

Annex to Condition C4

[See Condition C4.2]

Ofcom approved complaints code of practice for customer service and complaints handling

Section 1 – Complaints handling procedures

- 1 The **Complaints Handling Procedures** of **Regulated Providers** should ensure any **Complaint** from a **Relevant Customer** is resolved to the **Complainant's** satisfaction in a timely manner or where the **Regulated Provider** is unable to do so, that the **Complainant** is informed of their right to go to the **ADR Scheme** as soon as it is appropriate to do so.

Receiving, handling and resolving complaints by relevant customers with disabilities or who are in circumstances that may make them vulnerable

- 2 The **Complaints Handling Procedures** of **Regulated Providers** must be sufficiently accessible to enable the following to make, and progress, a **Complaint**:
 - (a) **Relevant Customers** with disabilities;
 - (b) **Relevant Customers** who the **Regulated Provider** has been informed or should otherwise reasonably be aware may be vulnerable due to circumstances such as age, physical or learning disability, physical or mental illness, low literacy, communications difficulties or changes in circumstances such as bereavement; and
 - (c) third parties acting on behalf of such **Relevant Customers**.

Identifying and receiving complaints

- 3 **Regulated Providers** must ensure that all staff who communicate with **Relevant Customers** receive training on how to identify a **Complaint**.
- 4 A **Regulated Provider** must allow **Relevant Customers** to make **Complaints** by at least the following three means:
 - (a) a **Telephone Number** which is either a 'free to call' number or a number charged at the equivalent of a geographic call rate;
 - (b) a UK postal address; and
 - (c) either an email address or an internet web page form dedicated to allowing **Relevant Customers** to lodge **Complaints**.
- 5 The means by which a **Regulated Provider** accepts **Complaints**:
 - (a) must be well publicised and readily available; and
 - (b) should not unduly deter **Relevant Customers** from making a **Complaint**.

Information to the complainant about process and timeframe

- 6 After having received a **Complaint**, the **Regulated Provider** must promptly inform the **Complainant** of:
 - (a) the process it will follow to investigate the **Complaint** with a view to resolving it to the **Complainant's** satisfaction; and
 - (b) the timeframes in which the **Regulated Provider** will endeavour to carry out its investigation of the **Complaint**.

Taking steps to resolve complaints

- 7 A **Regulated Provider** must promptly take, and continue to promptly take, active steps to resolve the **Complaint** to the **Complainant's** satisfaction until the **Complaint** has been resolved or otherwise closed.

Telling the complainant of the outcome of the investigation into the complaint

- 8 The **Regulated Provider** must promptly tell the **Complainant** of the outcome of its investigation into the **Complaint**.
- 9 When telling the **Complainant** of the outcome of its investigation into the **Complaint** in accordance with paragraph 8, the **Regulated Provider** must also tell the **Complainant**:
 - (a) that the **Regulated Provider** may consider it reasonable to conclude that the **Complaint** has been resolved to the **Complainant's** satisfaction if the **Regulated Provider** promptly tells the **Complainant** of the outcome of its investigation into the **Complaint** and the **Complainant** does not let the **Regulated Provider** know within 28 days that they consider the **Complaint** remains unresolved; and
 - (b) where a copy of the **Customer Complaints Code** can be found on the **Regulated Provider's** website and the contact details for the **ADR Scheme** of which the **Regulated Provider** is a member.
- 10 Where requested by the **Complainant**, **Regulated Providers** must ensure that the information referred to in paragraphs 8 and 9 is issued in a **Durable Medium**.

Unresolved complaints and access to ADR

Issuing ADR letters

- 11 The **Regulated Provider** must immediately issue an **ADR Letter** to the **Complainant** at any time, where the following three cumulative criteria are met:
 - (a) the **Regulated Provider** has told the **Complainant** of the outcome of its investigation into the **Complaint**;
 - (b) the **Complainant** has told the **Regulated Provider** that they consider the proposed outcome does not resolve the **Complaint** to their satisfaction; and

- (c) the **Regulated Provider** does not intend to take additional steps to resolve the **Complaint** to the **Complainant's** satisfaction that would produce a different outcome.
- 12 The **Regulated Provider** must immediately issue an **ADR Letter** to the **Complainant** if the **Complaint** remains unresolved after 8 weeks have passed since the date on which the **Complaint** was first received, unless the **Regulated Provider** has already sent an **ADR Letter** in accordance with paragraph 11 above.
- 13 Any time a **Regulated Provider** is required to issue an **ADR Letter** under this **Condition**, the **ADR Letter** must comply with the following requirements:
 - (a) it must be written in plain English;
 - (b) it must provide information solely about the relevant **Complaint**;
 - (c) it must inform the **Complainant** that because the **Complaint** cannot be resolved to their satisfaction, they may exercise their right to take their **Complaint** to the **ADR Scheme** at no cost to the **Complainant**;
 - (d) it must provide the name and contact details of the body which administers the **ADR Scheme** of which the **Regulated Provider** is a member and state that the **ADR Scheme** is independent of the **Regulated Provider**; and
 - (e) it must be issued in a **Durable Medium**.

Closing complaints

- 14 The **Regulated Provider** must not close a **Complaint** unless:
 - (a) the **Complaint** has been resolved in accordance with the circumstances set out in paragraph 15 below;
 - (b) an **ADR Letter** has been issued to the **Complainant** in accordance with paragraphs 11 or 12 above; or
 - (c) it is reasonable for the **Regulated Provider** to consider the **Complaint** to be frivolous or vexatious.
- 15 A **Complaint** has been resolved where:
 - (a) the **Complainant** has expressly agreed that the **Complaint** has been resolved to the **Complainant's** satisfaction;
 - (b) it is reasonable for the **Regulated Provider** to conclude that the **Complaint** has been resolved to the **Complainant's** satisfaction because:
 - (i) the **Regulated Provider** has informed the **Complainant** of the outcome of its investigation in accordance with paragraph 8 and complied with its obligations under paragraph 9; and
 - (ii) the **Complainant** has not come back to the **Regulated Provider** within 28 days to say that they consider the **Complaint** remains unresolved (see paragraph 9(a)).

Section 2 – Customer complaints code

- 16 The **Customer Complaints Code** that **Regulated Providers** are required to have pursuant to **Condition C4.2(b)** must:
- (a) be concise and easy to understand;
 - (b) only contain relevant information about how **Complaints** from **Relevant Customers** are handled and how, and when, **Complainants** can take their unresolved **Complaints** to the **ADR Scheme**.
- 17 The **Customer Complaints Code** must be kept up to date and include information about:
- (a) the contact details for making a **Complaint** to the **Regulated Provider**, including providing details about the means of lodging a **Complaint** required in paragraph 4 above;
 - (b) the steps the **Regulated Provider** will take to investigate with a view to resolving a **Complaint**;
 - (c) the timeframes in which the **Regulated Provider** will endeavour to resolve the **Complaint**;
 - (d) the right for a **Complainant** to take their unresolved **Complaint** to the **ADR Scheme** after eight weeks have passed since the date on which the **Complaint** was received, and the circumstance (under paragraph 11 above) where the **Complainant** can do so at any time;
 - (e) the name and contact details for the body which administers the **ADR Scheme** of which the **Regulated Provider** is a member.
- 18 The **Customer Complaints Code** must be well publicised and readily available, including ensuring that it is:
- (a) easily accessible on a webpage, with either:
 - (i) a weblink to the **Customer Complaints Code** being clearly visible on a **Regulated Provider's** primary webpage for existing **Relevant Customers** (i.e. '1 click' access); or
 - (ii) a weblink to the **Customer Complaints Code** being clearly visible on a 'how to complain' or 'contact us' page, which is directly accessible from a primary webpage for existing **Relevant Customers** (i.e. '2 click' access);
 - (b) referred to in the terms and conditions for all relevant products and services, which should signpost **Consumers** to how they can access a copy of the **Customer Complaints Code**;
 - (c) provided free of charge to **Complainants** upon reasonable request in hard copy or other format as agreed with the **Complainant**; and
 - (d) made available on request, free of charge and in a format reasonably acceptable to any **Relevant Customer** who is blind or whose vision is impaired. An acceptable format would, for these purposes, consist of print large enough for those **Relevant Customers** to read, Braille or electronic format appropriate to the reasonable needs of the **Relevant Customer**.

