### CONSUMER PROTECTION CONDITION 3: COMPLAINTS HANDLING AND REDRESS

#### 3.1. Application, definitions and interpretation

<table>
<thead>
<tr>
<th>CP 3.1.1</th>
<th>This consumer protection condition (“CP Condition”) shall apply as follows:</th>
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<tbody>
<tr>
<td></td>
<td>(a) CP 3.2 - all postal operators; and</td>
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<td></td>
<td>(b) CP 3.3 - the universal service provider.</td>
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<thead>
<tr>
<th>CP 3.1.2</th>
<th>In this CP Condition—</th>
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<tr>
<td></td>
<td>(a) “Act” means the Postal Services Act 2011 (c.5);</td>
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<td>(b) “Citizens Advice Consumer Service” means the telephone and online consumer advice service operated by the National Association of Citizens Advice Bureaux, registered company number 1436945;</td>
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<td>(c) “complainant” means a person who has made a consumer complaint;</td>
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<td>(d) “complaint” means any expression of dissatisfaction made to a postal operator, related to one or more of its products or services or the manner in which the postal operator has dealt with any such expression of dissatisfaction, where a response is explicitly or implicitly required or expected to be provided;</td>
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<td>(e) “complaints handling procedure” means the procedure required by Condition CP 3.3.1;</td>
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<td>(f) “completed complaint” means a consumer complaint in respect of which there remains no outstanding action to be taken by the postal operator in accordance with its complaint handling procedure;</td>
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<td>(g) “consumer” means a person who uses postal services either as a sender or an addressee;</td>
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<td>(h) “consumer complaint” means a complaint which is made against the universal service provider either—</td>
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<td>i. by a person in that person’s capacity as a relevant consumer; or</td>
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<td></td>
<td>ii. by a person acting on behalf of such a relevant consumer;</td>
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<td></td>
<td>(i) “Consumer Advocacy Bodies” means Citizens Advice, Citizens Advice Scotland and the General Consumer Council for Northern Ireland;</td>
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<td></td>
<td>(j) “DUSP condition” means a designated USP condition imposed under s.36 of the Act;</td>
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</table>
(k) “public holiday” means a Christmas Day, Good Friday and a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom;

(l) “qualifying redress scheme” means a redress scheme which is approved by OFCOM in accordance with Schedule 5 of the Act;

(m) “relevant consumer” means a consumer of a relevant postal service;

(n) “relevant postal service” means a postal service which the universal service provider is required to provide by a DUSP condition;

(o) “specified time period” means the time period specified by the universal service provider in its complaint handling procedure or as otherwise agreed with a relevant consumer, as the maximum period that the universal service provider has to complete a consumer complaint before the universal service provider who made that consumer complaint, or on whose behalf that consumer complaint was made, becomes entitled to refer that consumer complaint to a qualifying redress scheme;

(p) “vulnerable consumer” means a consumer who cannot reasonably be expected to pursue a complaint on their own behalf;

(q) “working day” means any day other than a Saturday, a Sunday or a public holiday.

CP 3.1.3 For the purpose of interpreting this CP Condition—

(a) except in so far as the context otherwise requires, any word or expression shall have the same meaning as it has been ascribed for the purpose of Part 3 of the Act;

(b) headings and titles shall be disregarded;

(c) expressions cognate with those referred to in this CP Condition shall be construed accordingly; and

(d) the Interpretation Act 1978 (c. 30) shall apply as if this CP Condition were an Act of Parliament.

3.2. Obligation on postal operators

CP 3.2 A postal operator shall establish, make available and comply with transparent, simple and inexpensive procedures for dealing with complaints of consumers of postal services, which facilitate the fair and prompt settlement of disputes.

5 OFCOM approved IDRS Ltd to administer the Postal Redress Service under section 52 and Schedule 5 of the Postal Services Act 2011 on 1 October 2011.
### 3.3. Obligations on the universal service provider

| CP 3.3.1 | The universal service provider shall establish, make available and comply with a complaints handling procedure in accordance with CP 3.2 and CP 3.3.2 for dealing with complaints of relevant consumers of relevant postal services. |
| CP 3.3.2 | A complaints handling procedure must:  
(a) be in plain and intelligible language;  
(b) allow for consumer complaints to be made orally or in writing (including electronically);  
(c) set out contact details to allow a relevant consumer to make a consumer complaint;  
(e) allow for consumer complaints to be progressed through each stage of the complaints handling procedure orally or in writing (including electronically);  
(f) allow for consumer complaints with no evidence base to be dealt with;  
(g) describe the process which the universal service provider will follow with a view to investigating and resolving a consumer complaint and the likely timescales for that process;  
(h) provide for an internal review of an existing consumer complaint where a complainant indicates that they would like such a review to occur because he or she is dissatisfied with the handling of that consumer complaint;  
(i) set out contact details for Citizens Advice Consumer Service;  
(j) describe the complainant's right to refer a consumer complaint to a qualifying redress scheme:  
(i) from the point at which the universal service provider notifies the complainant in writing, that it is unable to complete the consumer complaint to the complainant's satisfaction; or  
(ii) after the expiry of the specified time period. |
| CP 3.3.3 | The universal service provider shall, not less than once every three calendar years, review the complaints handling procedure and seek feedback from a reasonable number of complainants to ensure the complaints handling procedure meets the needs of relevant consumers. |
| CP 3.3.4 | Upon receipt of a consumer complaint made through the complaints handling procedure the universal service provider shall record in a written or electronic format the following details:  
(a) the date that the consumer complaint was received;  
(b) whether the consumer complaint was made orally or in writing;  
(c) the identity and contact details of the complainant; and  
(d) a summary of the consumer complaint. |
| CP 3.3.5 | For each consumer complaint received through its complaints handling procedure the universal service provider must also record:

