



Office of the Director of  
**Telecommunications  
Regulation**

## **Codes of Practice for the Handling of Consumer Complaints by Telecommunications Operators**

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Consultation paper

**Document No.** ODTR 01/34

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## 1. Introduction

The Director of Telecommunications Regulation (“the Director”) is responsible for the regulation of the Irish telecommunications sector in accordance with national and EU legislation.

The ODTR’s mission is to open up the market to benefit the user through the development of competition thereby ensuring price, choice and quality for users. Following liberalisation, telecommunications has become a rapidly changing and dynamic industry and is characterised by intensifying competition with an expanding number and variety of products and services on offer, the participation of new industry players and increasing choice to the consumer. The result is that consumers, both business and residential, now have much more choice than a few years ago, and prices have come down significantly. Some improvements have been made in quality, but much more is needed if consumers are to have the services as outlined in terms of our mission above.

The ODTR has introduced a range of measures to improve delivery of quality services, some which include:

- **Measuring Licensed Operator Performance** programme through which the ODTR is measuring licensed operators performance towards its customer and will be publishing statistics this Summer.
- **Service Level Agreements** have been developed for leased line and interconnect circuits which set the terms and conditions under which operators can obtain services from eircom, thereby allowing them to effectively compete in the marketplace and ultimately leading to improved levels of services to the consumer. Service level agreements for Local Loop Unbundling are to be introduced shortly.
- **Carrier Pre-Selection** which allows consumers to select an alternative operator to carry their calls has been a key enabler for effective competition in the market and has provided consumers with a greater choice of competitive telecommunications services.
- **Service Quality Audits** of networks to ensure compliance with licence conditions.

The ODTR recognises that it is the companies themselves who must deliver action in this area, and that a piecemeal approach by any of them with ad hoc responses to persistent complaints is not sufficient. Effort must be put into high quality, prompt delivery and repair and into high quality service response. Work has been done by a number of companies in terms of setting up and training installation/repair teams and service centres. However, the ODTR is aware that services are not yet adequate all round and that therefore competition on service quality is not satisfactory.

The ODTR has concentrated efforts initially on the cable/MMDS industry where the level of complaints has been higher than for telephony. Measures recently introduced on foot of Decision Notice D06/01 now require cable/MMDS operators to implement a suitable Code of Practice for handling consumer complaints by July 1<sup>st</sup> 2001 and should make a marked difference in terms of standards for complaint handling over the coming year.

In terms of telephony, the ODTR insists that all General and Mobile Telecommunications License holders have a code of practice as is required through their licence. However, the ODTR does receive and seek to resolve consumer complaints for telephony which are not resolved through approaches to the companies directly. The Director is aware from such complaints that at least some of the companies do not have the processes or procedures to handle complaints effectively. Scope therefore exists for considerable improvement and the Director considers that one means of achieving this is through the establishment of a minimum set of criteria which would be included by licensees in their codes of conduct.

Such criteria would establish a comprehensive process for dealing with consumer complaints by providing practical guidelines for the step by step handling of a complaint as well as informing the consumer as to the level of service they can expect from the organisation handling it. It would also allow licensees to enhance customer satisfaction by

- Acknowledging, promoting and protecting customer's rights
- Providing speedy, transparent, easily accessible and fair mechanism for handling consumer complaints.
- Ensuring customers have all the necessary information for making a complaint and are aware of what the complaint processes are for telecommunications products and services provided by Licensees.

Not only would improved practices for the resolution of consumer complaints benefit customers but operators could gain a competitive advantage from providing superior customer service. Complaints may be inevitable, especially as customers' expectations change with the introduction of new products and services, but they are also an invaluable source of information for operators and they also provide the operator with an opportunity for "service recovery".

The Director is therefore seeking the views of respondents in relation to the introduction of a minimum criteria to be included by telecoms operators in their code of practice for handling consumer complaints. The Director considers that such criteria should represent the minimum level of service a consumer can expect from an operator who is dealing with their complaint. However, the Director believes that all operators, particularly major players, should seek to develop service standards in excess of the minimum criteria.

The information in this paper is presented in the following manner:

- Section 2 contains information on the relevant legislation in this area, providing the basis on which the Director may instruct Licensees to amend their existing Codes of Practice
- Section 3 sets out the present situation with regard to the treatment of consumer complaints received by the ODTR, including how a complaint may be made to the office.

- Section 4 outlines a set of proposed criteria that the Director believes should be set out in a licensee's code of practice for consumer complaint handling.
- Section 5 sets out to the next steps following the consultation.
- Section 6 provides details for submitting comments on the issues raised in the consultation.
- Appendix 1 summarises all the questions raised in the Consultation Paper

The Director welcomes comments from all interested parties, particularly consumers and their representatives, on the views set out in this consultation paper. The closing date for receipt of comments is **5.30pm on 15<sup>th</sup> June, 2001**. Further details on submitting comments are set out in Section 6 of this document.

## **2. Legislative Basis**

Although at present there is no explicit obligation on the Director to provide facilities for handling consumer complaints, the provision of these facilities can be considered to be appropriate in light of the Director's functions under the Telecommunications (Miscellaneous Provisions) Act 1996.

At present Licensees are required to implement their own code of practice with regard to customer complaints. Condition 6.9 of the General Telecommunications License, condition 5.9 of the Basic Telecommunications License and condition 6.11 of the Mobile Communications Licence are identical provisions which require that

“The licensee shall implement an appropriate code of practice for the resolution of customer disputes and in relation to non-payment of bills and disconnection.”

These conditions also state that:

“The Director may from time to time issue directions to the Licensee specifying any modification or additions to the code or as to the publication, republication, implementation or further modification of the code.”

It is on this basis, and with the aim of protecting the interests of users in an increasingly liberalised market, that the Director, in consultation with the industry and the public, is now seeking to implement a set of standardised criteria to be incorporated into telecommunications licensees' Codes of Practice for the handling of consumer complaints.

### **3. Background**

Since 1997, the telecommunications market has moved from being a public sector monopoly to a private-sector, multi-firm industry. It is expanding rapidly, both in terms of the number of customers and in terms of the range of services and products available to them. To date 25 of the 46 General licences and 21 of the 31 Basic licensees have commenced operations offering a variety of telephony and network services to both Irish and international users.

The ODTR's goal is to obtain the best deal for the consumer in terms of value for money, quality and choice of telecoms services. Its main means of achieving this is through promoting competition between telecoms companies and service providers. As part of this approach the office maintains a strong focus on consumer protection and several regulatory measures have been introduced to that end.

#### **3.1 Type of Complaints Received**

The ODTR receives a significant number of telephone calls, written complaints and representations from members of the public and their representatives concerning the level of service provided by telecommunications licensees. The number of complaints received by the ODTR this year has increased steadily to approximately 60 complaints per month. Such complaints are received from mainly residential consumers who are not satisfied with the response they have received from their telecommunications company. This rise in the level of complaints received has largely been brought about by an increased awareness of the ODTR's role in dealing with complaints and by increasing competition in the industry. In 2000, the ODTR received approximately 600 complaints regarding telephone services and a large number of enquiries which did not lead to a complaint against a telephone company. For the first quarter of 2001, the ODTR has received 277 complaints..

The main area of complaint in respect of fixed telecommunications services is billing related. Complainants claim that they were charged for calls which were not made, usually premium rate or international, or services or products that were not received or requested. Billing also includes complaints about telephone companies overcharging for calls or contract work completed, such as connecting services. Another area, where a high volume of complaints is received, is provisioning of services mainly about delays in the connection of new services, the quality of new and existing connections and service disconnection.

The majority of complaints regarding mobile operators relate to billing, coverage, mobile contracts and network faults such as call dropout and congestion. Other categories of complaint include faults, primarily delays in fault rectification and recurring faults, and customer service.

