

Liz Roberts
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12th May 2017

Dear Ms Roberts,

Review of Alternative Dispute Resolution Schemes: Call for Inputs

We are members of the Ombudsman Services: Communications (“OS”) alternative dispute resolution scheme (“ADR”). We believe ADR schemes are of increasing importance as consumers become increasingly aware of their rights. We find the OS ADR scheme user friendly and our contacts at the OS helpful and approachable. However, we do have some suggestions for improvements in terms of consistency in complaints handling and speed of complaints handling.

Consistency in complaints handling

The ADR scheme’s primary role is to review complaints independently and objectively based on evidence provided by both parties. Complaints should always be investigated on their individual merits. In the majority of cases we feel that the OS performs this role well. However, we do on occasions find there is inconsistency in the approach taken and remedies awarded by different investigation officers.

For example, between May 2016 and January 2017 we received 4 separate case file requests from 4 different investigation officers in respect of similar complaints relating to loss of service. The different remedies proposed ranged from a written apology to a gesture of goodwill payment of £120. The wide range of remedies for what is essentially the same complaint suggests a lack of consistency when dealing with complaints of a similar nature dependent on which investigation officer reviews the complaint. Perhaps this could be ameliorated by increased or improved internal guidance, training and oversight at the OS.

Further, whilst both the consumer and the communications provider can request that the complaints review process and decision is independently reviewed, the review by senior management, although in our experience fair and unbiased, can be time consuming and a poor experience for all parties. The review often results in the senior manager confirming that the review process or decision was not consistent with their general approach or the disputed findings not accepted. Again, further and ongoing training for investigation officers in how to handle complaints and guidelines as to processes and decision making may help at the OS. It would also be appreciated if the OS could always provide clear explanations for their decisions and breakdowns of financial awards to both the consumer and the communications provider.

Efficiency

We are aware that in 2016 the OS failed to hit a number of their KPIs as a result of a large spike in complaints caused in part by communications providers issuing more deadlock and 8 week letters. We hope that increased resourcing at the OS will mean there is not a reoccurrence of this.

The Call for Inputs suggests that in an attempt to improve efficiency and manage complaint volumes, communications providers should pay higher ADR case fees where volumes exceed their forecast. We do not agree. The ADR schemes have been put in place to help customers to resolve complaints with broadband, phone and mobile providers. Increasing ADR case fees may damage the working relationship between the ADR scheme providers and communications providers as well as encouraging communications providers to try to limit the number of customers that go to ADR to prevent higher case fees. We suggest that instead of this, the ADR scheme providers set up a sliding fee structure where complaints resolved via early resolution strategies (MAS and PICC) carry a lesser fee than a full case file. This would encourage communications providers to resolve quickly any complaints that do go to ADR and reduce the workload for both the ADR scheme provider and the communications provider, not least because completing and reviewing a full case file is time consuming.

We hope our comments and suggestions are of use and if you have any queries please do not hesitate to contact me on [xxxxxxxxxx]. In the meantime, we look forward to continuing to work with the OS.

Yours Sincerely,

Laura-Jayne Owen
Compliance Officer