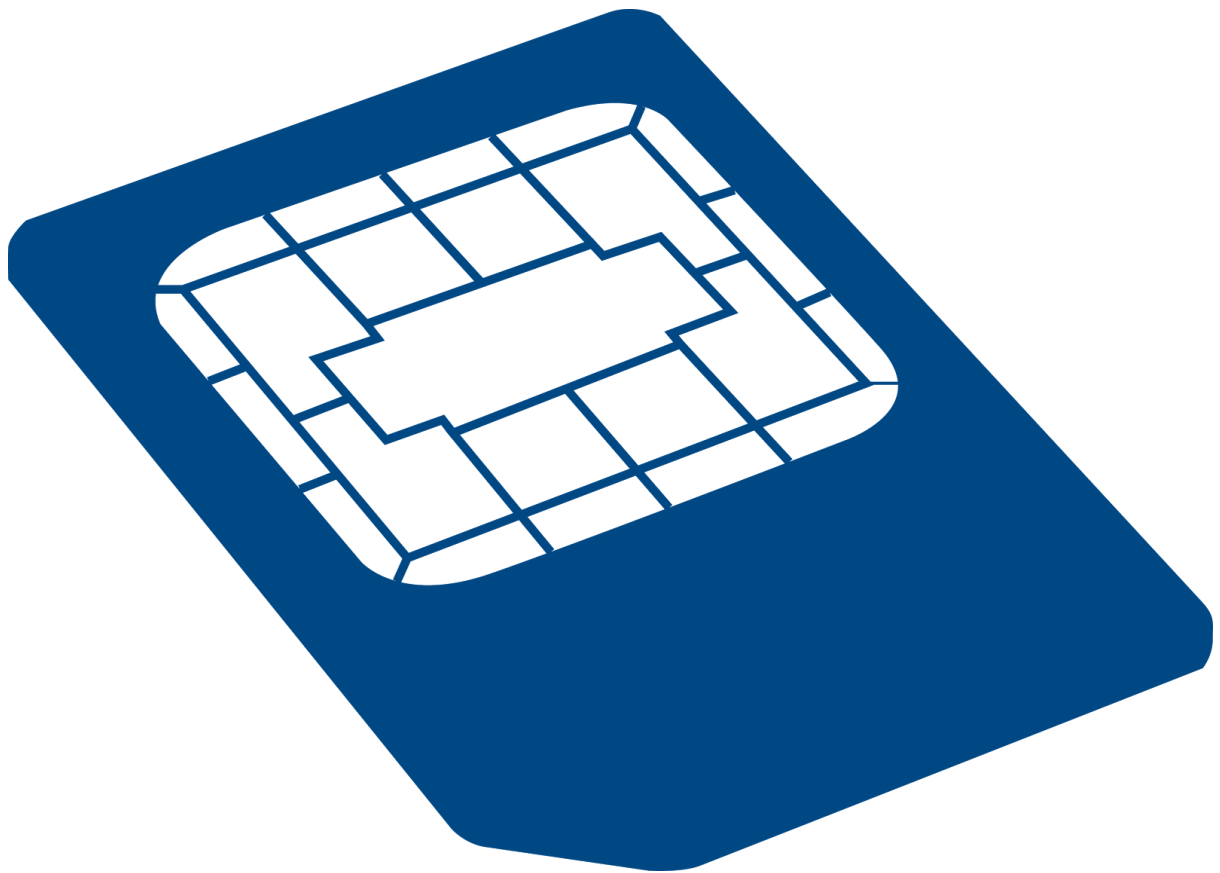


Access denied

The case for stronger action to protect telecoms consumers



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Contents

Summary	2
Introduction	4
2. Problems with mobile phone and broadband service are widespread	6
3. Problems with telecoms can have a significant impact on individuals and the wider economy	10
4. This data adds to a growing body of evidence of consumer detriment in telecoms markets	13
5. Telecoms consumers need stronger protections	15
6. The Consumer Green Paper is an important opportunity for the government to show it is serious about ensuring mobile and broadband markets evolve in the best interests of consumers, not just industry	19

Summary

It is no longer contentious to say that mobile phone and broadband services are essential. These services are increasingly our first, or even only, gateway to accessing public and private services, from online banking to making a benefit claim. They are also vital to the success of the digital economy, allowing us to work more flexibly and buy goods and services online.

In this context, it is vital that people have access to affordable, reliable telecommunications services which meet their needs. At first glance, the signs are positive. Consumers have access to powerful devices and services at prices which are affordable to all but those on the lowest incomes. But what happens when we look below these high level trends at the experience of the consumers using these services?

The Government's forthcoming Consumer Green Paper makes this the ideal time to explore this question. In doing so, this briefing draws on new opinion polling, evidence from the Citizens Advice Consumer Helpline, and existing research.

We find a concerning number of consumers experience problems with poor service:

- 6 in 10 (59%) consumers with a home broadband connection reported that they had had a problem with a slow service or a service which stopped working entirely in the last year.
- Nearly 1 in 10 (8%) are always or regularly unable to access the internet via their mobile phone at home.
- More than half of those who reported a problem with their mobile or broadband service to their provider (54%) experienced further difficulty resolving it.

The impact of poor quality or disrupted services on individual consumers can be severe and wide ranging - from our ability to keep in touch with friends and family to paying household bills online. 1 in 4 (24%) consumers who had a problem with their broadband service also said that it had had a fair or great impact on their ability to work or study, rising to 1 in 3 (33%) 25-34 year olds.

This new analysis adds to a growing body of evidence which points to worrying levels of consumer problems in telecoms markets. Citizens Advice research in 2016 found that UK consumers experience 27.6 million problems with their

phone, TV or internet service each year. This is more than any other market, including energy (7.6 million) and water (1.7 million).

In-depth research by Citizens Advice and others focusing on particular aspects of the market has also uncovered a range of other problems.

- Broadband customers face a loyalty penalty averaging £113 per year once the term of their initial contract expires.
- Mobile phone customers continue to be charged up to £38 per month for a phone they already own if they don't switch when their mobile phone contract is up for renewal.
- Broadband customers face unreasonable fees when exiting a contract due to poor service or moving house.

Policy makers need to do more to protect telecoms consumers. Welcome progress has been made in several important areas. However, progress in other areas has been slow and tentative.

In developing a consumer protection regime which addresses the problems consumers face, Ofcom and the Government will face 3 key challenges.

1. Bringing consumer protections into line with those found in other essential markets.
2. Identifying and tackling emerging forms of consumer harm in a sector which is changing so rapidly.
3. Ensuring the interests of consumers are fairly balanced against the interests of industry.

A dedicated independent advocate for telecoms consumers, equivalent to those found in other essential markets, could play a crucial role in helping Ofcom and the government to meet these challenges. As well as providing a counter-balance to the strong voice of industry, a well-resourced consumer advocate can shine a spotlight on established and emerging problems and ensure the consumer interest is taken into account as decisions are made which will affect consumers for generations.

The Government has signalled its commitment to improving markets for consumers on a number of occasions. The forthcoming Consumer Green Paper presents the ideal opportunity to deliver on these promises and set out a bold vision for consumers, including in telecoms markets.

Establishing a dedicated consumer advocate to provide a strong consumer voice and improve outcomes for consumers and the wider economy would be an important first step.

1. Introduction

Broadband and mobile phone services are essential for today's consumers, sitting alongside established utilities like energy and water. Nearly all of us (96% of UK adults) have a mobile phone, while more than 8 in 10 (82% of UK adults) have access to broadband services.¹ Many service providers are going digital, making telecoms the first gateway to most of the services we use. Almost 2 in 3 people (64% of UK adults) now use online banking services, a figure which is likely to increase as major banks continue closing branches.²

This trend is not limited to the private sector. Public services are also developing, and often pushing people towards, online tools and services, which are cheaper to provide than face to face and telephone options. For example, people making a claim for Universal Credit are required to do so online. By the time Universal Credit is fully rolled out, over 7 million households will be applying for and maintaining their claim online.³

Mobile and broadband services are also vital to the success of the digital economy. New technology allows us to work more flexibly than ever before. Many people now just need a smart phone, laptop or tablet and an internet connection to work wherever they want. And growing numbers of us are shopping online. In 2017, UK shoppers spent an average of £1.2 billion online *each week*, an increase of 10% on the previous year.⁴

In this context, it is vital that people across the UK have access to affordable, reliable telecoms services which meet their needs and are adequately protected from sharp practices. At first glance, the signs are positive. Competition is strong in most parts of these markets, and technology is improving rapidly. Consumers have access to powerful devices and services which were unthinkable even a generation ago, at prices affordable to all but those on the lowest incomes.

However, what happens when we look more closely at the experience of consumers within these markets? Are *all* consumers able to access reliable telecoms services? Are consumers adequately protected from bad practice? And when they have a problem, are consumers able to get it fixed and claim the compensation they are entitled to?

¹ Ofcom, '[The UK Communications Market: Telecoms and Networks](#)', 2017.

² Ofcom, '[Internet uses and attitudes](#)', 2017; The number of branches provided by the big six banks has fallen by over 30% since 2000. See House of Commons Library, '[Bank Branch closures](#)', 2017.

³ Citizens Advice, '[Delivering on Universal Credit](#)', 2017.

⁴ Office for National Statistics, '[Retail sales, Great Britain](#)', November 2017.

The Government's forthcoming Consumer Green Paper makes this the ideal time to consider these questions. To do so, this paper draws on 3 sources of evidence:

- New opinion polling conducted by ComRes on our behalf between 12th and 16th January 2018.⁵
- New analysis of 2,000 calls to the Consumer Helpline, run by Citizens Advice, in relation to mobile and broadband issues between May 2016 and May 2017.
- Previous research from Citizens Advice and others on the consumer experience in telecoms markets.

In section 2 we set out new evidence on the number of consumers experiencing problems with poor mobile phone and broadband services, and their experiencing of resolving these problems. Section 3 focuses in on the impact these problems have on consumers and the wider economy. In section 4 we situate these findings in the context of a growing body of evidence which points to widespread consumer problems in essential telecoms markets.

Section 5 makes the case for stronger action from policy makers, highlighting 3 major challenges. We conclude by calling on the Government to include measures to improve the consumer experience in telecoms markets, including establishing a statutory consumer advocate for telecoms, in the forthcoming Consumer Green Paper.

⁵ Comres interviewed 4,127 British adults aged 18+ online between 12th and 16th January 2018 on behalf of Citizens Advice. Data were weighted by age, gender, region and socio-economic grade to be representative of all GB adults. Full data tables can be found at www.comresglobal.com

2. Problems with mobile phone and broadband service are widespread

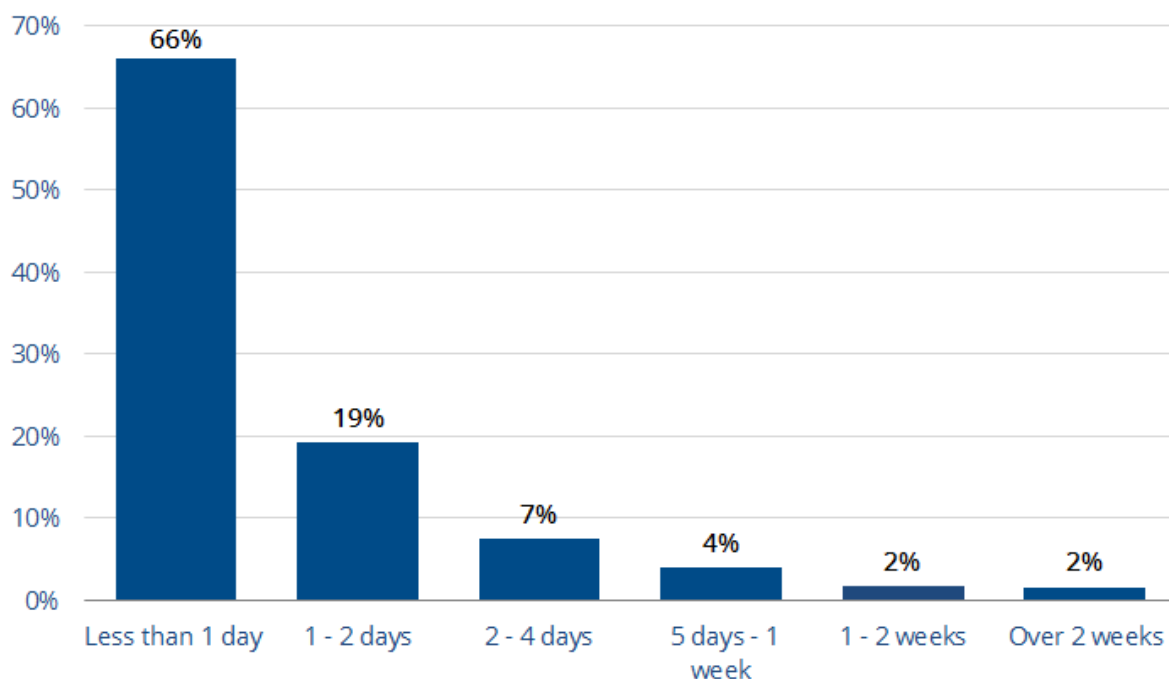
Reliable, high quality broadband and mobile services are essential for today's consumers. However, our new research finds that all too often consumers do not receive the level of service they need.

Some people encounter problems before their service is even up and running: 1 in 4 (26%) who have switched their broadband provider in the last 12 months said they had experienced unexpected delays at the start of their new service. 1 in 3 of these had delays lasting more than 2 weeks.

The problems do not end once the service has been installed. Nearly half (46%) of consumers with a home broadband connection said they had experienced a total loss of service in the last year. 1 in 3 (34%) of these were without service for a day or more.

1 in 3 consumers who experienced a total loss of service in the last year went without service for 1 day or more

Fig.1. Length of loss of broadband service

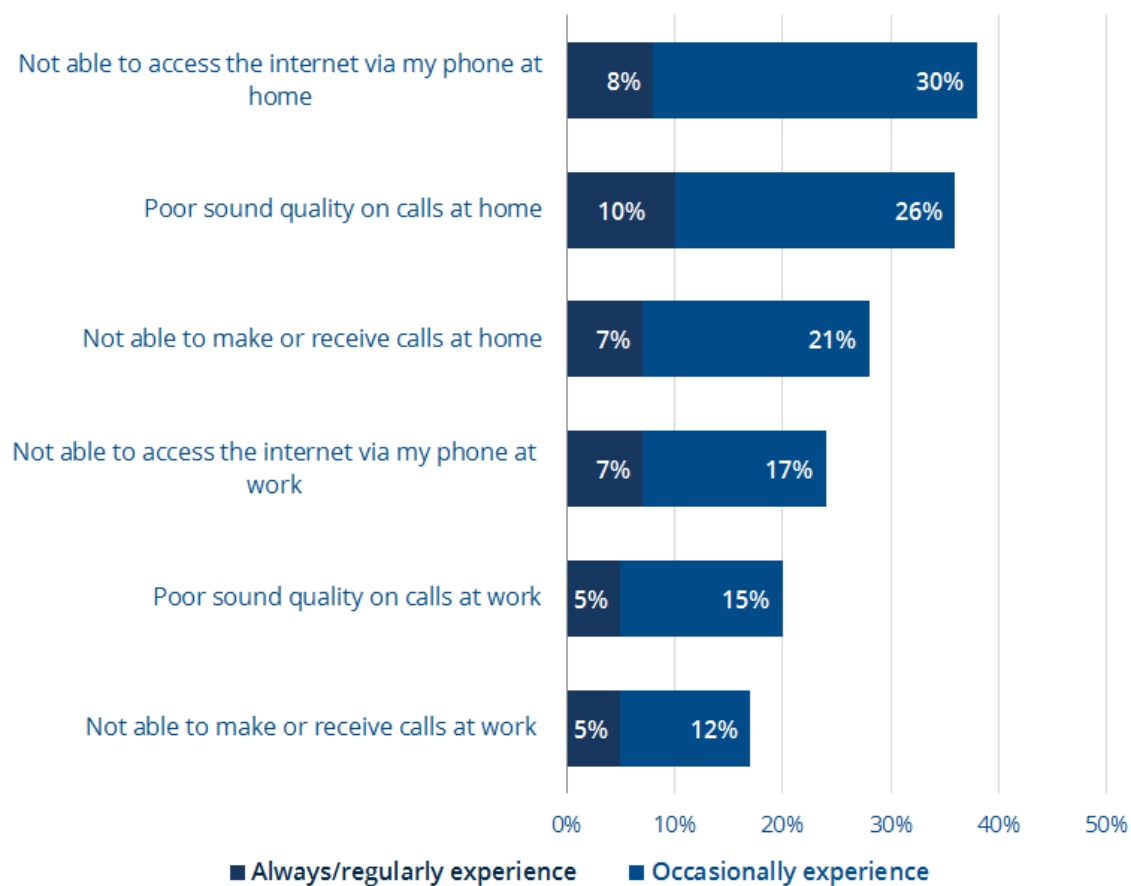


Source: Survey conducted by Comres for Citizens Advice. Base 1,728 Question: In the past twelve months have you experienced a total loss of broadband service?

The mobile phone market has similar problems. Nearly 3 in 10 (27%) said they always or regularly experience at least one of the mobile phone service issues we asked about. A minority (7%) report *always or regularly* being unable to make or receive calls at home and 8% say the same for accessing the internet on their mobile. A further 1 in 5 (21%) are *occasionally* unable to make or receive calls at home, while 1 in 3 (30%) are occasionally unable to access the internet. A smaller, though still significant proportion, also report problems using their mobile phone at work.

Consumers suffer from a wide range of problems with mobile connectivity

Fig 2. Consumers experiencing mobile connectivity problems in the past 12 months



Source: Survey conducted by Comres for Citizens Advice. Base 4,078. Question: In the past twelve months, how often, if at all, have you experienced any of the following problems with your mobile reception?

Mobile phone and broadband services are complex and it is inevitable that problems will occasionally arise. In many cases problems are beyond the control of service providers. The key thing for consumers is that they can quickly and easily resolve their problem and claim any compensation they are entitled to.

