

Consultation Appendix 4, Annex 4 – Common Operational Procedures – A Code of Practice

Annex to Condition 14

Common Operational Procedures – A Code of Practice

Contents

1	Introduction	53
2	Some Definitions and Rules of Interpretation	54
3	Code Identifier and voluntary application of the Code	56
4	Treatment of Misdirected Code Letters	57
5	Treatment of Miscollected Code Letters	57
6	Customer Service Enquiries	58
7	Information and Reporting	58

~~Common Operational Procedures – A Code of Practice~~

1 Introduction

1.1 This is the Code of Practice covering common operational procedures for handling misdirected or miscollected mail and misdirected complaints or other enquiries. Its purpose is to achieve the following objectives in respect of such matters (the **Code Objectives**):

- (a) the furtherance of the interests of Users of Postal Services;
- (b) ensuring that Miscollected Code Letters and Misdirected Code Letters are:
 - (i) returned to the Intended Operator; or
 - (ii) if such return is not reasonably practicable, otherwise handled (including, where appropriate, delivered to the intended User)in either case in an efficient, economic and timely manner;
- (c) ensuring complaints or other enquiries (including from customers) in relation to Code Letters made to a Licensee-regulated postal operator which is not the regulated postal operator Licensee to which the complaint or other enquiry should have been made, are handled in an efficient, economic and timely manner; and
- (d) so far as is consistent with sub-paragraphs (a) to (c), the promotion of effective competition between regulated postal operators~~Licensees~~.

1.2 The Code sets out the requirements and procedures to be followed in order to satisfy the Code Objectives.

1.3 This Code applies to all ~~regulated postal operators~~Licensees. Compliance is obligatory for all ~~regulated postal operators~~Licensees ~~in accordance with applicable regulatory conditions in accordance with the terms of their Licences.~~

1.4 ~~Licensees~~Regulated postal operators will need to enter into contractual arrangements separate to this Code in order to comply with and give effect to the provisions of the Code: for example, day-to-day arrangements for the repatriation of misdirected mail and any charges payable for that service will need to be established. ~~Regulated postal operators~~ Licensees are required to be party to a separate "default agreement" – the Postal Common Operational Procedures Agreement – so as to ensure that in the absence of any bespoke negotiated arrangements between ~~relevant regulated postal operators~~Licensees, ~~regulated postal operators~~ Licensees will be able to comply with this Code.

~~2~~ Some Definitions and Rules of Interpretation

2.1 In this Code, unless the context requires otherwise:

Act means the ~~Postal Services Act 2000~~ (as amended from time to time);

Access Indicator	means the Customer Access Indicator and the Royal Mail Access Indicator as those terms are defined in the relevant Royal Mail <u>USP</u> Access Agreement;
Access Party	means a Licensee <u>regulated postal operator</u> (other than Royal Mail <u>the Universal Service Provider</u>) that is party to a Royal Mail <u>USP</u> Access Agreement;
Code Identifier	means such mark, number or other identifier unique to each Licensee <u>regulated postal operator</u> as may be allocated and notified to each regulated postal operator <u>Licensee</u> from time to time prior to the Appointed Day by Postcomm <u>the Postal Services Commission or, from the Appointed Day, by Ofcom</u> ;
Code Letter	means: <ul style="list-style-type: none"> (a) in the case of Royal Mail<u>the Universal Service Provider</u> and a Licensee<u>regulated postal operator</u> acting in the capacity of an Access Party or Intermediary, a pPostal <u>pPacket</u> which is no larger than 460mm by 610mm by 460mm (or, if a tubular pPostal <u>pPacket</u>, the length plus twice the diameter does not exceed 1040mm with a maximum length of 900mm), and no heavier than 2kg; (b) in the case of any other regulated postal operator <u>Licensee</u>regulated postal operator (including an Access Party or Intermediary not acting in the capacity of Access Party or Intermediary), a Letter which: <ul style="list-style-type: none"> (i) is conveyed in consideration of a payment of not more than £1 made by or on behalf of the person for whom it is conveyed; and (ii) weighs less than 350 grams; (c) any pPostal <u>pPacket</u> deemed to be a Code Letter in accordance with paragraph 3.7 of this Code<u>Annex</u>;
Code Objectives	has the meaning ascribed to it in paragraph 1.1 of this Code;
Indicator	means in the case of an Access Party acting in that capacity, the relevant Access Indicator, and in all other cases, a payment indicator such as PPI;