#### **3.2 ODTR's Treatment of Consumer Complaints**

The ODTR will take up substantiated complaints on behalf of consumers who have first attempted to resolve their issue themselves with their service provider. The

reason for not being a 'first port of call' for a dissatisfied customer is that the ODTR cannot and should not seek to substitute for the creation within each company of an effective complaints handling system and better delivery of service for all customers.

The ODTR regards the level of consumer complaints made to the ODTR as a useful measure in assessing the performance of operators in handling their customer complaints. They also help highlight systemic problems which the ODTR can then rectify through the implementation of regulatory measures, where appropriate. However, this may not be a full indication of the level of consumer dissatisfaction with service providers from the complaints received by the ODTR as they may represent a small proportion of complaints. Figures on the number and type of complaints received by operators and the time taken for resolution are not yet available, but following the implementation of the ODTR's programme for Measuring Licensed Operator Performance operators will be required to publish appropriate data on their handling of consumer complaints.

The ODTR can be contacted by the following means:

- By telephone: 01 804 9748 (Anne Marie McGovern) or 8049689 (Susan O'Shea)
- By letter: ODTR, Abbey Court, Irish Life Centre, Lower Abbey Street, Dublin 1.
- By fax: 01 804 9680
- By email: [info@odtr.ie](mailto:info@odtr.ie) [mcgovernam@odtr.ie](mailto:mcgovernam@odtr.ie) [osheas@odtr.ie](mailto:osheas@odtr.ie)

Depending on the issues raised, the ODTR, in handling the complaint, will take the following action

- Provide an immediate reply if it is a policy issue or if we have the information asked for available
- Find out the answer from elsewhere in the ODTR or from another organisation and let the consumer know as soon as possible
- Take up the consumer's complaint with the operator or supplier
- Use our powers if any rules have been broken or draw attention to any genuine problems that have not been properly considered.

The ODTR aims to resolve complaints within two weeks and has been working with operators on an informal basis to reach an agreed timeframe for the resolution of disputes. However, there may be circumstances where resolution may take longer such as in the case of installation where there is a shortage of cable. In all cases we will endeavour to keep consumers up to date regarding progress made in dealing with their complaint.

If the matter raised by a consumer falls outside of the remit of the ODTR they will be advised of other organisations where they can raise their particular concern.



These organisations include:

<b>Organisation</b>	<b>Scope</b>
Advertising Standards Authority	- are mandated to investigate disputes into advertising related disputes
Office of the Director of Consumer Affairs	- will investigate cases of misleading advertising or the provision of misleading information and matters relating to the Sale of Goods and Services Act 1980
Regtel	- matters relating to the content of premium rate telephone services and providers
Small Claims Court	- consumer disputes not exceeding £1000 can be taken to the Small Claims Court as a last resort.

## 4. Standardised Code of Practice

All operators who hold a General, Basic or Mobile Telecommunications Licence are required to implement a code of practice for handling complaints from users. As stated earlier, the Director considers there is merit in exploring the possibility of standardising a minimum set of criteria which would be incorporated by such licensees into their Codes of Practice for consumer complaint handling. Standardised criteria would ensure that consumers are in a position to expect a similar approach to complaint handling across all operators and would therefore be a useful development in an increasingly competitive market where consumers are switching service providers. The Director considers that licensees, in particular, the larger operators should seek to adopt a standard of customer care in excess of the basic minimum set of criteria set out in the code.

The criteria to be included in the code would cover the treatment of complaints from the first point of contact at which the complaint is lodged to its final resolution. The code could introduce practical guidelines for the step by step handling of consumer complaints as well as a thorough set of rules for handling complaints within an organisation and thereby afford consumers a higher level of transparency of the complaint handling process. It would also provide customers with the necessary information for escalating their complaint should they disagree with the operator's determination. The introduction of a standardised code could help circumvent the need of consumers to seek conflict resolution services from third parties.

