

Reference: 01890668

Information Requests
information.requests@ofcom.org.uk

16 September 2024

Freedom of Information request: Right to know request

Thank you for your request for information concerning ADR Scheme Licensing.

We received this request on 2 September 2024 and we have considered your request under the Freedom of Information Act 2000 (“the FOI Act”).

Your request

I have a service complaint against the Communications Ombudsman that escalated to the Independent Assessor (IA). The IA are telling me that 'will review the performance of the Communications Ombudsman against the prescribed processes that are approved by Ofcom when they licence the Ombudsman to managing communications complaints.'

I would like to obtain a copy of the 'prescribed processes' that Ofcom approved when they licensed the Communications Ombudsman.

Our response

The Communications Act 2003 ('the Act') places a duty on Ofcom to set General Conditions (GCs) relating to the handling of complaints made to providers by domestic and small business customers.

Under our GCs, communications providers offering services to people, small businesses (up to 10 employees) and not-for-profit organisations (where up to 10 individuals work, not including volunteers) must be members of an Ofcom-approved ADR scheme. Ofcom currently approves two ADR schemes: the Communications Ombudsman (CO) and the Communications and Internet Services Adjudication Scheme (CISAS). We are required by the Act to keep our approvals of these schemes under review. We are [currently carrying out a formal review](#) under the Act where we will assess whether we should re-approve the ADR schemes. We do not hold 'prescribed processes' as such for these formal reviews. As part of the current review we are assessing the schemes suitability against the following criteria: accessibility, independence, fairness, efficiency, transparency, effectiveness, accountability, and non-discriminatory.

We also approve the CO and the CISAS under the Alternative Dispute Resolution for Consumer Disputes Regulations 2015 ('ADR regulations') and are required to review our approvals under these regulations every two years. In April 2024, we found that [the CO and the CISAS continued to meet the requirements set out in the ADR regulations](#).

The role of the Independent Assessor (IA) is not set by Ofcom. You can find more information about the role of the IA for CO in relation to service complaints [here](#). You may also wish to refer to the CO's [Terms of reference](#), which governs the complaints CO can and cannot accept for review.

We hope this information is helpful. If you have any further queries, then please send them to information.requests@ofcom.org.uk – quoting the reference number above in any future communications.

Yours sincerely,

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Request an internal review

If you are unhappy with the response you have received to your request for information, or think that your request was refused without a reason valid under the law, you may ask for an internal review. If you do, it will be subject to an independent review within Ofcom. We will either uphold the original decision, or reverse or modify it.

If you would like to ask us to carry out an internal review, you should get in touch within two months of the date of this letter. There is no statutory deadline for us to complete our internal review, and the time it takes will depend on the complexity of the request. But we will try to complete the review within 20 working days (or no more than 40 working days in exceptional cases) and keep you informed of our progress. Please email the Information Requests team (information.requests@ofcom.org.uk) to request an internal review.

Taking it further

If you are unhappy with the outcome of our internal review, then you have the right to [complain to the Information Commissioner's Office](#).