



ADR Review
Ofcom
Riverside House
2a Southwark Bridge Road
London
SE1 9HA

12 March 2025

By email only to: ADRreview@ofcom.org.uk

Review of ADR in the telecoms sector: Consultation on Ofcom's review of Alternative Dispute Resolution (ADR) procedures established under the Communications Act 2003

Dear ADR Review,

Please find Virgin Media O2's (VMO2) response to the Consultation on Ofcom's review of Alternative Dispute Resolution (ADR) procedures established under the Communications Act 2003.

Question 1: Do you agree with our provisional analysis of whether our rules which facilitate access to ADR are meeting our objective?

Whilst VMO2 agrees with Ofcom's provisional analysis that the rules facilitating access to ADR are meeting the overall objective of the programme; namely, that procedures are easy to use, transparent, non-discriminatory and effective, there are aspects of the analysis that VMO2 considers have not been fully addressed, these are set out in response to Question 2.

Question 2: Do you agree with our proposal to modify the GCs to reduce the timeframe for access to ADR to 6 weeks?

VMO2 does not consider that the justification has been made to make the proposed change, nor does it appear proportionate. On the basis of the data that Ofcom has shared in the consultation, 94% ("the substantial majority") of complaints are resolved within the first six weeksⁱ.

Furthermore, there are a cohort of customers who do have their complaint resolved in the six-to-eight-week window who would be negatively impacted by the change. According to Ofcom's findings, of the roughly 700,000 consumers who have a complaint open at 6 weeks, 130,000 would be impactedⁱⁱ by the reduction to six weeks. These customers, who would have otherwise had their complaint resolved, would now be subject to further delay whilst the Ombudsman seeks to resolve the complaint, this point does not appear to have been addressed in Ofcom's analysis.

Given that only approximately 13% of consumers go on to access ADR once referredⁱⁱⁱ the change would appear to not be proportionate. There is an inference within the consultation that providers

are intentionally not resolving the remaining minority of cases that fall within the six-to-eight-week timescale, rather than an acknowledgement that these cases are complex in nature and delays are often as a result of providers waiting on third parties to enable resolution of the complaint e.g. councils granting permits for works to be undertaken.

There does not appear to be a case for Ofcom to intervene on this occasion.

Question 3: Do you agree with the findings of our provisional impact assessment?

No further comments, in addition to the points raised in response to Questions 1 & 2.

Question 4: Do you agree with our proposed implementation period?

VMO2 has no comments in respect of the proposed implementation period.

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.

VMO2 has no comments on the proposal to re-approve both schemes.

Question 6: Do you agree with our proposed changes to the decision-making principles? Please provide your reasoning.

VMO2 is neutral in relation to the proposed changes.

Question 7: Do you agree with our proposed changes to the KPIs including the proposed implementation period? Please provide reasons.

VMO2 has no comments in respect of the proposed changes to the KPIs.

We would, of course, be happy to discuss the points raised in this letter, should Ofcom find that helpful.

Yours sincerely,



Regulatory Policy & Compliance Advisor
Virgin Media O2 UK

ⁱ Paragraph 3.26

ⁱⁱ Paragraph 3.38

ⁱⁱⁱ Paragraph 3.60