Facilitating Access to ADR

Final Report – For Publication

September 2015

Ofcom

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Executive Summary

Introduction

Ofcom's Approved Code of Practice for Complaints Handling (The Code) lays out rules which require Communications Providers (CPs) to have complaints handling procedures that are transparent, accessible, effective and facilitate appropriate access to Alternative Dispute Resolution (ADR).

There are currently two Ofcom-approved ADR schemes – and CPs are obliged to affiliate themselves to one of them:

- Ombudsman Services: Communications (OS)
- Communications and Internet Services Adjudication Service (CISAS).

If a CP is not able to resolve a consumer's complaint to their satisfaction, the Code requires CPs to inform consumers of the right to refer their complaint to an ADR scheme. To do this two formal means of communication are prescribed:

- A Written Notification (aka "8 week letter") – which should be issued promptly 8 weeks from the start of the complaint;
- A Deadlock Letter – which should be issued in advance of 8 weeks, if requested by the customer.

It should be noted that CPs are not obliged to issue such letters if certain exemptions apply – for example, if the complaint can reasonably considered to be resolved or vexatious. However, consumer research conducted by Ofcom has indicated that there may be low awareness and usage of ADR among complainants eligible for ADR – in particular regarding the right to take a complaint to ADR after 8 weeks.

Objectives and Approach

Ofcom therefore asked Mott MacDonald to conduct an analysis of complaints data from seven CPs[1], in order to assess whether they are facilitating appropriate access to ADR, and whether CPs have the fair and effective complaints handling procedures required by Ofcom rules. The complaints analysed were randomly sampled from those cases accepted by the schemes, where the scheme had not

[1] These were, in no particular order, BT, Sky, TalkTalk, Three, Virgin, Vodafone and O2. It should be noted that owing to a separate formal investigation regarding EE Ltd's compliance with GC14 which was ongoing at the time, EE Ltd was not included in this study.

recorded that a written notification or deadlock letter had been received by the consumer (21% of cases were excluded from the sampling for this study, as in these cases consumers were noted as having received a letter).

Mott MacDonald thus analysed case records from the CPs and ADR schemes relating to 897 complaints which customers had referred to the schemes between January and June 2014. The objective was to look at the number of Deadlock and Written Notification letters which had been issued by the CPs, their timing and circumstances and if they had been issued in accordance with the Code. Where letters had not been sent out the aim was to understand the reasons why. The study also sought to examine the complaints handling processes of the CPs – in so far as it was revealed by complaints data – and to recommend any improvements to procedures which might help to facilitate better access by consumers to ADR.

Key Findings

Mott MacDonald identified that of the 897 cases analysed, in 32 cases CPs had issued a Written Notification, of which 16 of the letters had been sent out, as required, by the 8 week mark (2% of 897 cases). Against this based on their review of the available evidence, Mott MacDonald considered that a Written Notification ought to have been sent out (but had not been) in 672 of the 897 cases (75%). In 96 cases Mott MacDonald identified clear reasons why a CP had not issued a Written Notification – the principal reason being that the case had not been running for 8 weeks. However, overall it was not clear why so few letters had been issued – although it was notable that some CPs marked a number of cases as "resolved" without apparent grounds for doing so.

Mott MacDonald identified 113 cases (13% of 897) in which a Deadlock Letter had been issued. 74 of these letters were issued without evidence of a request – potentially a positive sign of proactivity on the part of CPs. On the other hand many Deadlock Letter requests made did not lead to a Deadlock Letter being issued – and Mott MacDonald felt they ought to have done. It was also notable that there were some "Final Position" letters issued by CPs but as these did not include the information required by the Code (they did not mention the ADR

schemes or give details of how to contact them) they were not included in the findings.

It was also notable that in 35% of cases the CP appeared not to have logged a clear start date for the complaint, and in a further 40% of cases the date was logged but this date was later than the date on which the evidence suggested the complaint had started. Overall the CPs appeared to have logged the correct start date for the complaint in only 20% of cases. Given the importance of timing regarding the issue of 8 week and Deadlock Letters, as well as the general requirement to ensure timely resolution of complaints, this lack of accuracy in recording when a complaint starts is of significant concern.

On average Mott MacDonald found that 112 days had passed between the complaint and the customer's application to ADR. For those cases in which a Written Notification or Deadlock Letter had been issued within 8 weeks this average fell to 72 days – meaning these customers applied to ADR an average of 40 days earlier.

Mott MacDonald identified a number of aspects of the complaint handling procedures of CPs which were inhibiting the progress of customers' complaints and the potential to refer their case to ADR. Principal amongst them were:

- A general lack of communication about ADR by CP reps, with the first mention of ADR almost always coming from customers;
- A tendency to mark complaints as "resolved" or "closed" without sufficient justification and to do so unilaterally without the customer's consent;
- Complaint handling and customer service systems via which it was hard for customers to navigate their way to someone who could genuinely help.

The quality of records provided by the CPs varied widely. Overall Mott MacDonald found the records to be 'Good' in 23% of cases, and 'Poor' in 43% - the key consideration being whether the pertinent data had been available for a case. Examples of poor practice included incoherent case notes, missing documentation and in some cases a lack of key call recordings. The lack of quality records appeared consistent with the general lack of awareness observed amongst CP staff with regard to the ADR process – and it is possible that if systems and processes were improved this could improve the level of awareness, and proactivity, of staff.

As a result of the above picture, Mott MacDonald is of the view that there is considerable room for improvement in the degree to which the industry is facilitating access to ADR, in line with the requirements of the Code. Mott MacDonald has therefore made a series of recommendations designed to help improve procedures, as well as suggestions on how this key area could be monitored in future.

1 Introduction

1.1 Background

Effective complaints handling procedures are an important aspect of ensuring that individual citizens and consumers are appropriately protected and empowered in their dealings with their Communications Providers ('CPs'). The poor handling of a complaint can cause an individual consumer to suffer emotional and / or financial harm – at times beyond the level caused by the initial problem that prompted the complaint.

Ofcom's General Conditions of Entitlement (GCs) apply to anyone who provides an electronic communication service or an electronic communications network. The GCs impose obligations on certain types of CPs with regard to the provision of certain types of services. GC 14.4 requires all providers of Public Electronic Communications Services to produce a code of practice for handling complaints from their domestic and small business customers. Most pertinent to this study, General Condition 14.4 states that CPs "shall have and comply with procedures that conform to the Ofcom Approved Code of Practice for Complaints Handling ("The Code") when handling complaints made by Domestic and Small Business Customers about its Public Electronic Communications Services."

The Code lays out rules which require CPs to have complaints handling procedures that are transparent, accessible, effective and facilitate appropriate access to Alternative Dispute Resolution (ADR). There are currently two Ofcom-approved ADR schemes – and CPs are obliged to affiliate themselves to one of them:

- Ombudsman Services: Communications (OS)
- Communications and Internet Services Adjudication Service (CISAS).

In February 2013 Ofcom initiated an own-initiative monitoring and enforcement programme against CPs offering fixed line telephony, mobile, and broadband services to consumers – in relation to CPs' compliance with the complaints handling requirements in GC 14.4. This programme is currently continuing and was partly driven by:

- High levels of complaints relating to customer service and complaints handling issues.
- Consumer research which indicated low awareness and usage of ADR among communications complainants who were eligible for ADR and, in particular, a low proportion of complainants recalling having been informed in writing about their right to take their complaint to ADR when it had been on-going for 8 weeks.

As a result, Ofcom has asked Mott MacDonald to conduct an analysis of data regarding complaints relating to seven CPs, in order to assess whether the main CPs are meeting their obligations to facilitate appropriate access to ADR, and by extension, whether CPs have the fair and effective complaints handling procedures required by Ofcom rules. This report presents the findings of Mott MacDonald's work.

1.2 Scope

There are several specific aspects of the Code which mark the focus of this study. Foremost are requirements regarding two forms of formal communication which CPs are obliged to issue with regard to a consumer's right to refer their complaint to ADR. These forms of communication are:

- Deadlock Letter
- Written Notification (aka "8 week letter").

These terms are defined as follows in the "Definitions for the Ofcom Code":

"Deadlock Letter" means a letter or email from a Communications Provider to a Complainant agreeing that the Complaint can be referred to the relevant Alternative Dispute Resolution scheme.

"Written Notification" [aka an "8 week letter"] means a written notification sent to a Complainant that:

a. is in plain English;
b. is solely about the relevant Complaint;
c. informs the Complainant of the availability of dispute resolution, which is independent of the CP;
d. provides the name and appropriate contact details for the relevant Alternative Dispute Resolution scheme; and
e. informs the Complainant that they can utilise the scheme at no cost to themselves.

Some of the key considerations stated with regard to each in the Code and associated guidance are detailed below.

1.2.1 The Issue of Deadlock Letters

Section 4(c) of the Code states: A CP must promptly issue a written Deadlock Letter when requested by a Complainant, unless:

i. the CP has genuine and reasonable grounds for considering that the Complaint will be resolved in a timely manner and subsequently takes active steps to do so; or
ii. it is reasonable to consider the Complaint to be vexatious; or
iii. the subject-matter of the Complaint is outside the jurisdiction of the CP's Alternative Dispute Resolution scheme.

It should be noted that in its "Guidance Notes to the Ofcom Approved Code of Practice for Complaints Handling" ("Guidance Notes"), Ofcom clarifies further the definition of two of the phrases in (i) above :

- '**genuine and reasonable grounds**': when refusing to issue a Deadlock Letter to a Complainant, the CP must not only have genuinely believed that the Complaint would be resolved in a timely manner, but this belief must itself be reasonable;
- '**takes active steps to resolve the Complaint**': if a CP refuses to issue a Deadlock Letter it has an obligation to take active steps to resolve the Complaint – i.e. it cannot ignore the Complaint or assume that the Complainant will accept a resolution that they have previously rejected.

1.2.2 The issue of Written Notifications

Section 4(d) of The Code states: A CP must ensure Complainants receive prompt Written Notification of their right to go to Alternative Dispute Resolution eight weeks[2] after the Complaint is first brought to the attention of the CP, unless:

i. it is reasonable to consider the Complaint has been resolved; or
ii. it is reasonable to consider the Complaint to be vexatious: or
iii. the subject-matter of the Complaint is outside the jurisdiction of the CP's Alternative Dispute Resolution scheme.

[2] The Written Notification is also commonly referred to as the "8 week letter"

The Guidance Notes clarify that in order to receive an eight week ADR notification, Ofcom considers there needs to be an effort on the part of the consumer to pursue the Complaint or to challenge the position of the CP. Key considerations that may assist a CP to determine whether a complaint can reasonably be considered resolved after eight weeks (as per (i) above) include:

- **whether the CP has taken actions that mean it is reasonable to consider the Complainant is no longer dissatisfied**. For example, CPs could consider a Complaint resolved for the purpose of this obligation where they have taken steps to address the Complaint (e.g. provided a refund, an explanation etc) and it is reasonable to conclude that such steps have addressed the dissatisfaction of the Complainant; or

- **whether the Complainant has indicated explicitly, or it can be reasonably inferred, that they no longer wish to pursue the Complaint.** For example, even if the substance of the Complaint has not been addressed, it would be reasonable to infer that a Complainant was no longer pursuing a Complaint if there was no further contact during the eight week period (i.e. a one-off complaint). If a Complainant raises the same Complaint twice within any eight week period then it is unlikely to be reasonable for a CP to assume that the Complainant had dropped the Complaint; or

- **whether the CP and Complainant have agreed a course of action which, if taken, would resolve the Complaint to the satisfaction of the Complainant.** For example, although the substance of the Complaint may not have been addressed after eight weeks, if the CP and Complainant agree a course of action to resolve the Complaint we would not expect the CP to subsequently write to the Complainant about the availability of ADR if they then took this action to resolve the Complaint.

1.2.3 Consistency with other aspects of the Code

The core focus of this report is the degree to which CPs' actions with regard the issue of deadlock and 8 week letters are consistent with the Code (see Objectives below). However, the Code also contains other conditions pertinent to an analysis of the degree to which CPs are facilitating access to ADR. For example:

- Section 4(a) states that "A CP must ensure front-line staff are fully informed of the right of consumers to use Alternative Dispute Resolution."

