

Question	Your response
<p><b>Question 1:</b> 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>Which? broadly agree with Ofcom’s analysis of the rules facilitating access to ADR. We agree that ADR services should be easy to use, transparent, non-discriminatory and effective.</p> <p>Redress schemes perform an essential function when complaints are not resolved by a communications provider (CP), and ADR provides consumers with a vital alternative to legal action. Consumers should be able to access redress schemes in a timely manner, without cost, unnecessary delay, or prolonged exposure to harm and detriment.</p> <p>The evidence that Ofcom commissioned as part of this consultation found that the ADR process can be burdensome for consumers. The ADR process can be frustrating and, in some contexts, place the consumer at a disadvantage.<sup>1</sup> We believe that Ofcom, CPs and dispute resolution schemes should proactively reduce barriers to access ADR, and CPs should facilitate this access no later than six weeks after a complaint has been raised.</p> <p>Furthermore, the consultation does not specifically cover enforcement issues, an important part of effective ADR procedures. <a href="#">Section 54(2)(g) of the Communications Act 2003</a> stresses that Ofcom must be satisfied that dispute procedures enable awards of compensation to be properly enforced. Although scheme providers prompt CPs after 28 days if the resolution or remedy is not implemented, the ADR process has not always been effective at ensuring CPs timely compliance with decisions.</p> <p>An additional area where the existing rules may not be furthering Ofcom’s objective relates to the provision of information to consumers about ADR. Consumer aware-</p>

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<sup>1</sup> JIGSAW (2025) Understanding the Alternative Dispute Resolution Process. Available at: <https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-1-10-weeks/review-of-adr-in-the-telecoms-sector/main-and-supporting-docs/annex-8b----consumer-research-jigsaw-full-report.pdf?v=388855>

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	<p>ness of ADR and the provision of information to facilitate access varies between CPs and should be monitored closely. In the 2018 Modernising Consumer Markets consultation response for the Department for Business, Energy &amp; Industrial Strategy (BEIS),<sup>2</sup> The Legal Ombudsman recommended clear signposting requirements be put in place for ADR, especially for providers enrolled in mandatory ADR schemes. In the <a href="#">2025 consultation</a>, Ofcom highlighted low consumer awareness of ADR schemes and CP signposting rates as low as 19%.<sup>3</sup></p> <p>We suggest Ofcom develop processes to mitigate poor performance practices from CPs and strengthen the ADR consumer journey. Poor performance practices may result in consumers missing out on redress schemes if they have low levels of digital capability or if they lack the ability to access relevant information. Which? acknowledges Ofcom's assessment that they are 'starting to see improvements' and would like Ofcom to provide detail around the following in their annual reports:<sup>4</sup></p> <ul style="list-style-type: none"> <li>• What their engagement with communications providers looks like</li> <li>• What parameters are being set to measure performance for these compliance issues</li> </ul> <p>Ofcom's rules do appear to be meeting the set objectives. However, if CPs continue to demonstrate levels of low or non-compliance, although not viewed as a 'major barrier' by Ofcom, these instances should be recorded as impeding access to redress mechanisms, and continued</p>

<sup>2</sup> Legal Ombudsman (2018) Consultation Response. Available at: <https://www.legalombudsman.org.uk/media/h3nd5trk/leo-response-to-beis-consumer-green-paper-july-2018.pdf>

<sup>3</sup> Ofcom (2025) Review of ADR in the telecoms sector. Available at: <https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-1-10-weeks/review-of-adr-in-the-telecoms-sector/main-and-supporting-docs/consultation-review-of-adr-in-the-telecoms-sector.pdf?v=389566>

<sup>4</sup> Ofcom (2025) Review of ADR in the telecoms sector. Available at: <https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-1-10-weeks/review-of-adr-in-the-telecoms-sector/main-and-supporting-docs/consultation-review-of-adr-in-the-telecoms-sector.pdf?v=389566>

