital society. Ofcom should monitor how consumers' connectivity needs are evolving and whether the current USO requirements are fit for purpose.

Mobile

Ofcom should continue to monitor the rollout of 5G infrastructure and progress on the Shared Rural Network (SRN) to make sure that consumers across the country benefit from improved mobile connectivity.

The rollout of 5G connections and the improvement in 4G coverage will also have a role to play in the switch-off of 2G and 3G services. When this happens, consumers will not only need to have access to 4G and/or 5G connections, they must also have the right devices to make use of the connections available to them. Mobile operators must ensure that specific groups of consumers require the right support and information about the switch-off.

We welcome Ofcom's work in reviewing how satellite technology can be used to improve the reach and reliability of wireless services. This technology could provide an option for delivering connectivity to consumers in remote areas or that lack signal from existing providers. Nonetheless, we believe that consideration must be given to all technological alternatives for delivering good connectivity. A balance must be struck to deliver affordable, good quality, connections to consumers in hard to reach areas and ensure that they are able to benefit from access to good quality connectivity.

Fairness for customers

¹ Yonder, on behalf of Which?, surveyed 4,958 UK adults online between 29th November and 8th December 2021. Data was weighted to be representative of the UK population by age, gender, region, social grade, tenure and work status.

² Ibid.

It is important that consumers are treated fairly by their telecoms provider, receive good value for money and are able to make informed decisions when engaging with the market.

Clear information

Consumers need the right information to make informed decisions to support them in engaging with the broadband market. Complex and confusing terminology must be addressed to help consumers better understand and navigate the market. On the basis of the recommendations of the Gigabit Take-up Advisory Group (GigaTAG), Ofcom should continue its work with industry to develop common terminology for broadband services, to help support consumer understanding and engagement.

Consumer engagement

We welcome Ofcom's work to date on switching and await the implementation of 'One Touch Switch' in April 2023. This process will help consumers more easily change providers and take advantage of alternative deals.

In addition, it is critical that consumers have the right support to help them engage in the market. Further to Ofcom's review in 2021 of End of Contract Notifications (ECNs) it must continue to monitor whether these are delivering the desired consumer outcomes as well as review the success of annual best tariff notifications (ABTN). This will be particularly important given that the last review was undertaken at an unusual time, in light of COVID-19. We would also encourage Ofcom to consider how these notifications impact different types of consumers, particularly those who are vulnerable or less likely to engage.

Affordability and vulnerable consumers

It is important that Ofcom continues its work on the affordability of communications services and supporting vulnerable consumers. This will be of growing importance given the increasing cost of living. As society is more dependent than ever on online connections, it is vital that those that are financially vulnerable do not find themselves excluded from the digital society or at risk of being disconnected.

Ofcom should continue to monitor the steps being taken by providers to help those consumers at risk of debt and disconnection. As set out in our response to Ofcom's consultation on this issue, we would like to see more consistency from providers when it comes to the provision of information about the steps they can take in introducing service restrictions and disconnecting customers.

In addition, Ofcom should work with providers and other organisations to help raise awareness of social tariffs. Consumers in precarious financial situations or at risk of being disconnected could benefit from them as a way to remain online but we are concerned that take-up across all providers is low³.

³ Ofcom, "Affordability of communications services" 2021
https://www.ofcom.org.uk/__data/assets/pdf_file/0015/222324/affordability-of-communications-services-summary.pdf

Scams and fraud

We support Ofcom's efforts to increase work with industry on technical measures to disrupt scam calls and texts. It is important that Ofcom and industry work together on plans to implement a call authentication standard (such as STIR/SHAKEN) in the UK. While we understand that a call authentication standard cannot be fully effective until a majority of the network has switched to digital voice, we would encourage industry to begin preparatory work as soon as possible. It will be important that Ofcom takes a leading role in convening the sector around a call authentication standard and to ensure that the whole of the industry is prepared for and committed to this solution.

We strongly support recent efforts by the Mobile Network Operators (MNOs) to tackle smishing, in particular through the adoption of SMS spam filters. These appear to have high effectiveness at blocking scam text messages, however, it's vital that these protections extend to all mobile customers in the UK and not just those of the MNOs. We would encourage Ofcom to ensure that customers of mobile virtual network operators (MVNOs) also receive the benefits of these new scam prevention solutions.

We support the efforts of banks and mobile companies to share data on recently ported numbers to minimise financial loss following SIM swap or number porting fraud. Some mobile operators have also told us that they've seen a reduction in the incidence of SIM swap and number porting fraud following changes they have introduced; for example, introducing two-factor authentication steps in the number porting process. We would like to see Ofcom introduce a standardised approach across the mobile industry to ensure all consumers have the same protection against this type of fraud. We note that number portability is a regulated activity and there are already standards that must be met. However, the changes in recent years to make switching providers easier for consumers should also be considered alongside the harm that can come from unauthorised porting. Bringing a standardised approach into the number portability regulations would ensure consistency across mobile operators, which will prevent scammers exploiting the differences in providers' processes for SIM swap and number porting.

Establishing regulation of online safety

We welcome Ofcom's proposed new role in regulating and holding online platforms into account.

Online Safety Bill

The five focus areas outlined in relation to Ofcom's preparation for the Online Safety Bill appear sensible. We welcome the intention to consult publicly particularly in relation to the codes of practice that will relate to the regulation and oversight of the Bill.

We also welcome the intention to develop capabilities and expertise. We note that regulation in the digital space is in many areas previously uncharted territory, the need for the right skills, knowledge and expertise be it policy, legal or technical is vital.

We look forward to the planned document which will set out Ofcom's plans for taking on the new responsibilities in relation to the Online Safety Bill and the research pieces relating to online safety.

Video-sharing platforms (VSPs)

Which? is supportive of Ofcom's current approach to regulating Video-sharing platforms (VSPs) and efforts to bring increased transparency and accountability to online services and to tackle critical online harms. We recognise that this is an interim regime that will be superseded by the online safety regime under the anticipated Online Safety Bill. We look forward to the first annual VSP report.

Other issues

Digital Regulation Cooperation Forum (DRCF)

Which welcomes the creation of the DRCF and the publication of the work plan 2021/22. We hope that the formation of the group helps to generate shared thinking, learning and skills across and between the four regulators.

About Which?

Which? is the UK's consumer champion. As an organisation we're not for profit - a powerful force for good, here to make life simpler, fairer and safer for everyone. We're the independent consumer voice that provides impartial advice, investigates, holds businesses to account and works with policymakers to make change happen. We fund our work mainly through member subscriptions. We're not influenced by third parties – we never take advertising and we buy all the products that we test.

For further information, or to discuss in more detail, please contact Laura Holdgate, Principal Policy Adviser at laura.holdgate@which.co.uk.

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