

Ofcom “Call for inputs – review of ADR in the telecoms sector” *CCUK response – January 2024*

About CCUK

1. Comms Council UK is a membership-led organisation that both represents and supports telecommunications companies that provide services to business and residential customers in the UK. We keep Britain talking in its various guises by providing or reselling voice services over data networks (VoIP) as well as other “over the top” applications including instant messaging and video.
2. The membership is a mixture of network operators, service providers, resellers, suppliers and consultants involved in a sector that is diversifying rapidly. CCUK represents its members at a policy level, builds coalitions to collaborate on industry initiatives and provides a platform to help members prepare for change, learn about new trends and develop new business relationships.
3. We welcome the opportunity to respond to this consultation into the scope of Ofcom’s review of alternative dispute resolution (ADR) in the telecoms sector. We have conducted an initial consultation with CCUK members to help guide this response. We trust that our submission is useful and we remain at your disposal to answer any questions arising.

Contact

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CCUK’s relationship with ADR

4. As one of our membership benefits, CCUK provides its members with access to the dispute resolution service Communications Ombudsman (for companies with an annual turnover under £20m) to ensure that they comply with their obligations under the Communications Act. Members value this as a useful part of their membership benefits. In recent years, many of our members have not had to make use of such services, demonstrating the high quality, customer-focussed service that our sector provides.

Consumer experience of the ADR process

5. CCUK supports an examination of ADR participant experience being in-scope for Ofcom’s review. However, this must not disproportionately focus on domestic consumers, but the experiences of businesses and providers should be fully explored too. Whilst many of our members express a high degree of satisfaction with their ADR experience in the main, there has been some dissatisfaction raised where processes can be unduly weighed in favour of the complainant.
6. Members have also suggested measures to curb frivolous complaints and to ensure that all complaints brought forward present a *prima facie* case to answer. There are concerns that the communications provider currently takes on all the risk in ADR, preventing it from being a fully fair, balanced, and reasonable dispute resolution system. This review must be arranged so as to give the views of all parties involved in ADR equal weight.

Facilitating access to ADR

7. We also have some concerns about suggestions that the ADR start time should be shortened from the current eight weeks down to four. This review needs to ensure that Ofcom gives sufficient space to hear other arguments, including whether or not four weeks would be sufficient time for solvable cases to be resolved without the need for ADR, chargeable on providers. The review must ensure that the provider point-of-view is heard on this.

ENDS