

Citizens Advice response to Ofcom's consultation on 'Review of Alternative Dispute Resolution and Complaints Handling Procedures'

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Summary

Citizens Advice is extremely supportive of Ofcom's efforts to improve access to the Alternative Dispute Resolution (ADR) schemes in the telecoms arena and to encourage better levels of complaint handling by communication providers (CPs).

We concur with Ofcom that ADR and CPs' complaints handling procedures are an important part of the consumer experience in the communications market, and have first-hand evidence of how inadequate or inappropriate procedures can cause significant harm and detriment to consumers.

In our opinion ADR and complaint handling processes are intimately linked so it makes sense to consult on them jointly. In theory, the threat and costs associated with having a case referred to an ADR scheme should act as a strong incentive on communications providers to operate robust complaint handling procedures and supplement the Ofcom requirement to have an approved Complaints Handling Code of Practice. At present it appears clear this is not working effectively in the communications market.

To improve the way the market works for consumers and reward companies for operating first-class complaint handling systems Citizens Advice believes that there are a number of interlinked actions that should be taken, some of which form part of Ofcom's proposals:

1. access to ADR schemes should be improved. This should involve reducing the length of time that must elapse before a case can be referred to the ADR scheme, considering incentives to encourage CPs to make speedier referrals to the ADR scheme where it is apparent from an early stage that it will not be able to resolve the matter, and also introducing a system whereby urgent cases can be dealt with immediately rather than waiting for the CP to look into it or for the Ombudsman to make a decision. In addition, details of the number of unresolved cases which are referred by individual companies to their ADR scheme should be published by Ofcom on a regular basis;
2. there should be a single Ofcom Approved Complaints Code of Practice, instead of each CP having an individual Code of Practice for Complaints. This single Code of Practice should set out minimum standards that a CPs' complaints handling procedures must comply with. A key part of this must be requiring CPs to ensure that people on low incomes or who are deemed to be vulnerable can easily access complaint handling schemes; and
3. to enable effective compliance with the Code of Practice, CPs should be obliged to keep records of how they have dealt with complaints. CPs should also be obliged to report to Ofcom on a quarterly basis the number of complaints received and how quickly they have been resolved. This data should be published by Ofcom on a regular basis.

Introduction

The Citizens Advice Bureaux (CAB) network is the largest independent network of free advice centres in Europe, providing advice from over 3,200 outlets throughout Wales, England and Northern Ireland. We provide advice from a range of outlets, including GPs' surgeries, hospitals, community centres, county courts and magistrates courts, and mobile services both in rural areas and to serve particular dispersed groups.

The Citizens Advice service provides free, independent, confidential and impartial advice to everyone on their rights and responsibilities. It values diversity, promotes equality and challenges discrimination.

The service aims:

- To provide the advice people need for the problems they face; and
- To improve the policies and practices that affect people's lives.

In 2007-2008 the CAB service in England and Wales dealt with 5.5 million enquiries in total. Of these over 32,500 problems related to landline phones, mobile phones, cable and satellite TV, and internet service and broadband. Breaking this figure down reveals that:

- 22.6% of the problems relating to landline phones were about complaints and redress. This equates to 3,191 problems and meant that this category was the second largest reported, trailing only those problems relating to costs and billing; and
- 22.7% of the problems about mobile phones were about complaints and redress. This category contained 2,843 problems which made it the largest single category for mobile phones.

In addition, bureaux dealt with almost 54,000 problems concerned with telecoms debt. Of these almost 1,000 problems related to complaints.

General Comments

In February 2008 we published an evidence briefing, *Are you being served? CAB evidence on contacting utilities companies*, which covers one important aspect of the complaint handling process – the handling of customer calls and complaints. The report outlined two fundamental and related reasons why utility company contact centres have, in general, failed to respond to the needs of customers in this area, prompting high levels of dissatisfaction:

1. There is a glaring lack of accessible information available to consumers about comparative levels of service from utility companies' contact centres. This means that incentives to improve performance are weak and customers are forced to make decisions about suppliers based on price alone.

