



UKCTA Response to A Review of Consumer Complaints Procedures

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UKCTA welcomes the opportunity to comment on the proposals set out in Ofcom's consultation document. We also met with Ofcom's team on 17 February 2010 to discuss our association's position.

In general, UKCTA welcomes the overall intention of these proposals to provide high-level guidelines and minimum standards for complaint handling but still has concerns with some of the detailed aspects of the proposed code. We support Ofcom's objective of ensuring that consumers are able to find out easily how to make a complaint and that they can be assured that their complaint will be dealt with in an appropriate manner. However, UKCTA believes that the proposals as they stand still go beyond what is needed to achieve that objective.

We set out our specific concerns below, some of which were discussed at our recent meeting with Ofcom.

Prescriptive Requirements

Whilst we recognise that Ofcom has amended some of the more prescriptive and costly elements of its original proposals, we continue to believe that some of the proposed rules are unduly prescriptive. For instance we do not agree that it is meaningful to stipulate the exact location of the code of practice in terms of the number of clicks from the main website or that it is sensible to try and direct the precise wording about ADR that should be found on the back of customer bills. With regard to the inclusion of wording regarding ADR on customer bills, we are also concerned that this may encourage customers to attempt to go straight to ADR without first engaging with their CP through the complaints process. We believe it would be more appropriate and helpful for the customer if wording on the bill referred out to a CP's Code of Practice and provided details of where it could be found.

We would recommend that more general requirements be used in the code whilst the guidance could suggest how a communications provider (CP) might comply with the rule. For example:

- “the code of practice should be easily accessible from the CP's main webpages associated with the relevant services”;
- “customer bills [as defined in guidelines] should refer to the availability of a CPs Complaints Code of Practice and where a copy of it can be obtained”;

- “terms and conditions should refer to the existence of complaint handling processes” (rather than being required to sign-post specific webpages).

Record Keeping

UKCTA refers to comments in its response to Ofcom’s earlier proposals on the matter of record keeping. It is important that Ofcom adheres to the principle of proportionate regulatory requirements only targeted where action is needed. In this case, the proposed requirement appears to be driven by a potential need for Ofcom to investigate compliance with the rest of the proposed code, in relation to which Ofcom comments in paragraph 7.5 that it would intend to focus on procedures put in place by CPs.

While the current proposals on the extent of records to be kept about complaints are less detailed than the earlier proposals, they include a new element relating to call recordings. Ofcom’s assertion in paragraph 7.14 that “the costs of this requirement will be minimal”, although informed by a recent information request to some CPs, is unfounded as no comprehensive survey of CPs has been carried out to support it. Storage of call recordings is a significant matter for some of our members and prescriptive requirements on how long any available recordings are to be stored would undoubtedly lead to material costs for some CPs - just as a requirement to institute call recording where none existed would impose costs on some CPs. Ofcom has not made the case that call recordings are in any way needed to test the procedures put in place by CPs on complaint handling generally.

We are therefore strongly of the view that, having developed a set of high-level requirements to ensure that CPs are dealing effectively with complaints, that Ofcom does not add to this requirement through prescriptive obligations on retaining call recordings that not even the alternative dispute resolution bodies require to help them resolve complaints. At most, the paragraph on record keeping in the code should only refer to a CP keeping the written records arising from its own complaint management system for 6 months.

Definition of Complaint

We have some lingering concerns around the definition of complaint and what Ofcom expects this to cover in relation to faults. Ofcom appeared to suggest at our meeting that the intention was to cover situations where a customer is forced to complain several times about a particular fault that has not been resolved. We welcome this clarification but would urge Ofcom to explain its thinking and policy in some more detail in the final statement. We believe that it would also be helpful for Ofcom to give some consideration to whether the definition of what constitutes a “complaint”

might usefully be linked in some way to those issues which the ADR schemes accept as complaints.

Comparative Information

With regard to the issue of availability of comparative information, we understand from our meeting that it is not the intention of Ofcom somehow to require providers to publish such information (e.g. in a form previously available under the Topcomm Scheme). We welcome this clarification and would support other ways in which data about customer experience of using complaints procedures could be obtained, e.g. through customer research carried out by independent agencies.