- Section 5 requires that a CP must "Retain appropriate records of contact with Complainants", with 5 (a) stating that "A CP must retain written records collected through the complaints handling process for a period of at least six months including, as a minimum, written correspondence and notes on its customer record management systems."

A failure to keep adequate records is relevant as without them a CP will not be able to track key facts such when a complaint started, when 8 weeks expires from that date and whether a complaint has been resolved. It should be noted that the above requirement relates to written records specifically – and to a six month period. Given that this study dealt with a six month period from January to June 2014 it is possible that some records may not have been retained / provided because a) the case was over six months old or b) they were in other formats (such as call recordings). However, in practice Mott MacDonald did not notice any difference or change in the quality of records linked to the time of the case (i.e. the quality and content was consistent across the whole period studied).

1.2.4 The Definition of a complaint

The Code defines the meaning of a complaint as:

a. an expression of dissatisfaction made by a customer to a Communications Provider related to either:
   i. the Communications Provider's provision of Public Electronic Communications Services to that customer; or
   ii. the complaint-handling process itself
b. where a response or resolution is explicitly or implicitly expected.

The Guidance Notes also clarifies that:

- The definition captures all expressions of dissatisfaction that are made to a CP, regardless of whether or not a CP subsequently decides to escalate the Complaint internally
- It is the retail provider that has responsibility for appropriately handling a Complaint from a Complainant, regardless of whether the cause may be attributable to an underlying wholesale service.
- Complaints about network faults are included within the definition of a Complaint. As complaints about network faults are currently eligible to go to Alternative Dispute Resolution ('ADR'), they should also be caught within these complaints handling obligations.

1.3 Objectives

Mott MacDonald has studied case data relating to complaints referred to the two ADR schemes (see section 1.1). In analysing this data, the principal objectives were:

1. **To conduct analysis of the handling of written notifications and deadlock letters**, including:
   a. Identifying if (and when) a deadlock letter or 8 week letter should have been sent to the consumer by their CP
   b. Identifying whether it was sent, and if so when (and whether at the correct time)
   c. If it was sent, identifying if it contained the required information; or
   d. If it was not sent, identifying the reasons why it was not, for example:
      i. Complainant and CP disagree over whether deadlock had been reached; or
      ii. Complainant and CP disagree over when the complaint was first made and thus when the 8 week period started to run.

2. **To conduct analysis of the "customer journey"** – meaning the consumer's experience from the point of initial contact with the CP, through any subsequent communications including internal escalation, up until the point at which their complaint was accepted by an ADR scheme. This should include:
   a. Considering and making relevant observations about the customer journey
   b. Looking at the way complaints were handled during that journey
   c. Identifying the quality of CP complaint records.

3. **To provide recommendations on monitoring written notification and deadlock letters,** including:
   a. The best means of identifying and monitoring whether CPs are sending deadlock or 8-week letters in line with Ofcom rules,
   b. The most suitable metric(s) that could be used for monitoring purposes.

4. **To provide recommendations on how CPs' observed complaints handling processes could be improved**, including:
   a. Identification of improvements on an individual CP and an industry-wide level
   b. Consideration of if/how CPs could log, record and handle complaints
   c. Consideration of how - where complaints are unresolved after 8 weeks or at deadlock - CPs could better facilitate appropriate access to ADR.

In conducting its review and analysis of cases against these objectives Mott MacDonald has therefore taken into account the GC and Code requirements identified above, together with wider complaint journey. It should be noted that the focus of the latter analysis lies on the *complaint* journey – in other words their experience regarding the handling of their complaint. Whilst this overlaps with the customer's general experience of the customer service received (and indeed is a facet of it), the aim is not to make observations on the level of customer service provided by the CP and nor is it within the scope of this exercise to comment on its general customer service systems or processes, save where they directly concern complaints.

1.4 Methodology

Mott MacDonald conducted a review of the case material provided by 7 CPs[3] along with the associated data from the ADR schemes (the application, Decision and supporting documents).

N.B. The Final Report does not include CP-specific findings. Any references from which the identity of specific providers might be reasonably inferred have been removed.

In order to analyse the data Mott MacDonald created an analysis spreadsheet in which it recorded detailed information on the timings, evidence, actions and interaction regarding each individual case. This enabled Mott MacDonald to perform a number of different analyses on the data, by CP and overall, and to produce pertinent breakdowns of key patterns.

It should be noted that Ofcom's letter of request to the CPs for data stated, in reference to the cases sampled:

"For the purposes of the study […] OS/CISAS provided Ofcom with a sample of [….] cases accepted by them during January to June 2014 where an 8 week or deadlock letter was not knowingly received by the complainant."

It is important to acknowledge that the case sample reviewed by Mott MacDonald excluded cases where the ADR scheme had recorded that either a Written Notification or Deadlock Letter had been received by the consumer[4]. In practice, this meant that 21% of cases were excluded from the sample provided by the ADR schemes, broken down as follows by CP:

- CP A – 20%
- CP B – 5%
- CP C – 19%
- CP D – 30%
- CP E – 44%
- CP F – 9%
- CP G – 23%.

The aim of this exercise was therefore to focus on those cases where no letter was known to exist (i.e. 79% of all accepted cases), in order to assess the number of Deadlock and Written Notification letters which had been issued in this group, their timing and circumstances and if they had been issued in accordance with the Code. Where letters had not been sent out the aim was to see how its absence might be explained. It should also be noted that the contents of this report represent the results of Mott MacDonald's own analysis based purely on the case materials provided by CPs and the ADR schemes. It was not within the scope of this review to engage in dialogue directly with the CPs, and nor was Mott MacDonald privy to any information about the operation, organisation or processes in place at the CPs – save what could be inferred from those case materials. As such, the findings are not intended to represent a definitive assessment of the complaints handling activities of the CPs involved.

[3] These were, in no particular order, BT, Sky, TalkTalk, Three, Virgin, Vodafone and O2. It should be noted that owing to a separate formal investigation regarding EE Ltd's compliance with GC14 which was ongoing at the time, EE Ltd was not included in this study.

[4] Consumers don't always recognise or record that they have received these letters; sometimes they omit to mention them in their application, even if they have received them

2 Logging Complaints

2.1 Introduction

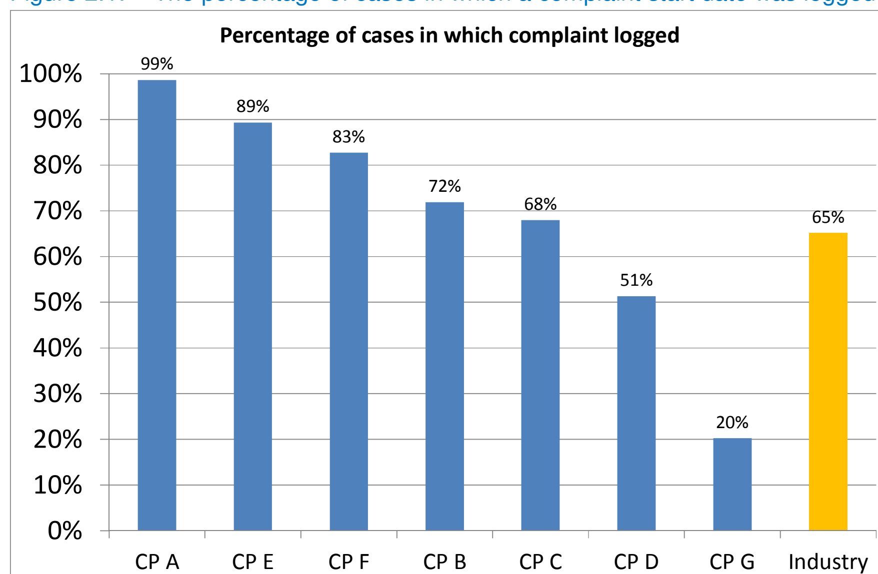
Before looking directly at the number of Written Notification and Deadlock Letters issued by CPs, in this section of the report Mott MacDonald has undertaken a review of the accuracy with which CPs logged the start date of complaints. The reason this is looked at first is because the accurate logging of the complaint date seems fundamental to the subsequent issue of the aforementioned letters: Written Notifications must be issued promptly at 8 weeks from this point in time; Deadlock Letters are really only pertinent from a consumer's perspective up to the 8 week juncture. If a CP does not accurately understand and record when the complaint starts, the processes relating to the issue of these key letters cannot function effectively. One cannot therefore examine whether the issue of letters is consistent with the Code without understanding if the start date for complaints is being accurately logged. This issue is particularly pertinent given that the level of accuracy of logging the complaint start date was found to be relatively low.

2.2 Percentage of cases in which the CP logged a start date for a complaint

Mott MacDonald encountered a variety of systems in use by the CPs to record the complaint start date, some more effective than others and some more consistently applied. In assessing the performance of CPs, Mott MacDonald was looking to find a clear signifier that a complaint had been logged on a particular date. This could be through the use of a complaint reference number, or a dropdown field in the case notes indicating a complaint heading – anything which clearly marked down in a system that the interaction with the customer on a given date marked the initiation of a complaint as distinct from other forms of interaction.

As a result of the different systems used, Mott MacDonald found that in 584 of 897 cases (65%) a clear start date had been logged by the CPs[5]. A breakdown of the performance by each CP against this industry level is shown in Figure 2.1.

Figure 2.1: The percentage of cases in which a complaint start date was logged by the CP (897 cases)



Source: Mott MacDonald

[5] It should be noted that in the majority of cases the start dates which had been logged are believed to have been logged contemporaneously – although in the case of CP G it is possible that the date indicated in some cases was logged after the event.

This meant that in just over a third of cases there was no record of a start date being logged.

Whilst CP A achieved the best level of accuracy, this should be caveated by the fact that the code it used to signify a complaint – whilst clearly being used for this purpose – was also used for other types of incident, not all of which were complaints. Given there was no other form of signifier the alternative to accepting this system was to conclude that CP A had failed to log a complaint start date in any of its cases. In the interests of analysing CP A's further usage of this date with regard to informing customers of ADR, Mott MacDonald therefore decided to accept it. However, Mott MacDonald recommends that in future all CPs should use a dedicated system for logging complaints.

Indeed, other CPs employed systems specifically tied solely to complaints. For example:

- CP E used a system where a clear single reference number was generated on a clear date, such as: "Complaint Case 16313xxx opened with actual reported date of 16/11/2013" – shown in field in a chronological complaint timeline
- CP B used a system where by a Complaint reference number was logged on a certain date.

There was, to a certain extent, a correlation between the level of accuracy encountered – in terms of the percentage of cases logged effectively on a certain date – and the simplicity and clarity of the system used. CP C for example provided a lot of case data, but its spreadsheets had differing formats, and there were several different signifiers of consumer complaints – including 2 forms of drop-down and a complaint reference number. This made finding the signifier more difficult. The signalling of a complaint start date in CP C's business cases was even less clear. CP G provided records in different formats and file types with little overall coherence and this corresponded with its low percentage of cases logged.

Further comment on the optimum system to log complaint dates is made in section 5.2.3 below.

2.3 The accuracy of the complaint date logged

2.3.1 Introduction

The next question considered by Mott MacDonald was whether the CP had logged the start date for the complaint at the right time (in those 584 cases where a date had been logged). Given that some of the requirements regarding the issuing of communications on ADR are time related – for example the point at which the 8 week letter should be issued – it is imperative that CPs start the clock on the complaint accurately.

For each case there are 5 potential versions of the complaint start date, namely:

a. The complaint start date stated/logged by the CP ("CP's stated date")
b. The complaint start date which can actually be inferred from an examination of the CP's evidence ("CP's inferred date")
c. The complaint start date stated by the customer in their application to the ADR scheme ("Customer's stated date")
d. The complaint start date which can actually be inferred from the evidence provided to the ADR scheme by the customer ("ADR inferred date")
e. The "optimum" start date for the complaint – Mott MacDonald's verdict on which of the above 4 possibilities represents the best indication of when the complaint actually started ("optimum date").

In a few cases all five of the above are represented by a single date. But more often than not (a) to (d) differ. As stated above, in 584 cases Mott MacDonald found that the CP had logged a complaint date meaning there was a date (a); the graphs and commentary below compare the (a) dates with the other possible versions.

It should be noted that in determining whether a start date had been accurately logged, Mott MacDonald took account of the definition of a complaint stated in the Code and clarified in the guidance to it (see section 1.2.4 above), namely (to paraphrase):

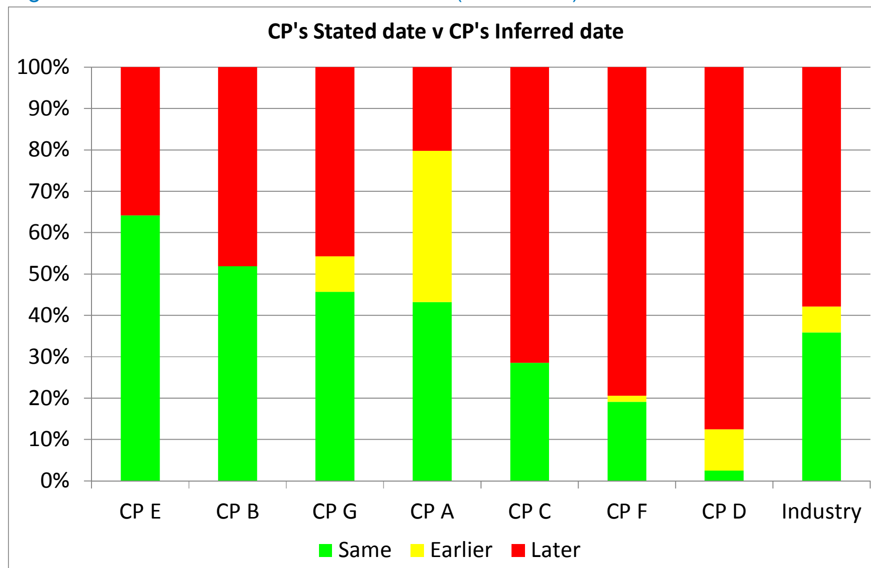
- "an expression of dissatisfaction made by a customer […] where a response or resolution is explicitly or implicitly expected."

In assessing when a complaint ought to have been logged, Mott MacDonald did not look for the first incident relating to a case – but when the customer first expressed dissatisfaction – to which a response or resolution was implicitly or explicitly expected.

2.3.2 The CP's stated date versus the CP's Inferred date

Figure 2.2 compares the CP's Stated date with the CP Inferred date – the latter being the start date that can be inferred from the CP's own evidence. The red sections of the bars indicate cases in which the CP's stated complaint date is later than the other date it is compared with. *It should be noted that both comparisons only look at cases for which the CP did log a complaint date, ignoring for the moment the fact that, in the case of some CPs, this therefore includes only a minor portion of their cases.*

Figure 2.2: CP Date v CP Inferred Date (584 cases)



Source: Mott MacDonald

As can be seen from Figure 2.2, in many cases the complaint date stated by the CP was later than the start date for the complaint implied by its own evidence – in other words, its own case notes, correspondence or call recordings revealed that the customer had started to complain before the CP had logged the complaint in a significant percentage of cases. CP E had the best performance by this measure – although this was partly driven by nature of the evidence it provided – as it rarely gave account notes which predated its complaint date by any significant period. Other providers such as CP C which gave a

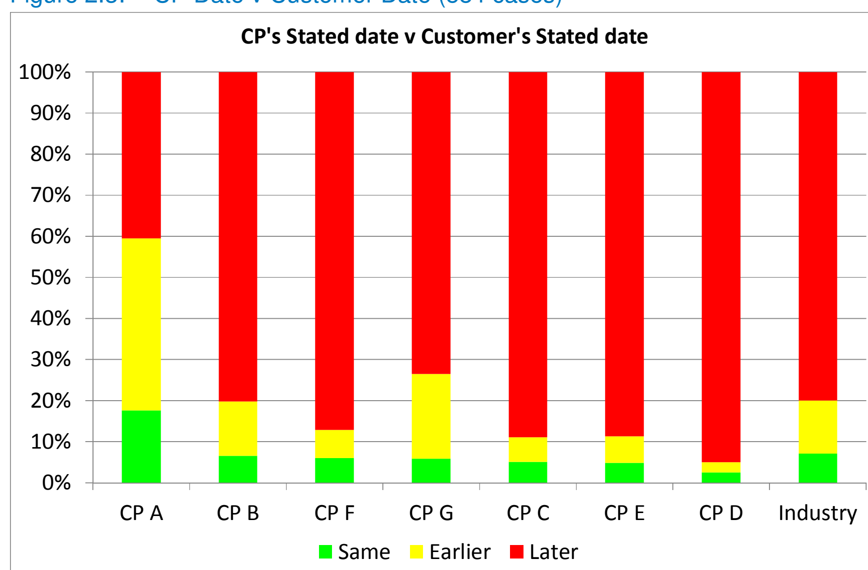
longer history of case notes effectively made it easier for an earlier start point to be traced. These differences in the time period over which evidence was provided means that to a degree it is difficult to make like for like comparisons between CPs – although the general patterns regarding the accuracy of logging are clear.

There was also a certain degree of inaccuracy concerning logging the case too early – arguably more in the consumer's interest than logging late, but in reality a potential sign of a lack of close control or understanding of the logging of complaints. As mentioned above, the system used by CP A captured a broader range of incidents than simply complaints – and this meant that in some cases it has used the signifier before the complaint started – hence the significant portions of yellow "earlier" cases.

2.3.3 The CP's Stated date versus the customer's stated date

Figure 2.3 shows a different perspective – comparing the date stated by the CP with the date stated by the customer on their ADR application form.

Figure 2.3: CP Date v Customer Date (584 cases)



Source: Mott MacDonald

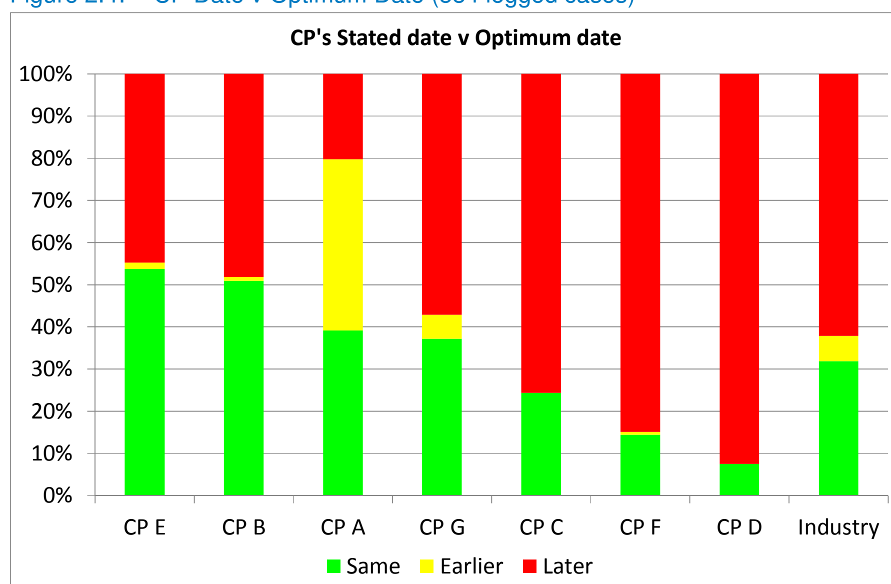
In 80% of cases the CP's stated date was much later than the customer's stated date – and hence the bars are mostly red. There are three main drivers of this:

- As demonstrated above, CPs have a tendency to log cases late
- Customers on the other hand have a slight tendency to log cases early – for two potential reasons:
  - They sometimes confuse the start of their incident with the start of their complaint, so they may cite the start of their contract rather than when they first perceived they were being billed incorrectly, for example;
  - A consumer's case needs to have been running for 8 weeks to apply to an ADR scheme, and so in a few cases they backdate the start date to make the case eligible; they may sometimes do this unaware that they can approach the ADR schemes before 8 weeks if they secure a Deadlock Letter.

2.3.4 The CP's Stated date versus the Optimum complaint date

Having looked at the different potential complaint start dates, Mott MacDonald considered all the CP and ADR evidence in order to determine its own view of the "optimum" start date for the complaint. Figure 2.4 compares this optimum date to the complaint date stated by the CP (in those 584 cases where the CP had logged a start date).

Figure 2.4: CP Date v Optimum Date (584 logged cases)



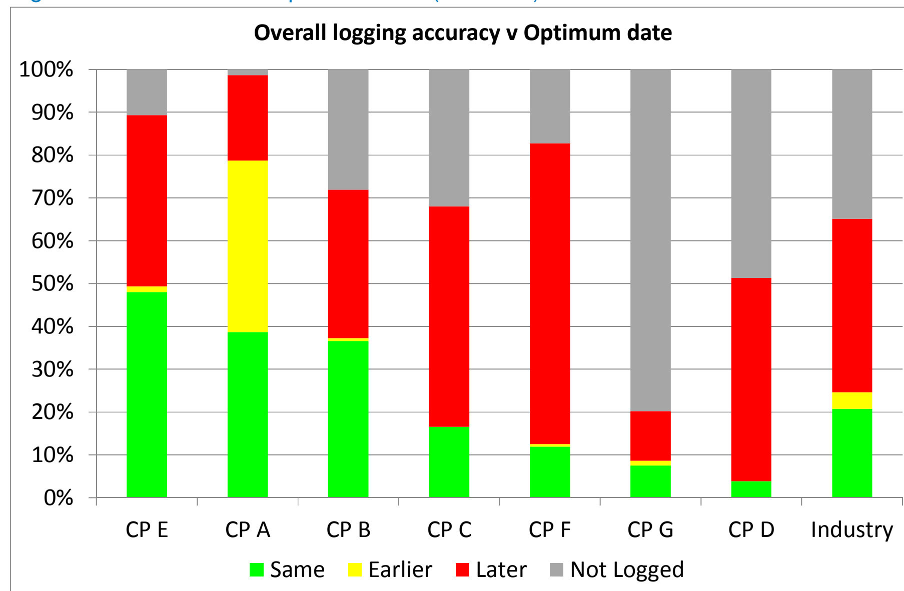
Source: Mott MacDonald

Across the industry the CP's date matched the optimum date – representing Mott MacDonald's view of the correct starting point for the complaint – in just over 30% of the 584 cases in which the CP had logged a start date. CP E showed the best performance and CP D had the lowest level of accuracy.

2.3.5 Overall view of logging accuracy – including cases where a start date not logged by the CP

Figure 2.5 presents the same comparison – but importantly also factors in the cases which were not logged at all – thus presenting a view across all 897 cases.

Figure 2.5: CP Date v Optimum Date (all cases)



Source: Mott MacDonald

Figure 2.5 therefore shows that, across the industry, the CP's date matched the optimum date in around 20% of cases.

Given the logging of an accurate start date is so critical to the effective handling of complaints in the context of a consumer's right to seek ADR it would seem there is considerable room for improvement across the industry.

3 The Issuing of Letters regarding ADR

3.1 Introduction

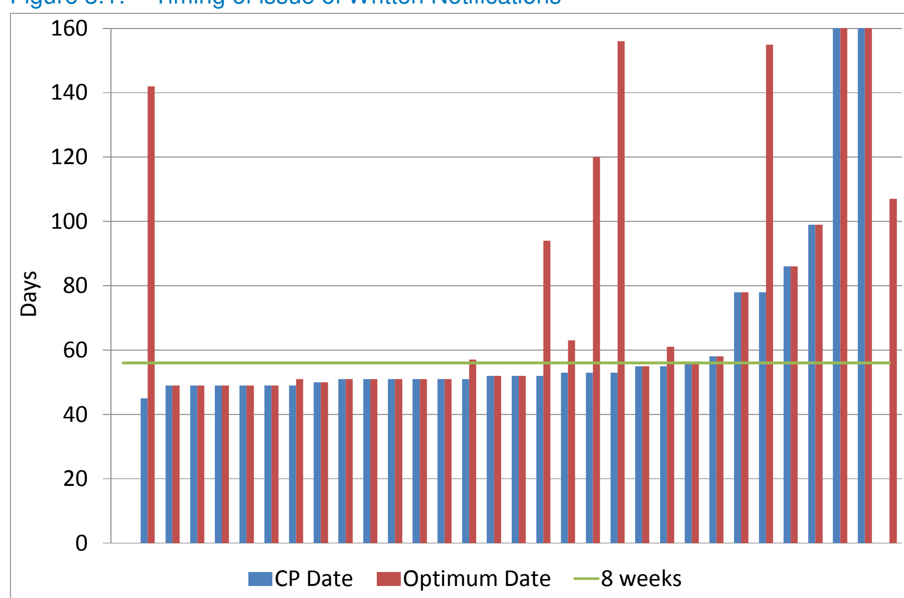
The objective of this section of the report is to present Mott MacDonald's analysis of the handling of Written Notifications and Deadlock Letters, in line with the first objective of this study – as outlined in section 1.3 above. In presenting this analysis the aim is to examine each key aspect of the handling of these forms of communication regarding ADR from both an overall industry and individual CP perspective.

3.2 The issue of Written Notification at 8 weeks

3.2.1 Cases in which a Written Notification was issued

Mott MacDonald identified a total of 32 cases out of 897 in which a CP had issued a Written Notification to a consumer informing them of their right to refer their case to an ADR scheme[6]. The timing of the issue of these letters, relative to the optimum complaint date, is shown in Figure 3.1 below:

Figure 3.1: Timing of issue of Written Notifications



Source: Mott MacDonald

Each pair of bars on the graph above represents a single case – with the length of the bar indicating how many days after the complaint date the Written Notification was issued (the blue columns show the number of days after the CP's stated date and the red columns show the timing of issue of the same letter relative to the optimum complaint start date defined by Mott MacDonald)[7]. The horizontal green line on the graph indicates the 8 week point – by which time the Written Notifications ought to have been issued promptly.

[6] It should be noted that the study focuses only on the 79% of cases in which the ADR schemes did not record a letter being sent. In 21% of cases – excluded from this study – the ADR had noted that a letter had been received.

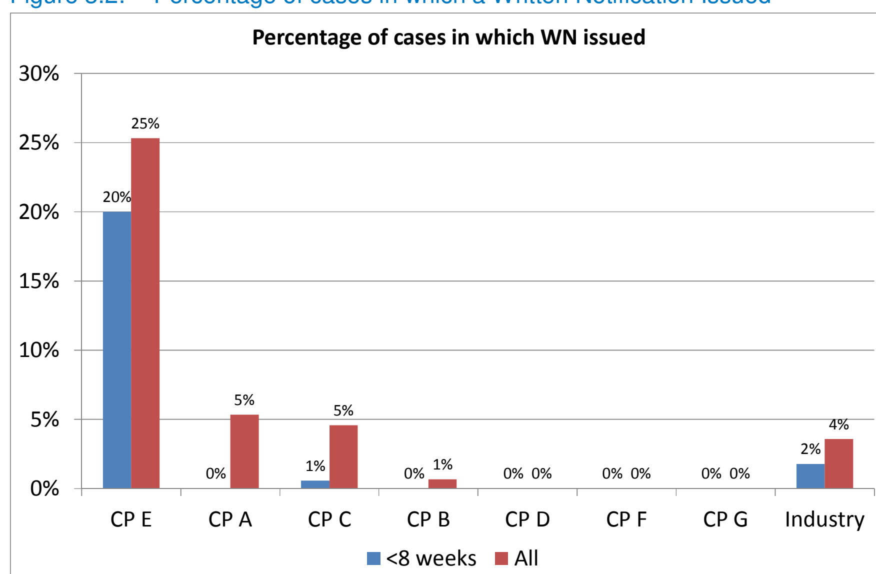
[7] There are 31 sets of values on the graph, as in 1 case the date of the Written Notification letter was unknown. The last set on the far right has only a single value rather than a pair, as the CP had not stated a complaint date.

Focusing on the red lines – which relate the date of issue of the Written Notification to the Optimum complaint start date – it is apparent that 16 of the 32 Written Notifications were issued beyond the 8 week point. Therefore only 16 Written Notifications were sent out at 8 weeks as required (15 of them by CP E). Even one focuses on the blue lines – which relate the date of the WN issue to the CP's stated complaint date – it is apparent that only 23 of the 32 letters were issued up to the 8 week point.

It should be noted that even if one allows a few days flexibility around the 56 day mark – and accepts that issuing a letter at 58 or 59 days is still "prompt" – the picture does not change to any discernible degree. Indeed if the 8 week line were drawn at 60 days there would only be an additional 2 letters deemed consistent with the code.

Figure 3.2 shows the percentage of each CP's cases in which a Written Notification was issued:

Figure 3.2: Percentage of cases in which a Written Notification Issued



Source: Mott MacDonald

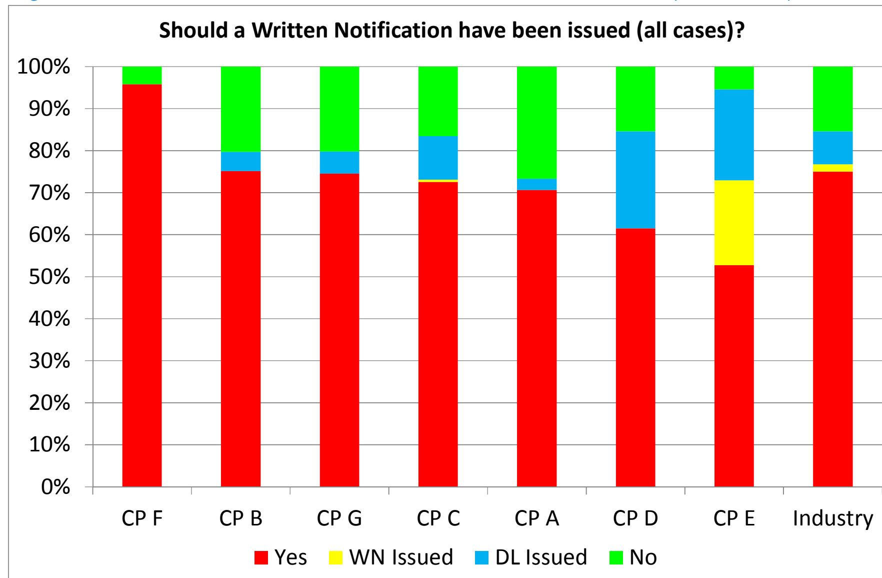
CP E's performance stands out from the other CPs. None of the other CPs showed any concerted tendency to issue Written Notifications and, with the exception of CP E, Mott MacDonald encountered almost no examples of CPs proactively referring to the right of customers to refer their case to ADR after 8 weeks – whether in case notes, correspondence or call recordings of conversations.

It should be noted that, as stated above in section 1.4, cases in which consumers had knowingly received a Written Notification or Deadlock Letter were excluded from the sample analysed. Had these cases been included in the sample given to Mott MacDonald for analysis, the picture might have been a little more positive regarding some CPs. In the case of CP E, for example, 44% of its cases which were referred to an ADR scheme were excluded from this study because the customer had recorded receipt of a Witten Notification or Deadlock Letter. 30% of CP D's cases were excluded from the study for this reason, and around 20% of CP G, C and A's cases. However, without having analysed this data, it is not possible to know whether the letters sent in these excluded cases were sent out at the correct point in time or contained the correct information. It is reasonable to assume that the inclusion of these cases would have boosted the percentages shown above in the case of some of the CPs, but without analysing that data we cannot know by how much.

3.2.2 Cases in which a Written Notification ought to have been issued

Mott MacDonald next considered the question: should a Written Notification have been sent? The answer to this question, in relation to the 897 cases, is shown in Figure 3.3 below:

Figure 3.3: Should a Written Notification have been issued? (897 cases)



Source: Mott MacDonald

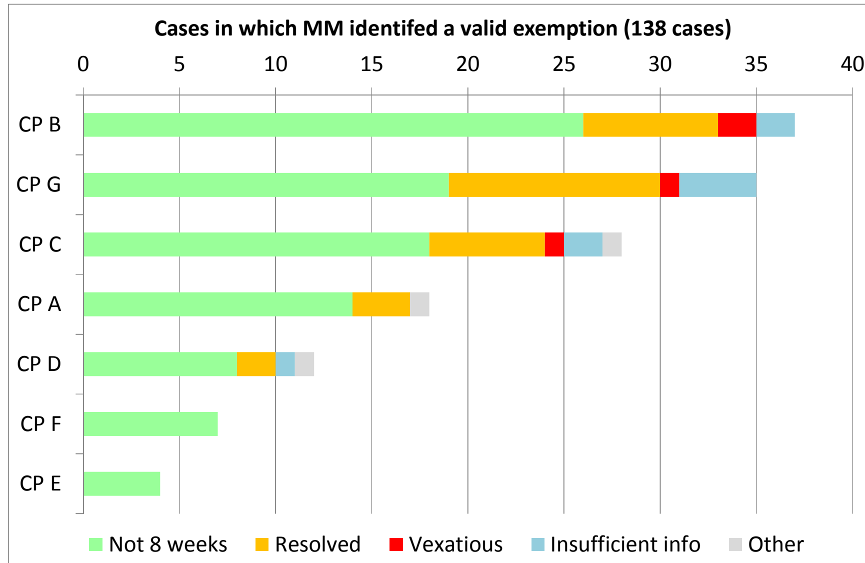
The graph indicates that at an industry level, Written Notifications ought to have been issued (but had not been) in 75% of cases. The average was pushed up a bit by CP F– mainly a reflection of the fact that the poor quality of records it provided meant that there was less possibility of identifying evidence to justify an exemption. CP E's level was the lowest – owing to the large number of Written Notifications and Deadlock Letters it had already issued by the 8 week mark. CP D had also issued a fair number of Deadlock Letters by this juncture.

It should be noted in interpreting this information that the pattern does not suggest that 75% of all complaints ought to end up with a Written Notification. This study only looks at complaints which we know ended up being taken by consumers to ADR – and so they are intrinsically likely to be cases consumers consider not to have been resolved to their satisfaction. However, the pattern suggests again that CPs are falling far short of their requirement to issue Written Notifications – either because they are intentionally or unintentionally ignoring this requirement, or since they have a very different understanding from consumers regarding when and whether a complaint is resolved.

3.2.3 Valid exemptions from issuing a Written Notification

With the last comment in mind, it is useful to look at the cases in which Mott MacDonald did believe there was a valid reason for not issuing a Written Notification (the "No" cases in Figure 3.3). Figure 3.4 breaks down for each CP the reasons for valid exemptions identified by Mott MacDonald.

Figure 3.4: Cases in which MM identified a valid exemption from issuing a WN



Source: Mott MacDonald

As can be seen, the principal reason for determining a Written Notification was not required was that the case had not been in motion for 8 weeks by the time the customer applied to the ADR scheme. It should be noted that in determining whether a complaint fell within 8 weeks Mott MacDonald used the optimum start date. There were 96 exemptions on these grounds across the industry. It should be noted that if the CP's start date were to be used, this number would increase by another 109 cases – in other words there were 109 cases in which the customer applied to the ADR scheme within 8 weeks of the CP's start date, but in which that start date should have been logged earlier. Whilst a CP may seek to argue that it is justified in not issuing a letter until 8 weeks from the date on which it logged a complaint, from a consumer perspective these are all cases in which a customer had clearly been complaining for longer than 8 weeks and had not been informed of their rights to ADR. Given the low rate of Written Notification issue it is also something of a moot defence – given that the probability the customer would have received a Written Notification at 8 weeks from the CP's date is also very low.

The next most common reason for concluding that a Written Notification was not required was that there were grounds for assuming the case had been resolved to the satisfaction of the customer. Mott MacDonald found that this was evident in 29 cases – a relatively small number. It is here that Mott MacDonald's perspective is likely to differ most from that of CPs. Some CPs marked a significant proportion of their cases as being resolved, without sufficient evidence that this was the case. Given the potential for a difference of opinion on this issue, it is worth making some observations here on definitions and tendencies observed.

Unilateral resolution

There was a marked tendency on the part of some CPs to unilaterally determine that a case had been resolved – and to mark it as such in its case notes or recording system. Mott MacDonald believes that resolution should involve a measure of agreement from both parties – CP and customer – and cannot solely be determined by the CP. This is true regardless of whether the CP is right or wrong technically – the CP may well understand the terms and conditions or mechanics of the industry better, but unless the

CP and customer agree that the complaint and its underlying issue are resolved then resolution cannot be stipulated. If both parties cannot agree then Deadlock is appropriate; if this cannot be agreed then a Written Notification is appropriate. For there to be resolution, both parties must buy-in.

As one customer stated:

- *"I escalated the complaint to a manager, who apologised but told me the charges would stand and that the complaint had been resolved; at no point has CP F ever contacted, written or communicated anything with me about my complaint, so how can it be resolved?"*

Duration of resolution

For resolution to be definitive, it must be lasting. If a CP and a customer agree to close a case because it has been resolved on certain grounds – e.g. that the customer will receive a refund or that a technical fault has been fixed – then if the customer does not receive that refund or the fault soon recurs, then the complaint cannot be considered resolved. The resolutions agreed need to be implemented and lasting. Several CPs showed a tendency to consider a recurrence of *the same* issue as a new complaint – when to the consumer the new breakdown was just another manifestation of the same issue. There is some room for interpretation here – if there are weeks between issues and everything has died down then there may be an argument for considering a subsequent complaint to be a new one, because the CP could reasonably have concluded the customer was no longer dissatisfied; indeed the guidance to the Code states as much. But that does not mean that the case can be closed every time CP and customer reach agreement. Common sense needs to be applied and if there is a recurrence of the same issue or a solution promised is not implemented then the 8 weeks clock should be put back to the original starting point. Some CPs showed a notable tendency to open and close and reopen and reclose cases over a period of days – even though the issue involved was the same– which made no sense from the consumer's point of view.

Premature closure for non-contact

There was also a tendency to close cases prematurely on the grounds that the customer could not be contacted. In the case of one CP, this sometimes meant having made three efforts to contact the customer over a period of a few days. In the case of another, this meant giving the customer 5 days to accept a resolution or the case would be closed. Looked at from the perspective of the consumer these were not reasonable tolerance levels for determining whether a customer was still engaged with the complaint and are not sufficient periods of time for it to be reasonably inferred that the complainant no longer wishes to pursue a complaint.

There were also seen to be double standards in this regard. Customers would have to wait weeks in some cases to receive a response from the CP to their correspondence, and yet would find their case closed if they did not respond to the CP's correspondence in a far shorter period.

Conclusions

Such behaviour with regard to closure and resolution was symptomatic of a very CP-centric perspective with regard to the handling of complaints on the part of some CPs. Dealing with a complaint ought to involve two-way communication, negotiation, and a degree of mutual consent. Instead, some CPs tended to dictate terms to the customer and little effort was made on the whole to make a genuine assessment of whether a customer was satisfied.

3.3 The Issue of Deadlock Letters

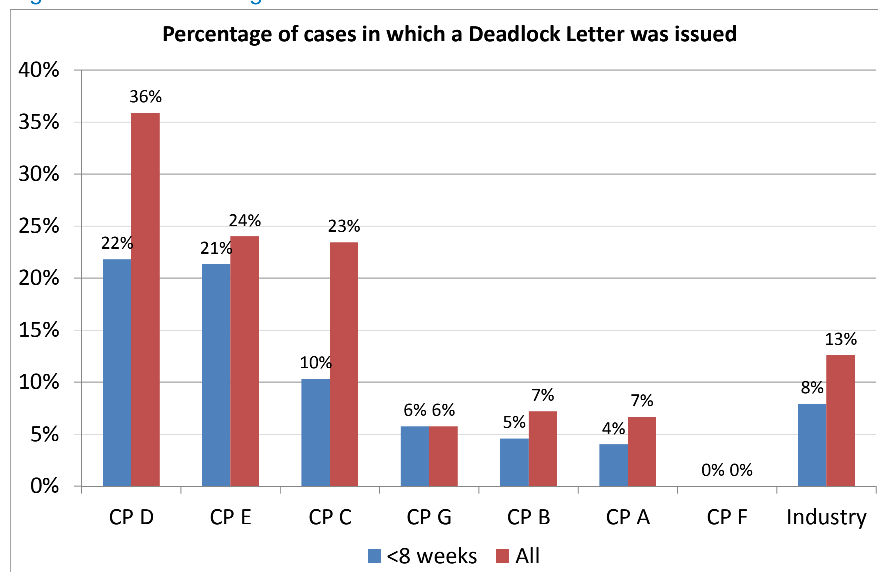
3.3.1 Cases in which a Deadlock Letter was issued

The Code states that a CP must promptly issue a written Deadlock Letter *when requested by a Complainant* – unless the CP has genuine and reasonable grounds for considering that the Complaint will be resolved in a timely manner and subsequently takes active steps to do so.

Mott MacDonald identified 113 out of 897 cases (13%) in which a Deadlock Letter had been issued by a CP[8]. In 42 cases this letter had been issued more than 8 weeks from the optimum start date of the complaint – meaning that 71 letters were issued within 8 weeks. Whilst the Code does not specify that Deadlock Letter must be issued within 8 weeks – only that they be issued upon request – it is also the case that there should be no need for a Deadlock Letter after the 8 week point – as if a case is not resolved by this juncture the customer ought to have been informed of their right to refer to ADR via a Written Notification. Once in possession of the knowledge that they can approach ADR owing to 8 weeks having elapsed, a consumer would not need to ask for a Deadlock Letter subsequently. In a sense, the Written Notifications and Deadlock Letters can be viewed as complementary – with the former acting as a kind of "backstop" for unresolved cases, catching those cases at 8 weeks for which a Deadlock Letter was not produced.

In Figure 3.5 Mott MacDonald has therefore shown the spread of letters issued by CPs both inside and outside of 8 weeks (the numbers in the graph are inclusive not additional – i.e. the "all numbers" include the "<8 week ones"):

Figure 3.5: Percentage of cases in which a Deadlock Letter was issued



Source: Mott MacDonald

CP D, CP E and CP C all issued Deadlock Letters in a fair number of cases – although over half of CP C's letters were issued beyond the 8 week point. CP F did not issue any Deadlock Letters.

[8] It should be noted that the study focuses only on the 79% of cases in which the ADR schemes did not record a letter being sent. In 21% of cases – excluded from this study – the ADR had noted that a letter had been received

As mentioned above in section 3.2.1, it should be noted that cases in which consumers had knowingly received a Written Notification or Deadlock Letter were excluded from the sample analysed. Had these cases been included in the sample given to Mott MacDonald for analysis, the picture might have been a little more positive regarding some CPs. In the case of CP E, for example, 44% of its cases which were referred to an ADR scheme were excluded from this study because the customer had recorded receipt of a Witten Notification or Deadlock Letter. 30% of CP D's cases were excluded from the study for this reason, and around 20% of CP G, C and A's cases. However, without having analysed this data, it is not possible to know whether the letters sent in these excluded cases were sent out at the correct point in time or contained the correct information. It is reasonable to assume that the inclusion of these cases would have boosted the percentages shown above in the case of some of the CPs, but without analysing that data we cannot know by how much.

3.3.2 Cases in which Deadlock Letters ought to have been issued

Technically there is only an obligation to issue Deadlock Letters when they have been requested – although from a consumer's perspective it is beneficial if they are issued not just when they have been requested but in all circumstances in which deadlock has been reached.

Mott MacDonald identified a total of 103 Deadlock Letter requests. Below, Mott MacDonald looks at several aspects of request and Deadlock Letter issue and the implications.

The result of Deadlock Letter Requests

39 of the 103 Deadlock Letter requests resulted in a Deadlock Letter being issued (39%). 64 of the 103 Deadlock Letter requests therefore did not lead to a Deadlock Letter being issued (61%). One of these cases appeared to have been resolved, but in the other 63 cases Mott MacDonald felt that either a Deadlock Letter or a Written notification ought to have been issued – depending on the timing of the request, in other words:

- 44 of the 63 requests had been made within the first 8 weeks of the complaint and so a Deadlock Letter ought to have been issued rendering a Written Notification unnecessary.
- 17 of them had been made beyond the 8 week mark – meaning that the customer ought already to have received a Written Notification by this time (though as long as one or other is issued it does not matter from a consumer's perspective).

Deadlock letters issued without evidence of a request

As stated above, 113 Deadlock Letters issued in total, 39 of them following Deadlock Letter request – meaning that 74 Deadlock Letters were issued without evidence of a request having being made. There are two potential implications of this:

- Deadlock requests are not all being recorded (but requests were made)
- CPs are issuing Deadlock Letters when they have not been requested.

Regarding the former possibility, it is hard to tell the degree to which requests made were not recorded by CPs. Evidence of requests was picked up from CP evidence in 90 cases and from ADR evidence on 30 cases (some were present in both) – and there were only 12 cases in which the ADR scheme was the only source of evidence – so there was no widespread evidence that CPs were knowingly not logging requests. Having said that, CPs are under no obligation to record requests made, so there is no reason why they should log them.

If the second factor is responsible for the number of Deadlock Letters exceeding the number of requests – that CPs are issuing Deadlock Letter when they have not been requested – then this is to be commended. It is to the consumer's benefit, and to be encouraged, should CPs be issuing Deadlock Letters in situations where they are appropriate regardless of whether they have been directly asked for. Again, common sense should prevail here – it should be obvious when the parties have reached the point where there is no prospect of further progress or agreement – and CPs should be mindful that customers are unlikely to be familiar with the Code or even know that Deadlock and ADR schemes exist. If CPs were only to issue letters where they have been requested, the gate to ADR would remain closed in many situations where it ought rightfully to be opened.

Requests which did not result in a Deadlock Letter

Conclusions

In 102 of the 103 cases in which Deadlock Letters were requested Mott MacDonald felt that a Deadlock Letter or Written Notification ought to have been issued (which one depending on the timing) – whereas in 60% of these cases a letter had not been. However, the fact that some Deadlock Letters were also issued where there was no evidence that they were requested is evidence of commendable behaviour by some CPs – and is to be encouraged. Ideally CPs should evaluate the need for Deadlock Letters and issue them based on case characteristics and not solely based on whether a customer has made a request.

3.4 The information required in Written Notifications and Deadlock Letters

In presenting statistics on the number of Written Notification and Deadlock Letters issued, Mott MacDonald has only included letters which clearly conformed to the information requirements laid down in the Code and associated guidance. For example, in the Code a Deadlock Letter is defined as "a letter or email from a Communications Provider to a Complainant *agreeing that the Complaint can be referred to the relevant Alternative Dispute Resolution scheme*."

With regard to Written Notifications the Guidance goes further and states that "the Written Notification must fully inform the consumer of their right to access ADR at no charge and should be clear and concise. With respect to the requirement for the Written Notification to include 'appropriate contact details' of the relevant ADR scheme, *we would expect this to include the relevant phone number, postal address and weblink of the ADR scheme…*"

The gist of this is that Written Notification and Deadlock Letters need to communicate the consumer's right to refer their complaint to an ADR scheme – and give some details regarding how to contact that scheme. There is no prescribed format for this – there is no requirement even to use the word "Deadlock" for example – but the letters must open the door to ADR and not just state the CP's position.

This is especially pertinent when dealing with Deadlock. CP B in particular displayed a tendency to state its "Full and Final position" – but the letter in question, which was included in evidence in a number of cases, made no reference to ADR or any way in which that letter might be used by the customer to seek arbitration via OS.

As suggested above, Deadlock Letters ought to open a gate to ADR – whereas letters such as the above represent a dead-end. Mott MacDonald has therefore not counted these final position letters as constituting Deadlock Letters.

Whilst the text in one CP's letters did conform in this regard, Mott MacDonald felt that the phrasing used was a little loose in the references made to ADR. Its Deadlock Letters tended to state:

- "*We are writing to you to let you know that because we haven't been able to resolve your outstanding complaint, you have the option to refer your complaint to the Ombudsman Services: Communications*."

There is nothing wrong with this – but Mott MacDonald believes the use of the word "Deadlock" is helpful to consumers – who may be asked by the ADR scheme if they have a Deadlock Letter. This CP issued a significant number of letters – the most important consideration – but Mott MacDonald believes that clear statement of "Deadlock" could be an enhancement. The same was true of its Written Notifications which served their purpose but also tended not to state directly that they had been issued because the case had not been running for 8 weeks. Again, with regard to all CPs, Mott MacDonald feels this clarity would be helpful.

3.5 Communication regarding ADR

Aside from the instances in which CPs issued 8 week or Deadlock Letters – in which the CP clearly engaged in communication with the customer about their rights to ADR – Mott MacDonald found very little evidence that CPs are proactively informing customers about their right to refer complaints to ADR (both in general and as part of a process of escalation). In the vast majority of cases the customer was the first party to raise the prospect of approaching the Ombudsman or of seeking a third party to assist. In the vast majority of cases, even when such alternative routes were broached by customers, CPs failed to take the opportunity to give them information about ADR and the subject was largely ignored. In general customers had to press for information. Whether by ignorance or design, customer service representatives displayed very little awareness of ADR. This is worth emphasising in the context of section 4(a) of the Code which states that "a CP must ensure front-line staff are fully informed of the right of consumers to use Alternative Dispute Resolution."

Mott MacDonald believes it is worth drawing attention to some examples to illustrate what seemed to be a fairly universal failing.

Failure to reveal the existence of ADR

In many cases when it became apparent to customers that their complaints were not being resolved, they started to look for alternative paths to resolution. Whilst some would be aware of ADR or that there might be an Ombudsman (on which more below) others appeared ignorant of this option and – either because of this ignorance or by choice – threatened to take their case to an alternative party such as Citizens Advice, Trading Standards, Ofcom or Watchdog, or asked whence they could take their complaint. In many such situations CPs failed to reveal the existence of ADR – when it would have been pertinent to do so. For example:

- One customer asked if there was "an alternative route" but no mention of ADR was made in response by the CP;

- Another customer asked if there was "a higher authority" he could speak to, but ADR was not suggested as an option in response.

There were also instances of customers being actively advised by a CP to seek third party advice – with no mention of ADR, for example:

- In one case the CP states: *"If you feel we are not offering an adequate resolution you are welcome to seek advice from a third party of your choosing."*
- And in another: *"If you are wanting to take this case to a third party we would be happy to discuss this with them."*

Failure to provide contact details for the ADR schemes

In other cases customers revealed themselves aware of ADR and requested details for the Ombudsman. There were a number of examples of misinformation in such cases, including:

- Examples of customers being advised to Google the Ombudsman's details;
- When one customer objected to this, the rep provided the address of Ofcom, stating it was the Ombudsman for telecommunications;
- Customers being advised to contact the Financial Ombudsman.

Such errors were not widespread, but there was no sense that information about OS or CISAS was at the fingertips of customer services representatives and references made to them by customers were largely ignored.

Misunderstanding and miscommunication regarding Deadlock

Nevertheless, some customers appeared quite clued up about ADR, for example one stated:

- *"I would therefore like to escalate my complaint to a stage 2 formal complaint. If my complaint has not been resolved within 8 weeks from when I sent my first complaint letter I will be escalating the matter to the ombudsman and Ofcom."*

Others appeared aware of the process but evidently did not understand all of its workings – for example, there was evidence of some confusion over the difference between a deadlock letter and an 8 week letter – with customers under the impression that they needed to wait 8 weeks before being eligible for Deadlock. For example:

- One customer stated: *"Having initially complained in December 2013 regarding the amount of time I was being made to wait this is now over the 8 week period in which you should have resolved my complaint in line with your Code of Practice. Please now send me a 'Deadlock' letter so I can complain to the Ombudsman."*
- A customer of another CP stated: *"If we haven't agreed a resolution about my complaint before the 8 weeks have lapsed on 20th March 2014, I will request a deadlock letter from you and take my complaint to a telecommunications ombudsman."*

When such misunderstandings are apparent, there is no evidence of the CP intervening to correct the customer's understanding. Indeed, there also seemed to be a similar misconception regarding the

definition of Deadlock amongst some reps. For example:

- One rep commented, just short of 8 weeks from the start of the complaint: *"The customer is only 4 days away from deadlock and is going to use her rights to approach Ombudsman."*

Given the relatively low number of Written Notifications issued it may be the 8 week letter is not well understood and that all communication regarding ADR is being thought of as falling under a general Deadlock heading.

Conclusions on Communication of ADR

Overall, it is clear there is considerable scope for the CPs to be much more proactive with regard to the communicating the existence and mechanics of ADR, and that there is considerable room for improvement in the level of understanding of this subject by the customer service representatives of the CPs.

4 The Customer Journey

4.1 Introduction

The objective of this section is to present Mott MacDonald's analysis of the "customer journey", in line with the second objective identified above in section 1.3. By this we mean the consumer's experience from the point of initial contact with the CP, through any subsequent communications including internal escalation, up until the point at which their complaint was accepted by an ADR scheme. This includes

- Considering and making relevant observations about the customer journey
- Looking at the way complaints were handled during that journey
- Identifying the quality of CP complaint records.

It should be noted that the focus of this analysis lies on the *complaint* journey – in other words their experience regarding the handling of their complaint. Whilst this overlaps with the customer's general experience of the customer service received (and indeed is a facet of it), the aim is not to make observations on the level of customer service provided by the CP and nor is it within the scope of this exercise to comment on its general customer service systems or processes, save where they directly concern complaints.

Even where they do it should also be understood that Mott MacDonald has conducted this analysis purely on the basis of what it has been able to infer from case data regarding the 897 complaints. Mott MacDonald is not privy to other information on the CP's complaint processes, systems, organisation or policies. As such, the scope of Mott MacDonald's review is limited in part by the quality of information the CPs and ADR schemes provided.

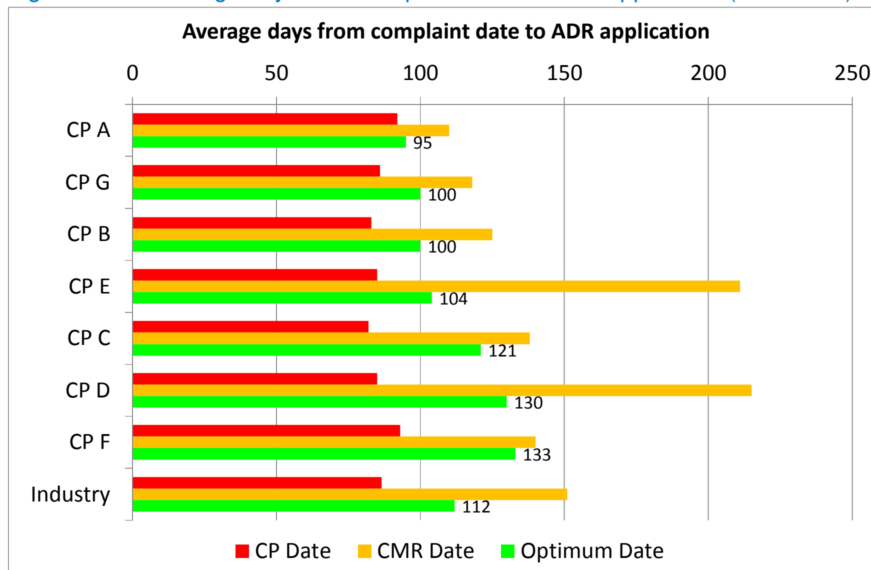
4.2 Observations about the journey

4.2.1 Time between complaint and application to ADR

The aim of informing consumers in a timely manner of their rights to refer a complaint to ADR – either via Written Notification at 8 weeks or Deadlock Letter beforehand – is to ensure they achieve a swift resolution to their complaint. In theory, if CPs issue more of the appropriate letters, and inform consumers of ADR more effectively, then the length of time from the start of their complaint to the ADR application should shorten.

Figure 4.1 shows the length of time between three different versions of the complaint date (CP, Customer and Optimum) and the date the customer submitted their application to the ADR scheme.

Figure 4.1: Average days from complaint date to ADR application (897 cases)



Source: Mott MacDonald

Mott MacDonald has marked on the graph the number of days from the Optimum complaint date to the ADR application date. As can be seen, across the industry the average number of days was 112. The average time taken from the CP's stated complaint date was in all cases less than from the Optimum date and the time from the customer's stated date was always longer – this is understandable given the patterns relating to the recording of complaints noted above in section 2.3.

Across CPs there was little difference in the average time to application from the CP's stated date – all the CPs seem to sit in a band around 90 days. However, there was a sliding scale of values regarding the optimum date – with CP A customers exhibiting the shortest average time to find their way to ADR (95 days) and CP F the longest time (133). The pattern regarding the average time to ADR from the customer dates appears to follow a similar progression but for two outlying values – caused by cases in which customers stated particularly long-running case histories.

There is no obvious correlation between the patterns above by CP and the number of deadlock and written notification letters issued. CP E, which issued a relatively large number of letters, has a lower time to ADR than CP F, which issued none, but that trend does not extend to other CPs. It may be that the volume of letters issued even by those that did issue some is too low to outweigh other factors affecting the time to application.

However, the average time to ADR from the optimum date is certainly lower for cases in which a Deadlock Letter was issued within the first 8 weeks of the complaint – indeed in these cases the average time was 72 days, compared to the industry average for all cases of 112. The same is true for the Written Notifications issued within 8 weeks of the optimum date – for which the average time to ADR was 71 days. This suggests that on average customers receiving formal communication of ADR via one of these letters apply to ADR on average 40 days earlier than they might otherwise have done.

4.2.2 Customer experiences of the complaint journey

In some cases Mott MacDonald found that complaints were handled in a satisfactory manner by CPs – in so far as it was possible to infer this from the evidence. For example, it was apparent from listening to some of the call recordings that customers were satisfied with the handling of their complaint. However, in a significant number of cases customers expressed dissatisfaction with the way their case was being handled by their CP. On an individual CP basis Mott MacDonald used a system of drop-downs to log aspects of CP behaviour noted by customers during their journey. However the quality of information available on this varied widely by CP – and it was much more easy to observe such characteristics for those providers which provided copies of correspondence and particularly call recordings, as these gave a real flavour of the customers' experiences. Given the variation in data available Mott MacDonald does not feel it would be fair to make cross comparisons between the operators on this topic as it would not be representative.

However, below Mott MacDonald has drawn out some of the factors observed which from an industry perspective are worthy of note in understanding the customer's complaint journey and how it might be improved.

Lack of responsiveness

Lack of responsiveness was one of the most common complaints customers had about their experience of complaint handling – both in terms of reps failing to call them back when promised, and through not answering their correspondence. There was an impression across a number of CPs that there may be complaint processes in place and teams allocated for escalation, but that these are not effective in actually responding to complaints, because the escalation teams involved are not adequately responsive., Customers find it hard to get a response and often get to the point where they give up on expecting to be called back. As noted, double standards are perceived – given the CPs are slow to respond to contact from customers, but expect customers to respond quickly and to adhere to CP determined deadlines.

Being transferred around the organisation

Many customers complained of being transferred around the organisation excessively – something particularly notable with the larger organisations – one in particular was felt to have a labyrinthine customer service structure which customers frequently had trouble navigating. There was a sense of customers being transferred from department to department without much sense of progress being made – with long periods on hold. Automated menu systems do not aid this process – customers often commented that they do not know which numbers to press to have their complaint dealt with, and often end up back where they started. As one customer put it: "I always seem to end up in the wrong place."

Having to repeat themselves

Often, when presented with the next person on their journey they are then obliged to repeat their story, which becomes increasingly frustrating as this pattern repeats itself over weeks and months. Whilst individual reps do their best – something the customers of several CPs sometimes noted – the impression gained is that each rep is only able to accomplish a niche aspect of the customer's needs; customers find it hard to find someone who can view their complaint history and deal with their problem as a whole. This can create an impression that reps are not listening – because, given that they only have the power to perform a single role, they can display a tendency to repeat the statements and questions relating to that

perspective, regardless of what the customer is actually asking. Again this was particularly prevalent with larger CPs with multiple departments involved in the handling of complaints. An example of this is customers of the providers of broadband services being asked to run through the same router checks again, even though on a previous complaint call (or calls) they have run through those checks and it has been established that the problem has nothing to do with their router.

Inability to find someone who can actually help

Some customers felt frustrated not to be able to reach a named person, or the person who might have been dealing with their complaint previously. Precisely because customers found it hard to find someone to help take a grip on their complaint, when they did locate a rep who had been helpful and knowledgeable they were subsequently particularly keen to talk to that person again. This then proved difficult to achieve. Their frustration was exacerbated if this person had also failed to call them back.