2. There are no minimum standards for utility companies in setting levels of customer service, including how customer contacts are handled. In the absence of sufficient competitive pressures, these could act as an effective protection for consumers.

These apply equally to complaint handling more generally, but the upshot is the same - that consumers are forced to make decisions based solely on price. As Ofcom itself has noted previously “across each of the communications markets there are a lower proportion of consumers who state it is easy to make quality of service comparisons, compared with cost comparisons.”¹

The Consumers, Estate Agents and Redress (CEAR) Act 2007 offers the potential to rectify this situation in the fuel sector since it places a statutory requirement on Ofgem to make regulations setting standards of Performance for fuel companies on complaint handling. Energy suppliers will also be required to be a member of an Ofgem-approved redress scheme to investigate and determine complaints relating to energy which may also provide an incentive to improve complaint handling. In addition, Consumer Focus will publish comparable data about the performance of fuel suppliers in handling complaints.

These radical changes in the fuel sector, which were formally implemented on 1 October 2008, show the inadequacy of the complaint handling process in the communications market. A customer presented with comparable complaints data in the fuel sector will expect similar information to be available when making a decision about their mobile, fixed-line phone or broadband connection. Ofcom’s efforts to improve access to ADR and to encourage better levels of complaint handling by communication providers are therefore timely and necessary but its proposals do not go far enough.

We consider that Ofcom’s proposals need to be supplemented with a number of measures to increase transparency. This would help to make the proposals into a more coherent overall package of measures, one which builds on best-practice in other sectors rather than trailing in their wake.

Specifically, **access to ADR schemes should be improved.** Evidence submitted by bureaux suggests that the current ADR schemes can be too inflexible in dealing with customer’s cases:

A CAB in the West Midlands reported that they assisted their client in making a complaint about a CP’s mobile phone contract which included a cash back offer. The retailer involved offered cash back to induce the customer to take out the contract but had ceased trading and as a result the client did not receive the promised cash back. The client complained to the CP’s ADR scheme that his CP had not acted fairly in holding him to a contract which he would not have entered into without the offer of cash back. He argued that the CP should have exercised more financial checks

¹ *The Consumer Experience – Telecoms, Internet and Digital Broadcasting 2007 – Policy Evaluation*, Ofcom, November 2007

on such retailers who offer cash back incentives, to ensure they can honour the offers they made. A complaint was submitted to the CP's ADR scheme but initially no correspondence was received from them. The CAB adviser contacted the ADR scheme and they emailed the letter they had previously sent, whereupon it became apparent that the letter from the ADR scheme had been wrongly addressed. The CAB adviser therefore asked for an extension of the time limit to allow the client to submit further evidence. Although the evidence was faxed to the ADR scheme on 23 May 2008 and the adjudicator did not make the decision until the 26 May 2008, the ADR scheme refused to consider the further evidence, ruling it out of time, and the client's complaint was therefore rejected. The client has been left with no further opportunity to put forward a complaint, meaning he has been left with a debt of £2,441.94. As the CAB adviser notes "It seems unfair to refuse to accept the client's evidence when the ADR scheme had incorrectly addressed their letters".

Specific comments on how to improve accessibility to ADR schemes are included below in response to specific questions posed by Ofcom.

In addition, **Ofcom should learn from best practice in other sectors that are currently looking to improve the transparency and accessibility of their ADR schemes in a bid to boost consumer empowerment. One specific part of this should be that serious consideration should be given to publishing information about the number of complaints referred to ADR schemes by individual CPs.** Lord Hunt's Independent Review of the Financial Ombudsman Service² (FOS) made a compelling case for the publication of complaint data and the FOS board have also concluded that publishing data on individual financial businesses would be in the public interest.³ We consider that the same reasoning is applicable to the communications market and challenge Ofcom to follow the lead provided by FOS or to provide a convincing reason why it is not in customers' interests to do so.

We agree with Ofcom that there should be a single Ofcom Approved Complaints Code of Practice, instead of each CP having an individual Code of Practice for Complaints. This should help to provide a degree of consistency and we would also be supportive of anything which would make it easier for Ofcom to enforce. However, we consider that a degree of prescription will be necessary – for example to ensure ease of access for those on low incomes or deemed to be vulnerable. The draft suggestions provided in Ofcom's consultation document would seem to be suitable for this purpose.

Finally, for the complaint handling proposals to be credible, and for Ofcom to monitor compliance, CPs must be obliged to keep records of how they have dealt with complaints. We are surprised to learn that there is currently no requirement on CPs to record how they handle complaints. We see the imposition of this duty as a prerequisite in improving the way complaints are dealt

² *The Hunt Review - The Independent Review of the Financial Ombudsman Service*, April 2008

³ *Publication of complaint data – next steps*, Financial Ombudsman Scheme, September 2008

with. **In addition, we think that CPs should be obliged to report to Ofcom on a quarterly basis the number of complaints received and how quickly they have been resolved.** This data should be published by Ofcom in the same way that Consumer Focus will be publishing comparable data in 2009 about the performance of fuel suppliers in handling complaints.

Responses to specific questions

Question 1: Do you agree with the following definition of Complaint: “Complaint means an expression of dissatisfaction made to a Communications Provider related to its products or services, or the complaints-handling process itself, where a response or resolution is explicitly or implicitly expected.”

Yes. We agree that a common definition is required and also that the definition proposed is the most appropriate as it is a well-respected benchmark and is wide enough to capture most examples of consumer dissatisfaction.

Ofgem has also recently consulted and made decisions in this area, concluding that *“Our decision is that there should be a common definition of a complaint based on the BS ISO model. We believe that this broad definition will help to drive improved customer service and consistency of practice across all companies.”*⁴ It would seem sensible to mirror this approach in the communications sector.

Adoption of a common definition of complaint would also enable meaningful comparisons to be made between how CPs deal with complaints, and in our view is therefore essential.

Question 2: Do you agree that a consumer should have the right to go to ADR: (a) eight weeks after a complaint is first received by a CP; OR (b) earlier, if a CP has issued a deadlock letter.

Yes. While it is right that CPs should be given sufficient time to investigate a complaint it is clear from the evidence presented by Ofcom that 12 weeks is too long and that very few cases are actually resolved in the period between eight and 12 weeks.

Reducing the time which must elapse before a complaint can be referred to the ADR scheme (in the absence of a deadlock letter) would also be in keeping with best practice in other areas – for example, the FOS and the Energy Ombudsman both allow businesses eight weeks to deal with complaints. And other ADR schemes are already considering going further - as part of the recently published Hunt Review of the FOS, recommendations were made that the FOS should consider ‘fast-tracking’ certain types of cases which are often of pressing concern to complainants. FOS is currently considering how this might be implemented.

⁴<http://www.ofgem.gov.uk/Markets/RetMkts/Compl/ConsRep/Documents1/Complaint%20handling%20standards%20decision.pdf>

In our opinion a reduction from 12 to eight weeks would be a positive first step and would be of considerable assistance in reducing levels of stress and anxiety which can be experienced by consumers, particularly, vulnerable consumers, while awaiting a decision from their CP. The fact that the majority of contacts received by Otelo (75%) cannot be investigated because they have contacted Otelo too early in the process may also be evidence that the current timescales are far too lengthy.

We do, however, think that Ofcom should consider further reform. In particular, where it is clear from an early stage that the CP will not be able to resolve a complaint there is currently no incentive for the CP to issue a deadlock letter – there is after all no penalty for taking all the permitted time available even if the CP has no intention of resolving matter at the end of the 12 week period. This would seem to lead to a rather complacent attitude in the handling of complaints and mean that they are not dealt with as speedily as should be the case. In their 2008 Annual Report Otelo reveal that 74% of their cases were referred by CPs because 12 weeks had elapsed, with only 19% referred due to a deadlock letter being issued. As Otelo note

“This figure continues to be disappointingly low. It remains that the majority of complaints were accepted for investigation because they were not resolved within 12 weeks.”⁵

To counter this, we would suggest that Ofcom explore the possibility of some form of incentive to speed up the referral of complaints when it is clear to the CP that they will not be able to resolve them within the 12 (or eight) week period. This might take the form of some sliding-scale for referral fees, with reduced rates available for prompt referrals via the issuing of a deadlock letter. Speedier referrals to ADR schemes would also help to reduce the anxiety and stress experienced by customers.

In addition, even eight weeks can be far too long to wait in some circumstances where, for example, a phone has been cut off or the client is being threatened by debt collectors over an outstanding debt. Where the customer is in this situation the prospect of waiting two or three months for a possible answer, or merely referral to the ADR scheme after this time has elapsed, is simply unacceptable.

A Leicestershire CAB reported that their client took out a contract with a CP for a landline phone. He had initially paid a connection fee at the beginning of the contract and agreed to pay his bills quarterly. On 25 July he received a bill for £84.76 dated 19 July for the last quarter (Apr - July) and at the very same time received a Termination Notice also dated 19 July. In the termination notice it stated that he should pay the bill by the 31 July or his phone would be disconnected. On the 25 July he went to his bank and paid the outstanding amount by BACS transfer. However, his phone had already been disconnected - in fact 6 days before it was due to

⁵ *Ombudsman’s report 2008, Otelo, p.27*

be disconnected (on 24 July). A few days later the client received a reminder from his CP of the outstanding amount which they claimed was owed. To resolve the matter, the client tried to get through to the CP's accounts department but despite holding on for several hours, he never managed to get through. Other people in his family also tried to get through, but to no avail. On the 28 July, the client wrote a letter to his CP explaining his situation but never received a reply. The client then wrote to Ofcom but on 6 August received a reply from them stating that Ofcom does not get involved in individual disputes and referring the client to Otelo. The client then contacted Otelo, but they stated that they do not get involved in disputes at this early stage, but only after 3 months if there has been no satisfactory outcome. The client then received a further bill from his CP for £177.55 which was supposed to be his final bill and included a cancellation charge of £215.82 for stopping services before the one year contract had expired - less some credit for refund of charges. The client came to the bureau because he had been frustrated in his attempts to resolve the situation. He was very worried that his credit rating would suffer if he did not pay the latest bill, while the client and his family have had no telephone service following the disconnection.

A CAB in Hertfordshire dealt with a case in which an elderly couple who were moving to a new bungalow were caused considerable stress and inconvenience by their CP. The client had contacted his CP to ask what he needed to do to transfer his phone line when moving home. On 6 February 2008 the client discovered that his telephone and broadband connections had been disconnected. He had not given this date or any other date for his proposed move because his removal date had not yet been confirmed. Since then client has telephoned his CP at least twice a day but the problem is still unresolved and they remain without a home telephone. His CP is refusing to reconnect him and are insisting he has to pay for reconnection, even though none of this is the client's fault. The client is 78 and his wife is 81 so they feel very vulnerable without a telephone connection. The client does have a mobile phone but it is costly for him to use. The client's CP has been very uncooperative – for example not returning promised phone calls. The client was not at any stage made aware of the complaint handling procedure. The CAB adviser noted that while referral to the CP's ADR scheme was an option “[the ADR scheme] will only take on a case if client has not received satisfaction after 3 months of making a complaint but the client and wife need the problem sorting out now.”

A CAB in Somerset reported a case in which their client had moved into private rented accommodation and taken over the landlord's landline and telephone number but that this had caused untold difficulties. The client was given a new phone number by the CP but was not informed so the client therefore had 2 accounts for one landline and duplicate billing. As a result the client was disconnected three times in the period from October to February. When the client came to the CAB she had already written to the CP three times to try to resolve the issue. Despite this, the ADR

scheme refused to consider the complaint until 3 months had elapsed. When the CAB contacted the CP it turned out that they had initiated 4 separate orders for telephone lines for the client, two of which had been abandoned. The latest disconnection was because, instead of closing the account on the old phone number, the CP closed the account on the new one. This whole episode caused the client a lot of stress and meant her only telephone was out of use three times within four months.

A CAB in Hampshire reported a case in which their client, who is permanently disabled and suffers from depression and stress, moved into a council flat on 9th June 2008 and brought her existing telephone contract with her to her new residence. However, the client discovered that there was no telephone socket in her new flat. The client informed her CP on 14 July that there was no socket and she cancelled her direct debit. They replied that she would have to sort it out with the council and sent her a bill for £28.69 for July. The client phoned her CP again on 21 July and they agreed to suspend billing until she informed them she had a working line. On August 6 she received another bill for 2 months' service charge. On 5th September she received a final demand for £54.43 with the threat of debt collection. On 8 September the CAB got the CP to agree to suspend action for a 'short' time pending the client sorting the problem out. On 9 September CAB wrote a letter to the CP setting out her situation and the details leading up to the present time and sent it to the address provided on the Final Demand. On 16 September the CAB phoned Consumer Direct who referred them to Otelo. However, they could not help until the client had followed the provider's complaints procedure and allowed 3 months to elapse. The CAB therefore called the CP to ask for the CP's complaint handling document. They were informed that the CP did not have one and that the CAB adviser should first phone technical support and if they couldn't help, then write to their Head Office. The CAB adviser explained that they and their client had tried phoning but (a) it was expensive from a mobile phone; and (b) they were unable to get a satisfactory response.

In such situations there is nothing that a consumer can do to get the matter resolved quickly, regardless of how pressing the need or the personal characteristics of the customer since Ofcom does not get involved in individual disputes and the ADR schemes refuse to accept cases until a deadlock letter is issued or 12 weeks have elapsed. This is a significant failing of the current system and one that we consider must be addressed as part of Ofcom's review of this area.

In the fuel sector, which also now benefits from complaint handling regulations and a statutory ombudsman scheme, there is the possibility of referring a matter (via Consumer Direct) to Consumer Focus' Extra Help Unit. This Unit has a duty to intervene directly and immediately on behalf of a customer that has been disconnected or has been threatened with disconnection or whose prepayment meter is off-supply, and it can also intervene to assist customers who may be deemed to be vulnerable in getting their problem with their fuel supplier resolved.

In such cases, there is no need to wait eight weeks until the supplier has looked into it, or to wait for the Ombudsman to consider the matter. We urge Ofcom to consider how to introduce a similar procedure for 'fast-tracking' certain types of complaints which require urgent resolution.

Question 3: Do you agree with our preferred Option 4 that a CP should be required to give written notice about ADR:

(a) Within five working days after the Communications Provider received the Complaint, unless the complaint has been resolved at the first point of contact; (If a consumer contacts a CP again about a matter which the CP reasonably believed to be resolved at first contact then notice should be given at that time)

AND

(b) eight weeks after the CP first receives the complaint, earlier if the complaint is resolved or when the CP issues a Deadlock Notice.

We agree with Ofcom that "levels of consumer awareness of ADR are at an unacceptably low level." Given this, we think that there is a strong case for Ofcom to have gone further in its recommendations. In our opinion, informing customers about ADR when they make a complaint to a CP, and again eight weeks after receiving the complaint or earlier if the complaint is resolved, is necessary but not sufficient.

We would have preferred Ofcom to consider mandating more widespread publicity for the ADR schemes, perhaps in the form of information on the back of bills or in promotional literature. We think that there is great merit in publicising the existence of ADR schemes more generally since they can help to instill or boost consumer confidence in the industry and empower customers to challenge their CP where they are unhappy with the way they are being treated. In the absence of such knowledge there is no knowing how many consumers decide not to even make a complaint to their CP because they consider they may not get a fair hearing and are unaware of their right to take the matter to an ADR scheme should this be the case.

The main argument against more general publicity for ADR schemes appears to be that customers may resort to them prematurely and indeed Otelo report that "*the majority of contacts to the Service relate to issues which cannot be investigated. Most commonly this is because the complainant has contacted Otelo too early in the complaints process and has not allowed the company adequate opportunity to resolve the complaint.*"⁶ We consider the provision of information to consumers about the complaints process in general to be one of the principal duties of the ADR scheme and therefore would view such figures as positive rather than something which should be reduced. As Otelo note, in commenting on the valuable information and advice giving activities,

"a large percentage of the work completed by the Enquiry Team was to ensure that anyone who contacted the Service about a problem, which the

⁶ Ombudsman's report 2008, Otelo, p.26

Ombudsman could not immediately look at, was given advice about the best way to proceed. This included information about how to begin a complaint, who and where to write to or ring at a member company, or the contact details of other agencies, which may be able to help.”

From the large numbers of calls received there would appear to be a clear need for this information. In undertaking this role Otelo is performing a valuable function by informing and empowering consumers. A requirement on CPs – or indeed ADRs - to publicise their membership of their ADR scheme more generally would mean that the costs associated with this function were more fairly distributed, and ensure that consumers got the information which they would appear to need.

Question 4: Do you agree that the notice about ADR which CP should give must be: (a) be in writing in a durable form be in plain English, clearly written and concise; (b) include a reference for the complaint; include details of the ADR Scheme which the CP is a member of, including contact details; (c) and summarise when the consumer has the right to go to ADR Scheme and the role of the ADR Scheme.

Yes. We agree with Ofcom’s proposals that the notice about ADR should be in writing, clearly written and contain information about the ADR scheme including how to contact it (via a variety of means, including the associated costs of doing so), plus information about when the consumer can go to ADR.

Citizens Advice also believes that CPs should be required to clearly inform consumers that their ADR is independent and free for the customer to use, capable of resolving disputes and that its decisions are binding on the CP. Any assistance available from the ADR scheme (e.g. help completing the form, availability of translators etc) should also be included. Customers should be encouraged to contact the ADR scheme if they are in any doubt about whether they can refer their case or if they have any questions, queries or require any assistance.

Question 5: Do you have any comments on the criteria which we propose we will use in our future review approval of the ADR Schemes?

The criteria set out by Ofcom appear to feature the key issues which we would want to see covered in any review of ADR schemes. As part of the review, we urge Ofcom to take the opportunity to look beyond the telecoms sector to consider best practice in other sectors. In particular, we consider that the example of the FOS should act as a useful benchmark since it offers a range of innovative approaches to accessibility – for example through:

- the use of videoclips on their website;
- their outreach work in the community which has included awareness-raising campaigns to help them engage more closely with Asian consumers, carers, older consumers, parents with young families, people

whose first language isn't English, people with disabilities, younger people and students and younger women.⁷

- The general welcoming tenor of their literature and website in which the onus is on encouraging people to submit cases (or call if unsure of anything) rather than on stressing the need for consumers to fill in the claim form as carefully as possible and include all relevant paper work, which may be off-putting for some consumers; and
- Their keen awareness of the cost implications of calling the Ombudsman and their efforts to address this (e.g. through the provision of geographic numbers or the offer of calling customers back if they are worried about the cost).

Question 6: Do you agree that CPs should be required to comply with a single Ofcom Approved Complaints Code of Practice which sets out high level mandatory standards for complaints handling?

As we report above, complaints to CPs account for a large proportion of the communications problems that clients come to their CAB for assistance with. Specifically, in 2007-8 22.6% of the problems relating to landline phones dealt with by bureaux were about complaints and redress. This equates to 3,191 problems and meant that this category was the second largest reported, trailing only those problems relating to costs and billing. In addition, 22.7% of the problems about mobile phones dealt with by bureaux were about complaints and redress. This category contained 2,843 problems which made it the largest single category for mobile phones.

In many of the cases reported by bureaux the way that the client's complaint is handled is deeply unsatisfactory, causing the client considerable amounts of stress, inconvenience and cost.

A Merseyside CAB dealt with a case in which their clients were cold-called by a CP on 23 June 08 about transferring their telephone and internet connections. The clients agreed to sign up with the CP that had cold called them but the next day changed their mind and rang to cancel, also sending notification of cancellation by Special Delivery. The clients phoned the CP again a few days later but no-one they spoke to admitted receiving their cancellation. In the meantime the client became aware that the CP that cold-called them had set up a direct debit on their bank account, so they cancelled it. When the clients returned from a two week holiday they found a 'sorry you're leaving us' letter from their existing CP and a welcome letter from the CP that had cold-called them. In attempting to cancel the arrangement with the new CP the clients were passed from pillar to post and were told they would have to pay cancellation charges for cancelling a 12 month contract. The CAB adviser called the new CP and was also passed from department to department. When the CAB

⁷ http://www.financial-ombudsman.org.uk/accessibility/outreach_work.htm

adviser asked to be put through to the Complaints Department the CP denied that there was one. When the CAB adviser insisted on this, the CP employee agreed to do so but then cut off the CAB adviser.

We were therefore unsurprised to learn that Ofcom found that a significant proportion of complainants are very dissatisfied with the way their complaint is handled.

We welcome Ofcom's efforts to estimate the total number of people dissatisfied with the way their complaint has been handled. It has long been our contention that many people with a valid complaint against their CP fail to pursue it because of the cost or effort involved in doing so or because of the barriers put in their way by their CP— a belief borne out by the Futuresight report which found that:

- The most common reason for not making a complaint when the consumer was dissatisfied was that making a complaint was "too much hassle".
- The majority of those whose complaint was not resolved dropped out of the process and did not pursue the complaint.

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It seems clear that the current system is not working as it should and that reform is required. We agree with Ofcom that there should be a single Ofcom Approved Complaints Code of Practice, instead of each CP having an individual Code of Practice for Complaints. This should provide a degree of consistency in what can be expected of CPs, which would be particularly helpful for consumers and especially for their advisers.

The single Code of Practice should set out minimum standards that a CPs' complaints handling procedures must comply with. While we are content for these to be set at a reasonably high-level, a key part of this must be ensuring ease of access for those on low incomes or deemed to be vulnerable. The criteria set down in Ofcom's consultation document seem to us to strike the right balance between being overly-prescriptive and so high-level that the requirements become almost meaningless. For example, we are pleased to note that the current proposal contains some important details, such as:

- Consumers must be able to make a Complaint free of charge, except that where a complaint is made by a phone call to the Communications Provider, the Communications Provider may charge the equivalent of a geographic call rate.
- Complaints handling procedures must be easily accessible for consumers with disabilities or vulnerable complainants. Where necessary dedicated procedures must be provided for such consumers.

The introduction of a single Code of Practice does prompt some questions, however. For example, how does Ofcom propose to monitor compliance with the high-level standards? How would a consumer or a consumer advocate go about challenging a particular aspect of a CP's interpretation of the single Code? We would welcome Ofcom's feedback on these questions.

Question 7: Do you agree that CPs should be required to keep a log of all complaints? We could require CPs to log complaints when they are first received and as they are handled. These records must include as a minimum for each Complaint a log setting out:

(a) details of the Complainant, including their name and address;

(b) the date on which the Complaint is first received;

(c) a description of the Complaint; (d) and a description of how the CP deals with the Complaint.

