

The logo for Ombudsman Services features a stylized 'O' composed of four colored segments: blue, green, purple, and orange.

Ombudsman Services

Good for consumers – Good for business

Annual Activity
Report for:
The Consumer
Ombudsman

October 2016 –
September 2017

The Consumer Ombudsman

In June 2015, The Consumer Ombudsman (TCO) was approved by the Chartered Institute of Trading Standards (CTSI) to provide alternative dispute resolution services under the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015 (the Regulations).

As part of that approval, under Schedule 5 of the Regulations, TCO is required to produce an annual activity report that contains the information below:

a) The number of domestic disputes and cross-border disputes the ADR entity has received

TCO received 6,896 disputes during the reporting period. A dispute is defined as, a request from a complainant notifying TCO of an unresolved complaint for investigation.

The cases received are all currently domestic disputes with no cross border disputes recorded.

It is important to recognise that despite a pro-active approach to engage with companies The Consumer Ombudsman was able to accept only 324 cases during the reporting period. The low conversion rate is the result of trader's not engaging with ADR. Engagement with an ADR body is not mandatory when a complaint fails to be resolved using a company's internal complaint handling process. The result is many disputes remain unresolved with consumers left with no recourse to free alternative dispute resolution.

b) The types of complaints to which the domestic disputes and cross-border disputes relate

The following table set out the types of domestic disputes that were referred to TCO within the reporting period that came within the scope of what TCO can deal with:

Complaint category	Volume
Claims Process- Product Replacement	80
Customer Service- Poor Customer Service	35
Faulty goods or service	38
Repair- Poor Service	27
Claims Process- Claim Rejected	22
Repair- Damage	10

Repair- Delay over 6 days	10
Sales Process- Miss-sell	9
Dispute- Plan Set Up	9
Dispute- Auto Renewal	8
Sales Process- Misleading Information	6
Customer Service- Process Failure	6
Poor customer service	5
Repair- Quality	4
Good or service not delivered	4
Customer Data- Customer Details	3
Dispute- Premium	3
Received wrong item	3
Incorrect bill	2
Repair- Delay up to 5 days	2
Customer Data- Payment Details	1
Other	52
Grand total	339

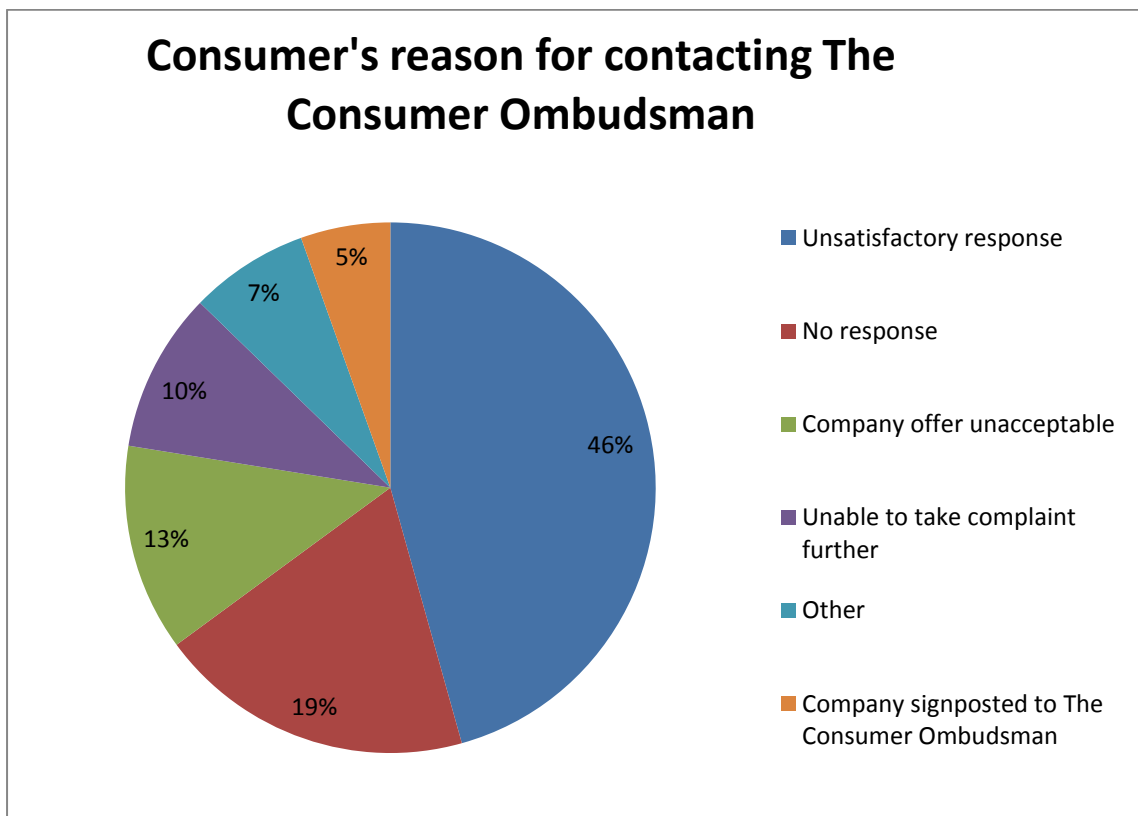
c) A description of any systematic or significant problems that occur frequently and lead to disputes between consumers and traders of which the ADR entity has become aware due to its operations as an ADR entity

