

Reference: 523366

Jerin John  
Information Rights Adviser  
[Information.requests@ofcom.org.uk](mailto:Information.requests@ofcom.org.uk)

15 March 2018

### **Freedom of Information: Right to know request**

Thank you for your request for information where you asked about complaints information.

This was received by Ofcom on 27 February 2018 and it has been considered under the Freedom of Information Act 2000 (the Act).

You asked for:

*“Details of the number of complaints registered with Ofcom regarding the performance of the Ofcom Service Communications”.*

We have taken your reference to Ofcom Service Communications to mean Ombudsman Services Communications which is an Alternative Dispute Resolution Scheme for communication providers.

By way of background, we have previously received a similar Freedom of Information request and the response can be found on our website here:

[https://www.ofcom.org.uk/data/assets/pdf\\_file/0017/109232/ombudsman-foi.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0017/109232/ombudsman-foi.pdf).

We cannot disclose the information you requested as it is exempt under section 44 of the Act. Under this section, information which we hold on this subject is exempt from disclosure as another enactment prohibits it, in this case section 393(1) of the Communications Act 2003. This is an absolute exemption under the Act and does not require a public interest test.

Ofcom approves Ombudsman Services: Communications (OS) as an Alternative Dispute Resolution (ADR) Scheme for communication providers under powers derived from the Communications Act. The Act requires that an approved Scheme is administered by those who are independent of Ofcom.

While we do not look at individual complaints about OS, we do keep the Scheme under regular review to ensure it continues to offer an accessible and efficient service to consumers. Although disclosure of the number of complaints data is exempt, we do take into account complaints we have received about the Schemes' performance as part of those reviews. We completed our most recent review in November 2017 and a copy of our statement which summarises our findings which can be found here:

[https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0018/108207/Review-of-ADR-Schemes-2017.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0018/108207/Review-of-ADR-Schemes-2017.pdf).

OS also produce an annual report which includes data about the volume of complaints it receives about its service. If OS is unable to resolve a complaint about its service, the complaint can be referred to the Schemes' Independent Assessor, who also produces an annual report on complaints it has received about OS. The most recent reports from 2016 can be accessed via the following link (pages 16 and 17): <https://www.ombudsman-services.org/docs/default-source/annual-reports/os-report-2016.pdf?sfvrsn=4>.

If you have any queries, then please contact [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk). Please remember to quote the reference number above in any future communications.

Yours sincerely,

**Jerin John**

If you are unhappy with the response or level of service you have received in relation to your request from Ofcom, you may ask for an internal review. If you ask us for an internal review of our decision, it will be treated as a formal complaint and will be subject to an independent review within Ofcom. We will acknowledge the complaint and inform you of the date by which you might expect to be told the outcome.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

#### **Timing**

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for undertaking internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact:

Steve Gettings  
The Secretary to the Corporation  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London SE1 9HA

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF