

Centre for Consumers and Essential Services, Leicester Law School, University of Leicester

**`Review of the General Conditions of Entitlement':
Response to Ofcom consultation**

The Centre for Consumers and Essential Services welcomes the opportunity to respond to this consultation. The Centre is a cross-sectoral and inter-disciplinary research centre at the University of Leicester which has carried out significant research into the position of customers in vulnerable circumstances and complaint handling. Because of this, we have confined our comments to questions relating to complaint handling and vulnerability.

Question 11: Do you consider that our proposed revised condition for complaints handling and access to alternative dispute resolution, together with our proposed revised code of practice on complaints handling, will improve the transparency, accessibility and effectiveness of communications providers' complaints handling procedures, and improve access to alternative dispute resolution? If not, please give reasons, including alternative suggestions.

We strongly support these proposals and agree that they should produce a significant improvement to providers' complaint handling procedures.

We strongly agree that the Code should be extended to include complaints about general customer service.

We strongly support the proposals that providers should proactively provide information to customers about their processes and timelines.

We strongly support the provisions regarding closing complaints.

We strongly support the provisions relating to timely access to an ADR scheme. In particular, we agree that the question of whether or not a complaint is outside the jurisdiction of an ADR scheme is a matter for the scheme to determine, not the provider.

We strongly support the improved record-keeping requirements.

We agree that providers should monitor their compliance and take appropriate steps to prevent recurrence of any problem(s) identified. In addition, instances of non-compliance should be reported to Ofcom, even when they have been resolved, as this will help Ofcom in identifying industry-wide problems.

Question 12: Do you have any other comments on our proposals in relation to complaints handling and access to alternative dispute resolution?

We recommend that Ofcom introduces a provision or provisions in the Code requiring providers:

- (a) to collect information on the causes of complaints, to identify the root causes of complaints and to decide whether or not these root causes need remedying,
- (b) to ensure that lessons are learnt from determinations by the relevant ADR scheme, and

- (c) when systemic problems in terms of the provision of a service or failure to provide a service are identified, the provider should ascertain the scope and severity of the consumer detriment that might have arisen; and consider whether it is fair and reasonable for the provider to undertake proactively a redress or remediation exercise, which may include contacting customers who have not complained.

These are similar obligations to those placed on financial service firms by the Financial Conduct Authority (see Complaint Handling Rules Disp 1.3.2A, 1.3.3B and 1.3.6). Although it is critical that individual complaints are handled properly and fairly, it is equally critical that data on complaints and complaint patterns are also used to tackle systemic problems.

We also recommend that Ofcom should place a requirement on providers to publish an annual complaints report, properly publicised, as is the case in the financial services and energy sectors.

18. Accessibility of Customer Complaint Code: the complaints code should be available in at least some non-English languages.

20 (c) We would expect the provider to keep a record of the contact details of the complainant, as well as their identity. This would add subsequent monitoring or research.

Question 14: Do you agree with our proposals to introduce a new requirement for communications providers to take account of, and have procedures to meet, the needs of consumers whose circumstances may make them vulnerable?

We strongly support this proposal which is consistent with the steps that Ofgem is taking in relation to consumers in vulnerable circumstances.

Question 15: Do you agree with our proposals to update regulation by extending the current protections for end-users with disabilities, which currently apply only in relation to telephony services, to cover all public electronic communications services?

We strongly support these proposals.

Question 16: Are there any other modifications to the proposed revised condition on measures to meet the needs of vulnerable consumers and end-users with disabilities that you consider would be appropriate?

The title to para 2 refers to “vulnerable consumers”. We recommend that this is re-worded to refer to “consumers in vulnerable circumstances” instead. First, this is consistent with Ofcom’s terminology throughout the rest of the documents. Secondly, this term is a more realistic definition and helps to emphasise that providers should not look for “groups” of vulnerable consumers.

15.3 (d) This should include “appropriately and *regularly* trained” in order to emphasise that training is not simply a one-off exercise.