(a) a summary of any subsequent contact with the complainant and any advice given or action taken in response to the consumer complaint;

(b) the date (if any) on which the consumer complaint became a completed complaint; and

(c) the date (if any) on which the universal service provider sends a written notice to a complainant in accordance with CP 3.3.7. |

| CP 3.3.6 | Where a universal service provider has recorded a consumer complaint as a completed complaint but within three months of the date of making that record a subsequent contact is made by or on behalf of the complainant in relation to that consumer complaint which indicates that it is not a completed complaint, the universal service provider:

(a) must as soon as reasonably practicable take account of that consumer complaint in any report which it is obliged to prepare and publish in accordance with CP 3.3.14;

(b) shall not otherwise be entitled to treat that consumer complaint as a completed complaint until that consumer complaint is demonstrably a completed complaint. |

| CP 3.3.7 | The universal service provider must send a notice to a complainant on the earlier of:

(a) the first working day after the day on which the universal service provider becomes aware that it is not able to complete a consumer complaint made through its complaints handling procedure to the complainant's satisfaction; or

(b) the first working day after the day on which the specified time period for that consumer complaint expires. |

| CP 3.3.8 | The notice referred to in CP 3.3.7 must be in writing (including electronically) unless another format has been agreed with the complainant, and notify the complainant—

(a) of their right to refer the consumer complaint to a qualifying redress scheme;

(b) of the contact details of the qualifying redress scheme;

(c) that the qualifying redress scheme process is independent of the universal service provider;

(d) that the qualifying redress scheme process is free of charge to the complainant;

(e) of the types of redress that may be available under a qualifying redress scheme; and

(f) that any outcome of the qualifying redress scheme process is binding upon the universal service provider but not upon the complainant. |
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<thead>
<tr>
<th>CP 3.3.9</th>
<th>The universal service provider must allocate and maintain such level of resources as may reasonably be required to enable the universal service provider to receive, handle and process consumer complaints made through its complaints handling procedure in an efficient and timely manner and in accordance with this Condition.</th>
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<tbody>
<tr>
<td>CP 3.3.10</td>
<td>The universal service provider must put in place arrangements to deal with complaints made through its complaints handling procedure in relation to which the Consumer Advocacy Bodies makes representations on behalf of a vulnerable consumer. If the universal service provider identifies a consumer as a vulnerable consumer with a consumer complaint, or the Consumer Advocacy Bodies refers such a consumer to the universal service provider, the universal service provider must take such additional steps as it considers necessary or appropriate with a view to assisting that vulnerable consumer and completing their consumer complaint in an appropriate and prompt manner.</td>
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| CP 3.3.11 | The universal service provider must:  
(a) publish its complaints handling procedure in such a manner as will ensure reasonable publicity for it;  
(b) ensure that its complaints handling procedure appears at a clear and prominent location on any relevant website it operates or controls; and  
(c) ensure that details of how to make a consumer complaint are made available at all its business premises which are accessible to the public, including the premises of its agents. |
| CP 3.3.12 | Where the universal service provider becomes aware, following contact by or on behalf of the complainant, that a consumer complaint which the postal operator had recorded as a completed complaint is not a completed complaint, the universal service provider must as soon as reasonably practicable—  
(a) direct the complainant to the complaints handling procedure; and  
(b) offer to provide a copy of the complaints handling procedure to the complainant free of charge. |
| CP 3.3.13 | The universal service provider must provide a copy of its complaints handling procedure, free of charge, to any person who requests it. |
| CP 3.3.14 | The universal service provider must—  
(a) publish by 30th June each year a consumer complaints report in such a manner as will ensure reasonable publicity for it;  
(b) publish its consumer complaints report at a clear and prominent location on any website it operates or controls; and  
(c) provide a copy of its consumer complaints report, free of charge, to any person who requests it. |
| CP 3.3.15 | A consumer complaints report is a report in relation to the twelve month period ending on 31st March of the year in which the report is published which contains the following information: |
(a) the number of consumer complaints which the universal service provider received during that period, which had not become completed complaints within that period; and

(b) the number of consumer complaints which the universal service provider received, during that period, which had become completed complaints within that period,

in each case presenting the information broken down by no more than ten of the main causes of consumer complaint.

**CP 3.3.16**
The universal service provider shall submit to OFCOM and to the Consumer Advocacy Bodies, and publish in such a manner as will ensure reasonable publicity for them, not later than two months from the end of the quarter to which they relate, written quarterly reports which shall

(a) set out:

(i) the number of consumer complaints received during that quarter from relevant consumers which have not become completed complaints; and

(ii) the number of consumer complaints received during that quarter from relevant consumers which have become completed complaints; and

(b) present the information referred to in paragraph (a) for the United Kingdom as a whole:

(i) broken down by no less than ten main categories of consumer complaint, and

(ii) showing the compensation that has been paid to relevant consumers in relation to consumer complaints that were found to be valid.

**CP 3.3.17**
The universal service provider must be a member of a qualifying redress scheme in relation to consumer complaints about the provision of a relevant postal service.

**Table of terms defined in the Act**

This table is provided for information and does not form a part of this condition. We make no representations as to its accuracy or completeness. Please refer to the Act.

<table>
<thead>
<tr>
<th>Defined term</th>
<th>Section of the Act</th>
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<tbody>
<tr>
<td>OFCOM</td>
<td>s.90</td>
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<tr>
<td>postal operator</td>
<td>s.27(3)</td>
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<tr>
<td>postal packet</td>
<td>s.27(2)</td>
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<tr>
<td>universal service provider</td>
<td>s.65(1) and Schedule 9 paragraph 3</td>
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<tr>
<td>user</td>
<td>s.65(1)</td>
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