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

Annex to General Condition C4
Note: This is an extract from the unofficial consolidated version of the General Conditions of Entitlement, which came into force on 1 October 2018. It is published for ease of reference.

While every reasonable effort is made to ensure that the information provided in this document is accurate, no guarantees of the accuracy of information are made, and this document has no legal effect. Therefore, the relevant notifications published on 19 September 2017, and any subsequent notification published on Ofcom’s website, shall take precedence over this unofficial version of the Ofcom approved complaints code of practice for customer service and complaints handling.

Words in bold text in this document are defined terms which have the meaning given to them in Definitions schedule to the General Conditions of Entitlement.
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, frontline 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**.