A related source of frustration occurred when customers were told by a rep that they needed to speak to a different department to progress their complaint, and so were given a number for that department – which either turned out to be the general customer service number they had already called on countless occasions, or the very number they had just called to get through to the rep giving them that number.

Being placed on hold excessively

This was a common gripe at several CPs, and often occurred in spite of customers asking reps to reassure them that they were not going to be put on hold for long. Some of the call recordings revealed customers being put on hold for up to fifteen minutes and five minutes was quite common. In one example, a customer made it clear she shortly had to go out to a parent-teacher meeting; she was then put on hold and experienced 5 minutes of complete silence followed by 5 minutes of hold music, before giving up. The inconvenience of being put on hold itself was often exacerbated by poor communication about the reasons for being put on hold, which increased customers' frustration. In the best examples reps made an effort to warn, apologise and explain – and this did make a difference. In the worst cases customers were put on hold with little warning or explanation.

Being disconnected

Many customers also complained about being disconnected by CPs, sometimes when finally being transferred to the particular rep or department they were hoping would progress their complaint. This became increasingly frustrating when combined with other patterns observed above – with customers being transferred around, put on hold, and cut-off, sometimes repeatedly, without any sense of progress.

Conclusions on the customer journey

It is perhaps this last point which is the overall outcome of the negative aspects of the complaint journey experienced by many customers across the industry – this sense of a lack of progress being made with dealing with their complaint. Customers want to be able to reach someone who can understand their complaint, who has the knowledge and power to do something about it, and who can help them to make progress. This seemed often to be an elusive goal.

4.3 Complaint handling procedures

Where the above section looks at the customer's experience of the journey through the complaint process of the CPs, this section looks to highlight some of the procedures in place.

Channels for receiving complaints

There was evidence across a number of CPs that the procedures in place can inhibit the ability of customers to make complaints through the channel they would like. Given, as noted above, that it is often difficult to reach by phone a named individual or someone who has dealt with the complaint in the past, customers are often keen to submit their complaint in writing, by post or email. This also provides customers with a sense of reassurance that (a) their complaint has a degree of formality, and (b) that there is a clear record of their complaint on file.

It should be noted here that Section 2 (c) of the code specifies that a CP must have in place at least two of the following three low-cost options for consumers to lodge a complaint:

i. a 'free to call' number or a phone number charged at the equivalent of a geographic call rate;
ii. a UK postal address; or
iii. an email address or internet web page form.

This means effectively that CPs are not obliged to provide both an email address and a postal address, and that they can legitimately provide a web-form as an alternative to email. Whilst this may be consistent with the code there was evidence that a number of customers found the requirement to log complaints by web form unsatisfactory and ineffective, whilst others were frustrated that there was not an email address. It seemed at times that rather than making several options available to suit the preferences of different customers, CPs were inclined to restrict the options to the minimum, which some customers found inconvenient.

Such policies do not necessarily contravene regulations but the lack of ability to use normal channels of communication frustrates customers and can appear obstructive. There were also occasional examples of double standards in the use of channels of communication. One CP C customer, for example, is told he must submit his complaint in writing, and not by phone; but he is complaining because the CP did not action his written cancellation request, insisting that he ought to have phoned to cancel.

Management of escalation

Evidence of some form of escalation process could be inferred from the data provided by all the CPs, but there were sometimes question-marks as to how effectively these were being implemented. In many cases customers struggled to contact or engage with the individual or department which was dealing with their escalated complaint, and some customers also had trouble being put through to a manager when they wished to escalate – because of what seemed to be a reluctance to facilitate this on the part of the rep dealing with the customer. In one case a customer quotes the text from the CP's website to a rep which states that if you are not satisfied you can speak to a manager, and that if you are then still not satisfied you can ask to be escalated to the CEO's office – because the rep is refusing to do the latter.

There is no doubt that structures are in place but how well resourced they are or effectively operated is open to question. In some cases automated messages were sent out acknowledging the receipt of a

complaint, but the CPs were slow to contact a customer following this. CP F, for example, appears to send out a standard letter rapidly, but in some cases took weeks to follow-up.

Insistence on customers passing data protection questions

CP B was notable for asking customers to pass data protection questions much more frequently and in many more situations than the other CPs. Some customers were asked data protection questions by one rep, then were asked the same questions when transferred to the next rep – and in some cases were therefore asked them again several times on the same call. There were occasional situations in which these questions were asked unnecessarily of elderly customers, and of both a husband and wife on the same call. A response was also sometimes not given to letters sent in by customers unless they wrote again with answers to data protection questions in their letter – even though the original letters had contained reference numbers and name and address information which seemed quite adequate.

Attitudes towards the ADR Schemes

As noted above, reference was barely made by CPs to the ADR schemes. However, Mott MacDonald did not encounter examples of CPs actively putting customers off applying to ADR schemes nor giving misinformation of any kind regarding their chances of success. The main issue was the lack of frequency with which they made any mention of ADR schemes, not what they said about them.

4.4 Record keeping

4.4.1 Introduction

Section 5(a) of the code requires CPs to retain appropriate written records of contact with Complainants, and an objective of this study is to identify the quality of CP complaint records. In commenting on the quality of records it should be noted that Mott MacDonald can only assess the quality of records provided to this study – from which one can infer a fair amount about the quality of information "retained" by CPs. However, Mott MacDonald has not had access to the CPs' live systems or archives and cannot know if they retain any other information.

The information provided to this study varied widely across the CPs. In some cases, a wealth of well-indexed information of different types was provided for each case – including case notes, call recordings, complaint logs, and copies of correspondence. In other cases little was provided but thin and disorganised case notes. Below, Mott MacDonald comments on the information provided in two ways:

- Giving an overview for the industry and each CP of the amount of information provided which it found to be either: Good, Average or Poor.
- Commenting briefly by CP on the quality of information provided which underpins this overview.

4.4.2 An overview of information quality

When Mott MacDonald reviewed the records provided by CPs for each case, it provided a rating in terms of whether they were good, average or poor – with these terms defined as in Table 4.1 below:

Table 4.1:

Category	Definition
Good	• All pertinent information included • Copies of any Deadlock Letters or key correspondence • Clear case notes • Any call recordings pertinent and complete
Average	• Information of sufficient quality to get the gist of the complaint and its key events • Some key data missing (e.g. a pertinent letter or recording)
Poor	• Thin data with significant missing elements surrounding key interactions and milestones

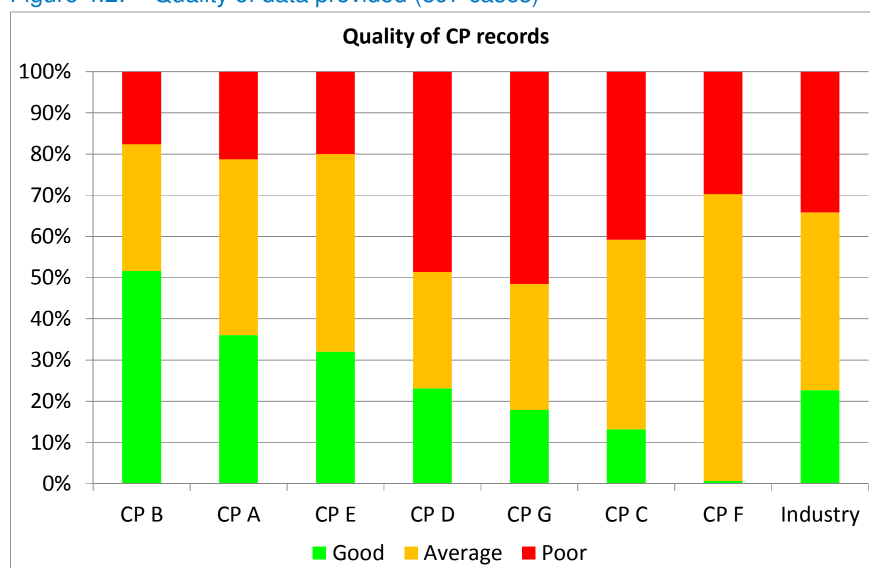
Source: Mott MacDonald

This is a simple system, but is intended to give an overview of the quality overall and the relative quality by CP. The key guiding consideration in reaching a verdict on data quality was whether the pertinent data was available – in other words notes, recordings or documents which shed light on key interactions at key points in time. Providing 15 call recordings for a case might appear useful, but if 5 of them relate to the original sales call which predates the complaint by 6 months, and another 5 are from after the time of the application to ADR then only 5 of those calls stand a chance of being relevant. Calls which cut off at the crucial time when a customer's call is escalated are less pertinent than a clear account note regarding that subsequent call in case notes. Quantity is less important than quality – although retaining a good quantity of information is likely to increase a CP's chances of retaining pertinent material.

In determining what constitutes "Good" data, Mott MacDonald does not believe it has set the bar particularly high; there is no reason why such good data should not be available on all complaints cases.

Using this system, Mott MacDonald's assessment of quality across the industry is illustrated in Figure 4.2:

Figure 4.2: Quality of data provided (897 cases)



Source: Mott MacDonald

As an industry, Mott MacDonald found that Good data was provided in just over 20% of cases, meaning that in the majority of cases there was room for improvement in the quality of data provided about complaints in the context of applications to ADR. The main overall failings to note were:

- Poorly structured and hard to interpret case notes
- Use of multiple case note and reference systems
- Missing copies of correspondence (both Deadlock Letters and key customer correspondence)
- Missing or incomplete call recordings
- Lack of an overall single point of reference for the pertinent data on a case.

These failings were evident to differing degrees and in different ways across CPs. More detailed information on the records provided by each CP has been provided to Ofcom. However, some data is given below.

CP B provided the highest proportion of Good data – with over 50% of its records considered Good – and the lowest proportion of Poor data. It is perhaps no coincidence that it also provided the largest volume of data by a considerable margin. It also provided an overall index of the data showing the type and number of records provided for each case, and a spreadsheet which showed when each case had first been logged. There was still Poor data – with missing letters, incomplete recordings, or very little evidence – but its overall approach to the provision of data stood out.

CP F provided the lowest proportion of Good data – with very few cases where all pertinent information had been included. It provided no call recordings and its case notes were disorganised and hard to interpret. Some cases had multiple files with pertinent case data, but there was no coherent overall sense or structure for the data. However, it did not have the highest percentage of Poor data; much of its data was sufficient to get the gist of a case, and as a result instead it had the largest proportion of Average data.

In fact **CP G** had the highest proportion of Poor data. Whilst it did provide Good data in just under 20% of cases, the quality of its case notes was generally poor and there was often missing correspondence. It had a number of missing records, very few call recordings, and data provided without any clear overall index or coherent structure.

CP C provided a significant quantity of information – with all of the case data contained within a single spreadsheet which contained copies of case notes, screenshots and correspondence (the cases were in fact split between 5 such sheets). Only call recordings were provided separately. Whilst it provided a significant number of call recordings, this number was dwarfed by the number of phone interactions listed in its case notes for which recordings were not available. This would not matter, had the recordings provided been selected for being particularly pertinent, but they were only occasionally related to key interactions regarding ADR – for example, instances when the case notes showed the customer had mentioned the Ombudsman or asked for a Deadlock Letter. Some recordings were also incomplete. Whilst CP C did therefore provide a lot of data, a lot of it wasn't particularly pertinent, and in many cases the pertinent pieces were missing.

Compared to some other service providers the case notes provided by **CP A** were well structured and laid out in a logical chronological order and therefore it was possible to analyse a case with some degree of confidence. Whilst CP A did provide a lot of letters in a folder for each customer, the vast majority of these were not relevant because they related to general service or account interactions rather than the complaint. The level of Poor data was relatively low, although a lot of data was average because pertinent elements were missing.

CP E also had a relatively low amount of Poor data. The case notes it provided were intelligible and contained pertinent information laid out in a clear timeline. This meant that it was easy to navigate the case notes and examine key events with regard to ADR in order to assess the degree of CP E's compliance. However, it was notable that its case notes often started very shortly before – or on the same day as – the CP's stated complaint date, meaning there was a less extensive case history than for some other CPs. There were relatively few call recordings provided; however, they did cover the most pertinent period of complaint activity – although not all of the most pertinent calls were included and some were incomplete.