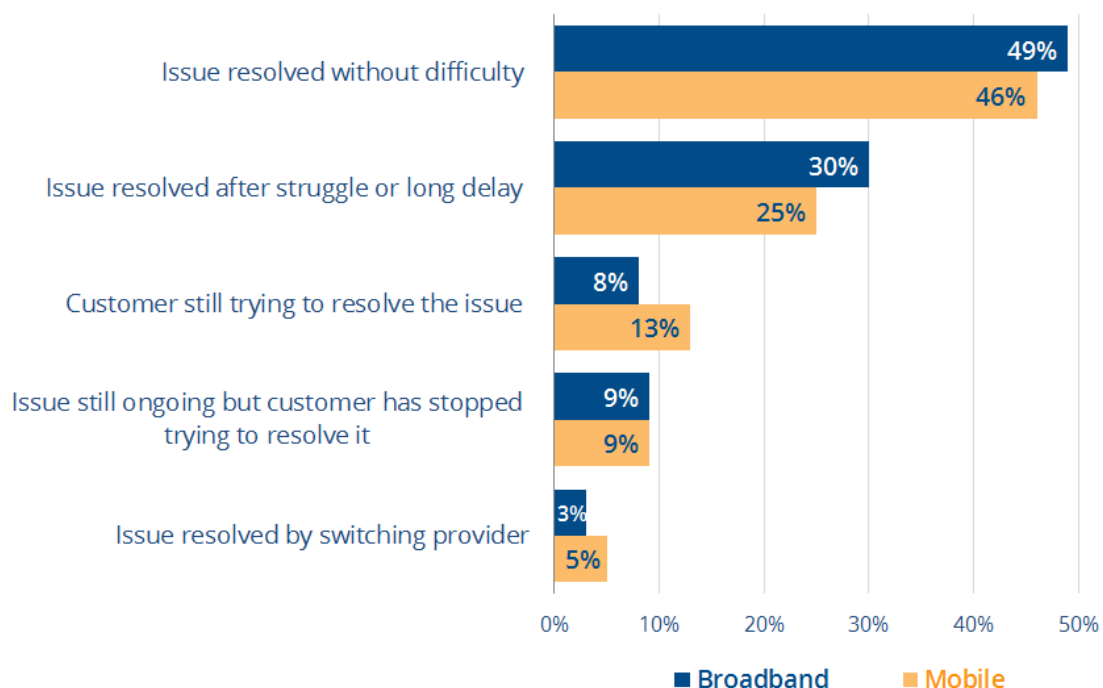
We asked people about their experience of reporting a problem to their broadband or mobile phone provider. 1 in 3 (35%) people with a broadband connection had contacted their provider because of slow speeds or a connection which wasn't working at all. 1 in 10 (11%) people with a mobile phone had contacted their provider about a problem with their mobile phone service.

The experience of those reporting a problem across these markets is strikingly similar. Nearly half of those who reported a problem with either their broadband or mobile phone service to their provider said it had been resolved without difficulty (49% and 46% respectively).

However, a little over half said they had experienced further difficulty when trying to resolve their issue. Significant minorities - 3 in 10 for broadband and 1 in 4 for mobile phones - said their issue had only been resolved after a struggle or long delay. 1 in 10 people (9% for both broadband and mobile) had given up trying to resolve the issue even though the problem was ongoing. Others were still trying to resolve their issue or had resolved it by switching to a different provider.

More than half of consumers who make a complaint about a problem with their mobile or broadband service encounter further difficulties

Fig 3. Outcome of consumers' most recent complaint to broadband/mobile provider



Source: Survey conducted by Comres for Citizens Advice. Base 1310. Question: Thinking of the last time you complained to your broadband/mobile provider, which of the following options best describes the outcome of that complaint?

On average people spent 2.4 hours trying to resolve problems with slow or disrupted broadband service. Those with a problem with their mobile phone service spent an average of 2.1 hours trying to resolve it.

The frequency with which consumers struggle to address the problems they face, and the consistency of these problems across mobile and broadband markets, suggest there are systemic flaws in the market.

We know first hand the difficulties consumers face when trying to resolve issues with their telecoms providers. One caller to our consumer service had recently moved home, and after the installation from her new broadband provider found her internet was not working. 3 months passed and still her internet was not working, but her provider told her she could not cancel her contract as they could still fix the issue. She tried another time to cancel her contract, but when the provider then promised to fix the issue she made a decision not to cancel. She made a final decision to switch to another provider when later that week she was charged, via direct debit, an amount equal to the entire cost of her contract. Despite all of this, her original provider still claims they will charge her a cancellation fee. Unfortunately, this case is not unique; billing disputes and issues with cancellations make up 23% of the calls we receive regarding broadband services.



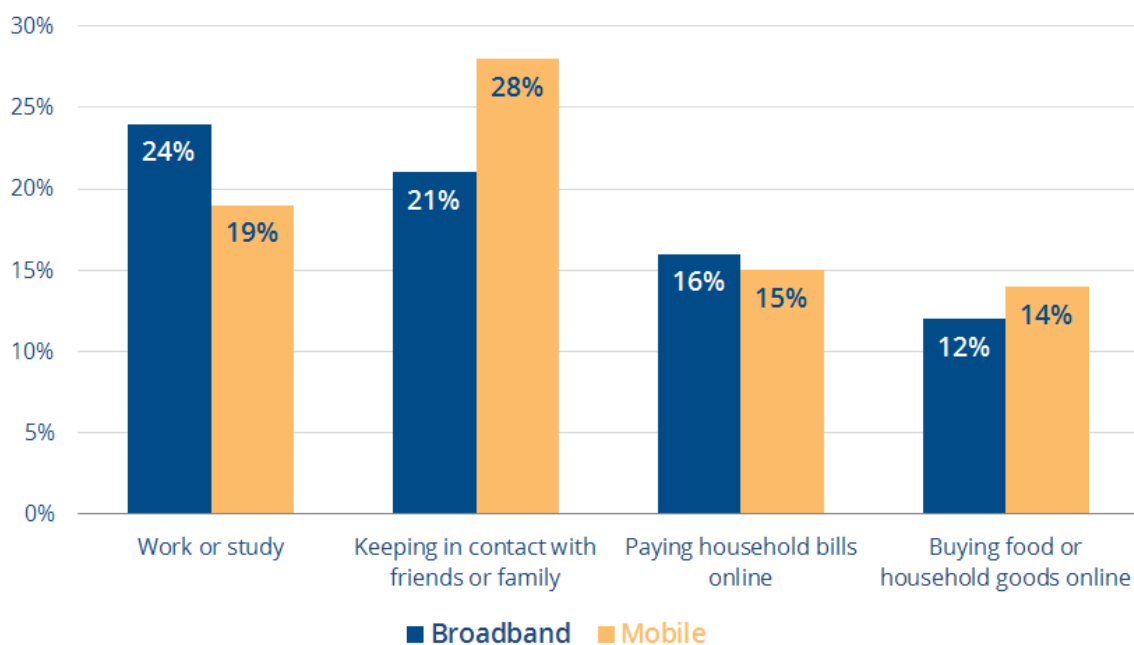
3. Problems with telecoms can have a significant impact on individuals and the wider economy

