

Annual Activity report

The Consumer Ombudsman

Oct 2018 to Sep 2019

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 2,248 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 349 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

Complaint type	Volume
Other	755
Faults	655
Quality of service	224
Non-delivery	204
Missing item	73
Incorrect bill	64
Claim	52
Quality of Goods	48
Received wrong item	45
Disputed Charges	25
Late delivery	22
Mis-selling	19
Refunds	17
Cancellation	8
Incorrect quantity	7
Quality of Customer Service	14
Damaged Goods	3
Goods not as described	3
Delay	2
Collection	1
Non-payment	1
Repairs	1
Damaged items	1
Quality of workmanship	1
Returns	2
Delivery	1

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

Due to the limited number of cases TCO has accepted for investigation, and the limited data available to interrogate, it is difficult to identify systemic or significant problems.

From the limited data available, we have seen repeat issues relating to the information consumers receive about the goods/services provided by traders. This includes the information consumers are provided with in relation to their cancellation rights. We find that traders are not aware of, and do not actively signpost to a certified ADR provider when a dispute cannot be resolved with the consumer. This mirrors the experience that TCO has seen, and reported on, in previous years.

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 work to improve upon the issues highlighted in previous years, which continue to be relevant. Recommendations include traders ensuring 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. In addition to traders ensuring that front line staff understand and are trained to inform consumers with respect to applicable terms and policies. The aim is to prevent disputes occurring in the first place. This approach will help to reduce the instances where disputes can develop.

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 2,248 complaints during the reporting period. Of these 349 complaints were accepted and 1,899 complaints were rejected. 1,888 complaints were about companies that do not participate in TCO. Those complaints were rejected for this reason. 11 complaints were rejected for the following reasons:

Reason for refusal	Number
Operational reasons	11

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:

Operational reason for refusal	Number
The consumer submitted an incomplete application to OS which could not be taken forward owing to the lack of information	5
Complaint withdrawn by consumer	6

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

The average time taken from case file received to a proposal being issued is 39 days. No cross-border disputes were received.

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.