CP D provided a significant amount of Poor information. Its case notes were difficult to navigate. Whilst it provided copies of correspondence, there was often pertinent information missing and there was no overall coherent view of the complaint. CP D did not provide any call recordings.

5 Recommendations

5.1 Monitoring written notification and deadlock letters

5.1.1 Means of identifying and monitoring letters

Mott MacDonald believes the best means to identify whether CPs are sending out Deadlock or 8 week letters would be to require CPs to report statistics to Ofcom on the number of letters of each type issued in a given period (e.g. per month). This would enable Ofcom to monitor patterns in the issue of letters over time and the relative number of letters issued per CP. Given that evidence suggests a small number of letters are being issued at present, any increase over current volumes would represent progress. Once a volume of data has been gathered over a series of months, with a chance to consider the indicators produced against possible comparators (e.g. CP market share) then suitable benchmark thresholds could be developed.

If possible it would be useful to gather information on timings as well as the volume of letters. This could mean the CPs providing a monthly spreadsheet listing each letter issued, the date on which it was issued and the start date associated with the complaint. This would allow Ofcom too track whether 8 week letters are being issued at the right time, and whether Deadlock Letters are being sent out beyond 8 weeks (when they ought to be superfluous).

It should be noted that an important pre-requisite for this is that the CPs themselves should have systems and procedures in place that can enable them to record complaints start dates and record and measure the progress of complaints from these dates. Until such systems are in place across the industry it will be hard for the CPs to provide reliable information for monitoring purposes. Indeed, regardless of any potential obligation to report statistics to Ofcom, it is important for CPs to ensure such systems are in place so that at the very least they can track and understand their own patterns regarding complaint start dates and progress, and regarding the issue and timing of letters referring customers to the ADR schemes.

It might also be possible to ask the ADR schemes to track the number of letters they find included in the evidence presented to them. At present some of the application forms ask whether the customer has received a Deadlock Letter (or has a reference number) or if they came to ADR having been notified at 8 weeks. Whilst this information is being used at present to prompt consumers to identify facts which could help to justify their application, the questions asked could potentially be refined in conjunction with OS and CISAS to track the receipt and timing of letters.

In order to determine whether the format of letters complies with Ofcom rules, Ofcom could also periodically request and review examples of letters sent out, in order to check that the wording and information provided conforms.

5.1.2 Suitable metrics

Given the low levels of letters being issued at present (notwithstanding the fact that this study has only looked at those cases where such a letter was not knowingly received by the complainant), it would seem appropriate as a starting point create a metric showing simply the absolute number of letters of each type issued each month. This could be reported at an industry level as a means to show overall progress (or lack of it) over time.

However, it could also be possible going forward to present some CP specific metrics. Some examples of possible metrics are shown in Table 5.1 below:

Table 5.1: Potential Metrics for tracking issue of 8 week and Deadlock Letters

Possible Metric	Description
Deadlock & 8 week letters / number of ADR cases	• One might expect there to be a correlation between the number of cases regarding a CP that go to ADR and the number of letters issued • This metric would help to examine that correlation, giving a comparative view by CP which could then be used to probe any anomalies • Tracking over time in relation to the overall number of cases could show improvement / worsening trends • Could be reported separately for WNs and DLs and together to isolate trends in each
Average number of days issued after complaint date (Written Notification and Deadlock Letters)	• This metric would help to examine the speed with which letters are being issued, as well as to track whether on average CPs are issuing letters inside or outside the 8 week period (also interesting for DLs) • Would rely on CPs providing a regular list of letters issued with pertinent dates (as broached above in section 5.1.1)
% of Written Notification letters issued after 8 weeks	• This metric would help expose the degree of accuracy in issuing letters on time • A CP might be issuing a lot of letters, if they are late they are not consistent with the requirements of the Code • Also a way to demonstrate good performance – showing those with a low percentage are issuing swiftly

Source: Mott MacDonald

5.2 Improvements to complaint handling processes

5.2.1 Introduction

Mott MacDonald's stated objective is to provide recommendations for improvement at the individual CP and industry-wide level. The aim of this section is therefore to present recommendations at the industry level. Whilst it is not within the scope of this assignment to comment on the general customer service systems of the CPs, Mott MacDonald would recommend the following actions which would improve the customer's experience of complaint handling in the context of ADR.

5.2.2 Recommendations on procedures

Logging complaints

It is evident that across the industry CPs need to take steps to log the start-date of a complaint more accurately – in most cases meaning logging the complaint earlier than they are currently doing. The reasons why complaints are not being captured early enough is not clear. It may be that there is not a good understanding across all customer facing staff of the definition of a complaint, or perhaps the procedures in place are not sufficiently sensitive or robust to capture complaints when they first occur. It is certainly the case that for some CPs there did not seem to be a single clear system in place for capturing a complaint on a clear start date. Mott MacDonald therefore makes the following recommendations regarding logging

complaints:

1. Steps should be taken to ensure that all customer facing staff – not just those in specific complaints departments – understand the definition of a complaint

2. The definition of a complaint should equate to that indicated in Ofcom's guidance to the Code – i.e. a complaint "captures all expressions of dissatisfaction that are made to a CP, regardless of whether or not a CP subsequently decides to escalate the Complaint internally. The definition also captures all expressions of dissatisfaction regardless of the form in which the Complaint is made." The first time a customer calls to express dissatisfaction about an issue is the point at which the complaint starts.

3. A single, clear system should be used to log that complaint through the use of a code or reference number – of a type which only refers to complaints (and not other types of incident also)

4. The existence of that complaint, with its associated reference code, clearly linked to its start date, should be visible and available to any CP employee accessing that customer's account details

5. The system used should also indicate when 56 days from this date will occur.

Closing and Resolving Complaints

It is also clear that CPs are closing complaints too rapidly and with too little justification, and there is also a tendency make unilateral decisions about agreement and resolution. There was also a tendency open a new complaint shortly after a complaint had been closed – thus creating a new start date – when from the consumer's perspective the complaint related to the same issue. Mott MacDonald believes that CPs need to take a more consumer-centric approach to considering complaint resolution, giving customers more time and more say in its agreement.

6. The above system should also record when a case is considered to be closed or resolved – stating clearly the reasons for that decision

7. Unless it is not possible to contact the customer for an agreed period (see 8), the decision to close a complaint should only be made with the customer's expressed consent. This expression of consent to close should also be recorded in the justification for closure / resolution.

8. The agreed period for being able to close a case on the grounds of non-contact should be significant – Mott MacDonald would suggest at least 28 days. In most cases it may be reasonable to assume that if a customer has not been in contact regarding a case for this amount of time, that they are no longer fully engaged with a complaint.

9. If the reasons for resolution or closure, agreed by the CP and the customer (as per 7 above) are not implemented or do not last – in other words of the CP does not deliver what was promised, or the issue causing the complaint recurs – then the start date of the complaint should be re-set to its original date.

Written Notifications

It is clear that the majority of CPs are not issuing Written Notifications letters, or are only doing so rarely. Mott MacDonald believes that effectively there needs to be a reversal in policy on this issue: rather than

the current default position of letters not being issued, the policy should be that letters are issued by default, unless agreed exemptions can be fully justified. Given the lack of letters issued, this means that wholesale changes are required to create an environment in which Written Notifications letters are routinely sent – and that they conform to the correct format. In this vein Mott MacDonald would recommend:

10. The system described above (as per point 5) should identify the date at which 56 days has been reached for a given complaint

11. Before this date is reached (Mott MacDonald would suggest 1 week before) a Written Notification should automatically be issued to every customer with a live complaint (i.e. one which has not been closed or resolved as described above)

12. The Written Notification letter should clearly state that it is a Written Notification sent to the customer because their complaint has now been in motion for approaching 8 weeks, and inform them of their consequent right to refer their case to the relevant ADR scheme (giving the prescribed details). It should make clear the start date for the complaint, and the date on which 8 weeks expires.

Deadlock Letters

Whilst Deadlock Letters are being issued in some cases, not all Deadlock Letter requests are being met, and not all of the letters are being sent out in a timely manner. It is also the case that there were frequently situations in which deadlock had been reached but CPs had not issued Deadlock Letters – perhaps because they had not been requested (and the Code only states they must be issued if they have been). Mott MacDonald believes significant changes are required so that many more Deadlock Letters are issued, and would therefore recommend:

13. CPs should issue Deadlock Letters when deadlock has evidently been reached, regardless of whether a Deadlock Letter has been requested by a customer (this may require a change to the Code, but Mott MacDonald believes such a change is appropriate)

14. CPs should be much more alert and proactive in assessing whether deadlock has been reached – and should always look to issue Deadlock Letters in advance of 8 weeks if progress with resolving a case is clearly not being made.

15. The Deadlock Letter should clearly state that it is a Deadlock Letter (Mott MacDonald believes the use of the word “deadlock” itself is helpful to consumers) along with the prescribed information about contacting the ADR schemes

Communication regarding ADR

It was apparent that many CP reps were ignorant of the existence and mechanics of ADR and were unable (and occasionally unwilling) to give details about the process or contact details for the ADR schemes. Mott MacDonald would therefore recommend:

16. The CPs should take steps to retrain all customer-facing staff – not just those in complaints functions – about the existence, mechanics and consumer rights regarding the ADR process, with particular attention on the right to refer a complaint to ADR at 8 weeks and in situations of Deadlock. Care should

be taken to ensure that staff understand the difference between a Written Notification and Deadlock letter (e.g. they should not think a Deadlock Letter is only available at 8 weeks).

17. Customer facing staff should be trained to look out for appropriate opportunities to inform customers of ADR – for example in situations where the customer is clearly looking for an alternative path to resolving their complaint or mentions contacting third parties such as Trading Standards or Ofcom.

Channels open to consumers

Mott MacDonald found that the channels open to consumers to make complaints and communicate about them were often restrictive – and that steps should be taken by some CPs to make communication easier. Mott MacDonald would recommend:

18. CPs should allow customers to correspond about their complaint by as many channels as possible – but that being able to submit complaints in writing via both post and email should always be facilitated. Recording systems should capture each interaction, regardless of channel, holistically

Complaint escalation

Whilst CPs had complaint handling and escalation procedures in place, customers at several CPs had difficulty navigating their way through the CP's customer service systems, and had trouble reaching a person who could deal effectively with their complaint. It was often hard to get a response from escalation teams. Mott MacDonald would therefore recommend:

19. CPs should ensure that there is a clear path or fast-track for customers calling to make a complaint, or get information regarding one – for example with a dedicated complaints number or menu option – so that they can get more directly to someone knowledgeable with whom to talk specifically about their complaint rather than having to navigate general customer service avenues first.

20. CPs should ensure that there is someone at the end of that direct path with the information and capability to communicate with them sensitively and knowledgeably about their complaint. This person should be able to access information on the complaint without having to ask the customer to repeat its history and should be able to advise them on its current status and potential progress.

21. CPs should take steps to ensure that promises made to call customers back about complaints are met with a much higher frequency – for example, through the introduction of targets for call-backs and / or incentives / penalties for meeting / not meeting such targets. This means that systems need to be in place to capture and remind of actions promised, and to record when implemented, such that this can be monitored

As a final comment, Mott MacDonald acknowledges that some of the recommendations made above will have cost implications for the CPs – for example, where they relate to putting improved systems and procedures in place or to issuing more letters. However, the aim of this study is to recommend the best approach to facilitating access to ADR; and Mott MacDonald believes it is not unreasonable to expect the CPs to have many of the capabilities implied in place. It is not within the scope of this exercise to analyse the cost versus benefit of making changes to facilitate better access to ADR – rather this is something which will require further dialogue and examination by Ofcom and the industry.

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5.2.3 Record Keeping

As stated previously, Mott MacDonald cannot comment directly on the quality of records retained internally by the CPs – as it has not had access to the CP's systems or archives. Mott MacDonald has only had access to the records provided for this study. However, there is likely to be a correlation between the quality of internal systems – as one can infer that the CPs which provided records of a poor quality are likely to have done so because they have no better records at their disposal. By the same token, recommendations on the optimum records a CP could provide to a study such as this in future could help to influence the quality of systems at CPs – as to produce records of such a standard will require a certain level of record keeping capability to be in place.