

Reference: 1-313863842

15 January 2016

Benjamin-Elijah Gareth-Bailey
By email to:
request-310412-1ded8b48@whatdotheyknow.com

Information Requests
Ofcom

information.requests@ofcom.org.uk

Freedom of Information: Right to know request

Dear Mr Gareth-Bailey

Thank you for your request for information about complaints Ofcom receives about broadband and telecoms providers. We received your request on 13 January 2015 and have considered it under the Freedom of Information Act 2000 (the Act).

You asked the following questions regarding "*complaints about additional charges such as call bars placed on residential customer's accounts and profits made unlawfully and illegal profiteering from non direct-debit charges such as debit card processing fees*" and our answers are below:

Q1) On what basis do you commence an investigation of a complaint made?

A1) Our Investigations Team identifies any areas of concern regarding communications providers' compliance with a range of rules relating to competition between communications companies and disputes between communications providers under section 185 of the Communications Act 2003.

Our Consumer Affairs Team ensures that regulatory rules relating to consumers' rights are adhered to. If an area of concern relating to these rules is identified, either by Ofcom itself or by complaints made to us by customers, communications providers or other relevant organisations, the Teams will evaluate the evidence and, if necessary, take enforcement action against the relevant company.

It is obviously not possible for us to investigate every complaint or dispute, so in general the team prioritises issues that may be of widespread concern to consumers, significantly impact *competition in communications markets*, or is a dispute between companies that cannot be solved effectively through any other means. Further details on our criteria for accepting cases are set out in Ofcom's Approach to Complaints and Disputes
<http://stakeholders.ofcom.org.uk/enforcement/competition-bulletins/complaints-disputes>.

We take fairness and accuracy in billing very seriously and a statement on our work on additional charges can be found here:

<http://stakeholders.ofcom.org.uk/consultations/addcharges/statement/>

There is also information for consumers on issues with billing, which you might find useful: <http://consumers.ofcom.org.uk/complain/phone-and-broadband-complaints/billing/>

We also publish complaints information, showing themes of complaints made to communications providers and by doing so, we hope to encourage providers to continuously improve the way they operate their organisations and treat their consumers. We also provide the details of alternative dispute resolution schemes, so that consumers can escalate their complaints where necessary: <http://consumers.ofcom.org.uk/files/2009/09/complain.pdf>

Q2) Do you ever investigate a complaint made by one person or body? If so who/what groups would you commence an investigation of a complaint for?

A2) We investigate issues of interest to the wider public - please see our answer above.

To ensure that consumers are not overcharged for services and to maintain consumer confidence in the accuracy of bills, Ofcom requires all providers of electronic communications services to provide accurate bills under General Condition 11 ('GC11') which states:

"The Communications Provider shall not render any Bill to an End-User in respect of the provision of any Public Electronic Communications Services unless every amount stated in that Bill represents and does not exceed the true extent of any such service actually provided to the End-User in question".

There is also a Metering and Billing Approval Scheme, which allows us to regulate the accuracy of bills: <http://stakeholders.ofcom.org.uk/telecoms/policy/metering-billing/>

Some general consumer information on disputing a bill can also be found here: <http://consumers.ofcom.org.uk/phone/mobile-phones/problems-and-complaints/disputing-a-bill/>

Q3) If you investigate a single complaint, is there a type of complaint that you would commence an investigation straight away for?

A3) Explained above.

Q4) If you never investigate an individual complaint, what policies do you use to ensure that your decision to investigate is fair to all Complainants and please could I have a copy of them?

A4) Explained above.

Q5) Who decides when you should commence an investigation?

A5) Our Investigations Team and Consumer Affairs Team.

Q6) Do you write to Complainants to acknowledge their complaint?

A6) We make it clear in any correspondence that we cannot investigate individual complaints.

Q7) Do you write to Complainants with an outcome of their complaint?

A7) No.

A8) Is there an appeals procedure against the outcome of an investigation by OFCOM for:

A) The Complainant? – No, because we cannot investigate individual complaints.

B) The subject of the complaint? – Communications Providers are able to put forward their own evidence as part of the investigation, but they could also appeal the outcome of the complaint. Outcomes of investigations are published on our website.

Q8) If you do not write to a complainant to provide a response and an appeals process exists for the Complainant, how can the complainant appeal if you do not provide a response?

A8) Not applicable for reasons explained above.

Q9) How long do you keep complaints on file with the Complainant's personal information intact (in other words before it might be made anonymous for statistical purposes)?

A9) Our retention policy for complaints is five years.

Please ensure that when using the provided information in any way, you comply with all relevant legislation. For example, the information provided may be protected by copyright under the Copyright, Designs and Patents Act 1988 (as amended). If in doubt, please seek independent legal advice. For Ofcom's policy on copyright and related issues, please refer to <http://www.ofcom.org.uk/disclaimer>.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely,

Jenny Borritt

If you are unhappy with the response or level of service you have received in relation to your request from Ofcom, you may ask for an internal review. If you ask us for an internal review of our decision, it will be treated as a formal complaint and will be subject to an independent review within Ofcom. We will acknowledge the complaint and inform you of the date by which you might expect to be told the outcome.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

Timing

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for undertaking internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exception cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact:

Graham Howell
The Secretary to the Corporation
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF