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4 December 2025

## **RECCo response to: Fairer, Faster Redress in the Energy Market - Consultation on the Role and Powers of the Energy Ombudsman**

We welcome the opportunity to respond to this consultation. Our non-confidential response represents the views of the Retail Energy Code Company Ltd (RECCo) and is based on our role as operator of the Retail Energy Code (REC). RECCo is a not-for-profit, corporate vehicle ensuring the proper, effective, and efficient implementation and ongoing management of the REC arrangements. We seek to promote trust, innovation and competition, whilst maintaining focus on positive consumer outcomes.

In our role as code manager for the retail market arrangements under the REC, we are keen to work more closely with the Energy Ombudsman (EO) and Ofgem on using complaints insight to improve outcomes across the system. The consultation's focus on better data and systemic learning from EO cases aligns strongly with how we think performance assurance should evolve – drawing on evidence about where and why consumers experience detriment, rather than relying solely on static risk assessments.

In parallel, RECCo has been appointed to develop and operate the Consumer Consent Solution and the Tariff Interoperability framework, which are intended to provide common, consent-based and interoperable ways of sharing data in consumers' interests. We therefore have a particular interest in ensuring that any reforms to the EO are designed in a way that can make effective use of these emerging capabilities and support more joined-up, insight-driven improvements to the retail market. We therefore have a particular interest in ensuring that any reforms to the EO are designed so they can make effective use of these emerging capabilities – including the potential to use the Consumer Consent Solution to enable “auto-onboarding” of complaints, so that consumers do not have to go through the full process of explaining their case all over again.

While we have responded to each of the consultation questions in the appendix attached, we would emphasise the following key points:

### **1. No clear, quantified problem statement or diagnosis**

While we strongly support the aim of fairer, faster redress, the consultation does not clearly set out what is going wrong, for whom, and at what scale. In particular, proposals to shorten timelines and increase powers are not underpinned by robust evidence on the age-profile of resolved complaints or the underlying reasons why c.1% of EO remedies are not implemented. Better diagnostic data is needed so reforms can be targeted at the real drivers of detriment rather than applied uniformly.

### **2. Risk of over-legalisation without better outcomes**

In the absence of a clearer problem statement, there is a risk that the reforms add complexity, cost and a degree of “legalisation” to the EO process (for example through tighter deadlines and stronger legal status) without materially improving consumer outcomes. We would instead welcome a more evidence-led and, where possible, principles-based approach that focuses on improving supplier complaint-handling and enabling the EO to target its resources where they add most value. This should include careful design of any KPIs so that they support the desired consumer outcomes, rather than becoming de facto targets that drive behaviour for their own sake.

- **Opportunity to use Consumer Consent infrastructure for data-sharing**

Finally, we highlight the opportunity to use RECCO's emerging Consumer Consent Solution and Tariff Interoperability work to support proportionate, consent-based data-sharing between suppliers and the EO and/or advice bodies. The auto-onboarding of eligible complaints and "tell us once" style support for vulnerable consumers could become natural use case following the initial delivery of the minimum marketable product.

We are happy to discuss any of the points raised in this response.

Yours sincerely,

**Jon Dixon**  
**Director, Strategy and Development**

**CC:** Ed Dodman, Managing Director and Chief Ombudsman

## Appendix: RECCo response to consultation questions

**Q1: Which of the options to tackle barriers to accessing the EO's services do you support? Please evaluate the advantages and disadvantages, particularly in relation to consumer benefit. Where possible, provide evidence or examples.**

We consider that all three of the proposed approaches to tackling barriers to accessing the Energy Ombudsman have merit, and we do not regard them as mutually exclusive. In our view, however, Options 1 (advanced signposting) and 2 (auto-onboarding of complaint details with the customer's consent) represent the least obtrusive and most proportionate means of improving awareness and ease of access and should therefore be prioritised for implementation. We would see more direct pro-active outreach by the Ombudsman as a potentially useful, but more interventionist, tool that should be reserved for circumstances where these measures do not prove adequate in practice, or where there are clear, exceptional circumstances that warrant a more active approach.

