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**ADR Review Team, Network and Communications**

**Ofcom**

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Dear ADR Review Team,

BT welcomes the opportunity to respond to Ofcom's call for input, to help inform its review of Alternative Dispute Resolution (ADR) procedures.

We believe there is no need for further formal regulatory intervention, but there are areas where additional Ofcom facilitation or guidance could enable better processes and communication between providers (CPs) and the ADR. The key points we address in our response are:

- The current ADR procedures are in general working well for consumers and small businesses, including the eight-week timeframe.
- Ongoing process improvements would be better facilitated by more engagement from the ADR. Regular quarterly meetings with the Communications Ombudsman should be reinstated, to give an opportunity for the ADR to take input to improve their service.
- ADR providers should share the specific parameters of data, which have been used to compile reports and CPs should be advised in advance of any publication.
- CPs should have access to the information provided by the ADR to Ofcom, to help facilitate our work in identifying potential reporting errors.
- It would be beneficial for all appeals to be visible on the portal and included in the overall volumes. CPs and customers should receive outcomes communications at the same time to ensure a transparent process.

We provide more detail on each of these points below.

**Current ADR procedures are working well for consumers and small businesses.**

We agree with Ofcom, that it is important that consumers and small businesses (here in referred to as consumers) can access fair and effective complaints handling processes. BT Group's consumer brands are all members of the Communication Ombudsman (CO), with whom we have established a good working relationship.

The vast majority of consumer complaints are successfully resolved through our own complaints handling processes. But for those customers where we cannot successfully resolve their issue, we consider the existing rules (which allow consumers to take their complaint to ADR eight weeks after they have complained or, before that, when their complaint has reached deadlock) are appropriate and working well. There are, however, a few areas where slight changes would improve the process.

### **The eight-week timeframe to ADR remains appropriate.**

It is of course important that consumers can access the scheme in an easy and timely manner. We therefore signpost to the ADR scheme in several ways such as through our complaints process, in pre-contract information and in our terms and conditions<sup>1</sup>. We understand that some stakeholders may call for a shorter than 8-week period before a consumer can take their claim to ADR, but we believe that the current 8-week process is working well. It affords CPs a fair and reasonable timeframe to investigate, fix issues for consumers, and if necessary, escalate those issues - while keeping consumers informed throughout the 8 weeks. A shorter timeframe would not allow us sufficient time to properly evaluate and help customers.

### **We would like to see more engagement from the ADR to help with ongoing process improvement.**

It is important that ADR providers are transparent and robust in their approach to reviewing and managing the complaints raised to them and are held accountable for their decision-making processes. We therefore welcome the fact that Ofcom plans to review its processes for overseeing ADR providers on an ongoing basis. We work closely with our ADR provider, the CO, to ensure the scheme is administered correctly and they provide an effective alternative to court proceeding. However, we do have concerns with how the CO engages with CPs and would like to see this improved. Although it is relatively simple for a customer to report a complaint to ADR, it is not straightforward for a customer or business to report an issue *about* an ADR provider.

CPs used to have regular quarterly meeting with the CO to discuss the complaints process and where any issues had emerged. These regular meetings have been suspended for over two years. We welcome the upcoming meeting in February 2024 and would like to see regular meetings reinstated, so that the ADR is able to take inputs from key stakeholders to improve their service. For instance, BT Group is currently concerned about the accuracy of the data published by the ADR providers on complaint types and outcomes of cases. We have seen cases previously where data was not correctly reported, such as the categorisation of complaint types. An example being BT 'delayed provide', being categorised as 'equipment' which is not a true reflection of the root cause of the complaint, and so limits our ability to address issues. It is imperative that such information is captured correctly, and that CPs are advised in advance of any publication of such reports so that the information can be validated. ADR providers should share the specific parameters of data which have been used to compile the reports.

We also consider that having just two ADR providers to choose from is restrictive. It would be more beneficial for CPs to have a wider choice available to them. Moreover, the current two providers, the CO and the Communication & Internet Services Adjudication Scheme (CISAS), are also very differently in their models and in the way they operate. We find it odd that companies providing support to customers and CPs in regard to ADR work following different models, as this could potentially result in different outcomes depending on who the customer and the business decide to deal with.

### **Transparency of the ADR schemes could be improved by clearer rules and improved accessibility.**

We are pleased to see that transparency is one of the key criteria cited by Ofcom in its call for evidence. The current process of ADR providing quarterly information in an informal manner to Ofcom should follow a formal process, as it would afford more clarity for CPs.

This informal process means that we do not know how our results data is shared with Ofcom by the ADR. We understand that our data is provided to the regulator quarterly from the ADR provider. However, we have had instances, where upon noticing issues in the ADR provider reports, we had to backtrack to our own data to raise challenges back to the ADR provider on incorrect decisions, disputes, outcome, and average awards. CPs should have access to the information provide to Ofcom to facilitate our work in identifying potential reporting errors.

Furthermore, the appeals process is not as transparent as it was prior to the change in operating model, that moved away from a single dispute resolution expert dealing with a complaint case end to end. With the new model, only the first appeal is visible in the ADR portal which gives an indication that the appeal has been reported. However, a lot of second and third appeals do not go into the portal and are not reportable in overall volumes. We believe that all appeals should be visible in the portal and should be included in the overall volumes.

Furthermore, the fact that the ADRs communicates the outcomes of its decisions to the customer before the CPs does not feel impartial. By communicating first with the customer, the ADR gives customers an advantage over the

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<sup>1</sup> [Regulatory documents and codes of practice | EE](#)

CP and potentially the opportunity to negotiate on an award. We believe it would be beneficial that providers and customers receive outcomes communications at the same time.

We would be happy to discuss our response in more detail with Ofcom if that would be helpful. In the meantime, should you have any question do not hesitate to contact us.

Best regards,

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