TCO has seen instances of traders misunderstanding cancellation rights, more specifically in meeting the requirements of the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013. These traders have typically not engaged with ADR prior to this.

Issues include the lack of appropriate pre-contract information and incorrectly identifying the start and end date for these cancellation rights. Disputes generally arise when the customer wants to cancel a contract, and the trader does not consider they have the right to do so.

Complaints concerning repair plans represent a large proportion of TCO cases. Disputes between consumers and traders frequently relate to offers made to replace appliances due to an original that is beyond economical repair. There is often a mismatch between the expectations of the customer and that which the plan entitles them to. TCO has seen a number of cases of genuine dispute regarding technical specification of replacement appliances. In these cases there is a clear mismatch between the technical specification of the original appliance and the replacement offered. These are avoidable disputes. Such disputes may be reduced or resolved more easily if there were greater transparency about what represents a feature or a specification. However, given the vast range of appliances potentially covered by these plans, it may be difficult to identify an adequate definition.

As illustrated earlier in this report the major factor preventing consumer detriment from being addressed is the lack of engagement with ADR by the trader’s involved. We have collated data that shows the reason consumers give for contacting TCO. As can be seen the majority of consumers were either dissatisfied with the response provided by the company or they did not receive a response.



The impact and effectiveness of TCO is impacted significantly by companies’ lack of engagement with ADR. From a sample of approximately 4,000 cases we estimate that 83% of cases would fall within TCO terms of reference but for the fact that the company is not willing to engage with an ADR scheme. Companies are required to signpost to a certified ADR provider when there is a dispute that cannot be resolved. From the same sample of 4,000 cases only 5% of complainants contacted TCO as a result of signposting information provided by the trader.

d) Any recommendations the ADR entity may have as to how the problems referred to in paragraph (c) could be avoided or resolved in future, in order to raise traders' standards and to facilitate the exchange of information and best practices

Traders should ensure they are familiar with the requirements concerning cancellation rights, and provide accurate information to consumers.

Traders should ensure that terms and conditions are as clear and transparent as possible.

Traders should ensure that their front line staff are adequately trained to understand and inform consumers with respect to applicable terms and policies. This will work to prevent disputes further down the line when a claim is made that is outside of these terms and conditions.

Traders should ensure they signpost to a certified ADR provider when there is a dispute that cannot be resolved.

e) The number of disputes which the ADR entity has refused to deal with and upon what grounds

TCO received 6,896 complaints during the reporting period. Of these 324 complaints were accepted and 6,572 complaints were rejected. 6,493 complaints were about companies that do not participate in TCO. Those complaints were rejected for this reason.

68 cases were rejected for the following reasons:

Reason for refusal	Number
The consumer has not submitted a complaint to you within the time specified by you for dealing with complaints, provided that such time period is not less than 12 months from the date upon which the trader has given notice to the consumer that the trader is unable to resolve the complaint with the consumer.	3
Prior to submitting the complaint to you, the consumer has not attempted to contact the trader concerned in order to discuss the consumer's complaint and sought, as a first step, to resolve the matter directly with the trader	7
Operational reasons	58

f) The percentage of alternative dispute resolution procedures which were discontinued for operational reasons and, if known, the reasons for the discontinuation

The following represent the operational reasons for discontinuing our consideration of a complaint:

Reason for refusal	Number
The consumer submitted an incomplete application to OS which could not be taken forward owing to the lack of information	36
The consumer contract was entered into prior to 1 January 2015, and therefore outside of our terms of reference	16
Complaint withdrawn by consumer	3
Duplicate complaint	1
Handled by other ADR provider	2

g) The average time taken to resolve domestic disputes and cross-border disputes

From the data available, the average time taken from case file received to a proposal being issued is 28 days.

h) The rate of compliance, if known, with the outcomes of the alternative dispute resolution procedures

Data to confirm the rate of compliance is not currently available.

i) The co-operation if any, of the ADR entity within any network of ADR entities which facilitates the resolution of cross-border disputes

TCO does not co-operate with other ADR entities in the way described here.