### Auto-onboarding

We are particularly supportive of the proposed "auto-onboarding" of complaint details to the Energy Ombudsman, with the customer's explicit consent, as this goes to the heart of reducing friction for consumers who would otherwise have to repeat their story and re-submit evidence. This kind of "tell us once" mechanism is clearly aligned with the UK Government's wider intent behind the proposed Share Once Support Register, which is envisaged as a cross-sector scheme allowing vulnerable customers to register support needs once and have them recognised by energy, telecoms and water firms. However, beyond high-level announcements and some cross-utility PSR data-sharing initiatives, there remains limited public clarity on the detailed delivery plan, governance, and timelines for the **Share Once Support Register** in the energy sector, and we would welcome further information on how this is being taken forward in practice.

Against that backdrop, RECCo's own work on the **Consumer Consent Solution** is intended to provide a single consent platform for consumers, and once the minimum marketable product (MMP) is delivered, facilitating the auto-onboarding of eligible complaints to the Ombudsman could naturally become a future use case for that infrastructure. In parallel, the principles we are developing through the Tariff Interoperability work – standardised APIs, common data models and robust consent/authorisation frameworks to support secure sharing of tariff and customer data between market participants – are equally applicable to the controlled sharing of complaint and case information between suppliers and the Ombudsman, and could help ensure that any auto-onboarding solution is both technically interoperable and consistent with emerging smart-data and "share once" policy objectives. We would be happy to work with the Ombudsman to explore the feasibility of this approach.

### Advanced sign-posting

We consider enhanced "advanced signposting" to the Energy Ombudsman to be the most cost-efficient and proportionate option to adopt as an early baseline standard, which does not preclude more interventionist measures being added later if needed. Building on the existing complaints handling framework – where suppliers must signpost consumers to their complaints procedure early in the journey and provide a written Ombudsman notice at deadlock or after eight weeks – we think there is merit in strengthening the earlier touchpoints so that consumers are given clear, practical routes to redress from the outset. In particular, it would be worth considering a requirement for suppliers to write back to the consumer when a complaint is first formally lodged, providing a clear date stamp, a short summary of the basis of the complaint as understood by the supplier, and standardised information on escalation routes. This would help avoid later disputes about when a complaint was

raised or what it concerned and would create a natural opportunity to include advanced signposting, such as a QR code or short URL taking the customer directly to the Ombudsman's "how to complain" pages or an online triage tool.

However, we recognise that not all consumers will be able or willing to use digital channels; any solution should therefore ensure that alternative non-digital routes are available and actively offered where digital exclusion or other vulnerability is identified (for example, clear postal addresses, telephone contact options, or tailored formats such as large print or braille), so that advanced signposting improves access for all consumers rather than only those who are already digitally confident.

### **Pro-active outreach**

We offer conditional support for pro-active outreach by the Energy Ombudsman, primarily to address the barrier created when consumers have to "start again" to escalate a complaint. Many, especially those in vulnerable circumstances, are discouraged by having to repeat their story, re-supply evidence and deal with a new organisation. Allowing the Ombudsman to contact a consumer once the referral waiting period has been reached, using limited information passed on by the supplier (for example, contact details and confirmation that the complaint is eligible), could reduce this friction and is consistent with wider regulatory thinking. For example, the FCA's guidance (FG21/1) on the fair treatment of vulnerable customers expects firms to design customer journeys that support disclosure, record needs and avoid making vulnerable consumers repeatedly explain their circumstances.<sup>1</sup>

However, we think any such pro-active outreach should be carefully designed as an opt-in extension of advanced signposting and auto-onboarding, rather than a broad stand-alone power for the Ombudsman to contact any eligible complainant. One practical option would be for the deadlock letter (or equivalent final response) to include a clear tick-box where the consumer can indicate that: (a) they wish to escalate to the Energy Ombudsman, and (b) they consent to the supplier passing a fuller set of complaint details to the Ombudsman on their behalf. In that model, the Ombudsman's initial contact is not "cold", it follows an explicit consent decision by the consumer at the end of the supplier's process, and the consumer need do little more than confirm or clarify details rather than re-creating the complaint from scratch.

