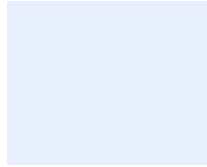


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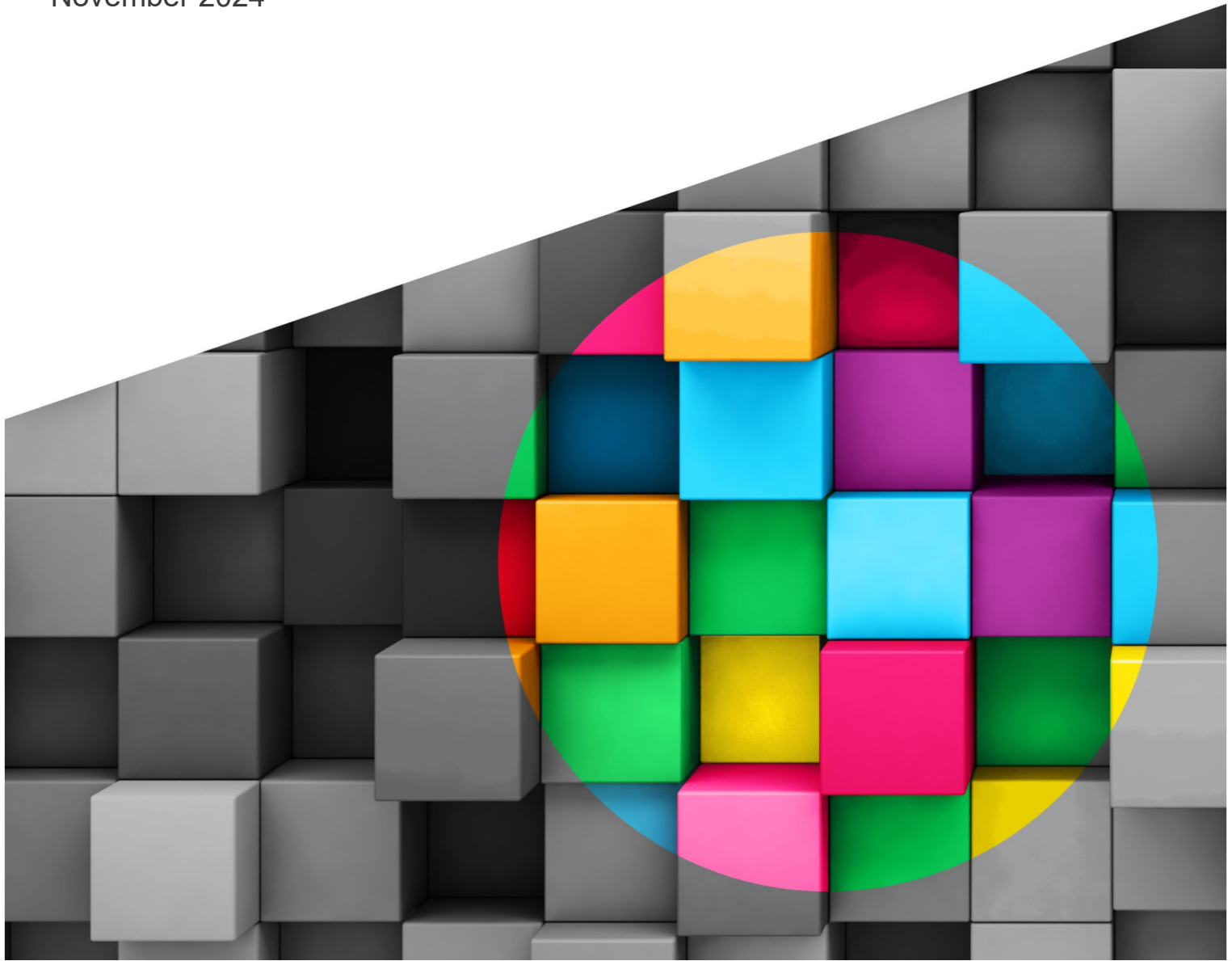
JGSAW



Understanding the Alternative Dispute Resolution (ADR) Process

Summary Report

November 2024



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Background

Two ADR schemes are currently approved by Ofcom to support the resolution of disputes between consumers and their Communications Provider (CP). Those schemes are:

- Communication Ombudsman (CO)
- Communication & Internet Services Adjudication Scheme (CISAS)

Ofcom is required to periodically review both schemes against their key approval criteria. To help inform this process, Ofcom commissioned Jigsaw to conduct qualitative research to understand the experiences of ADR scheme consumers.