Yes. We wholeheartedly agree that CPs should be required to log all complaints made to them. We are startled to learn that there are currently no specific record keeping obligations for complaints in the General Conditions and would look to Ofcom to correct this oversight as soon as is possible. In our view, logging of complaints is an essential element in improving complaint handling services. In the absence of such recording of complaints customers can become understandably irate at having to repeatedly explain details of their complaint to a succession of different customer service advisers:

A CAB in Cornwall reported a case in which their client experienced problems with her CP taking the wrong amounts from her bank account via direct debit. The client had then cancelled her direct debit and made payments via postal orders. The CP informed the client that the postal orders had not been received, although the client had retained receipts from the Post Office. The client made repeated phone calls to the CP, spending hours on the phone and trying to explain the situation. She also faxed copies of the Post Office postal order receipts to the CP on five separate occasions! The client's phone line and Internet connection were then cut off by the CP. The client tried to phone the CP but had received no satisfactory explanation from them. The client came to her local CAB as she wanted to have her phone and Internet reinstated immediately. Her CP had refused to do so despite the fact that her husband is disabled and her payments were up to date. The CAB telephoned the CP's Customer Relations department and explained that the client had copies of the receipts for the Postal Orders which confirmed that payment had been made. The CP requested that the CAB faxed the receipt copies to them, and this was done. However they said that the faxes could take 24 hours to process and that no decision about reconnection could be made until then, even though CAB explained that client's husband is disabled and the phone line is very important to them. Following telephone advice from Otelo, the CAB then wrote to the CP detailing the client's complaint. Subsequently the client returned to the CAB and said that she had not heard from her CP yet and she was becoming desperate. She had a further bill to pay and was unsure as to how to pay it as she no longer has a credit card and was reluctant to pay by postal/money order due to her experiences of using this method of payment. This whole episode made the client feel very distressed. She had done nothing wrong and continued to pay for all the services, and yet after more than a month of not having the telephone or Internet, she was unable to resolve the

problem with her CP, and even with intervention from the CAB the issue had still continued! The client was also penalised by having to pay the extra costs of purchasing Postal Orders and then postage, because she could not trust her CP to take the correct amount via Direct Debit.

A CAB In Northumberland reported that their client, an elderly man, had experienced repeated difficulties with his internet service provider. The client had responded to a CP's advert in January 2008 for a Telephone Bundle upgrade but due to errors on the part of the CP (which they acknowledged with an offer of £10 credit) this package was not installed. In April, without notice, the CP took a direct debit of £24.82 (overcharging the client £11.84). The client cancelled his direct debit and called the CP to cancel his account. He was given a reference number and told his account would be closed by the end of May but this was not done. Between 2 June and 20 August the client contacted the local CAB seven times and on two occasions the CP told CAB advisers that the matter would be settled within 28 days, with a credit payment to the client. The CP failed to keep any of their commitments and the CAB sent them a letter of complaint on 20 August. The client, who is retired and meticulous about such matters, sought CAB help because he felt exasperated by the CP's failure to keep to their undertakings and intimidated by their relentless pursuit of payments which were not due or correct.

A CAB in Surrey reported a case in which their client, a 40 year old male with learning difficulties who lives alone in social housing, experienced significant difficulties when attempting to complain to a satellite TV company. In August 2007 the client entered into a contract at £9.99 per month but due to technical problems he never received any service. The company apparently suggested that there was a problem with the client's satellite dish. The client's support worker wrote to the satellite TV company on several occasions but never received a reply from the CP other than an acknowledgement on 29 November 07 to say they would respond within 10 days. The client's support worker said that the satellite TV company were made aware that the client has learning difficulties and that a representative should have visited client in view of their failure to provide a service. Since he has never received any service, the client wanted to recover his monthly expenditure plus the £60 'phone costs he has incurred in attempting to resolve the matter.

We acknowledge that some CPs already have systems in place to record details of complaints. Requiring all CPs to introduce similar processes may impose certain costs on those that have not already done so – but given the fact that they have until now not had to divert expenditure to this function they have effectively benefited from lower costs.

Question 8: Do you agree that three months from publication of the Statement for this Review is a reasonable period to implement the changes posed in this Consultation Document?

Yes – 3 months seems sensible and fair. We would not wish to see these proposals, many of which are essential to improve the customer experience in the communication sector, delayed.