

Schedule

CP 3

CONSUMER PROTECTION CONDITION 3: COMPLAINTS HANDLING AND REDRESS

3.1. Application, definitions and interpretation

CP 3.1.1	This consumer protection condition (“ CP Condition ”) shall apply as follows: (a) CP 3.2 - all <u>postal operators</u> ; and (b) CP 3.3 - the <u>universal service provider</u> .
CP 3.1.2	In this CP Condition— (a) “ Act ” means the Postal Services Act 2011 (c.5); (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; (c) “ complainant ” means a person who has made a <u>consumer complaint</u> ; (d) “ complaint ” means any expression of dissatisfaction made to a <u>postal operator</u> , related to one or more of its products or services or the manner in which the <u>postal operator</u> has dealt with any such expression of dissatisfaction, where a response is explicitly or implicitly required or expected to be provided; (e) “ complaints handling procedure ” means the procedure required by Condition CP 3.3.1; (f) “ completed complaint ” means a <u>consumer complaint</u> in respect of which there remains no outstanding action to be taken by the <u>postal operator</u> in accordance with its <u>complaint handling procedure</u> ; (g) “ consumer ” means a person who uses <u>postal services</u> either as a sender or an addressee; (h) “ consumer complaint ” means a <u>complaint</u> which is made against the <u>universal service provider</u> either— i. by a person in that person's capacity as a <u>relevant consumer</u> ; or ii. by a person acting on behalf of such a relevant consumer; (i) “ Consumer Advocacy Bodies ” means Citizens Advice, Citizens Advice Scotland and the General Consumer Council for Northern Ireland; (j) “ DUSP condition ” means a designated USP condition imposed under s.36 of the Act;

	<p>(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;</p> <p>(l) “qualifying redress scheme” means a redress scheme which is approved by <u>OFCOM</u> in accordance with Schedule 5 of the Act⁵;</p> <p>(m) “relevant consumer” means a consumer of a <u>relevant postal service</u>;</p> <p>(n) “relevant postal service” means a <u>postal service</u> which the <u>universal service provider</u> is required to provide by a <u>DUSP condition</u>;</p> <p>(o) “specified time period” means the time period specified by the <u>universal service provider</u> in its <u>complaint handling procedure</u> or as otherwise agreed with a <u>relevant consumer</u>, as the maximum period that the <u>universal service provider</u> has to complete a <u>consumer complaint</u> before the <u>universal service provider</u> who made that <u>consumer complaint</u>, or on whose behalf that <u>consumer complaint</u> was made, becomes entitled to refer that <u>consumer complaint</u> to a <u>qualifying redress scheme</u>;</p> <p>(p) “vulnerable consumer” means a consumer who cannot reasonably be expected to pursue a <u>complaint</u> on their own behalf;</p> <p>(q) “working day” means any day other than a Saturday, a Sunday or a <u>public holiday</u>.</p>
<p>CP 3.1.3</p>	<p>For the purpose of interpreting this CP Condition—</p> <p>(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;</p> <p>(b) headings and titles shall be disregarded;</p> <p>(c) expressions cognate with those referred to in this CP Condition shall be construed accordingly; and</p> <p>(d) the Interpretation Act 1978 (c. 30) shall apply as if this CP Condition were an Act of Parliament.</p>

3.2. Obligation on postal operators

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

<p>CP 3.3.5</p>	<p>For each <u>consumer complaint</u> received through <u>its complaints handling procedure</u> the <u>universal service provider</u> must also record:</p> <ul style="list-style-type: none"> (a) a summary of any subsequent contact with the <u>complainant</u> and any advice given or action taken in response to the <u>consumer complaint</u>; (b) the date (if any) on which the <u>consumer complaint</u> became a <u>completed complaint</u>; and (c) the date (if any) on which the <u>universal service provider</u> sends a written notice to a <u>complainant</u> in accordance with CP 3.3.7.
<p>CP 3.3.6</p>	<p>Where a <u>universal service provider</u> has recorded a <u>consumer complaint</u> as a <u>completed complaint</u> but within three months of the date of making that record a subsequent contact is made by or on behalf of the <u>complainant</u> in relation to that <u>consumer complaint</u> which indicates that it is not a <u>completed complaint</u>, the <u>universal service provider</u>:</p> <ul style="list-style-type: none"> (a) must as soon as reasonably practicable take account of that <u>consumer complaint</u> 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 <u>consumer complaint</u> as a <u>completed complaint</u> until that <u>consumer complaint</u> is demonstrably a <u>completed complaint</u>.
<p>CP 3.3.7</p>	<p>The <u>universal service provider</u> must send a notice to a <u>complainant</u> on the earlier of:</p> <ul style="list-style-type: none"> (a) the first <u>working day</u> after the day on which the <u>universal service provider</u> becomes aware that it is not able to complete a <u>consumer complaint</u> made through its <u>complaints handling procedure</u> to the <u>complainant's</u> satisfaction; or (b) the first <u>working day</u> after the day on which the <u>specified time period</u> for that <u>consumer complaint</u> expires.
<p>CP 3.3.8</p>	<p>The notice referred to in CP 3.3.7 must be in writing (including electronically) unless another format has been agreed with the <u>complainant</u>, and notify the <u>complainant</u>—</p> <ul style="list-style-type: none"> (a) of their right to refer the <u>consumer complaint</u> to a <u>qualifying redress scheme</u>; (b) of the contact details of the <u>qualifying redress scheme</u>; (c) that the <u>qualifying redress scheme</u> process is independent of the <u>universal service provider</u>; (d) that the <u>qualifying redress scheme</u> process is free of charge to the <u>complainant</u>; (e) of the types of redress that may be available under a <u>qualifying redress scheme</u>; and (f) that any outcome of the <u>qualifying redress scheme</u> process is binding upon the <u>universal service provider</u> but not upon the <u>complainant</u>.