The central role of telecoms in our lives means the impact of poor or disrupted service can be severe and wide ranging. This includes staying in touch with friends and family: 21%-28% of people with a telecoms issue said it had a fair or great amount of impact on their ability to keep in contact with friends or family.⁶

Telecoms problems also have financial consequences. This includes having a fair or great amount of impact on their ability to pay their household bills (15% mobile and 16% broadband) and buy food or household goods online (14% and 12% respectively). People also face problems working. 1 in 4 (24%) of people who had a problem with their broadband service reported a fair or great amount of impact on this aspect of their life, rising to 33% for 25-34 year olds.

Problems with mobile and broadband services can have a knock-on impact in a number of areas of consumers' lives

Fig 4. % of consumers saying mobile/broadband problem had a 'fair amount' or 'great deal' of impact on their lives



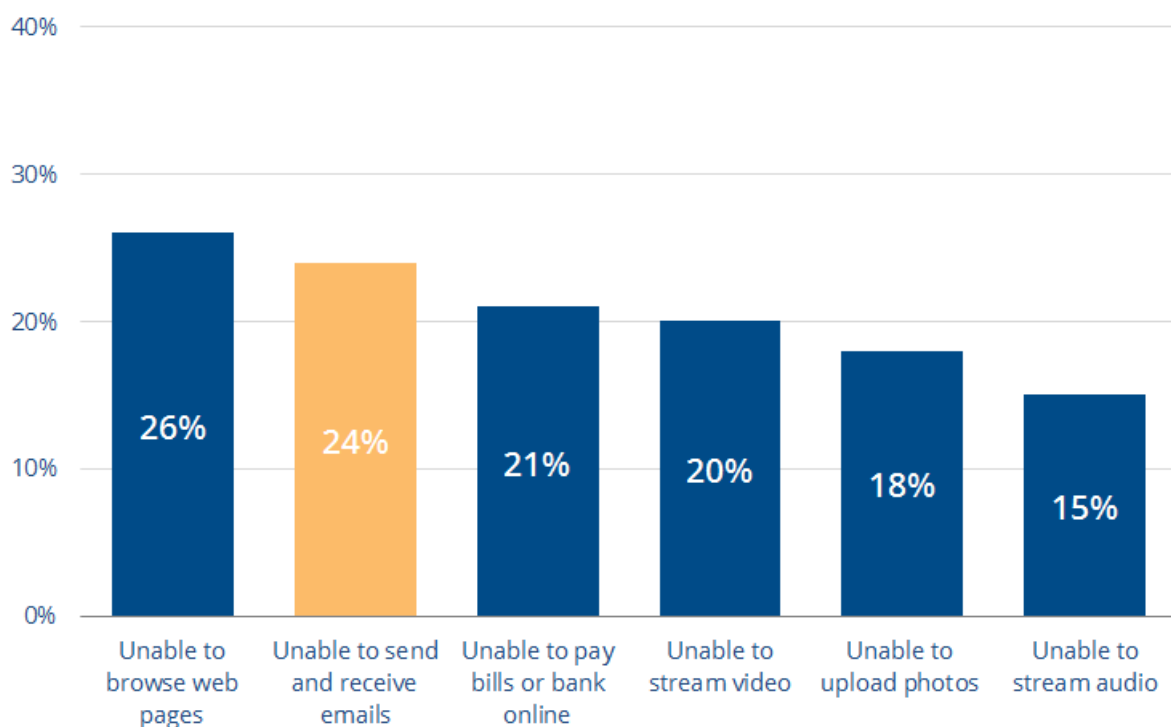
Source: Survey conducted by Comres for Citizens Advice. Base: broadband 2,226 mobile, 995. Question: To what extent, if at all, did your broadband/mobile issue and the time it took to resolve impact on each of the following?

⁶ 28% people who had problem with their mobile and 21% with a broadband issue found it hard to keep in contact with friends and family.

We also asked how often speed or reliability affected people's online experiences. This question revealed that a significant proportion of broadband users are regularly unable to complete even basic tasks. It is concerning, for example, that 1 in 4 are always or regularly unable to send and receive emails and 1 in 5 always or regularly unable to pay bills or do online banking, due to the speed or reliability of their home internet connection.

A quarter of people are regularly unable to send emails due to the speed or reliability of their broadband

Fig 5: % of consumers 'always'/'regularly' unable to perform tasks due to quality of broadband connection



Source: Survey conducted by Comres for Citizens Advice. Base 3,791. Question: How often, if at all, are you unable to carry out the following tasks due to the speed or reliability of your home internet connection?