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	violations must be addressed.
<p><b>Question 2:</b> 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>Which? supports Ofcom's proposal to reduce the timeframe to access ADR from eight to six weeks. We agree that delaying access within the six to eight-week period causes unnecessary harm for consumers.</p> <p>This proposal aligns with Which? consumer research suggesting broad support for reducing the time to access ADR and our August 2024 response to Ofcom's Call for Input where we advocated for reducing the eight week timeframe.<sup>5 6</sup></p> <p>If Ofcom decides to reduce the time to access ADR, it will be essential that providers meet the implementation deadline and Ofcom monitors the impact of this change on an ongoing basis. Ofcom should continue to collect data from CPs on the length of time before a complaint is resolved or escalated to an ADR provider, so that there is continued evaluation of the effectiveness of the timeframe between an unresolved complaint and ADR.</p>
<p><b>Question 3:</b> Do you agree with the findings of our provisional impact assessment?</p>	<p>Confidential? –N</p> <p>Which? are in broad agreement with Ofcom's provisional impact assessment findings. Like Ofcom, we hope the timeframe reduction incentivises CPs to improve their complaint handling procedures and customer service.</p> <p>Which? supports the principles in the <a href="#">Communications Act</a>, that dispute procedures should be free of charge for domestic customers. Therefore, we have some concerns</p>

<sup>5</sup> Survey conducted by Yonder, on behalf of Which? Of 2145 UK adults online between 13th and 15th August 2021. Data were weighted to be representative of the UK population by age, gender, region, social grade, tenure and work status

<sup>6</sup> Which? (2024) Which? written input into Ofcom review of ADR. Available at: <https://www.which.co.uk/policy-and-insight/article/all-for-inputs-review-of-adr-in-the-telecoms-sector-which-response-abniB4Y0b1uK>

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	<p>about the potential cost increases that could be passed onto consumers if the volume of cases referred to ADR rises. Ultimately, the costs of providing effective customer service should be borne by the CP and not by the consumer. Ofcom acknowledges that the cost implications are likely to vary by CP, but in principle, it would not be appropriate for consumers to foot the bill for compliance costs arising from these changes. Ofcom must be prepared to act if it finds evidence that an increase in referred cases results in consumer bills rising.</p> <p>Which? recognise that it will be challenging to understand the motivation of CPs but we think this is an important consideration Ofcom should bear in mind when considering how well the two schemes are performing overall.</p> <p>We encourage Ofcom to conduct a regular review of how often consumers require accessibility adjustments and how effective these processes are. Additionally, we believe that this information should be gathered and published within ADR scheme providers annual reports. The data will be helpful to understand customers' needs, so Ofcom can evaluate standards of practice in meeting the needs of consumers in vulnerable circumstances.</p>
<p><b>Question 4:</b> Do you agree with our proposed implementation period?</p>	<p>Confidential? –N</p> <p>We agree that the three month implementation period to report against the updated KPIs and the six month deadline to facilitate quicker access to ADR are sufficient. It will be critical that Ofcom assesses provider compliance with the implementation deadlines and is prepared to take action if providers are non-compliant.</p>
<p><b>Question 5:</b> 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>We understand the basis upon which Ofcom proposes to reapprove both ADR schemes in the telecoms sector. Which? believe that there should be a single mandatory ombudsman service in key economic sectors as this</p>

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	<p>would help ensure consistency and accountability within a key sector for consumers.<sup>7</sup> This approach, as stated by the Ombudsman Association,<sup>8</sup> would assist Ofcom in its objective to ensure a consistent process in consumer experiences with ADR.</p> <p>The choice of ADR provider is ultimately a choice that is only available to the CP and not the consumer. Based on an assessment of key attributes for ADR schemes undertaken by Which? in 2021 telecoms was among the best performing sectors.<sup>9</sup> However, while we accept that Ofcom has not found significant variation in the outcomes between schemes, we are concerned that in sectors with more than one ADR provider, firms may choose an ADR provider based on a real or perceived benefit to the company rather than to the consumer. In this scenario, competition among ADR providers to attract firms could lead to ADR providers offering incentives that may benefit the firm but not the consumer.</p> <p>In the telecoms sector, it is unclear whether ‘cherry-picking’ of providers is an issue in the same way it is within other sectors. However, the factors that might motivate CP choice to pick one ADR provider over another do not seem to have been considered by Ofcom <a href="#">Which’s 2021 policy report</a> highlights a 28,000 case discrepancy between cases submitted to the CO compared to CISAS. Furthermore, the CO has approx. 1080 CPs signed up compared to 256 CPs signed up to CISAS. This is a significant difference, but Ofcom does not consider whether there are specific factors that explain this large variation in membership. It would be helpful to understand whether this is something that Ofcom examined in</p>