Any model that relies only on minimal contact data should preserve the consumer's ability to decline further contact, recognising that some will have chosen not to pursue the complaint and that over-zealous outreach could feel like additional hassle rather than support. There is also a risk that poorly targeted outreach could encourage a small proportion of weak or vexatious complaints to be pursued where the consumer might otherwise have let the matter drop. ADR schemes in other sectors typically retain explicit powers to dismiss complaints that are "frivolous or vexatious". Finally, while the regulated domestic energy supply market benefits from a single Ofgem-approved ADR body for supplier disputes (the Energy Ombudsman), there are other ADR schemes in adjacent areas (for example for energy brokers). Any automatic referral and pro-active outreach model in energy therefore needs to be carefully scoped so that it does not cut across other ombudsmen or ADR providers

### **Q2: What potential unintended consequences do you anticipate from implementing the above options? Please substantiate your response with evidence or examples.**

As noted in the consultation, some suppliers are already able to resolve up to 100% of complaints within the current 8-week escalation window, demonstrating that high levels of performance are achievable under the existing framework. While we are generally supportive of improving the timeliness of complaint resolution, reducing the window from 8 to 4 weeks may risk a material increase in the proportion of complaints that are not

<sup>1</sup> ["FCA vulnerable customers guidance FG21/1"](#), Financial Conduct Authority, February 2021

yet fully worked through by suppliers and are instead escalated to the EO, particularly for those suppliers whose internal processes are currently less mature. In our view, the initial policy focus should therefore be on bringing all suppliers up towards the performance of the current best-in-class and then considering incremental reductions in timescales that reflect and reinforce improved supplier practice, rather than halving the window in a single step. To inform this, we would welcome analysis of the age-profile of resolved complaints – for example, the proportion of complaints resolved within 4, 6 and 8 weeks. If, for instance, 90%+ of complaints are already being resolved within 6 weeks, but a much lower proportion by 4 weeks, there may be a case for gradual reductions (e.g. from 8 to 6 weeks) rather than an immediate move to 4 weeks.

Against that backdrop, and notwithstanding our general support for the proposals, we see potential for a number of unintended consequences from the specific options which would need to be mitigated, follows:

**Advanced signposting** – more “automatic” routes to the EO are likely to increase both valid and marginal referrals. Energy Ombudsman data already show that while overall complaints accepted fell by 24% in 2024<sup>2</sup> and a further 25% in the first half of 2025<sup>3</sup>, less than half of cases (around 43–45%) are currently correctly signposted by suppliers to the EO. Strengthening signposting should improve access but may also increase volumes and case-mix, creating unhelpful “noise” unless accompanied by improved first-tier complaint handling and supplier accountability for resolving issues upstream.

**Auto-onboarding** of complaint details must carefully consider data protection, consumer trust and digital exclusion. Even with nominal consent, some consumers may be uncomfortable with their information being passed between organisations, particularly those in vulnerable circumstances. Lessons could be learned from the FCA’s vulnerability framework, which expects firms to design customer journeys that support disclosure, record needs and avoid making vulnerable consumers repeatedly explain their circumstances<sup>4</sup>. There is also a risk that easy “hand-off” to the EO weakens incentives for some suppliers to invest in effective first-tier resolution, and that auto-onboarding built primarily around digital channels could disadvantage consumers who are digitally excluded.

**Pro-active outreach** - while potentially beneficial for consumers who struggle to navigate escalation, could further increase case volumes and complexity, with lessons from other ombudsman schemes suggesting that surges in demand can put sustained pressure on timeliness and quality. For example, in the same period that the EO has reported a drop in complaints, the Financial Ombudsman Service has recently reported a 54% year-on-year increase in complaints to over 305,000 in 2024/25<sup>5</sup> and a 70% quarterly increase in new cases<sup>6</sup>, explicitly linking this to system strain and the need for a major transformation programme. While all of these cases may be legitimate, we consider that without careful triage and clear powers to reject frivolous or vexatious complaints, there is a real possibility that pro-active outreach will increase the proportion of weak cases, slow down redress for consumers with stronger claims, and drive up costs that ultimately flow back to all consumers.

**Q3: Can you identify other ways to overcome barriers to accessing the EO’s support not listed above? Please explain the relative merits of these options.**

In addition to the options proposed in the consultation, we see merit in a set of complementary measures focused on navigation support and practical accessibility, as follows:

<sup>2</sup> [Energy Ombudsman reports 24% drop in complaints](#)

<sup>3</sup> [Energy Ombudsman sees consumer complaints fall by 25% in first half of 2025.](#)

<sup>4</sup> [FCA Guidance for firms on the fair treatment of vulnerable customers \(FG21/1\)](#)

<sup>5</sup> [Financial Ombudsman Service receives 305,000 complaints in 2024/25](#)

<sup>6</sup> [New data reveals 70% jump in financial complaints.](#)

**“Guided pathway” and “warm referrals” via advice bodies:** Formalise the role of Citizens Advice, Citizens Advice Scotland and the Extra Help Unit who we understand already help some consumers reach the EO. Advisers could use standard scripts and tools to check eligibility and, with consent, make referrals by helping complete EO forms or contacting the EO directly. This targets those most likely to be overwhelmed, uses trusted existing services, and reduces the “start again” burden without requiring every supplier to build sophisticated auto-onboarding.

**Assisted-digital and accessibility enhancements for EO access:** Strengthen and promote the EO’s multi-channel access: telephone-based case creation, translation and BSL/video options, and simple ways to nominate a representative to act on the consumer’s behalf. This directly tackles digital exclusion and accessibility barriers, can be delivered largely by the EO, and could work well alongside advanced signposting by giving consumers flexible ways to engage once they are made aware of the EO.

**Community and third-sector outreach to under-represented groups:** Use targeted outreach via local authorities, churches, charities and community groups (e.g. debt, disability and migrant support) to explain the EO’s role and escalation routes. Co-develop simple materials and workshops, drawing on models used by other ombudsmen. This approach would help reach communities who may mistrust official communications or face language barriers, and can significantly widen access over time, even if benefits build more gradually.

**Standardised “complaint summary” document for consumers:** Require suppliers, at an agreed point (e.g. 4 or 6 weeks), to provide a short, standardised complaint summary setting out when the complaint was raised, the key issues, actions taken/offers made, and progress against the escalation timescale. Consumers could use this directly when approaching the EO or as the basis for auto-onboarding with consent. This reduces the need to reconstruct the complaint history, gives consumers a tangible record they control, and helps avoid later factual disputes.

**Q4: Are there any other barriers to consumers accessing the Energy Ombudsman that we should seek to remove? How should those barriers be removed?**

We have no specific comments on this question.

**Q5: Do you agree with shortening the waiting time before a consumer can refer their complaint to the EO to 4 weeks with exceptions? Please describe any advantages and/or disadvantages for consumers and suggest alternative approaches you think may be more effective providing evidence or examples. Evidence about the proportion of complaints resolved after 4 and 6 weeks may be of particular use.**

We recognise that a shorter waiting window could, in principle, provide faster redress for consumers whose supplier is failing to engage. However, as set out in our response to Q2, we are concerned that halving the timeframe risks a significant increase in complaints being escalated before suppliers have had a reasonable opportunity to resolve them, particularly where processes are currently less mature. A more effective approach would be to focus first on bringing all suppliers up towards the performance of those already resolving close to 100% of complaints within 8 weeks and then consider incremental reductions (for example, from 8 to 6 weeks) informed by robust evidence on the age-profile of resolved complaints – specifically, the proportions resolved within 4, 6 and 8 weeks.

We generally support simplicity in regulatory arrangements, but not where this comes at the expense of good consumer outcomes. Fixed escalation deadlines with no scope for exceptions risk creating a “false efficiency”. Where a supplier is close to resolving a complaint, forcing referral to the EO at an arbitrary cut-off point can prolong the journey, adding a further 6–10 weeks for the Ombudsman process and subsequent implementation of any remedy. In such cases, consumers may end up waiting longer for redress than if the supplier had been allowed a short, clearly agreed extension to conclude the matter directly.

