



ANNUAL ACTIVITY REPORT TO Ofcom

FOR THE PERIOD 1st NOV 2017 – 31st OCT 2018

Pursuant to The Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015 (As amended).

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1. Introduction

1.1 Consumer Dispute Resolution Limited (“CDRL”), operates four approved ADR schemes:

- 1.1.1 RetailADR;
- 1.1.2 AviationADR;
- 1.1.3 UtilitiesADR; and
- 1.1.4 CommsADR;

1.2 In November 2017, CommsADR was approved by Ofcom under the ADR Regulations to handle matters considered 'out of scope' for the purposes of section 52 of the Communications Act 2003 or section 52 of the Postal Services Act 2011 and of the relevant regulatory conditions that apply to businesses providing telecommunications and postal services. CommsADR was launched to plug an ‘ADR gap’ within the sector, affording the prospect of free redress where it had not been previously available.

1.3 CommsADR provides ADR in respect of unresolved disputes between consumers or businesses and their service providers in respect to the following:

- Couriers and postal services
- Video on demand services
- Mobile handsets
- Broadband routers
- Premium rate services
- Phone Pay Services
- Mobile Phone Apps
- Cable and satellite television services
- The location of telegraph poles
- The location of mobile phone masts
- Cable and wiring inside your property
- Non-micro business billing disputes
- Commercial decisions made by communications companies about whether to provide a product or service, and the terms under which they may be provided.

2. Complaints dealt with/Membership

- 2.1 CDRL deals with complaints in relation to subscribing and non-subscribing companies.
- 2.2 In relation to complaints received about non-subscribing companies, CommsADR deals with such complaints where the non-subscriber agrees to engage with CommsADR and abide by its scheme rules in relation to the particular complaint.
- 2.3 Since the launch of CommsADR in November 2017, 110 companies have subscribed to the scheme. Many of these have been afforded subscription via their membership to the association body 'ISPA' and a further 85 brands are regulated by the Phone-paid Services Authority.

3. Statistics

- 3.1 Schedule 2 contains raw data in relation to domestic and cross border complaints. CommsADR has set its systems to record the following data:

3.1.1 Complaint types:

- Couriers and postal services
- Video on demand services
- Mobile handsets
- Broadband routers
- Premium rate services
- Phone Pay Services
- Mobile Phone Apps
- Cable and satellite television services
- The location of telegraph poles
- The location of mobile phone masts
- Cable and wiring inside your property
- Non-micro business billing disputes
- Commercial decisions made by communications companies about whether to provide a product or service, and the terms under which they may be provided.
- Service issues- this includes customer service issues, issues with staff (being rude etc..), issues with the provision of services (including trade and energy provider home services complaints).
- Other

3.2 Stats Overview:

Stats overview (complaints 'accepted'): CommsADR received 237 disputes during the reporting period. A dispute is defined as a request by a claimant wishing to seek redress due to an impasse with a communications company. Of these 29 fell within scope of CommsADR remit under its approval by Ofcom and the extension of the work it carries out in the phone-paid service industry.

Please note that CommsADR only began to operate in the phone paid services industry as of 1 August 2018, due to the recognition by the industry that ADR is beneficial, offering an effective solution to an area of industry that has never provided redress outside of any regulatory issues that are handled by the PSA. CommsADR believes this will assist the industry and the PSA in reducing consumer detriment.

Complaint Type	Number of Cases
Courier & Postal Services	41
Video On Demand	6
Mobile Handsets	8
Broadband Routers	11
Premium rate services	7
Phone Pay Services	19
Mobile Phone Apps	3
Cable & satallite Tv Services	36
Location of Telegraph poles	0
Location of Mobile phone masts	0
Cable & wiring inside your property	8
Non micro business billing	17
Commercial Decisions	6
Service Issues	38
Other	37

Total 237

4. Average length of ADR procedure

4.1 44 days

5. ADR procedures which were discontinued for operational reasons

CDRL has no data to report here.

6. Compliance with ADR outcome percentages:

Member compliance – 96 %

Non-member compliance – (n/a as we have no non member case engagement by companies)

Complainant compliance (where they accepted determination) – 91 %

7. Co-operation with other ADR entities in relation to cross-border disputes

CommsADR has not had any opportunity to co-operate with any other ADR entity in relation to cross-border disputes

SCHEDULE 1

Problems encountered

	SYSTEMATIC OR SIGNIFICANT PROBLEMS OCCURRING FREQUENTLY	HOW CAN THIS PROBLEM BE AVOIDED OR RESOLVED IN THE FUTURE
1	CommsADR has noticed consumers are wrongly informed in relation to what the Consumer Rights Act says and the protection it affords consumers. We continue to see a significant number of references to websites and blogs run/operated by non-lawyers where the law has been mis-quoted.	We maintain that more needs to be done to educate the consumer, further information flyers etc.
2	Consumers failing to complain to the service provider first before either coming to CommsADR or the appropriate ADR scheme. It is noted consumers seem to be unaware of their requirements to afford companies an opportunity to resolve their complaint in the first instance or that a company has eight weeks before they can escalate to an ADR provider resulting in a significant number of cases referred prematurely to ADR.	Promotion of best complaint practice to consumers. In relation to the EU ODR platform this needs to filter complaints where the consumer has bypassed the service provider at the start of the complaint form.
3	We continue to see service providers failing to engage with ADR due to concerns about the costs being levied against them for the regulated redress requirements therefore consider a lack of budget for redress outside of regulation, resulting in consumer detriment.	Whilst a high number of service providers have engaged with CommsADR there are still brands that will not engage. To make ADR fully successful it should be made mandatory. CommsADR hopes that its work in the phone paid services industry will help to promote further the benefits of redress in this industry given it the first time companies have sought to engage in an ADR process. The feedback from this aspect of the communications industry is that the costs of ADR is disproportionate to the cost of the dispute which had deterred companies from engagement previously, but the sector is now afforded a operational and cost efficient solution via CommsADR.

SCHEDULE 2

Complaint statistics

Complaints							
Year	Disputes Submitted	Number of complaints accepted	How many accepted complaints were subsequently withdrawn by consumers?	How many accepted complaints were subsequently withdrawn by traders?	In how many cases was an outcome produced?	Average number of days taken to issue a final decision	
2016	0	0	0	0	0		
2017	222	0	0	0	0	0	
2018	237	29	0	0	26	44	
Refusal							
Year	Total Complaints refused by ADR Body to handle	No prior attempt was made to contact trader	Complaint was frivolous/vexatious	Dispute was previously considered by ADR body or court	The value of the claim fell below an applicable threshold	The complaint was not submitted on time	Dealing with the Complaint would impair the effective operation of the ADR body
2016	0	0	0	0	0	0	0
2017	222	64	7	0	12	0	0
2018	208	47	2	0	0	17	0

nb: 13 complaints fell inside regulatory scope, therefore outside of our jurisdiction and signposted to OS:C or Cisas
133 complaints were rejected due to non member refusal to engage