The research followed the customer journeys of 77 ADR applicants from initial sign up to final resolution. At the end of their journey, Jigsaw selected 20 participants for depth interviews to better understand their experiences.

The headlines

This report presents findings from research conducted with participants who had gone through the Alternative Dispute Resolution (ADR) process with either Communications Ombudsman (CO) or Communications & Internet Services Adjudication Scheme (CISAS) to resolve complaints with their communications providers in the telecoms sector. The research aimed to understand the end-to-end experience of ADR scheme consumers and identify areas for improvement.

Overall, most research participants found the ADR process helpful and valuable, though there were some areas for improvement. There were also some clear differences in experiences between CO and CISAS cases. CO tended to have a more personable approach with an initial phone call, while CISAS relied more heavily on digital communications through their portal. There were three primary findings reported from this research, which are detailed as follows:

ADR schemes could do more to manage participant expectations upfront.

Some participants struggled to accurately understand the ADR process and some of the ADR scheme's powers.

Some believed the schemes would take on more of a 'consumer champion' role and would be able to issue decisions intended to reprimand or otherwise regulate the behaviour of communications providers. A small number of participants reported this misconception being exacerbated by misleading information or reviews available online through non-affiliated websites discussing the ADR process.

Others expected ADR schemes would have the power to implement far harsher punishments on the communications providers rather than just adjudicating on their specific complaint, e.g. higher fines or mandating more sweeping changes.

Both CO and CISAS's approaches worked well overall, but there were some areas where participants felt they could improve

For **CO**, many appreciated the phone call and the sense of empathy they received from their caseworker. However, there was some variability in how certain caseworkers communicated, such as the amount of detail they would give about a case decision or in specifically responding to each piece of evidence. This variability, including information provided regarding the decision, could make the outcomes feel more inconsistent and, by extension, arbitrary. This was primarily levelled at CO's written communication, though it may be worth noting that most received a phone call prior to the written decision.

CISAS relied heavily on online portal interactions and templated responses. While this gave some participants a feeling of continuity, it could leave certain participants (particularly those with vulnerabilities or lower levels of digital literacy) feeling isolated and underserved.

Some participants felt that the process broadly could feel biased toward providers

Some participants repeatedly expressed concerns about bias, both regarding the process itself and the decision.

Regarding the process, participants felt an inordinate amount of the burden of proof fell to them. Further, providers could be perceived as taking advantage of generous timelines and/or providing inaccurate evidence, which the ADR schemes could be seen to take on board without challenge.

Concerns around biased rulings usually arose when the wording of a decision could be perceived as 'mimicking' the provider's initial statement and was felt to ignore or not engage with certain arguments or pieces of evidence provided by participants.

Key takeaways at each stage

The ADR process can be split into three primary stages, these being 1) the onboarding stage, 2) the midway process, and 3) the issuing of a decision. Additionally, most of the research participants went into their ADR experience having done some research or fact finding and may even have had previous experience with the process, which can all be characterised as parts of the pre-onboarding stage.

Pre-onboarding

Prior to applying for ADR, many participants had developed expectations about the process based on their own past experiences, research, and assumptions. About a third of the research participants had previous experience with ombudsman services, including communications, financial, and energy ombudsman services. Those with prior experience generally reported having a better understanding of what the basic process of ADR would look like, including timelines and outcomes. However, those who had had poor prior experiences could have a more pessimistic outlook on how their case would be handled. Some reported these expectations impacting how much compensation they would ask for, or whether they would take an early settlement to avoid the full ADR process.

For those without prior experience of ADR, expectations were more closely tied to their own research or basic assumptions. In terms of research, a small number of participants had reviewed their individual ADR scheme's website in detail. Some reported searching on review websites (such as Trustpilot) for information about the ADR process and how much compensation they could reasonably ask for. Many, however, did not report spending any substantial time researching the ADR process, and instead based their expectations on personal assumptions about impartiality or comparisons to consumer championing organisations such as Money Saving Expert.

Onboarding

The onboarding process for both CISAS and CO were structurally similar, with the primary difference between the two arising from the initial communication.

