

Alan Pridmore
Floor 6
Dept Consumer Policy
Ofcom
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4 October 2008

Dear Alan

Review of Alternative Dispute Resolution and Complaints Handling Procedures

This response has been prepared on behalf of the Fixed Service Providers Association (FSPA) a group within the Federation of Communications Services, which represents more than 130 service providers and resellers of fixed telephony services including Wholesale Line Rental (WLR), calls packages and broadband. A list of our members can be found on the FCS website- www.fcs.org.uk

We welcome the opportunity to respond to this consultation as we believe that the efficient and fair management of customer complaints is essential to a good customer experience and the image of the competitive telecoms industry. The adoption of clear guidelines on industry performance in this area helps to create a level playing field and to drive up standards.

Our detailed replies to the consultation questions are set out below:

Question 1: *Do you agree with the following definition of Complaint: "Complaint means an expression of dissatisfaction made to a Communications Provider related to its products or services, or the complaints-handling process itself, where a response or resolution is explicitly or implicitly expected."*

Yes. We believe that it is helpful to have a standard definition for a complaint and that it makes sense that this should be based on a recognized standard such as an ISO standard. We believe that the same definition should also be used in other applicable areas of regulation such as Quality of Service reporting.

We are cautious about the automatic logging of all faults as “complaints” which is a possible interpretation of clause 3.15. We believe that a complaint should relate only to unsatisfactory management of the fault by the communications provider.

Question 2: *Do you agree that a consumer should have the right to go to ADR: (a) eight weeks after a complaint is first received by a CP; OR (b) earlier, if a CP has issued a deadlock letter.*

We do not believe that the period after which customers have an automatic right to refer complaints to an ADR service should be reduced. Communications providers are often dependent on feedback from suppliers to resolve complaints about, for example, the validity of Time Related Charges. This can often take several weeks to obtain and there is therefore a danger that more cases will be referred to SDR with an increase in cost to the communications provider but no benefit to the customer.

Question 3: *Do you agree with our preferred Option 4 that a CP should be required to give written notice about ADR:*

*(a) Within five working days after the Communications Provider received the Complaint, unless the complaint has been resolved at the first point of contact; (If a consumer contacts a CP again about a matter which the CP reasonably believed to be resolved at first contact then notice should be given at that time) AND
(b) eight weeks after the CP first receives the complaint, earlier if the complaint is resolved or when the CP issues a Deadlock Notice.*

We believe that Ofcom’s preferred option is actually option 3, which requires the CP to inform customers of their right to refer to an ADR scheme when the complaint is first received and again at the point when the customer has the right to make such a referral.

Ofcom has noted this is the most expensive option for CPs. However, we agree that it is good practice to alert the customer to their right of referral when acknowledging the complaint and when issuing a deadlock notice. We are puzzled as to why it would be considered useful to provide this information on resolution of a complaint.

Question 4: *Do you agree that the notice about ADR which CP should give must be:*

*(a) be in writing in a durable form be in plain English, clearly written and concise;
(b) include a reference for the complaint; include details of the ADR Scheme which the CP is a member of, including contact details;
(c) and summarise when the consumer has the right to go to ADR Scheme and the role of the ADR Scheme.*

On the basis that “in writing” includes notification via email where this has been agreed with the customer, we agree with this requirement. We also agree with Ofcom’s suggestion on the information which should be provided in such a written notification.

Question 5: *Do you have any comments on the criteria which we propose we will use in our future review approval of the ADR Schemes?*

We agree in principle with the criteria suggested. We also note Ofcom's point that these schemes are effectively funded by communications providers and that all requirements place on providers of ADR services should be proportionate to ensure that the services are operated in a cost effective way.

Question 6: *Do you agree that CPs' should be required to comply with a single Ofcom Approved Complaints Code of Practice which sets out high level mandatory standards for complaints handling?*

We agree that it is helpful that there should be clear guidelines on Ofcom's requirements in this area. We believe that providing high level standards is appropriate as this enables communications providers the flexibility to incorporate and document the requirements into their own procedures in a way which suits them.

We agree that it is reasonable to require communications providers to charge customers at no more than geographic rates for making a complaint by telephone but we do not believe that requiring the provision of a free phone number would be proportionate.

Question 7: *Do you agree that CPs should be required to keep a log of all complaints? We could require CPs to log complaints when they are first received and as they are handled. These records must include as a minimum for each Complaint a log setting out:*

- (a) details of the Complainant, including their name and address;*
- (b) the date on which the Complaint is first received;*
- (c) a description of the Complaint*
- (d) and a description of how the CP deals with the Complaint.*

We believe that the logging of complaints by CPs represents good practice and agree with the detailed data which it is proposed should be included.

Question 8: *Do you agree that three months from publication of the Statement for this Review is a reasonable period to implement the changes proposed in this Consultation Document?*

Some CPs may need or wish to make changes to computer systems to improve their ability to log and track the progression and resolution of complaints in line with the guidelines in Ofcom's Code of Practice. We would, therefore, suggest that 6 months is a more appropriate period for implementation.

We trust that the above responses are helpful and would be willing to discuss further the detail of any of the points in our response.

Yours sincerely

A handwritten signature in blue ink that reads "Michael Eagle". The signature is written in a cursive style with a large, stylized 'M' and 'E'.

Michael Eagle

General Manager