CP 3.3.9	The <u>universal service provider</u> must allocate and maintain such level of resources as may reasonably be required to enable the <u>universal service provider</u> to receive, handle and process <u>consumer complaints</u> made through its <u>complaints handling procedure</u> in an efficient and timely manner and in accordance with this Condition.
CP 3.3.10	The <u>universal service provider</u> must put in place arrangements to deal with <u>complaints</u> made through its <u>complaints handling procedure</u> in relation to which the <u>Consumer Advocacy Bodies</u> makes representations on behalf of a <u>vulnerable consumer</u> . If the <u>universal service provider</u> identifies a <u>consumer</u> as a <u>vulnerable consumer</u> with a <u>consumer complaint</u> , or the <u>Consumer Advocacy Bodies</u> refers such a <u>consumer</u> to the <u>universal service provider</u> , the <u>universal service provider</u> must take such additional steps as it considers necessary or appropriate with a view to assisting that <u>vulnerable consumer</u> and completing their <u>consumer complaint</u> in an appropriate and prompt manner.
CP 3.3.11	The <u>universal service provider</u> must: (a) publish its <u>complaints handling procedure</u> in such a manner as will ensure reasonable publicity for it; (b) ensure that its <u>complaints handling procedure</u> 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 <u>consumer complaint</u> 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 <u>universal service provider</u> becomes aware, following contact by or on behalf of the <u>complainant</u> , that a <u>consumer complaint</u> which the <u>postal operator</u> had recorded as a <u>completed complaint</u> is not a <u>completed complaint</u> , the <u>universal service provider</u> must as soon as reasonably practicable— (a) direct the <u>complainant</u> to the <u>complaints handling procedure</u> ; and (b) offer to provide a copy of the <u>complaints handling procedure</u> to the <u>complainant</u> free of charge.
CP 3.3.13	The <u>universal service provider</u> must provide a copy of its <u>complaints handling procedure</u> , free of charge, to any person who requests it.
CP 3.3.14	The <u>universal service provider</u> must— (a) publish by 30th June each year a <u>consumer complaints</u> report in such a manner as will ensure reasonable publicity for it; (b) publish its <u>consumer complaints</u> report at a clear and prominent location on any website it operates or controls; and (c) provide a copy of its <u>consumer complaints</u> report, free of charge, to any person who requests it.
CP 3.3.15	A <u>consumer complaints</u> 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:

	<p>(a) the number of <u>consumer complaints</u> which the <u>universal service provider</u> received during that period, which had not become <u>completed complaints</u> within that period; and</p> <p>(b) the number of <u>consumer complaints</u> which the <u>universal service provider</u> received, during that period, which had become <u>completed complaints</u> within that period,</p> <p>in each case presenting the information broken down by no more than ten of the main causes of <u>consumer complaint</u>.</p>
CP 3.3.16	<p>The <u>universal service provider</u> shall submit to <u>OFCOM</u> and to the <u>Consumer Advocacy Bodies</u>, 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</p> <p>(a) set out:</p> <p>(i) the number of <u>consumer complaints</u> received during that quarter from <u>relevant consumers</u> which have not become <u>completed complaints</u>; and</p> <p>(ii) the number of <u>consumer complaints</u> received during that quarter from <u>relevant consumers</u> which have become <u>completed complaints</u>; and</p> <p>(b) present the information referred to in paragraph (a) for the United Kingdom as a whole:</p> <p>(i) broken down by no less than ten main categories of <u>consumer complaint</u>, and</p> <p>(ii) showing the compensation that has been paid to <u>relevant consumers</u> in relation to <u>consumer complaints</u> that were found to be valid.</p>
CP 3.3.17	<p>The <u>universal service provider</u> must be a member of a <u>qualifying redress scheme</u> in relation to <u>consumer complaints</u> about the provision of a <u>relevant postal service</u>.</p>

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.

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