

# The Ofcom Approved Code of Practice for Complaints Handling

This Ofcom Approved Code of Practice for Complaints Handling (the 'Ofcom Code') sets out the minimum standards that Ofcom has set for Communications Providers (CPs) in the handling of Complaints made by Domestic and Small Business Customers (as those terms are defined in General Condition 14.7) about the provision of Public Electronic Communications Services (as defined in the General Conditions of Entitlement).

A list of further definitions can be found on the page following the specific obligations. Explanatory guidance can be found on the Ofcom website.

A CP must have complaints handling procedures that:

- 1) Are **transparent**:
  - a) A CP must have in place a written code for handling complaints ('Customer Complaints Code') made by their Domestic and Small Business Customers. A CP must comply with its Customer Complaints Code in relation to each Complaint it receives.
  - b) The Customer Complaints Code must be concise, easy to understand and only contain relevant information about complaints handling procedures.
  - c) The Customer Complaints Code must be kept up to date and as a minimum include information about:
    - i) the process for making a Complaint;
    - ii) the steps the CP will take to investigate with a view to resolving a Complaint;
    - iii) the timeframes in which the CP will endeavour to resolve the Complaint, including when the CP is likely to notify the Complainant about the progress or resolution of a Complaint;
    - iv) the contact details for making a Complaint to the CP, including providing details about the low-cost points of contact required in clause 2(c) below; and
    - v) the contact details for the CP's Alternative Dispute Resolution scheme, with details on when a Complainant will be able to access the service (with reference to the requirements on a CP in both clause 4(c) and 4(d) below).
- 2) Are **accessible**:
  - a) The Customer Complaints Code must be well publicised and readily available, including:
    - i) being easily accessible on a webpage, with either:

1. a weblink to the Customer Complaints Code being clearly visible on a CP's primary webpage for existing customers (i.e. '1 click' access); or
  2. 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 customers (i.e. '2 click' access).
- ii) ensuring the relevant terms and conditions for a product and/or service refer to the existence of the Customer Complaints Code and should signpost consumers to how they can access a copy; and
  - iii) being provided free of charge to Complainants upon reasonable request in hard copy or other format as agreed with the Complainant.
- b) Complaints handling procedures must be sufficiently accessible to enable consumers with disabilities to lodge and progress a Complaint.
  - c) The means by which a CP accepts Complaints should not unduly deter consumers from making a complaint. A CP must have in place at least two of the following three low-cost options for consumers to lodge a Complaint:
    - i) a 'free to call' number or a phone number charged at the equivalent of a geographic call rate;
    - ii) a UK postal address; or
    - iii) an email address or internet web page form.
- 3) **Are effective:**
- a) A CP must ensure the fair and timely resolution of Complaints.
  - b) There must be clearly established timeframes and a clear and reasonable escalation process for dealing with Complaints.
- 4) **[Facilitate appropriate access to Alternative Dispute Resolution:**
- a) A CP must ensure front-line staff are fully informed of the right of consumers to use Alternative Dispute Resolution.
  - b) Every paper bill provided to domestic customers must include, in a reasonably prominent manner, relevant text regarding the right of consumers to take unresolved complaints to Alternative Dispute Resolution. Such text will:
    - i) provide the name of the Alternative Dispute Resolution scheme;
    - ii) make reference to the fact that the scheme offers dispute resolution, which is independent of the CP;
    - iii) make reference to the fact that the scheme can only be accessed eight weeks after a Complaint was first made to the CP; and
    - iv) make reference to the fact that consumers can utilise the scheme at no cost to themselves.

- c) A CP must promptly issue a written Deadlock Letter when requested by a Complainant, unless:
    - i) the CP has genuine and reasonable grounds for considering that the Complaint will be resolved in a timely manner and subsequently takes active steps to do so; or
    - ii) it is reasonable to consider the Complaint to be vexatious; or
    - iii) the subject-matter of the Complaint is outside the jurisdiction of the CP's Alternative Dispute Resolution scheme.
  - d) A CP must ensure Complainants receive prompt Written Notification of their right to go to Alternative Dispute Resolution eight weeks after the Complaint is first brought to the attention of the CP, unless:
    - i) it is reasonable to consider the Complaint has been resolved; or
    - ii) it is reasonable to consider the Complaint to be vexatious: or
    - iii) the subject-matter of the Complaint is outside the jurisdiction of the CP's Alternative Dispute Resolution scheme.]
- 5) Retain appropriate **records** of contact with Complainants:
- a) A CP must retain written records collected through the complaints handling process for a period of at least six months including, as a minimum, written correspondence and notes on its customer record management systems.

## Definitions for the Ofcom Code

The following definitions should be used for interpreting this Code of Practice:

**'Alternative Dispute Resolution'** means any dispute procedures approved by Ofcom under section 54 of the Communications Act 2003.

**'Complaint'** means:

- a) an expression of dissatisfaction made by a customer to a Communications Provider related to either:
  - i) the Communications Provider's provision of Public Electronic Communications Services to that customer; or
  - ii) the complaint-handling process itself; and
- b) where a response or resolution is explicitly or implicitly expected.

**'Complainant'** means a Domestic or Small Business Customer who makes a Complaint to a Communications Provider.

**'Deadlock Letter'** means a letter or email from a Communications Provider to a Complainant agreeing that the Complaint can be referred to the relevant Alternative Dispute Resolution scheme.

**'Written Notification'** means a written notification sent to a Complainant that:

- a) is in plain English;
- b) is solely about the relevant Complaint;
- c) informs the Complainant of the availability of dispute resolution, which is independent of the CP;
- d) provides the name and appropriate contact details for the relevant Alternative Dispute Resolution scheme; and
- e) informs the Complainant that they can utilise the scheme at no cost to themselves.