For that reason, we do not support a trade-off in which a slightly longer standard period is offered in return for the complete removal of exemptions (for example, a flat 6-week deadline with no flexibility). Suppliers should be expected to resolve as many complaints as possible as early as possible, but it should also be recognised that a minority of cases will be more complex and legitimately require more time. A uniform 6-week default with no exceptions may inadvertently drive behaviour towards all cases taking around 6 weeks as standard, as resource is prioritised towards the more complex disputes at the expense of straightforward ones. We would instead favour a model that allows suppliers, with the consumer's explicit agreement, to extend the resolution period in clearly defined circumstances, with any failure to resolve within that extended period appropriately reflected in the level of redress or compensation paid to the consumer.

**Q6: What are some examples of valid exceptions to these shortened timescales? Please explain how any proposed exceptions would avoid disadvantaging consumers.**

We consider that suppliers will be best placed to comment on the detailed circumstances which may warrant an exception to any standard timescale. However, as set out in our answer to Q5, we consider that the use of clearly defined exceptions may better serve consumers overall by ensuring that complaint timescales are proportionate to the circumstances, rather than resources being pulled disproportionately towards the most complex cases. A rigid, one-size-fits-all deadline risks a form of *Goodhart's Law*; when the deadline becomes the target, behaviour converges on that point, rather than encouraging earlier resolution wherever possible. Allowing straightforward cases to be resolved quickly, while reflecting any need to use up – or go beyond – the maximum timeframe in the level of redress offered, is more likely to deliver fair outcomes across the complaint population.

**Q7: Do you agree that the EO should reduce their target to reach a decision to 4 weeks? What are the advantages and/or disadvantages for consumers?**

We support the principle of the EO working to shorter decision timescales but would be cautious about fixing a 4-week target without allowing for clearly defined exceptions. Just as with supplier deadlines, any target for the EO needs to be realistic in light of case mix and caseload and aligned with the resourcing assumptions used when setting that target. Otherwise, there is a risk that scarce resource is spread too thinly, or that quality and consistency of decisions suffer, to the detriment of consumers who rely on the EO as an independent check on supplier behaviour.

That said, we generally consider it appropriate that the EO should not have *longer* to reach a decision than the time originally allowed for the supplier to resolve the complaint, particularly given that it will already benefit from the work and information generated during the supplier's own complaints process. A well-calibrated target (with scope for exceptions in complex or multi-party cases) should therefore be set at a level that is both stretching and achievable and should be kept under review against actual caseload and performance, rather than applied as an absolute deadline in every case.

**Q8: Are there any other interventions we should consider to secure faster redress for consumers through the EO process?**

We have no specific comments on this question.

**Q9: What are the existing barriers to the implementation of EO decisions? From a consumer perspective, which barriers cause the greatest detriment?**

We have no specific comments on this question.

**Q10: Do you agree that the EO should be able to levy penalties against suppliers for late or incomplete implementation of their decisions? Please describe any advantages and/or disadvantages for consumers.**

It is difficult to comment on whether an additional penalty levied directly by the EO would be appropriate or effective without a clearer understanding of why around 1% of remedies are currently not implemented. Different causes (for example, supplier failure, genuine disputes about interpretation, or issues linked to the EO process itself) may merit different responses. That said, we agree in principle that consumers associated with those cases must not be disadvantaged simply because an EO decision has not been implemented in full or on time.

On that basis, it seems reasonable that any new mechanism should prioritise compensating the affected consumer for late or non-payment, rather than solely reimbursing the EO's additional administrative costs. There may also be circumstances where Ofgem is better placed than the EO to apply any penalty or enforcement measure – for example, where delays are materially connected to systemic issues in the EO process or wider market conditions, rather than solely to supplier non-compliance. We agree that a Guaranteed Standard of Performance (GSOP) specifically linked to the timely payment and implementation of EO remedies may be a suitable option, with clear criteria for when it applies. However, such a mechanism would need to avoid “double jeopardy”, given existing enforcement routes, so we would expect suppliers to be able to challenge the basis of any referrals or penalties where they believe the facts have been misapplied.

Finally, given the relatively small value of many individual EO awards, any regime must be proportionate for all parties and designed so that the additional administrative cost of operating it does not outweigh the benefit to consumers whose remedies are delayed.

