

Consultation response form

Please complete this form in full and return to ADRreview@ofcom.org.uk

Consultation title	Consultation: Review of ADR in the telecoms sector
Full name	
Contact phone number	
Representing (delete as appropriate)	Organisation
Organisation name	Community Fibre Ltd
Email address	

Confidentiality

We ask for your contact details along with your response so that we can engage with you on this consultation. For further information about how Ofcom handles your personal information and your corresponding rights, see [Ofcom's General Privacy Statement](#).

Your details: We will keep your contact number and email address confidential. Is there anything else you want to keep confidential? Delete as appropriate.	Nothing
Your response: Please indicate how much of your response you want to keep confidential. Delete as appropriate.	None
For confidential responses, can Ofcom publish a reference to the contents of your response?	n/a

Your response

Question	Your response
Question 1: Do you agree with our provisional analysis of whether our rules which facilitate access to ADR are meeting our objective?	Confidential? – N In general Community Fibre agrees that the current Alternative Dispute Resolution (ADR) procedures provide a useful protection for consumers who feel that their dispute has not been adequately resolved by their service provider.

	<p>However, Community Fibre has identified a gap in the current process which some customers have exploited. This gap occurs when Community Fibre proposes a resolution to the customer about their complaint within, the current, eight-week deadline. Some customers do not respond to the proposed resolution and indeed sometimes they accept the proposed remedies. They subsequently take their complaint to ADR, at Community Fibre's additional cost, once the eight-week period has passed. We would ask that Ofcom consider how it might close that gap as part of this review. For example, perhaps it should be necessary for the customer to explicitly reject the proposed remedies from their service provider for them to proceed to ADR. The ADR provider should reject cases where the customer has failed to reject the resolution proposed by the Operator without raising a case charge on the Operator.</p>
<p>Question 2: Do you agree with our proposal to modify the GCs to reduce the timeframe for access to ADR to 6 weeks?</p>	<p>Confidential? – N</p> <p>Community Fibre recognises that some complex complaints can take more than six weeks to resolve. For example where an Openreach telegraph pole needs replacing, or specific street work permitting is required to resolve the complaint.</p> <p>Community Fibre attempts to keep its customers up to date with progress in such cases and as such most customers do not feel the need to make use of the ADR process. As such we are comfortable with the proposal to reduce the timeframe from eight weeks to six weeks.</p>
<p>Question 3: Do you agree with the findings of our provisional impact assessment?</p>	<p>Confidential? – N</p> <p>In para 3.93 Ofcom states “This suggests that consumers want faster complaints handling even if it were to lead to some increase in costs of service.” However, Ofcom provides limited evidence to support this claim. Our experience is that customers prefer fair and transparent complaints handling with regular updates over and above the speed of resolution.</p> <p>We would encourage Ofcom to conduct further analysis of the complaints that take longer to resolve and work with Operators and Government to reduce and remove the factors that lead to long compliant resolution.</p>
<p>Question 4: Do you agree with our proposed implementation period?</p>	<p>Confidential? – N</p> <p>Community Fibre confirms that it could implement the required training and process changes within six months.</p>

Question 5: Do you agree with our provisional assessment and proposal to re-approve both schemes based on the approval criteria set out in the Act? Please provide your reasoning.

Confidential? – N

In 4.19 Ofcom states “Comms Council UK suggested we should also explore experiences of businesses and providers, as there could be some dissatisfaction from providers with the schemes. This review will focus on the consumer journey of ADR for those bringing a case to ADR and whether the schemes are meeting the approval criteria. **We are also open to hearing the perspectives of businesses and providers.**” [emphasis added]

In 4.20 Ofcom states “Ombudsman Association suggested that the consistency of decision-making and the overall consumer experience could be improved by having a single scheme, which it described as good practice in other sectors. Although we acknowledge the information sources cited in Ombudsman Association’s response, as part of this review, we are reviewing the schemes in light of the various matters we must have regard to under the Act, including the need to secure that the number of different sets of procedures is kept to a minimum. We consider that having two schemes is consistent with this provision. Additionally, as explained in paragraph 4.67 to 4.71, we have not identified major concerns with inconsistent decision-making that would warrant intervention in the form of reducing the number of approved schemes. However, **we remain open to receiving industry perspective on this.**” [emphasis added]

Community Fibre welcomes Ofcom’s interest in the industry’s perspective. We do have a concern that in its assessment Ofcom has focused too much on the experience of end users and largely ignored the experience for the Operators that pay for the scheme. As such Ofcom have not sufficiently considered whether there might be opportunities to measure and / or reduce the regulatory burden the scheme places on industry. Ofcom should conduct additional research with the ADR providers into the reasons why cases are settled before being investigated or ‘not upheld’. If these cases can be avoided in the future then regulatory cost could be removed from the system.

Efficiency

Ofcom have confusingly used ‘effectiveness’ or ‘quality of service’ KPIs to measure the schemes efficiency. We think efficiency measures should focus on whether the schemes are providing value for money for industry, and ultimately, consumers. There should be a KPI focused on the case cost and whether this is decreasing over time as continuous improvement

	<p>initiatives are realised. We did not see sufficient evidence that Ofcom has properly considered or measures the efficiency of the current schemes. We believe Ofcom should introduce a KPI of ‘Average cost per case (excluding remedial compensation payments)’ and set a target that brings this average cost down over time.</p> <p>Transparency</p> <p>One of the key benefits of the scheme for industry should be an ability to learn from case outcomes and use this learning to improve industry processes and ultimately reduce customer complaints. We believe that the ADR services should publish more qualitative information about the outcome of cases so that industry has a greater opportunity to learn lessons from the cases that are considered.</p> <p>In 4.82 the difference in customer numbers between operators could be resolved by showing the number of cases per 100k customers. We think the proposal in 4.83 would be confusing and potentially misleading. For example a provider that only had one case in Q1 but 2 cases in Q2 would show a 100% increase in case volume. If they had zero cases in Q3 how would that be displayed? Community Fibre agrees with Which? that including details of the number of cases per 100k customers into the ADR reports would provide greater transparency on how well each operator is performing.</p> <p>Single Scheme</p> <p>We agree with Ofcom that having two schemes helps to maintain some competitive tension that should help to drive improvements in each schemes administration. If one scheme becomes dominant, in terms of number and size of operators, then the smaller scheme could become inefficient through lack of economies of scale. Ofcom should ensure that it has proper measures and processes in place to deal with a scenario where one of the schemes becomes sub-scale. We would suggest re-commissioning the sub-scale scheme giving the opportunity for another ADR organisation to replace the sub-scale scheme.</p>
<p>Question 6: Do you agree with our proposed changes to the decision-making principles? Please provide your reasoning.</p>	<p>Confidential? – N</p> <p>Yes</p>
<p>Question 7: Do you agree with our proposed changes to the KPIs including the proposed implementation period? Please provide reasons.</p>	<p>Confidential? – N</p> <p>Should more information be published about the</p>

	<p>outcomes of cases to help industry learn?</p> <p>In 4.69 Ofcom talks about the lack of information available about the outcomes of appeals. As discussed in our response to Question 5 in general the published information about case outcomes needs to be improved. Providing industry with information about case outcomes is key to helping industry improve and reduce customer complaints. Ofcom should require the ADR schemes to publish case summaries and introduce a KPI around the time taken for case summarised to be published following the conclusion of a case.</p>
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