<sup>7</sup> Which? (2021) Are Alternative Dispute Resolution schemes working for consumers? Available at: <https://media.product.which.co.uk/prod/files/file/gm-f5046213-9774-44d2-9800-e1bdf7c19564-60a3915155246-adr-report-v9-2.pdf>

<sup>8</sup> Ombudsman Association (2024). Available at: <https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-2-6-weeks/272333-review-of-adr-in-the-telecoms-sector/responses/ombudsman-association/?v=259425>

<sup>9</sup> Which? (2021) Are Alternative Dispute Resolution schemes working for consumers? Available at: <https://media.product.which.co.uk/prod/files/file/gm-f5046213-9774-44d2-9800-e1bdf7c19564-60a3915155246-adr-report-v9-2.pdf>

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	<p>the context of the consultation and how CPs choose and decide between one ADR scheme over the other.</p> <p>Consumers should have consistent experiences and move through ADR procedures that are fair and accessible. Consumers struggle to understand what evidence to submit, their expectations for the process and how compensation is awarded. It is important to note that <a href="#">Jigsaw's</a> consumer research found that information about ADR services was most commonly searched for via websites that were not connected to the schemes, highlighting how schemes can better inform some consumers.</p> <p>On Ofcom's assessment of outcomes between the two ADR schemes, we agree that in principle, differences in process are less salient than differences in outcome. Research commissioned by Ofcom indicates that process differences are not resulting in detrimental outcomes for consumers.<sup>10</sup> There are some differences between provider processes and outcomes, addressed by Ofcom in the consultation review. Although Ofcom reported no "concerning" differences in consumer outcomes, on average Communications Ombudsman (CO) consistently awarded £76 less for distress &amp; inconvenience (D&amp;I) than Communication &amp; Internet Services Adjudication Scheme (CISAS) was £76. This does appear to be a significant difference and so we would welcome clarity from Ofcom on how it has determined the difference in consumer outcomes here is not salient in the context of re-approval.</p>
<p><b>Question 6:</b> Do you agree with our proposed changes to the decision-making principles? Please provide your reasoning.</p>	<p>Confidential? – N</p> <p>As part of the process for reviewing ADR in the telecoms sector, Ofcom is proposing to make changes to the scheme's decision making principles. These changes relate to different categories including the guiding princi-</p>

<sup>10</sup> Jigsaw (2024) Understanding the Alternative Dispute Resolution process. Available at: <https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-1-10-weeks/review-of-adr-in-the-telecoms-sector/main-and-supporting-docs/annex-8b----consumer-research-jigsaw-full-report.pdf?v=388855>

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	<p>ples, decision guidelines and compensation guidelines. We think there is a strong rationale for updating the principles to ensure that they are aligned with other ADR schemes, but the underlying rationale for these changes does not appear to be referenced in the consultation document.</p> <p>These principles were established in 2012 when as a condition of reapproval, both schemes were required to adopt principle-based guidelines to inform decision making.<sup>11</sup> Ofcom now proposes to remove the principles related to 'measured performance' and 'official approval', arguing that they are already covered by other principles. The decision making principles were applied originally to ensure that schemes were operating in a consistent manner. At the time, Which? along with other organisations called for the implementation of these principles to be routinely monitored. It is uncertain whether this has occurred and the principles are not referenced in the CISAS '<a href="#">rules</a>' or CO '<a href="#">terms of reference</a>' or the <a href="#">Ofcom approved code of practice</a> on complaints.</p> <p>The consultation does not state how or why Ofcom has made the determination to reduce the number of principles. When Ofcom originally consulted on them in 2012, it did so on the basis that each principle was distinct. If subsequently this has changed, it would be helpful to understand the cause. We are concerned that by removing these principles it could potentially disincentivise good practice by schemes to examine and learn from their performance. Yet, it is unclear whether Ofcom has considered any practical effects on the decisions made by ADR providers as a consequence of removing these principles.</p> <p>Ofcom also proposes 'Minor changes to the decision guidelines'. The nature of the changes are minor except for point i where the proposed change may dilute the principles away from a notion of fairness and towards a</p>

