

Your response

Question	Your response
<p>Question 1: Do you agree with our provisional analysis of whether our rules which facilitate access to ADR are meeting our objective?</p>	<p>Confidential? – N</p> <p>The FCS believes that access to ADR is important and supports the overriding objectives of the GC. Indeed, one benefit of joining the FCS is that membership provides the CP/reseller with automatic sign-up to the Communications Ombudsman.</p> <p>The FCS is disappointed that throughout the consultation Ofcom consistently refers to consumers and there seems to be no attempt to understand how ADR works within the part of the business market where the General Conditions also apply. To be able to answer this question for the business customers covered by the GC it would have been helpful for Ofcom to consider whether there are any differences to be found in consumer and small business ADR referrals and commission specific research into this important constituency. All the research, such as the Jigsaw independent review, seems to be wholly focussed on the consumer experience and so it becomes difficult to answer this question.</p> <p>Additionally, the data analysis conducted is focused on the “big” providers and there is little or no attempt to understand how ADR operates in the many 100s of smaller CPs and resellers that are particularly active in the small business market.</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>In the absence of data from the business market to justify Ofcom’s proposals, the FCS does not support the timescale reduction.</p> <p>As mentioned in our answer to Q1, as there is no specific analysis of ADR cases relating to business customers, it is difficult to fully understand the impact of any timeframe reduction on business customers. The FCS believes Ofcom should conduct specific analysis for business cases to see whether the data used to justify the timescale reduction leads to the same conclusion.</p> <p>We believe that ADR cases for business customers could be more complicated than residential customers. Often</p>

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	<p>cases refer to multiple lines and can cover more complex solutions, which require more time to investigate. Additionally, members have reported that Engineering charges are often the cause of business complaints and information is required from the wholesaler and/or network provider to resolve cases, and this can take significant time.</p> <p>The FCS is disappointed that the consultation does not take into account the complex supply chain and believes that any change to the ADR timescales must be accompanied by industry SLAs for complaint handling so that timescales can be met.</p> <p>One area that members have asked to be reviewed is the way that the “clock” is started for the ADR timescale. There can be disputes about whether a case should be accepted, particularly when there is a fault on a line. Additionally, there can be periods of customer delay/inactivity which eat into the time a CP/reseller has to conclude a case. Such delays will have an increasing impact if the overall timescales are shortened, and consideration should be given as to whether customer delay could be taken into account at the acceptance stage.</p>
<p>Question 3: Do you agree with the findings of our provisional impact assessment?</p>	<p>Confidential? – N</p> <p>As mentioned in the answers to Q1 and Q2, the FCS is concerned that impact on business CPs/resellers has not been fully explored.</p> <p>Additionally, the FCS believes that smaller CPs/resellers will be disproportionately affected by the changes which are being implemented at a time of great change within the industry, and this has not been adequately addressed in the provisional impact assessment.</p>
<p>Question 4: Do you agree with our proposed implementation period?</p>	<p>Confidential? – N</p> <p>The six-month period for implementation seems reasonable. Any change to a regulated process takes time and cost to implement and may require system and process changes, and additional staff training. The impact of such changes can have a disproportionate impact on smaller CPs/resellers. This is particularly the case when there are so many other changes in the communications</p>

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	<p>market, such as digital switch over and business switching.</p> <p>It is vital that the implementation timescale is not shortened.</p>
<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.</p>	<p>Confidential? – N</p> <p>The FCS agrees with Ofcom’s proposal to re-approve both schemes based on the criteria set out in the Act.</p> <p>The FCS works closely with the Communication Ombudsman and appreciates the opportunity to discuss trends and overall performance with them. There is though opportunity to do more to ensure that lessons are learnt across industry and best practice implemented.</p> <p>The FCS notes that Ofcom mentions in para 3.102 that they intend to engage with the “<i>main providers</i>” to address minor issues they have identified in their analysis with providers’ ADR letters, outcome of investigation letters and bills. The FCS believes that Ofcom should share this learning at a general level with all providers and ensure that any lessons learnt are available across industry. The FCS is very happy to facilitate this knowledge sharing with its members if helpful.</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>The FCS has no comments to make on this question.</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>The FCS supports the proposed changes to KPIs and believes that the implementation period is reasonable.</p> <p>The FCS believes that the KPIs should be produced showing results for consumer and business customers separately. This will be important to understand any differences between the two groups and to help improve compliance as more targeted learning can be gained.</p>

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