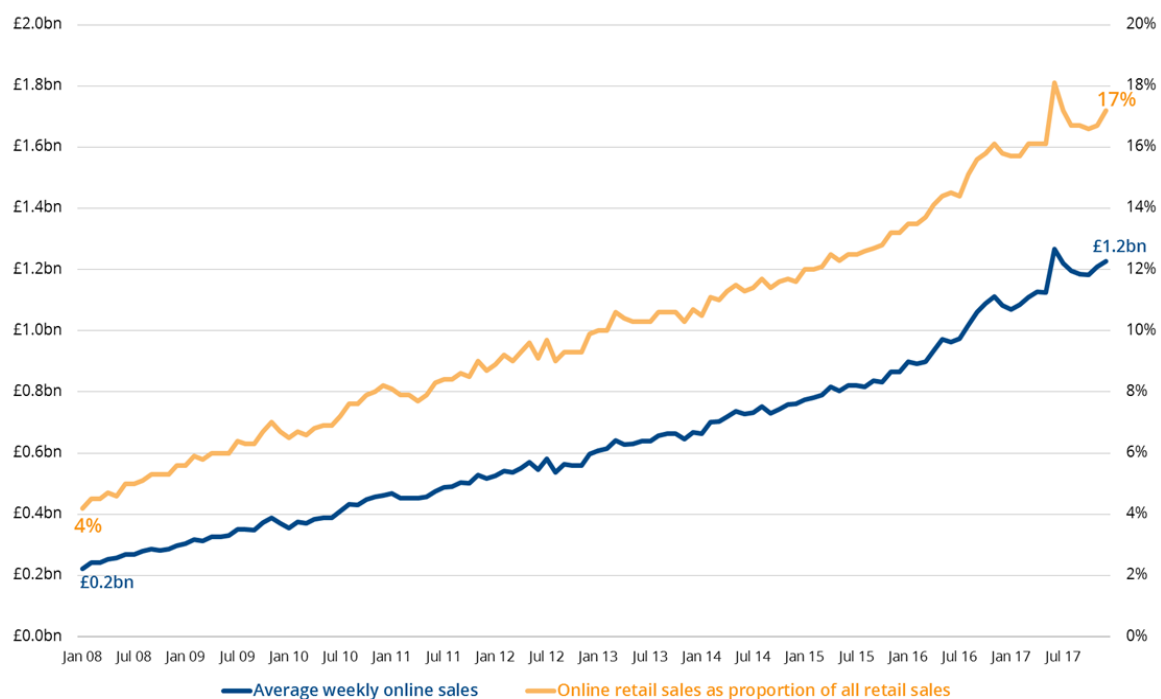
The issues above show the extent of frustration, inconvenience and even financial losses that consumers experience as a result of a disrupted or poor broadband or mobile service.

These issues also affect the wider economy. Many areas of the country have patchy or slow coverage, which can effectively exclude residents from the digital services and the wider digital economy. This has 3 main implications for the British economy:

First, unreliable internet access constrains the amount people are able to spend in the digital economy, from e-retail to video and audio streaming services. This is particularly important as UK consumers now spend an average of £1.2 billion a week online. Meanwhile, online retail accounts for almost a fifth (17%) of all retail sales, up from just 4% in 2008. As this upward trend shows no signs of slowing, we can expect online sales to be an increasingly important factor in consumer spending in the future.

UK consumers now spend £1.2 billion a week online

Fig 6: Average UK weekly online sales and online retail as a proportion of all retail sales



Source: ONS 'Retail Sales Index internet sales', January 2018

Second, a lack of reliable internet and mobile phone services acts as a barrier to people taking advantage of flexible working arrangements, such as working from home or using teleconferencing. This can prevent talented individuals based outside major cities from taking up opportunities or starting up their own businesses online and can increase travel costs when teleconferencing can't be used.

Finally, public and private services are increasingly seeking savings by moving their services online. The benefits of online services, both to businesses and consumers, is significantly undermined if people who are otherwise happy and able to use these services are prevented from doing so as a result of poor quality services.

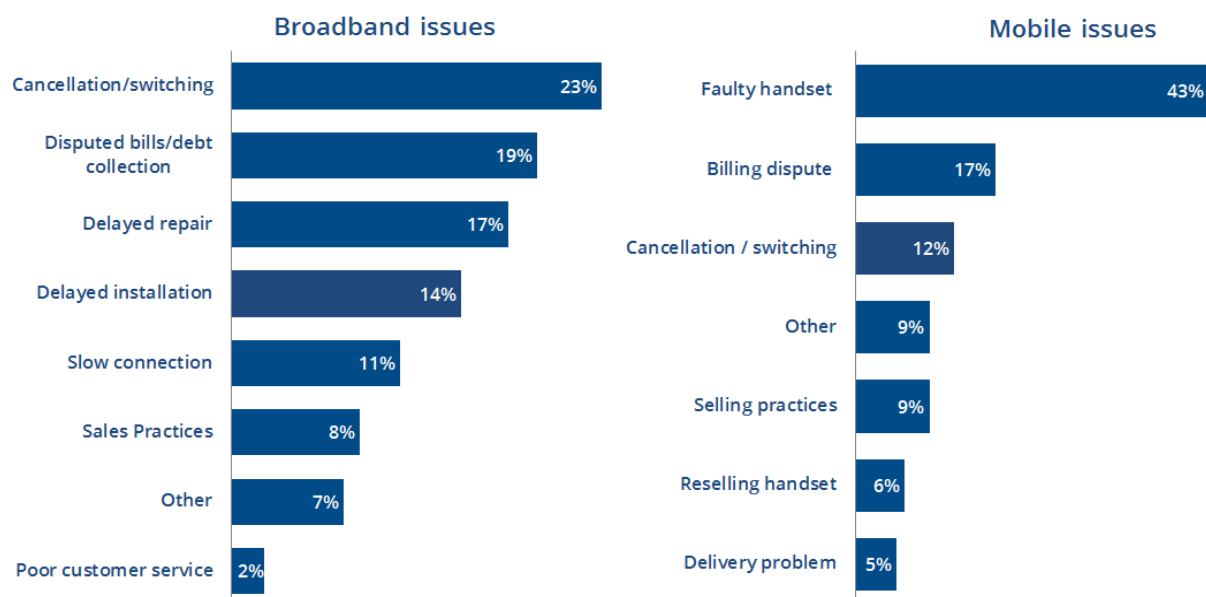
4. This data adds to a growing body of evidence of consumer detriment in telecoms markets

The new data presented in this briefing adds to a growing body of evidence which points to worrying levels of consumer problems in essential telecoms markets. Citizens Advice research in 2016 found that UK consumers experience 27.6 million problems with their phone, TV or internet service each year - more than any other market, including energy (7.6 million) and water (1.7 million).⁷

In addition, the Consumer Helpline, run by Citizens Advice, helps people with over 22,000 enquiries about telecoms problems each year. A new analysis of 2,000 calls received between May 2016 and May 2017 shows that the most common problems reported to us relate to faulty mobile handsets and consumers wishing to cancel a broadband contract or switch provider. For both broadband and mobile, the second most common problem reported to us is disputed bills.

Citizens Advice helps people with 22,000 enquiries about telecoms problems each year

Fig 7: Enquiries to Citizens Advice Consumer Helpline May 2016 to May 2017



Source: Analysis of 2,000 calls to the Citizens Advice Consumer Helpline between May 2016 and May 2017.

⁷ Citizens Advice/Oxford Economics, [‘Consumer detriment: counting the cost of consumer problems’](#), 2016.

More in-depth research on particular aspects of these markets has identified a number of additional problems. For example:

- The mobile loyalty penalty means that millions of mobile customers are charged up to £38 per month for phones they already own if they don't switch or upgrade at the end of their contract.⁸
- The broadband loyalty penalty costs customers £113 per year for not switching, with low-income households and older people disproportionately affected.⁹
- Exit fees for broadband customers who receive poor service or move to an area where the same service is not offered are excessive.¹⁰
- Poor speeds and persistent connection failures in broadband services, where 6 in 10 customers have experienced an issue in the last year. 1 in 5 suffered very slow speeds, and 17% had frequent connection drop outs.¹¹

These problems often affect poorer consumers disproportionately. For example, our research found that low-income households are more likely to be impacted by the broadband loyalty penalty. Consumers earning less than £7,000 per year are 77% less likely to change contracts in the first 4 years than higher earners.¹² Similarly, 23% of over 65s on handset-inclusive contracts were still paying for their mobile handset for over 12 months past the end of the fixed deal period, compared to 13% of people aged under 65.

⁸ Citizens Advice, '[Mobile phone networks overcharging loyal customers by up to £38 a month](#)', 20 October 2017.

⁹ Citizens Advice, '[Exploring the loyalty penalty in the broadband market](#)', 18 April 2017.

¹⁰ Citizens Advice research, forthcoming.

¹¹ Which?, '[Best and worst broadband providers of 2017](#)', 20 April 2017; Which?, '[Update: bad broadband? You're not alone...](#)', 3 July 2017.

¹² Citizens Advice, '[Exploring the loyalty penalty in the broadband market](#)', 18 April 2017.

5. Telecoms consumers need stronger protections

The level of protection consumers receive in telecoms markets must reflect its emergence as an essential service. The scale and severity of the problems consumers currently encounter in these markets suggests that current protections are not fit for purpose.

Ofcom's Sharon White recognised the need for a stronger approach to consumer protection in her first speech as CEO in 2015. She said that raising standards of service would be one of her priorities.¹³ Since then, Ofcom has demonstrated its commitment to putting these words into action through several important programs of work. This includes brokering an agreement with broadband providers to introduce an automatic compensation scheme for consumers experiencing common standard of service issues and publishing service quality statistics which can be compared across the market for the first time.¹⁴

However, progress in other areas has been slow. For example, Ofcom first announced its strategic view that gaining provider led (GPL) switching processes deliver the best outcomes for consumers in 2010. It wasn't until 2017 that it made significant reforms to the procedure for switching mobile phone service. The system eventually decided upon fell short of full GPL.¹⁵ Similarly, last year Ofcom intervened to reduce the cost of landline-only contracts, which are predominantly used by older customers who are unlikely to switch providers. However, this change only occurred after several years of above inflation price rises.¹⁶

Ensuring consumer protections are fit for purpose in telecoms markets will require both the government and the regulator to act more quickly to identify and tackle new problems as they emerge. In doing so they will face 3 key challenges:

1. Bringing consumer protections into line with those found in other essential markets. The transition of mobile phone and broadband services from luxury to essential services was rapid, and is still a relatively recent shift when compared to more established markets like energy, water and financial services. The level and approach to consumer protection required in essential

¹³ S.White, *'The Consumer and the Citizen at the Heart'*, 2015

¹⁴ Ofcom, *'Automatic Compensation Statement'*, 2017

¹⁵ Ofcom, *Strategic review of consumer switching A consultation on switching processes in the UK communications sector*, September 2010

¹⁶ A Pardoe, *'Ofcom has intervened to cut the bills of loyal landline-only customers'*, October 2017

markets is very different to that in non-essential markets and Ofcom has needed to quickly change its approach. As this process continues, Ofcom will need to address a number of issues regulators in other essential markets have been working on for a number of years.

One example is debt collection. An analysis of evidence from across the Citizens Advice network in 2016 found that the debt collection practices of mobile phone companies had fallen behind other essential markets, including energy and water, where regulators have long collaborated with industry and the free debt advice sector to improve the treatment of customers in financial difficulty.

Ofcom has taken steps to improve consumer protections in this area, for example by requiring telecoms providers to publish their debt collection policies from October this year. However, protections still fall short of those in other essential markets. For example, Ofcom has not yet followed the example of Ofgem, Ofwat and the FCA by publishing debt collection guidance which clearly sets out the standards they expect from the industries they regulate when it comes to dealing with customers in financial difficulty.

2. Identifying and tackling emerging forms of consumer harm in a sector which is changing so rapidly. In 2016 alone, more than 1.2 million new superfast 'fibre' connections were installed, while the use of mobile data increased by 44% per user.¹⁷ Meanwhile, the 'internet of things' is beginning to change the way we use telecoms services. Increasingly, it is not just our phones or computers that rely broadband or mobile services, but also our cars, energy meters and medical equipment.¹⁸

Innovation within the market brings opportunities for consumers in the form of new products and ever faster speeds. However, it also presents challenges in the form of rising consumer expectations which may not always be met and the risk that some people will be left behind if they cannot access new services. New services can also create new consumer problems: such as security or privacy issues, complex pricing, or an increased risk of consumers being misled when they buy unfamiliar products.

Policy makers face a delicate balancing act between allowing innovation and competition to thrive while also ensuring consumers are adequately protected. The pace of change also means that by the time policy makers have been through the lengthy process of identifying and gathering evidence on one source

¹⁷ Ofcom, '[The Communications Market 2017](#)', 2017

¹⁸ Cambridge Consultants, '[Review of latest developments in the Internet of Things](#)', 2017

of consumer harm, consulted on a solution and implemented it, the market, and the cause of consumer harm, has often moved on.