Intended Operator	means the <u>Licenseeregulated postal operator</u> which, in accordance with arrangements agreed between that <u>Licenseeregulated postal operator</u> and its customer, is responsible for the conveyance and delivery of the <u>Relevant Code Letters</u> ;
Intermediary	means a <u>Licenseeregulated postal operator</u> (other than an <u>Access Party</u>) that is party to arrangements with Royal Mail <u>the Universal Service Provider</u> under which that <u>Licenseeregulated postal operator</u> delivers <u>Postal Packets</u> to <u>the Universal Service Provider</u> Royal Mail for subsequent conveyance;
Letter	has the meaning ascribed to it in the <u>Act</u> but excludes parcels;
Licence	means a licence (as amended or replaced from time to time) granted under section 11 of the Act;
Licensee	means a Postal Operator that holds a Licence;
Miscollected Code Letters	means <u>Code Letters</u> which have been collected in error by a <u>Licenseeregulated postal operator</u> which is not the <u>Intended Operator</u> ;
Misdirected Code Letters	means <u>Code Letters</u> , other than <u>Miscollected Code Letters</u> (but, for the avoidance of doubt, including <u>Misposted Code Letters</u>), which have entered the <u>Postal Facilities</u> of a <u>Licenseeregulated postal operator</u> which is not the <u>Intended Operator</u> Intended Operator in respect of those <u>Code Letters</u> ;
Misposted Code Letters	means <u>Code Letters</u> which due to customer error have entered the <u>Postal Facilities</u> of a <u>Licenseeregulated postal operator</u> which is not the <u>Intended Operator</u> in respect of those <u>Code Letters</u> and which have not been delivered to the relevant addressee;
Postal Facilities	means the physical and human resources deployed by a <u>Licensee-regulated postal operator</u> (and, where relevant, by its contractors and agents) for the purpose of providing <u>Postal Services</u> ;
Postal Operator	has the meaning ascribed to it in the Act;
Postal Packet	has the meaning ascribed to it in the <u>Act</u> but excludes parcels;
Postal Services	has the meaning ascribed to it in the Act;
Postcomm	means the Postal Services Commission established under section 1 of the Act;
Prohibited Code Letters	means any <u>Postal Packet</u> (including parcels) which contains items and/or material prohibited or restricted by the <u>Scheme</u> ;
Receiving Operator	means the <u>Licenseeregulated postal operator</u> whose <u>Postal Facilities</u> the <u>Relevant Code Letters</u> (in respect of which it is not the <u>Intended Operator</u>) have entered;
Relevant Code Letters	means <u>Miscollected Code Letters</u> or <u>Misdirected Code Letters</u> , as the case may be;
Royal Mail	means Royal Mail Group Ltd registered in England and Wales with company number 4138203 and having its registered office at 100 Victoria Embankment, London EC4Y 0HQ;

Royal Mail Access Agreement	means an agreement between Royal Mail and a Licensee entered into pursuant to Condition 9 (or other comparable condition) of Royal Mail's Licence which permits access to Royal Mail's Postal Facilities;
Scheme	means the Successor Postal Services Company Inland Letter Post Scheme 2001 made pursuant to section 89 of the <u>Postal Services Act 2000</u> (or other comparable scheme made pursuant to that section);
Sender	in relation to any letter or other communication, means the person whose communication it is; <u>has the meaning ascribed to it in the Act;</u>
User	has the meaning ascribed to it in the Act;
Voluntary Code Letter	means any <u>Postal Packet</u> (other than a <u>Prohibited Code Letter</u>) which is not a <u>Code Letter</u> for the purposes of paragraph (b) of the definition of <u>Code Letter</u> but which is no larger than 460mm by 610mm by 460mm (or, if a tubular <u>Postal Packet</u> , the length plus twice the diameter does not exceed 1040mm with a maximum length of 900mm), and no heavier than 2kg.

2.2 In this Code, unless the context requires otherwise, the words **include**, **including** and **in particular** are to be construed as being by way of illustration or emphasis and do not limit or prejudice the generality of any foregoing words. The singular includes the plural and vice versa.

2.3 This Code shall not be interpreted in any way which is inconsistent with the Code Objectives.

3 Code Identifier and voluntary application of the Code

General

3.1 Subject to the other provisions of this paragraph 3, each Licensee~~regulated postal operator~~ must take all reasonable steps:

- (a) to ensure that its ~~relevant~~ Code Identifier is clearly and legibly marked in accordance with industry practice on each Code Letter in respect of which it is the Intended Operator;
- (b) not to mark its ~~relevant~~ Code Identifier on any ~~PP~~ostal ~~PP~~acket (which for the purposes of this paragraph 3 includes parcels) in respect of which it is the Intended Operator which is not a Code Letter.

