1. Do You Agree With Our Provisional Analysis Of Whether Our Rules Which Facilitate Access To ADR Are Meeting Our Objective?

I partially agree with Ofcom's assessment but believe it does not fully reflect the real-world difficulties consumers and small businesses face in accessing Alternative Dispute Resolution (ADR).

Key Issues:

- Lack of Awareness & Signposting Failures – Many consumers and micro businesses are unaware of their right to ADR, and some providers fail to issue deadlock letters in a timely or proactive manner. Some won't issue one at all, as The Telecoms Advocate has experienced.
- Inconsistent Provider Compliance – While ADR is available in theory, some telecom providers obstruct or delay access by not informing customers properly, discouraging escalation, or failing to issue ADR referral letters unless pushed and as stated sometimes they just ignore their customer entirely.
- Challenges for Small Businesses – Although eligible for ADR, micro businesses often struggle more than residential consumers due to complex contract structures and provider resistance to engaging in ADR, making the process more difficult to navigate.

Recommendation:

Ofcom's rules are broadly functional but require stronger enforcement on provider compliance, clearer obligations for ADR signposting, and proactive consumer awareness measures to ensure that ADR access is effective in practice.

2. Do You Agree With Our Proposal To Modify The GCs To Reduce The Timeframe For Access To ADR To 6 Weeks?

Yes, I support the proposal to reduce the ADR access timeframe from 8 weeks to 6 weeks, as evidence suggests the additional two-week delay provides little benefit to consumers and prolongs unresolved disputes unnecessarily. In our own experience providers have delayed the process often in the same fashion they have delayed the clients deadlock letter and later even the solution contained in the judgement by Centre Communication & Internet Services Adjudication Scheme (CISAS). To add to injury an apology that was requested by the

adjudicator came only after chasing and in the end came as “We’re sorry.” That was it. Unsigned from an unknown employee. This was acceptable to CISAS even on appealing it. Technically I understand however in the spirit of what we undertake in a dispute this was inadequate. If a Director had to sign the apology you might see compliance improve. The client in this instance had already been told numerous times that the provider was sorry. When it came time to say sorry for real the provider chose to show contempt in the face of the adjudicator’s instruction and there was nothing that could be done any further.

Key Justifications:

- Data Supports the Change – Ofcom’s own review shows that 94% of complaints are resolved within 6 weeks, and of those still unresolved, very few reach a resolution in the final two weeks.
- Avoiding Unnecessary Harm – Consumers and micro businesses facing billing errors, service failures, or contract disputes should not have to wait longer than necessary before escalating to ADR. The extra two weeks only serve to delay resolution. Often from an uncooperative supplier in a position of great advantage. In most cases it is required that the end user continue to pay their bills. When it is an issue that combines services with equipment that was entirely mis-sold this leaves the consumer in huge amounts of debt that they must continue to pay until a resolution is forthcoming. This can result in great financial harm. In most micro business cases this can be crippling. If this business has 11 employees, it now finds no recourse but through expensive solicitors and court. In one instance in The Telecoms Advocate’s limited experience a micro business with a clear and easy to prove case, which ADR would have been perfect for, fell into this exact trap. In the end they could not afford a solicitor or court and had to pay the company that had taken advantage of them thousands.
- Incentivising Faster Complaint Handling – Shortening the timeframe encourages providers to resolve complaints more efficiently, reducing unnecessary backlogs in provider complaints departments and ADR schemes.

Recommendation:

While the reduction to 6 weeks is a positive step, Ofcom should also consider flexible escalation pathways for urgent cases (e.g., where financial distress or service disconnection is involved) to ensure those most in need can access ADR without undue delay. As a side recommendation the size of a micro business should be made more flexible. The sophistication

of business management is not related to the size of the business. This can easily be related: a solicitor firm with 3 employees will be far more sophisticated than a garage with 11 employees. The solicitor firm gets ADR but the garage does not.

3. Do You Agree With The Findings Of Our Provisional Impact Assessment?

I broadly agree with Ofcom's impact assessment, as it correctly identifies the primary costs and benefits of reducing the ADR access timeframe. However, some areas require closer scrutiny to ensure the proposed changes deliver their intended impact.

Key Considerations:

- Cost Implications for ADR Providers – Ofcom estimates that reducing the timeframe will increase ADR caseloads by 2.2%, costing providers an additional £3.5 million annually. While this appears manageable, ADR schemes must be monitored for capacity strain to avoid delays in case resolutions.
- Consumer Benefit Clearly Outweighs Costs – Faster access to ADR will prevent prolonged disputes, particularly for SMEs that suffer from financial uncertainty and operational disruption when complaints remain unresolved.
- Potential Unintended Consequences – If providers anticipate more cases reaching ADR sooner, they may adjust complaint-handling strategies in ways that could disadvantage consumers (e.g., increased use of settlement offers that may not fully reflect consumer rights).

Recommendation:

While the impact assessment correctly identifies the net benefit, Ofcom should closely monitor ADR caseloads post-implementation to ensure providers can handle increased demand. Ofcom should also ensure providers do not use the shorter timeframe as an excuse to cut corners in resolving complaints fairly.

4. Do You Agree With Our Proposed Implementation Period?

Yes, the 6-month implementation period appears reasonable, allowing telecom providers and ADR schemes sufficient time to adjust. However, some practical considerations should be addressed to ensure a smooth transition.