In most cases, CO provided a phone call with a designated caseworker, allowing participants to discuss the particulars of their case, what the ADR process would look like, what they could expect from a resolution, and ask any questions they may have had. For many participants, this phone call could relieve some of the stress of the application process, as participants felt less pressure to remember every detail of their case when writing their statement and were able to ask any pressing questions. Some participants also mentioned feeling that the phone call humanised the process by allowing them to speak candidly and naturally with their caseworker.

For CISAS, the initial contact was conducted via their online portal. For most participants with relatively straightforward cases and those who were more digitally savvy, this online approach offered convenience and ease. However, there were a small number of participants – particularly those with complex cases or lower levels of digital literacy – who struggled with CISAS's online approach due to struggles with the portal interface, such as knowing how to navigate the system effectively.

For both schemes, the overall onboarding and application process was generally well received, though some claimants felt aspects of the application could be streamlined. Uploading evidence was one such aspect. Some participants with complex cases or large amounts of evidence commented on the amount of time and effort it would take to track down all their communications with their provider, and then upload these one-by-one. Another point of friction for some was requesting financial compensation, as many participants struggled to know how to quantify certain harms, such as time

and stress. Furthermore, some participants feared that asking for too much money could negatively impact the overall outcome of their case and resolution.

Midway process

The midway process is primarily characterised by participants as a period of waiting for the provider to share evidence. Most participants received an offer to take an early settlement from their provider, and around half of those who received an early offer took it. Those who accepted their provider's offer were generally satisfied with the terms of the offer itself, though some reported their primary reason for accepting the offer was wanting to avoid going through the hassle of ADR.

Some participants discussed interacting through the online portals during this stage, and a few participants from both schemes had issues with notifications. For CISAS, the issues raised had to do with receiving multiple notifications (such as emails) for every case update, even if no action was required of them. For CO, some participants reported receiving notifications even when no update had been made on their case.

Decision

When it came to communicating a decision, CO and CISAS again differed in mode of communication.

CO called participants with information regarding the decision made on their case prior to sending an email or online portal notification. Caseworkers would then talk through the decision and the reasoning with the participants, giving them the opportunity to address any queries, as well as explain the process of appealing, should the participant choose to appeal the decision. CISAS communicated via email and via online portal notifications to explain decisions, and did not offer an appeals service to participants.

Advantages and limitations of both approaches became apparent during the research. Participants across both schemes reported wanting their decision to be communicated clearly and with enough detail to address each of the arguments and pieces of evidence mentioned in their initial application. Those who had received a phone call from CO generally felt they had higher rates of understanding of the reasoning behind the caseworker's decision than those who did not receive a phone call at all.

However, some participants with prior experience of ADR felt that caseworkers could differ in the level of detail they gave when explaining a decision, both over the phone and in writing. CISAS communicated their decisions entirely in writing, and most participants were happy with the language and format of CISAS's communications, and did not seem to feel any additional support would be necessary. Further, there were no complaints of caseworkers differing in their delivery style as there were with CO. However, some CISAS participants reported frustration or confusion around the logic of the decision.

Participants from CO who were unhappy or disagreed with the decision made on their case could appeal the decision on their case. No participant using CO in this research who wanted to appeal their case was unable to, and those who did choose to appeal found the process clear and easy. There were, however, references to the appeals process feeling futile if the decision didn't go the participant's way, particularly as the reviewer wasn't seen to be any more senior than the original case worker. CISAS did not offer an appeals process, and several CISAS participants reported wishing they were given the opportunity to appeal.

Overall ADR Process

Looking at the ADR process as a whole, many participants were satisfied with the overall structure, communications, and level of impartiality. There were, however, some areas in which participants felt both CO and CISAS could improve:

- Some participants reported that the ADR process did not feel complete for them until the terms of their resolution were fulfilled – ensuring that communications providers fulfilled these terms in the timelines outlined to participants could positively impact overall satisfaction levels.
- A small number of participants with vulnerabilities who required additional support or alternative methods of communication felt these needs were ignored and they were not treated with their vulnerability or disability in mind. For example, one participant informed their ADR scheme that he had a visual impairment and requested all communications to be made by email, but was still asked to respond to evidence through the portal. As he was unable to read the website, he had to turn to his neighbour for assistance throughout the process, which included sharing his personal financial information.
- Some participants reported concerns about fairness and bias, particularly as communications providers could choose which ADR scheme to use. This concern, however, was most frequently reported by those who had lost their case or were otherwise unhappy with the outcome.