~~Royal Mail~~ The Universal Service Provider

3.2 The Universal Service Provider ~~Royal Mail~~ will be taken to have satisfied its obligations under paragraph 3.1(a) if a Code Letter in respect of which ~~Royal Mail~~the Universal Service Provider is the Intended Operator bears:

- (a) a Royal Mail postage stamp; or
- (b) a mark or impression which includes the words "Royal Mail" or other reasonably recognisable Royal Mail text or symbol.

3.3 In relation to all other Code Letters in respect of which the Universal Service Provider ~~Royal Mail~~ is the Intended Operator which do not meet the requirements of paragraph 3.2, the Universal Service Provider ~~Royal Mail~~ must comply with paragraph 3.1(a).

Access Parties and Intermediaries

- 3.4 An Access Party or Intermediary will be taken to have satisfied its obligations under paragraph 3.1(a) if a Code Letter in respect of which the Access Party or Intermediary is the Intended Operator, is marked with that Access Party's or Intermediary's Indicator.
- 3.5 In relation to all other Code Letters in respect of which an Access Party or Intermediary is the Intended Operator which do not meet the requirements of paragraph 3.4, that Access Party or Intermediary must comply with paragraph 3.1(a).

Voluntary application of the Code

- 3.6 A Licenseeregulated postal operator (other than the Universal Service Provider acting in any capacityRoyal Mail, and an Access Party and an Intermediary acting in those capacities) may elect to extend the application of the Code to Voluntary Code Letters.
- 3.7 If a Licenseeregulated postal operator makes an election in accordance with paragraph 3.6, those Voluntary Code Letters in respect of which the election is made:
- (a) must be clearly and legibly marked in accordance with industry practice with the relevant Code Identifier; and
 - (b) if so marked, shall be deemed to constitute for all purposes of this Code, Code Letters.

4 Treatment of Misdirected Code Letters

- 4.1 LicenseeRegulated postal operators must take all reasonable steps to ensure that Misdirected Code Letters are:
- (a) returned to the Intended Operator; or
 - (b) if such return is not reasonably practicable, otherwise handled (including, where appropriate, delivered to the intended uUser)
- in either case, in an efficient, economic and timely manner.
- 4.2 LicenseeRegulated postal operators may:
- (a) charge the relevant Intended Operator for the reasonable costs properly and reasonably incurred in returning or otherwise handling the relevant Misdirected Code Letter in accordance with paragraph 4.1;
 - (b) where in accordance with paragraph 4.1 they deliver or return the relevant Misdirected Code Letter to the relevant intended uUser or Sender, as the case may be, charge the uUser or Sender for such delivery or return on the same basis that they would be entitled to charge if they were the Intended Operator of the relevant Misdirected Code Letter.

5 Treatment of Miscollected Code Letters

- 5.1 LicenseeRegulated postal operators must take all reasonable steps to ensure that Miscollected Code Letters are returned to the Intended Operator or its customer, in either case, in an efficient, economic and timely manner.
- 5.2 LicenseeRegulated postal operators may not charge for returning the relevant Miscollected Code Letters in accordance with paragraph 5.1.

6 Customer Service Enquiries

- 6.1 If a Licenseeregulated postal operator receives a complaint or other enquiry in relation to a Code Letter that should have been made to another Licenseeregulated postal operator, the Licenseeregulated postal operator receiving the complaint or other enquiry shall:
- (a) treat that complaint or other enquiry with the same degree of care and importance that it would if the complaint or other enquiry should have been made to that Licenseeregulated postal operator;
 - (b) explain to the complainant that the complainant should contact the other relevant Licenseeregulated postal operator; and
 - (c) provide to the complainant the contact details of that other relevant Licenseeregulated postal operator.
- 6.2 If a Licenseeregulated postal operator receives a complaint or other enquiry where the identity of the Licenseeregulated postal operator to which that complaint or other enquiry should have been made is not discernable from the relevant Code Letter, the Licenseeregulated postal operator receiving the complaint or other enquiry is only required to refer the complainant to the SSender of the Code Letter.
- 6.3 LicenseeRegulated postal operators must take all reasonable steps to ensure that they have sufficient personnel properly trained (and with access to all relevant information) in order to handle complaints or other enquiries in accordance with the other provisions of this paragraph 6.

7 Information and Reporting

- 7.1 Within 3 months of 31 March each year, each Licenseeregulated postal operator must provide to PostcommOfcom details of:
- (a) the total number of Misdirected Code Letters in respect of which that Licenseeregulated postal operator was the Receiving Operator during the relevant year ending 31 March; and
 - (b) where relevant, the total such number broken down by Intended Operator.
- ~~7.2 Licensees must supply to Postcomm:~~
- ~~(a) their correct and up-to-date customer services contact details; and~~
 - ~~(b) any other information in relation to the subject matter of this Code as Postcomm may require.~~