3. Ensuring the interests of consumers is fairly balanced against the interests of industry. The telecoms industry is a well-resourced and powerful voice in telecoms markets and has strong influence when decisions are made about the future direction of the market.

Industry has also shown its willingness to threaten, and take, legal action against the regulator on a number of occasions. This can act as a brake on much needed reforms to protect consumers. As well as delaying action from the regulator in the specific instances in which legal action has been used, the potential threat of lengthy and expensive legal action can also make the regulator more reluctant to announce ambitious initiatives to improve consumer outcomes in the market in the first place.

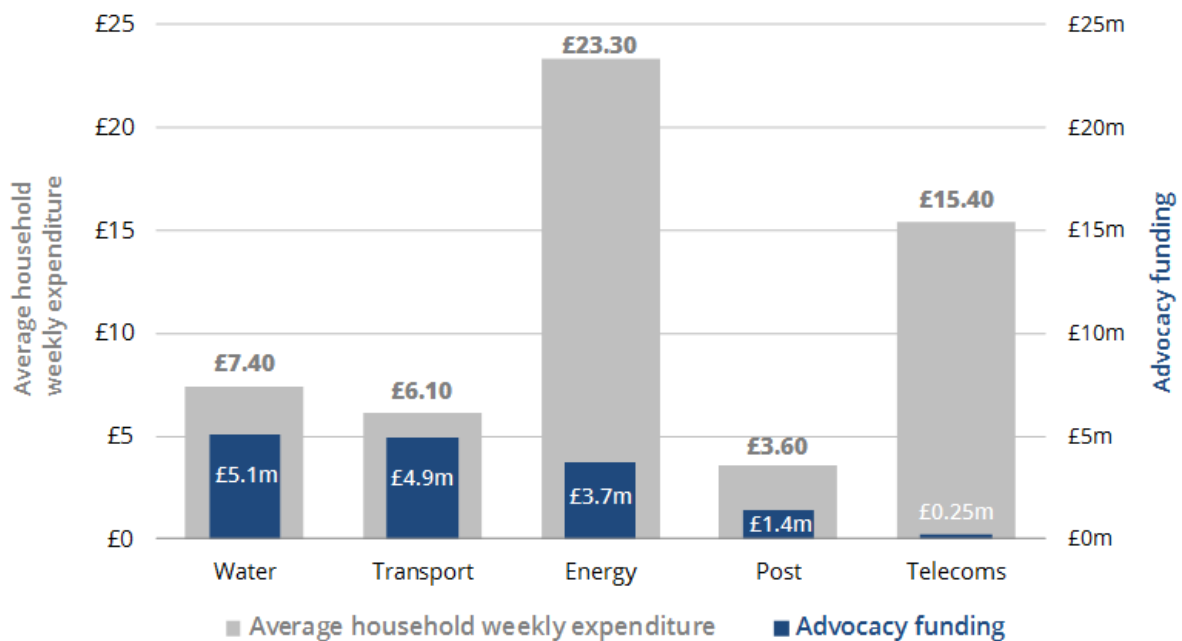
A powerful, well resourced industry lobby is not unique to telecoms. However, unlike in other essential markets, the powerful voice of industry is not counterbalanced by a strong, independent consumer voice. A third of people say they feel government does not take into account the interests of ordinary service users as well as telecoms companies when making decisions.¹⁹

In energy, water, post and transport, the interests of consumers are represented by dedicated, independent consumer advocates funded by a levy on industry. In telecoms, the role of consumer advocate is fulfilled by the Communications Consumer Panel (CCP), a part time panel of experts which sits within Ofcom. Although the CCP does valuable work with the resources it has, it is not an adequate alternative to the well-resourced, independent advocates found in other essential markets. As the chart below shows, consumer advocacy in the telecoms markets receives considerably less funding than in other essential markets.

¹⁹ Survey conducted by Comres for Citizens Advice.

Telecoms consumer advocacy receives the least funding of all essential services

Fig 8: Consumer Advocacy funding in essential services



Source: Latest data available. Figures for telecoms and transport are from publicly available reports for 2015-16. Figures for water are from publicly available reports for 2016-17. Figures for energy and post are from 2017-18 Citizens Advice grant agreement, including, an estimate (based on 2016-17 figures) for the costs of Citizens Advice Scotland to ensure geographic comparability.

A strong focus on ensuring essential telecoms markets are working for consumers is more important now than it has ever been as the Government and Ofcom make a series of important decisions which will shape of the market for decades. These include the continued roll-out of fibre across the country, the auction of 5G spectrum, and the creation of a Universal Service Obligation for broadband.

6. The Consumer Green Paper is an important opportunity for the government to show it is serious about ensuring mobile and broadband markets evolve in the best interests of consumers, not just industry

The Government has signalled its commitment to improving markets for consumers on a number of occasions over the past year. The Conservative Manifesto 2017 highlighted the important role cracking down on exploitative behaviour and high prices can play in reducing the cost of living.²⁰ The Prime Minister returned to this theme during her Autumn conference speech to, stating that the Government will always take action to fix markets when they are broken and “take on monopolies and vested interests when they are holding people back.”²¹

In many respects telecoms markets are working well for consumers. We have access to powerful devices and services which allow us to keep in touch with family, bank online and apply for benefits. We can do this quickly, on the move, and at the touch of a button.

But consumer protections do not yet reflect the essential role these services now play in our lives. Consumers are exposed to unacceptable levels of harm and the debate around these markets is imbalanced in favour of industry interests. The consumer voice is simply not loud enough. This might have been acceptable when telecoms services were still a luxury, but now the stakes are too high for consumers not to have a seat at the table.

The forthcoming Consumer Green Paper is the ideal opportunity to deliver on these promises and set out a bold vision for consumers in telecoms markets. Establishing a dedicated consumer advocate to provide a strong consumer voice and improve outcomes for consumers and the wider economy alike would be an important first step.

²⁰ The Conservative Party, [‘Forward Together: Our Plan for a Stronger Britain and a Prosperous Future. The Conservative and Unionist Party Manifesto 2017’](#), 2017

²¹ Theresa May, [Speech to Conservative Party Conference 2017](#), 4th October 2017

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