

## **Satellite and Cable Broadcasters' Group**

### **Response to the Consultation on the Revision of Guidance on Complaint Handling**

#### **Executive Summary**

- The SCBG welcomes Ofcom's move to make all three sets of guidance more consistent and considers the revision to be a much clearer guide to procedure in this area.
- The SCBG has some concerns about certain areas of the revised guidance which it hopes Ofcom will be able to address:
  - On three issues - the right to request for a review of a decision, representation from 3<sup>rd</sup> parties and the publication of findings prior to any request for a review – we are concerned that there has been little serious discussion as part of the wider consultation. All three proposed changes could have a major impact on the result of any Ofcom decision on a complaint.
  - We are particularly concerned by the move to solicit representation from directly affected 3<sup>rd</sup> parties in the event of a complaint. It is unclear what criteria would be used to identify who those 3<sup>rd</sup> parties might be. SCBG believes this could make the investigation process more complicated and cumbersome than is currently the case.
  - Whilst we welcome the right to request a review for both sides of a complaint, we are concerned that this could mean that investigations are unnecessarily extended or adjudications changed due to repeated or aggressive review requests. This could result in more judicial review challenges to Ofcom decisions. A balance needs to be struck between the right to request a review and ensuring a fair and swift outcome to an investigation.
  - Given the right to request a review is being put forward, we would suggest that an adjudication not be published immediately until it is clear whether there will be any request for a review from either party in the complaint. There could possibly be a time limit on review requests in order that the adjudication be published as soon as possible.
  - The SCBG considers the 24 hour notice of a sanctions adjudication before it is released into the public domain to be too short. As many SCBG members are multi-national companies, this is often not long enough to ensure that all of the people who need to be have been briefed. We believe 48 hours is a more realistic proposition in this case.
  - Whilst we agree with the setting of realistic timelines for investigation and adjudication, we would not want this to affect the vigour of investigation in more complicated cases.

- Equally we are concerned that 5 working days to track down a recording in the event of a complaint is not always a realistic proposition. A slight extension of this deadline would be helpful.
- Some of the terms used within the guidance are unclear and clarification of what Ofcom means when it uses them would be useful.
- It would be useful to know what the composition of the new committees will be as soon as possible.