<sup>11</sup> Ofcom (2012) Review of Alternative Dispute Resolution Schemes. Available at: <https://www.ofcom.org.uk/siteassets/resources/documents/consultations/uncategorised/8116-adr-review-12/statement/statement.pdf?v=333106>

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	<p>more general emphasis on equal treatment. The original wording of the principle states that ADR providers must 'ensure that they have treated the CP and the consumer fairly so that neither is unduly disadvantaged', but the revised wording changes this to ensuring 'treated the CP and the consumer equally so that neither is disadvantaged.' The wording of the revised principle would seem to allow an ADR provider to treat both a consumer and CP adversely so long as such adverse treatment is experienced equally across both parties. Although this is evidently not the intent of the change, the language can be seen as more ambiguous than the current wording. Ofcom should set out the underlying rationale for this change, to ensure the correct interpretation.</p> <p>Ofcom also proposes replacing the five guidance points on compensation with wording to remind schemes to have appropriate policies on compensation levels and for schemes to apply these consistently. Although the compensation guidelines serve to aid rather than proscribe the action of decision makers, it is evident that the existing text suggests more detailed points for decision makers to consider whereas the amended text is more generic. We believe that these changes are not helpful for the consumer as it doesn't provide them with enough detail on what they should do next. It is a matter of natural justice that decision makers should be given proper background and reasons for how a decision has been made. These are provided for within the current rules which outline points relating to</p> <p>the nature of the breach that has triggered an award, why this breach is sufficient to justify an award, factors affecting the size of the award and the precise level of an award. In the case of the proposed rules, Ofcom does not appear to have outlined why consumers should not be provided with these types of information.</p> <p>In addition, we believe that the decision making process for ADR must be underpinned by greater levels of transparency. The Financial Ombudsman service publishes anonymised versions of their decisions and this provides greater transparency over how decisions are made. We suggest that in the context of Ofcom's review of these</p>

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	<p>schemes, this is something the regulator must consider.</p>
<p><b>Question 7:</b> Do you agree with our proposed changes to the KPIs including the proposed implementation period? Please provide reasons.</p>	<p>Confidential? – N</p> <p>Which? agree with proposed changes for KPIs to be better aligned with scheme performance. The proposed changes to tighten answered call times are positive improvements that will improve the consumer experience of ADR.</p> <p>Having previously commented on the narrow scope of ADR KPIs in 2024 Which? agree that the KPIs need to be adjusted to ensure Ofcom have oversight of performance practices and is good practice for scheme providers as they are incentivised to be mindful of how they are meeting KPIs for measured performance. The introduction of a new KPI for digital correspondence is positive addition and improvement. Which? are satisfied with the proposed 90% response time in three working days for digital correspondence and maintenance of the 10-day target for responding to 100% of all written correspondence (whether postal or digital). Ofcom should continue to keep these KPIs under review as communications technology and consumer preferences evolve over time.</p> <p>Assessing overall satisfaction is a key signal for consumers to build trust and confidence in the ADR process. Following our call for input response, Ofcom has evaluated quality of service and customer satisfaction as potential additions to the existing KPIs. Ofcom's decision to not to introduce these measures as KPI does not provide clarity about how and when scheme providers will 'harmonise and improve the consistency of their customer satisfaction data'. As part of the consultation review, Ofcom's suggestion to improve oversight in this area can be strengthened by using their enforcement powers to impose requirements such as implementation periods and deadlines for annual independent surveys of consumer trust and satisfaction to monitor their effectiveness in</p>

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	<p>meeting consumers' needs, including collecting data about the age, income and other relevant characteristics of users instead of a general request for schemes to publish customer satisfaction data on their websites.</p>

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