Some participants were frustrated by perceived limitations in the ADR schemes' powers. This could be related to both the amount of compensation the schemes could award and the forms of punitive action schemes could take against providers, and, as mentioned above, could in part be driven by a difference in participants' expectations vs the reality of the process and the role of ADR schemes.

Conclusion

On the whole, the ADR journeys were generally positive. Most participants felt that they understood the process, that they could interact with the portal easily, and that the decisions were often clearly explained.

However, there are opportunities across both schemes for improvement. This could be in the form of enhanced communications, better managed expectations, demonstrated impartiality, and ensuring all needs are accommodated. Implementing such improvements could increase satisfaction and trust in the ADR processes.

Methodology

Recruitment

The sample was self-selected, with all customers applying to ADR during a three-month period between March and May 2024 invited to opt in to the research following their application. This was to ensure that the sample was as representative as possible.

Recruitment was designed to capture all parts of the ADR journey, as close to the start of the journey as possible. We used the following process:

1. Created two screener surveys (one for each ADR scheme) to ensure eligibility for the research.
2. For CISAS the invitation to participate in the research was included in the initial email sent to all customers who applied to that scheme.
3. For CO, an opt-in to participate in the research was included in the email to all customers who applied to that scheme. The screener survey was then sent after they opted in.
4. Those who opted in and completed the screener survey were then contacted. Respondents were considered eligible for participation if they were at the beginning of their ADR journey or had begun their ADR journey within the past week – i.e. if their case had (or was about to be) accepted by the relevant ADR scheme. If they met this criteria, they were onboarded to participate in the research. This process happened quickly to capture early experiences in the journey.

Recruitment continued on a rolling basis for the duration of fieldwork, until 4 weeks before the end of fieldwork to allow time for participant journeys to complete, and took place between March to May 2024. In total, 77 participants took part in this research, with loose quotas placed on complaint type, communications service and communications provider (with minimum quotas set for participants with vulnerabilities).

Approach

The research was composed of five stages, four of which were run through a digital research system called Whycatcher, and the final of which was run on Zoom. The methodology was designed to follow participants through their journeys for an average of 2-4 weeks. The process wasn't the same for everyone, since some journeys were longer and required the interim survey for example. Equally, depth interviews were conducted with a subset of the full sample. The five stages of the research were conducted as follows:

1. **Initial Survey:** At the start of their journey, participants were asked about their pre-ADR experience in a 20-minute survey. All participants were invited to take part in this survey. Topics focused on:
 - a. Previous experience of any ADR (telecoms or other sector)
 - b. Reasons for applying to ADR
 - c. Expectations and awareness

2. **WhatsApp Diary:** Participants kept a diary of all communications to/from their ADR scheme, telling us about what had happened, how they felt and sharing images/audio to tell us about their journey. All participants were invited to take part.
3. **Interim Survey:** Where journeys lasted longer than average, participants completed an interim survey to tell us about any changes that they wanted to share about their journey. Participants with a journey of 4+ weeks completed the interim survey.
4. **Final Survey:** Once a final decision had been reached, we asked participants to fill out a 15-minute survey. Everyone was invited to this task, although some journeys were not complete before the research had finished. Topics focused on:
 - a. Details of the outcome
 - b. Overall experience and satisfaction
 - c. Experience vs expectations from the start
5. **Depth interviews:** At the end of the journey, we invited some participants to take part in a 45-minute depth interview exploring their journey in more detail, including their frustrations and pain points. Participants were selected based on the content of their diaries, with a focus on those with difficult or otherwise notable ADR experiences (such as those with particularly complex cases). While we did speak to a handful of participants with positive experiences, our depth interviews were designed to skew towards those with experiences that highlighted any challenges with regards to the ADR process.



THANK YOU

STRAT7 Jigsaw,
a trading division of STRAT7 Limited
3rd Floor, 53 Parker Street
London WC2B 5PT
Tel: +44 (0)20 7291 0810
Web: www.jigsaw-research.co.uk
Email: info@jigsaw-research.co.uk

Registered in England no.: 7642707
Registered Address: 11 Soho Street
London W1D 3AD
VAT no.: 326 011 940