**Q11: What considerations should be included when setting any penalty regime? For example, how should the level of penalties be set, what exceptions should be included.**

We consider that any supplier penalty regime linked to Ombudsman decisions should secure timely implementation of remedies, protect consumers from ongoing detriment, and support good market-wide behaviour, while remaining fair and proportionate. In our view, the following principles should apply:

**Consumer detriment and proportionality:** Penalty levels should be calibrated by reference to the harm and inconvenience caused to consumers where remedies are not implemented on time, including distress, time and effort, and any financial impact. They should remain reasonable in all the circumstances, differentiating between one-off, lower-impact cases and persistent or systemic failures, and giving appropriate weight to impacts on vulnerable consumers.

**Strong incentives and escalation:** Non-compliance should clearly be more costly than compliance. A stepped structure, where penalties increase the longer a remedy remains outstanding and for repeat non-compliance, would create a clear and transparent incentive for prompt implementation and continuous improvement.

**Complementary to redress, not a substitute:** The primary objective should always be to put the consumer back in the position they should have been in and to compensate them appropriately. Penalties should then address the additional failure to implement the Ombudsman's decision within the required timescale, rather than being treated as an alternative to effective redress.

**Transparency without perverse incentives:** The regime should be straightforward to explain and understand so that consumers have clarity about what happens if a decision is not implemented. At the same time, care is needed to avoid creating a perception of a guaranteed “tariff” for bringing a complaint that could encourage

trivial or vexatious cases. Any communications should therefore emphasise that penalties arise from supplier non-implementation, not from the act of complaining itself.

**Coherence with the wider framework:** Penalty levels should sit sensibly alongside existing Guaranteed Standards of Performance (GSOP) payments and Ofgem’s enforcement penalty framework: high enough to drive compliance but not so high as to cut across Ofgem’s role in addressing wider systemic failings. As with GSOP, there should be a clear rationale for how levels are set, and arrangements for periodic review or indexation so that their real value and deterrent effect are maintained.

**Evidence-based, limited exceptions:** Any exceptions to the penalty regime should be narrow, transparent and grounded in evidence about which types of cases are genuinely harder to resolve within standard timescales – for example, drawing on the profile of complaints escalated to the EO – and focused on factors beyond the supplier’s reasonable control.

**Q12: Are there any other interventions we should consider to ensure that EO decisions are implemented on time and in full?**

We have no specific comments on this question.

**Q13: How can we improve cooperation between different organisations in the consumer support journey?**

We see scope to improve cooperation across the consumer support journey in three main ways: clearer pathways, better data-sharing, and stronger feedback loops. First, roles and hand-offs between suppliers, the EO, Citizens Advice / Citizens Advice Scotland and the Extra Help Unit should be made more deliberate and consistent. That could include standardised “guided pathway” scripts, warm-referral protocols (with the consumer’s consent) and common templates for complaint acknowledgements and deadlock letters, so that consumers receive consistent information about next steps and do not have to “start again” when moving between organisations.

Second, cooperation would be strengthened by more consistent, consent-based sharing of information that is genuinely useful for resolving cases and supporting vulnerable consumers. In the short term this points to simple, standardised “complaint summaries” that can move with the consumer and avoid factual disputes. Over time, we see a role for shared technical and governance solutions – including RECCo’s emerging Consumer Solution as a single consent platform, and the API standards being developed through the Tariff Interoperability work – to provide a common, secure way for suppliers, the EO and advice bodies to share the minimum necessary data (for example on complaint history or support needs) without consumers having to repeat their circumstances multiple times.

Finally, cooperation should be underpinned by more systematic sharing of insight and performance information between organisations. Regular, structured exchanges of data and qualitative learning between suppliers, the EO, Citizens Advice and Ofgem – for example on the age-profile of complaints, the points where consumers drop out, and recurring root causes – would help target improvements where they are most needed, rather than each organisation optimising its own part of the journey in isolation.

**Q14: Would any of the changes proposed in this consultation negatively impact other organisations in the consumer support landscape? Please refer to specific proposals in your response**

We have no specific comments on this question.

