

# **Response to the Press Recognition Panel Consultation on Proposals for Recognition of Press Self-Regulators**

31 July 2015

## **“Consultation on Proposals for Recognition of Press Self-Regulators” – Ombudsman Services’ response**

### **Summary - About Ombudsman Services**

Established in 2002, the Ombudsman Service Ltd (Ombudsman Services) is a not for profit private limited company which runs national, private sector ombudsman schemes providing independent dispute resolution for the property, energy, communications, energy, property, copyright licensing, the glass and glazing sectors, the Green Deal, the Asset Based Finance Association (ABFA), reallymoving.com and Which? Trusted Traders.

We’re an entirely independent, service-oriented organisation. Through the different services we run, we help our members to provide independent dispute resolution to their customers and each scheme is entirely funded by its members. Our aim is to raise public trust and confidence in the sectors we work with by providing effective independent redress when problems arise.

We now have around 9,200 participating companies. During the year ending 31 December 2014, we resolved 53,614 complaints. The company currently employs more than 500 people in Warrington and has a turnover in excess of £27 million.

Ombudsman Services’ complaints resolution service operates once a company’s own complaints handling system has been exhausted, and we have the authority to determine a final resolution to each complaint. We have an enquiries department which handles primary contacts and where decisions on eligibility are taken. If a complaint is not for us, or has been brought to us too early, we signpost the consumer and offer assistance. Eligible complaints are then triaged. The simplest can be resolved quickly, usually by phone, and taking a maximum of three hours. Around 10% are dealt with in this way. For the majority of complaints we collect and consider the evidence from both parties, reach a determination and seek agreement; about 55% are settled like this.

The most complex cases require a more intensive investigation, may require more information and lead to further discussion with the complainant and the company to achieve clarification. The outcome will be an Ombudsman Services Decision. Whatever process is followed there is always a right of appeal and escalation. An ombudsman can issue a final decision in any one of the processes where it is clear that there is no evidence that would require changes to the initial determination.

Our service is free to consumers and, with the exception of an annual subscription from Department of Energy and Climate Change (DECC) for the Green Deal, operates at no expense to the public purse. It is paid for by the participating companies under our jurisdiction by a combination of subscription and case fee on a ‘polluter pays principle’. Participating companies do not exercise any financial or other control over the company. Ombudsman Services’ governance ensures that we are independent from the companies that fall under our jurisdiction.

## **Responses to Consultation Questions**

### **1. Do you agree with the principle of using indicators and examples of evidence as guidance to applicants and the PRP in determining applications?**

Yes. The proposed method looks to be sensible. It looks as though the PRP’s intention is to provide a dynamic, rather than overly prescriptive, framework. Given the breadth of the remit at hand, and the potential variation in nature and scope of both the Regulators seeking recognition and the media organisations that are to be regulated, such an approach looks to reasonable.

That said, it might be that some of the “examples of evidence” you cite are all but mandatory for all potential Regulators. As such, the PRP may consider setting out such “evidence” that it considers fundamentally necessary for Regulators to provide to demonstrate that competencies have been met.

### **2. Do you agree with the indicators and evidence we propose?**

Yes, though the PRP may need to develop more detailed benchmarks or criteria, going forwards, against which its chosen indicators can be measured and reviewed. The use of clearly articulated and published assessment criteria would allow for greater transparency/consistency.

It might be that the indicators would need to evolve over time to take into account trends and developments in the industry (e.g. changing technologies, etc). The model proposed by the PRP does look to be able to accommodate a shifting landscape and this is, in Ombudsman Services' view, laudable.

We note that a number of your indicators make reference to standards of “reasonableness” (e.g. criteria 8, 8A, 8C, 8D, 10, 18, 19, 21, 23). The concept is applied in very different contexts. It might be that the PRP could develop more detailed guidance as to the appropriate standards over time.

### **3. Do you agree with our proposed approach to dealing with applications?**

Yes. The process looks to be reasonable.

We note that you intended to publish details of the applications you receive upon your website and to invite interested parties to comment upon them within a 15 day period. Perhaps you could additionally notify parties via a twitter feed, RSS feed or email subscription list? This would potentially elicit views from interested third parties and may prompt them to revisit your website or take an interest in the affairs of the PRP more generally.

### **4. Do you agree with our proposed approach to discussions with applicants?**

Yes. As you note, the recognition process may well be novel to Regulators seeking approval. As such, your approach looks to be reasonable in both fostering appropriate dialogue between the PRP and potential Regulators while setting clear standards to ensure the process remains transparent, impartial and fair.

**5. Do you agree with our proposed approach to granting recognition?**

Yes. In many ways the recognition task the PRP is to undertake is rendered all the more difficult by virtue of the fact that applicants will likely not have provided an equivalent service in the past. As such, the PRP's intention to monitor and check successful Regulator's compliance, on an ongoing basis, if needs be, is appropriate.

**6. Do you consider that our proposals will have any impacts, either positive or negative, including on our compliance with the Public Sector Equality Duty?**

The proposals do not look to have any negative impacts with regards to the PRP's compliance with the Public Sector Equality Duty and we can see no indications to suggest the proposals would be discriminatory. Indeed, the PRP's proposed processes (including with regards to this consultation, as described at page 8 of the consultation booklet) look to foster a high standard of inclusivity.

We note that the PRP recently undertook consultation events at locations across the country and has made efforts to make material available online. In our view these are very positive steps and do denote a clear commitment to broad accessibility.

**Contact**

Ombudsman Services would be delighted to share our experience and expertise of running a number of successful ombudsman schemes with the Press Recognition Panel. In the first instance, please contact Daniel Fox via email at; [dfox@ombudsman-service.org](mailto:dfox@ombudsman-service.org)

**Lewis Shand Smith**  
**Chief Ombudsman**

**31 July 2015**