Key Considerations:

- Providers Need Time to Update Internal Processes – Complaint-handling teams must be retrained to align with the new 6-week rule, and providers must update their consumer communications to reflect the revised timeframe. In some companies The Telecoms Advocate have seen that there is no real complaints process and often telecoms companies just wing it. The companies "winging it" should be identified and brought into compliance. The damage being done is nearly always one sided. It is not the telecoms company that gets damaged by their non-compliance with General Condition C4. Enforcement of this does not exist in our experience.
- ADR Schemes Must Prepare for Increased Caseloads – While the increase is expected to be modest, CISAS and the Ombudsman must ensure they have the capacity to handle a potential rise in early-stage disputes without delays. There are plenty of college law graduates that could fill this need. Not every law graduate wants or can be a solicitor or barrister.
- Small Providers May Need More Support – Larger telecom companies can adapt quickly, but smaller providers may struggle with compliance in the given timeframe. When we say struggle what we mean is that they just won't comply. Ofcom should ensure clear guidance and enforcement measures to prevent non-compliance.

Recommendation:

Ofcom should monitor provider readiness throughout the transition period and provide additional support for smaller providers if needed. Ofcom should also consider a staggered rollout, where large providers transition first, followed by smaller firms, to reduce disruption.

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?

I disagree with Ofcom's proposal to re-approve both ADR schemes in their current form. While ADR is essential to providing consumers with an accessible and fair alternative to court, the existence of two separate schemes (CISAS and Communications Ombudsman or CO) creates an unnecessary divide that benefits telecom providers rather than consumers.

Key Considerations:

- CISAS functions like a formal adjudication process, similar to a court, while CO operates more as a customer service mediator, leading to inconsistencies in decision-making and potential bias towards providers. Providers already have a customer service department and hopefully a complaints department. What they need, and their customers need, is a skilled and unbiased adjudicator.
- Telecom companies can switch between the two, likely choosing the scheme that favours them the most rather than ensuring fairness for their customers. This is simple business. It's nothing personal. The Telecoms Advocate has seen a provider switch in this manner from CISAS to CO. In our research no one could provide a reason why they made the change.
- ADR is meant to take the burden off the courts, yet CO's approach may fail to uphold consumer rights as rigorously as a structured dispute resolution system should. Acting like customer service means that they are not acting as adjudicators. ADR is not a customer service process. It is there to settle a dispute, preferably in a punctual and final way.

Recommendation:

Ofcom should either consolidate ADR into a single, legally robust scheme or ensure both schemes adhere to the same strict legal and regulatory framework, preventing provider manipulation and ensuring fair outcomes for consumers. If ADR is meant to do something like a court, then it should work similarly to a court. It is understood that there are differences, but the ADR process and Ofcom should not be seen as a "late to the table" extended customer service arm of telecom providers.

6. Do You Agree With Our Proposed Changes To The Decision-Making Principles?

I partially agree with the proposed changes but believe they do not go far enough to ensure fairness, transparency, and consistency across ADR decisions.

Key Concerns:

- Inconsistency Between CISAS and CO Decisions – Without a single set of binding decision-making principles, the two ADR schemes can interpret similar disputes differently, leading to inconsistent outcomes for consumers and micro businesses.
- Lack of Transparency in How Decisions Are Made – Consumers often struggle to understand why certain claims succeed while others fail, especially when decisions are based on provider-submitted evidence that goes unchallenged.
- Potential Bias in How Evidence is Weighed – Some cases show providers benefiting from leniency, as ADR schemes sometimes accept provider evidence without requiring them to fully justify their claims. This is wholly unacceptable.

Recommendation:

The decision-making principles across both ADR schemes must be fully standardized to ensure consistency and prevent discrepancies in dispute outcomes. Clearer guidance on how evidence is assessed should be published, providing consumers with greater transparency and confidence in the process. Additionally, independent review panels should be introduced for complex cases to uphold fairness and ensure that ADR decisions remain legally sound. While the proposed changes represent progress, Ofcom must go beyond mere refinements and take decisive action to eliminate inconsistencies, ultimately strengthening consumer protections and improving the overall effectiveness of the ADR process.

7. Do You Agree With Our Proposed Changes To The KPI's Including The Proposed Implementation Period?

I partially agree with Ofcom's proposed changes to the Key Performance Indicators (KPIs) but believe they should be strengthened to provide greater accountability and transparency in ADR performance.

Key Concerns:

- KPIs Must Be Meaningful and Consumer-Focused – Simply tracking case resolution times is insufficient; ADR schemes should also be measured on consumer satisfaction, decision consistency, and fairness of outcomes.
- No Accountability for Provider Misconduct – Telecom providers often delay responses, provide misleading evidence, or obstruct the ADR process, yet current KPIs do not track provider behaviour or penalize repeated non-compliance. Why create an ADR scheme to correct issues when the issues are only corrected in that specific case. Then the next case comes from the same supplier. The same issue. Perhaps a different result. Then the same thing comes in again and again. No enforcement means no respect.
- Implementation Timeline Needs Enforcement Mechanisms – While a 6-month implementation period is reasonable, Ofcom must ensure strict monitoring and sanctions for non-compliance if ADR schemes or providers fail to meet the new standards.

Recommendation:

KPIs should be expanded to include consumer satisfaction, adherence to fair decision-making principles, and provider compliance metrics to ensure that ADR schemes are effectively serving the needs of consumers. Additionally, meaningful penalties should be introduced for telecom providers that repeatedly delay or obstruct the ADR process, discouraging bad practices and ensuring greater accountability. Regular post-implementation reviews must also be conducted to assess whether the updated KPIs are driving real improvements rather than simply meeting baseline targets. While the proposed changes represent a positive step, they must go further to create a more robust and consumer-focused ADR system that delivers fair and consistent outcomes.