

# **Review of ADR In the Telecoms Sector**

Independent Networks Cooperative Association

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## 1 Introduction

- 1 The Independent Networks Co-operative Association (INCA) is the leading UK trade association representing organisations deploying independent digital infrastructure. Founded in 2010, INCA aims to foster a new approach to digital infrastructure, focusing on full-fibre (FTTP) and high-quality wireless broadband whilst campaigning for the policy and regulatory support needed to maintain a healthy, competitive market. INCA has over 200 members and represents most of the full-fibre infrastructure builders commonly referred to as Altnets. Members include network owners, operators, suppliers, and managers as well as access networks, middle mile networks, network hubs and exchanges and organisations (including public sector) that are developing or promoting independent networks.
- 2 INCA welcomes the opportunity to respond to Ofcom's consultation to review Alternative Dispute Resolution (ADR) procedures. INCA agrees with Ofcom that it is important that consumers can access a fair and effective complaints handling process.

## 2 Facilitating Access to ADR

- 3 INCA is aware of consumer bodies, for example Which? and MoneySavingExpert, who have called for access to ADR to be significantly less than the current 8 weeks.<sup>1</sup> Whilst this may be feasible for ADR schemes in other sectors, and perhaps even some situations within telecoms, it cannot be universally expected for complex issues within telecoms to be resolved faster than which the current timeframe permits.

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<sup>1</sup> MoneySavingExpert, Sharper Teeth: The Need for Ombudsman Reform, Nov 2017

- 4 For example, within fixed telecoms, a consumer may have a complex issue with regards to the delivery and installation of network infrastructure to the premise which requires significant investigation and the involvement of third-parties.
- 5 INCA contends that maintaining the current 8-week period prior to accessing ADR is appropriate, unless a deadlock has already been reached at which point it is correct for the complainant to be able to access ADR. 8-weeks weeks is a fair and reasonable timeframe for providers to abide by to allow for a thorough investigation and solution. Reducing this to 6-weeks may not allow providers to sufficiently evaluate and investigate certain issues, subsequently resulting in the customer left feeling more aggrieved.
- 6 Furthermore, reducing the timeframe to 6-weeks would potentially increase the volume of cases going to ADR which would ultimately increase costs for providers.
- 7 INCA recommends that, if the 6-weeks proposal proceeds, Ofcom should undertake information gathering from stakeholders prior to the next statutory review of the ADR schemes, to measure the impact of this change on ADR scheme providers and network providers.

### 3 Implementation Period

- 8 INCA believes that 6-months may not be suitable to allow for the requisite internal amendments to be made. INCA contends that 12-months would be more suitable.
- 9 Seeking to change the rules regarding access to ADR is not straightforward and requires significant alternations to businesses' operations including (but not limited to) amending staff handbooks, issuing internal guidance, staff training, amending external facing communications, etc.
- 10 It is not reasonable to suggest all of these can be completed sufficiently within 6-months. INCA contends allowing for 12-months would allow for amendments to be completed properly and for required staff training to be completed appropriately; if

it was rushed through in 6-months, there is heightened risk that any aspects may be overlooked, potentially resulting in conflicting information being in the public domain, resulting in greater feelings of customer dissatisfaction.

## 4 Re-approval of ADR Schemes

- 11 INCA does not disagree with the re-approval of both the Communications Ombudsman or the Communications and Internet Services Adjudication Scheme as the two recognised ADR scheme providers within the sector.
- 12 INCA would, however, also like to see greater engagement from the ADR scheme providers; currently, once 8-weeks have passed or a situation is deadlocked, it is relatively simple for a consumer to escalate a complaint to the relevant ADR scheme provider, however, it is not straightforward for a consumer or provider to report an issue about an ADR provider. Instigating quarterly or bi-annual meetings between communication providers and ADR providers would allow for the schemes to take valuable input from CPs to improve quality of service.

## 5 Changes to Decision-Making Principles

- 13 INCA has no objection to the proposed amendments to the decision-making principles. INCA considers the amendments to be minor.

## 6 Changes to KPIs

- 14 INCA agrees with the proposal to change the key performance indicators. Whilst the KPIs are focussed on the right areas and scheme providers have consistently met or exceeded them, it is appropriate that the KPIs are reviewed and amended to allow for continued improvement of service.

15 As outlined within the consultation, as the schemes consistently overperform against the existing KPIs, the KPIs may no longer be as effective as they once were in helping to identify problems or to provide incentive for scheme providers to improve case-handling processes.

16 INCA is concerned, however, that implementation within 3-months is insufficient and it would be sensible to allow for 6-months. This would allow for a full-and-proper implementation with a focus on proper staff training, updating internal operations and updating external-facing communications, rather than it potentially being rushed and important aspects being overlooked.