

The logo for The Authority for Television On Demand (ATVOD) features the letters 'ATVOD' in a bold, white, sans-serif font, centered within a solid black rectangular background.

ATVOD

THE AUTHORITY FOR TELEVISION ON DEMAND

Complaints Bulletin

No. 2

31 August 2011

Introduction

This second bulletin covers the period 1 February 2011 to 31 July 2011.

With the exception of complaints about material likely to encourage or incite the commission of crime or lead to disorder, complaints must be directed to the service provider in the first instance – this is done automatically if the complainant uses the online complaint form. If the service provider does not deal with the complaint to the satisfaction of the complainant, the matter can be referred to ATVOD and we will consider whether a breach of the Rules has taken place. Full details of how ATVOD handles complaints are set out in ATVOD's Complaints Procedure.

Please note: ATVOD has been designated as the appropriate regulatory authority for the editorial content of On Demand Programme Services and does not regulate the advertising that appears in those services¹. ATVOD will publish details whenever a complaint results in a determination that a breach of the Rules has taken place. In some cases we may also publish details of cases in which a complaint has not been upheld.

Complaints received

	Feb 2011	Mar 2011	Apr 2011	May 2011	June 2011	July 2011
New complaints	4	9	8	50	37	81
Cumulative Total	21	30	38	88	125	206
Referred to provider	4	3	3	7	5	62
Referred to ATVOD:		6	5	43	32	19
Out of scope		6	5	43	31	19
In scope						
Not upheld						
Upheld in part						
Upheld in full						
Awaiting Scope Determination					1	

¹ Ofcom has designated the Advertising Standards Authority (ASA) with the relevant powers to regulate advertising in On Demand Programme Services. Complaints about advertising in such services are therefore dealt with by Advertising Standards Authority (see <http://asa.org.uk/Complaints-and-ASA-action/How-to-complain.aspx>).

Complaints referred to provider

84 complaints were referred to the service provider in the relevant period.

Complaints referred to ATVOD

105 complaints were referred to ATVOD after the complainant was not satisfied with the response of the service provider.

104 of these complaints were deemed out of remit after an initial assessment.

1 complaint concerns four services none of which has been notified to ATVOD. ATVOD is currently investigating whether any of the services fall within the scope of the regulations and will consider the complaint once those investigations are complete.

Complaints upheld in full

No complaints were upheld in full in the relevant period.

Complaints upheld in part

No complaints were upheld in part in the relevant period.

Complaints not upheld

No complaints were not upheld in the relevant period. This excludes those found to be out of remit after an initial assessment

Request for review

On 16 July 2011, ATVOD received a complaint about the TV, telephone and the internet service provided by Virgin Media. The complaint concerned technical issues with the broadband service, the cost of the service and the contract cancellation terms. The complainant had already attempted to address the issue with Virgin Media, but was dissatisfied with the response.

Having conducted an initial assessment, ATVOD concluded that the complaint did not raise an issue which could be a potential breach of the Rules. This decision was made on the grounds that the complaint concerned quality of service and billing which are out of ATVOD's remit. The complainant was informed of this decision on 18 July 2011.

In accordance with ATVOD's complaints procedures, the complainant was also informed of the right to request a review of our determination that the complaint was out of remit.

On 18 July 2011, the complainant requested a review of the determination that the complaint was out of remit, provided further details of the contract cancellation charge and confirmed that this, rather than quality of service, was the central subject of the complaint.

The ATVOD Board then considered the case and upheld the original Determination that the complaint was not within ATVOD's remit, as it could not amount to a contravention of the relevant statutory requirements for On-Demand Programme Services. The complainant was

informed of this decision on 9 August 2011. In its review decision, ATVOD confirmed that it has been designated as the appropriate regulatory authority for editorial content of On Demand Programme Services and that complaints regarding technical matters, contractual matters and customer services are not within ATVOD's remit.

Key Performance Indicators

ATVOD has established the following Key Performance Indicators for Editorial Complaints about On-Demand Programme Services:

Straightforward cases: 80% closed within 30 working days

Complex cases: 80% closed within 60 working days

In the relevant period, 99.5% of complaints were either referred to the provider or closed within 30 working days.

The only complaint not referred to the provider or closed within 30 working days related to four services not notified to ATVOD. ATVOD is currently investigating whether any of the services fall within the scope of the regulations and will consider the complaint once those investigations are complete.

Of the complaints referred to ATVOD and not subject to a scope investigation, 100% were closed within 30 working days.