

Communications Consumer Panel response to Ofcom's Review of Alternative Dispute Resolution schemes

The Communications Consumer Panel (CCP) welcomes Ofcom's Review of Alternative Dispute Resolution (ADR) schemes. As the Review notes, ADR is an important way to redress the power imbalance between consumers and communications providers who have greater resources, knowledge and control over the products and services which are in dispute. It is vital that the ADR Schemes are swift, fair, free and effective.

The Panel has previously emphasised that a crucial step in the resolution of complaints is for providers to inform consumers of their right to take a complaint to the relevant ADR. From July 2011, Ofcom required communications providers to provide additional information to consumers about their right to take unresolved complaints to ADR. Since then, providers have been required to include relevant information about ADR on consumers' bills and to write to consumers whose complaints have not been resolved within eight weeks to inform them of their right to go to ADR.

The Panel welcomes the improvements the Schemes have made to the accessibility of their services to consumers. It would encourage both Schemes to consider the consumer journey through their processes and the clarity of the language used - for example, CISAS currently refer to the process of making a complaint as 'making an application' on its website. The Panel notes that CISAS intends to modify its guidance around assessors' flexibility in awarding compensation - currently there is a requirement for consumers to a) state that they want compensation and b) state what level of compensation is sought, with an instruction to provide evidence to justify the amount claimed. Such unequivocal requirements are likely to deter consumers from claiming, when justified, for the distress and inconvenience that has occurred as a result of the matter complained about.

The Panel supports the further proposal to introduce decision making principles across the Schemes as it agrees that these should reduce the likelihood of inconsistent outcomes for consumers and provide greater clarity on how decisions will be made. The Panel also welcomes the appointment of a new independent assessor at CISAS.

Furthermore, the Panel would encourage the publication of data on how providers perform: in terms of information about complaints referred to ADR and the number upheld, taking into account the size of the provider.

In relation to the Schemes' KPIs, the Panel would encourage implementation of end to end KPIs. The Panel notes that OS intend to introduce telephone based resolution for simpler cases. The Panel hopes that, as well as providing swift resolution for complainants, this will enable OS to maintain the recent improvement in KPIs, which have varied widely over the last year.