Staff awareness of the regulated provider's customer complaints code

- 19 **Regulated Providers** must ensure that all staff who deal with **Complaints** (for example, front-line staff who are the first point of contact for **Complainants** and/or responsible for dealing with **Complaints**, and those staff to whom **Complaints** are escalated):
- (a) are fully informed of, and understand, the **Customer Complaints Code**; and
 - (b) know where, and how, to access the **Customer Complaints Code** on the **Regulated Provider's** website.

Section 3 – Record keeping

Record keeping for each complaint

- 20 For each **Complaint** received, the **Regulated Provider** must keep a record in writing of:
- (a) the date on which the **Complaint** was received;
 - (b) how the **Complaint** was made (for example, by email or by phone);
 - (c) the identity and contact details of the **Complainant**;
 - (d) a description of what the **Complaint** is about;
 - (e) all communications made or received between the **Regulated Provider** and the **Complainant** regarding the **Complaint**, including, as a minimum:
 - (i) the date on which the communication was made or received;
 - (ii) how the communication was made or received (for example, by email or by phone);
 - (iii) a description of what was contained in the communication (for example, advice given and/or action proposed to be taken and/or action agreed with the **Complainant** to be taken, to resolve the **Complaint**);
 - (iv) copies of any written communication; and
 - (f) the date on which the **Complaint** was resolved or otherwise closed.
- 21 Where the **Complaint** is resolved because:
- (a) the **Complainant** expressly agrees that the **Complaint** has been resolved to the **Complainant's** satisfaction, the **Regulated Provider** must keep a record in writing of that express agreement;
 - (b) the conditions set out in paragraph 9(a) and (b) have been satisfied as a result of which the **Regulated Provider** can conclude that the **Complaint** has been resolved to the **Complainant's** satisfaction, the **Regulated Provider** must keep a record showing that those **Conditions** were met.
- 22 Where the **Regulated Provider** closes a **Complaint** on the basis of:
- (a) paragraph 14(b), a record must be retained of the **ADR Letter** and why it was issued;

- (b) paragraph 14(c), a record must be retained of why the **Regulated Provider** considered it reasonable to consider the **Complaint** to be frivolous or vexatious.

Monthly records

- 23 For each month, **Regulated Providers** must retain a record of the following:
- (a) the number of **Complaints** received in that month;
 - (b) the number of **ADR Letters** sent in that month for unresolved **Complaints** in accordance with paragraph 12 (i.e. after eight weeks have passed);
 - (c) the number of **ADR Letters** sent in that month for unresolved **Complaints** in accordance with paragraph 11 (i.e. at any time);
 - (d) the number of **Complaints** resolved because the **Complainant** expressly agreed that the **Complaint** has been resolved to the **Complainant's** satisfaction;
 - (e) the number of **Complaints** resolved because the conditions set out in paragraph 9(a) and (b) have been satisfied as a result of which the **Regulated Provider** can conclude that the **Complaint** has been resolved to the **Complainant's** satisfaction;
 - (f) the number of **Complaints** closed on the basis of paragraph 14(c).

Retaining records

- 24 **Regulated Providers** must retain the written records referred to in paragraphs 20 to 23 for a period of at least twelve months after the **Complaint** was resolved or otherwise closed.
- 25 **Regulated Providers** must retain the written records referred to in paragraphs 20 to 23 in an appropriate format such that the records are:
- (a) clear in how they meet the requirements in those paragraphs; and
 - (b) readily accessible in order to assist in effective compliance monitoring.

Section 4 – Information in bills on ADR

- 26 Every **Bill** provided to **Relevant Customers** who are **Consumers**, excluding **Bills** provided by **SMS**, must also include, in a reasonably prominent manner, relevant text regarding the right of **Relevant Customers** to take unresolved **Complaints** to the **ADR Scheme**. That text must:
- (a) provide the name and contact details of the body which administers the **ADR Scheme** of which the **Regulated Provider** is a member and state that the **ADR Scheme** is independent of the **Regulated Provider**;
 - (b) state that the **ADR Scheme** offers dispute resolution for **Complaints** at no cost to the **Complainant**;
 - (c) inform **Relevant Customers** that the **ADR Scheme** can normally only be accessed after eight weeks have passed since the **Complaint** was first made to the **Regulated Provider**; and

- (d) refer to the **Customer Complaints Code**, and where it can be found on the **Regulated Provider's** website, for further information and, where possible, provide a web address for the **Customer Complaints Code**.