**Q15: Do you agree that the EO should be appointed directly through statute? Please describe any risks or unintended consequences you foresee from appointment in this manner.**

We have no specific comments on this question.

**Q16: Do you agree that the weight of EO decisions should be increased so that suppliers have an explicit legal obligation to implement EO rulings? Please describe any advantages and/or disadvantages for consumers.**

Our understanding is that the EO is a private, not-for-profit company approved by Ofgem as a “qualifying redress scheme” and ADR body, rather than a statutory body created by Act of Parliament. By contrast, the Financial Ombudsman Service is established in legislation and clearly carries out public functions, with decisions that can be challenged by judicial review. We recognise that the consultation is not proposing to put the EO on the same footing as the Financial Ombudsman or to make its decisions automatically equivalent to court judgments.

However, giving EO decisions a stronger legal status and explicit enforcement powers would still move it further along that spectrum, and may over time create pressure for more formal, court-like procedures and stronger supplier rights of challenge. This could risk slowing and “legalising” a process that is meant to be quick, informal and accessible to consumers. In our view, the goal should be to strike an appropriate balance: a process that remains proportionate and relatively light-touch in how cases are handled, but with sufficiently clear statutory underpinning and enforcement mechanisms to ensure that EO decisions are implemented in full and on time.

**Q17: What are the best mechanisms to continue to improve the performance of the EO in delivering easier and faster redress for consumers?**

We support the proposal to update the criteria against which the EO is evaluated, and would welcome a clearer, published set of measures that Ofgem uses in its regular reviews. In our view, those criteria should focus on the nature and complexity of cases, not just an arbitrary timeline, and could include:

- Timeliness by case type – time to decision segmented by complexity and vulnerability, rather than a single headline average.
- Implementation of remedies – time to implementation and proportion of decisions implemented in full and on time.
- Accessibility and inclusion – how well the EO serves vulnerable and digitally excluded consumers, including take-up and satisfaction.
- Cooperation and data-sharing – the quality and timeliness of information flows between the EO, suppliers, Ofgem, Citizens Advice and other bodies.

These criteria should be supported by granular, transparent performance reporting so that consumers, suppliers and advice bodies can see how the EO is performing over time.

We also think EO performance could improve fastest if there is better cooperation and data-sharing along the complaints journey, so that cases arrive in a more “ready” state and systemic issues are more visible. As set out in earlier answers, this includes proportionate automatic referral mechanisms (advanced signposting and consent-based auto-onboarding), standardised “complaint summaries” that move with the consumer, and the interoperable consent and data-sharing infrastructure RECCo is developing through the Consumer Consent Solution and Tariff Interoperability work.

When Ofgem established the REC<sup>7</sup>, it explicitly envisaged that the performance assurance framework would respond dynamically to emerging information, including complaint statistics, rather than rely on a static risk

<sup>7</sup> [“The Retail Energy Code – proposals for version 1.1”](#), Ofgem, October 2020

register. In that spirit, we would be keen to work with the EO to identify root causes of complaints highlighted by its caseload and to collaborate on how those can be addressed through REC processes, guidance and, where appropriate, code change.

**Q18: Does Ofgem remain the appropriate organisation to review the performance of the EO? Please describe the advantages and/or disadvantages of Ofgem retaining this role. What criteria should be applied in evaluating the EO's performance?**

We agree that Ofgem remains the most appropriate organisation to review the performance of the EO, and we do not see any readily available alternatives to Ofgem continuing in this role.

**Q19: Do you agree with our proposal that proposed reforms to the EO should also be applied to heat network markets? Please provide evidence to support your answer.**

We would support, in principle, applying the same broad package of ombudsman reforms to heat network consumers wherever practicable, so that they have access to redress broadly equivalent to gas and electricity customers. Robust, credible protections will be essential to support the sector's anticipated growth, and consumers on smaller or newer networks should not receive weaker protection simply because of the type or size of network.

However, many heat providers are new to regulation and include small operators with limited resource. Outcomes for heat consumers (timely redress and effective enforcement) should mirror energy supply, but delivery may need to be phased and proportionate, with clear guidance, shared tools, transitional periods and lighter-touch expectations for the smallest networks