**Q. 1. Do you believe there is merit in the Director's suggestion to establish a minimum set of standard criteria which could form part of individual operator's Codes of Conduct of consumer complaint handling ?**

### 4.1 Scope of the Code of Practice

The Director believes that the code should set out minimum requirements for complaint handling by suppliers in relation to telecommunications activities supplied by them in accordance with the status afforded to them through their telecommunications licence. The Director believes that the code would apply as follows.

- It would apply to all licensees irrespective of the size of the organisation receiving the complaint, although procedures put in place to support the code, could vary according to the size and nature of the Licensee.
- The Code would not affect an operators' obligations or a consumers rights in respect of relevant consumer protection legislation.
- The code would exclude complaints and disputes subject to legal action.
- Operators providing television services via cable or MMDS would not be subject to the code in respect of these services. Cable and MMDS operators are required to implement Codes of practice under Regulation 17 of the Wireless Telegraphy (Programme Services Distribution) Regulations, 1999. The ODTR issued a

Decision Notice, D06/01, which sets out the minimum provisions of Codes of Practice for all Cable and MMDS operators who are required to implement a suitable Code of Practice for handling Consumer Complaints by July 1<sup>st</sup> 2001. It is the Director's intention, insofar as it is possible, to make the codes of Practice for both telecommunications and Cable/MMDS television service providers as consistent as possible.

**Q.2. Do you agree with the statements above regarding the application of the Code of Practice ? Please support your answer as appropriate.**

**Q.3. Do you believe that the Code of Practice should cover a set of specific services provided ? If so please provide suggestions supported by your reasoning.**

## **4.2 Principles to be Covered in the Code**

The Director believes that the principles set out in the code would effectively form the basis of a service level agreement between an operator and its customers in respect of the handling of consumer complaints. The code would apply to the treatment of verbal and written complaints with a complaint being any expression of dissatisfaction or grievance made to a supplier by a customer or member of the public with any telecommunications activity of that supplier, but does not include a request for information.

The following elements are considered to be appropriate by the Director.

### **4.2.1 Accessibility to the Code**

The Director considers that the Code of Practice detailing the complaint handling process must:

- Be published to customers and staff
- Include information to customers about their rights to complain
- Supply all the necessary contact details for making a complaint

The Director considers that the Code should be readily accessible to all customers, including people with disabilities, and therefore should receive as wide a circulation as possible amongst a licensee's customers. The Code of Practice should be made available to customers upon request and where a website exists be published on same. The Director also considers that customers must be given proper notice by Licensees of any amendment to the code.

**Q.4. What media do you believe should be used to make the Code available to customers?**

#### 4.2.2 Lodging Complaints

It is essential that the process for the submission of complaints by customers is flexible, easy to understand and of minimal cost to the complainant in employing it. Consumers should know how to contact their operators and be provided with several media through which they can lodge their complaint. Telephone is usually the normal manner in which complaints are lodged with their service provider. Operators should take all appropriate measures to effectively answer calls on these numbers and recording complaints in an acceptable timeframe. If the complaints are lodged by email, letter or fax, operators should send an acknowledgement within an acceptable time. The Director is considering including a provision in the code of practice whereby Licensees would have to acknowledge written complaints within 2 working days of receipt of the complaint. This could either be verbally or in writing, unless the complainant specifies one or other method.

In essence, licensees should provide information to customers on how, when and where to make a complaint. The following principles would appear to be appropriate in this regard.

- Complaint procedures and contact points should be set out by licensees in clear terms in all customer contracts and directories.
- Details of how customers can make a complaint should be stated. This could include by telephone (stating times when the service will be attended), the postal address for complaints made in writing, contact names (if appropriate), e-mail address, fax number and offices or locations where complaints can be lodged.

In an effort to minimise the cost to consumers of making a complaint, the Director believes operators should offer a low call or free phone telephone number or other alternatives for a low cost access such as e-mail, mailing address or Internet web page form.

The Director also considers that Licensees should publish contact information on the bills.

**Q.5. Do you agree that these principles should be applied in relation to the submission of complaints? If not, please state why and propose other measures, if any, you think should be implemented for complaint lodging procedures?**

#### 4.2.3 Stages to the Complaint Handling Process

While there are a number of media through which consumers can submit a complaint to their service provider, the Director considers that the following would represent a minimum number of stages to the complaint handling process in the context of a standard complaint.

- Initial contact by customer
- Acknowledgement of the complaint
- Investigation of the complaint

- Notification of Resolution
- Escalation
- Other

Depending on the nature of the complaint, some of the stages outlined above may well be bypassed. The Director believes that licensees should be required to advise customers when they make a complaint by phone or within two working days by other means, of the stages and procedures involved in the investigation of the complaint and a timeframe for the possible final determination of the complaint. This would ensure that the procedure is clear and transparent for consumers to use. The issue of timeframes under each stage of the complaint handling process is discussed further in Section 4.2.4 below.

**Q.6. Do you agree with the Director’s classification of the stages to the complaint handling process for a standard complaint ? If not please state your reasons?**

#### 4.2.4 Categorisation and Timely Treatment of Complaints

The Director acknowledges that certain categories of complaint will take longer to resolve but in order to protect customers, both business and residential, against delays in processing complaints, detailed information on the target times for the resolution of each category of complaint should be determined and set out in a licensees code of practice.

The Director proposes to categorise residential and business customer complaints as follows:

- **Installation** where a company has failed to deliver a service within the timeframe indicated to the customer.
- **Billing** relating to disputed calls, over charging for calls and other problems regarding a customer’s bill.
- **Service Degradation** a degradation of the overall quality of the telecommunications service or equipment provided by the operator e.g. network coverage or the quality of the customer’s line.
- **Repair** a complete failure of the telecommunications service.
- **Miscellaneous**

**Q.7. Are there any other categories of complaint that you believe should be included ?**

Based on the above categories of complaint the Director considers that the following timeframes are considered appropriate for the resolution of residential complaints:

Category of Complaint	Target Response Time
Billing	Within 5 working days – with no disconnection while a bona fide dispute is

	unresolved provided complainants have paid the undisputed portion of an account.
Service Degradation	Immediate response with the objective that service not be lost for more than 24 hours.
Repair	Arrange for a call out within 2 working days. If it is not possible to rectify the fault immediately the customer must receive a new timescale for the restoration of service to required standard.
Installation	10 working days
Other	10 working days

The Director considers that there should be shorter timeframes for the service and repair attributes in the case of businesses, principally because of the heavier reliance of their operations on telecommunications services. The Director therefore proposes that the following timeframes should apply for business customers.

<b>Category of Complaint</b>	<b>Target Response Time</b>
Billing	Within 5 working days – with no disconnection while a bona fide dispute is unresolved provided complainants have paid the undisputed portion of an account.
Service Degradation	Immediate response with the objective that service degradation is rectified within 6 hours.
Repair	Arrange for a call out the same day with a view to full service restoration within 4 working hours. If it is not possible to rectify the fault immediately the customer must receive a new timescale for the restoration of service to required standard.
Installation	10 working days
Other	10 working days

In certain circumstances it will not be possible for a complaint to be handled within the given timeframe due to the complexity or circumstances of the complaint. Regular updates must be given to the customer in these circumstances and the customer must be kept informed as to the complaints progress and likely timeframe for resolution.

**Q.8. Do you agree that timeframes for the resolution of disputes should be included in the code of practice? If so, do you agree with the timeframes specified ? Should the timeframes be shorter for business customers ?**

**Q.9. If under Question 7 you felt that additional categories of complaint should be specified, please set a timeframe by which that category should be resolved?**

#### **4.2.5 Guarantees**

The Director believes that one means by which Licensees could demonstrate their commitment to the highest level of customer service, in particular, the timely and effective complaint handling, would be through the provision of Service Level Agreements for their retail customers. Service Level Agreements have already been introduced for certain Carrier Services (leased lines, ISDN Lines etc.) provided by eircom to Other Licensed Operators (OLOs). The Director believes that compensation should also be provided to consumers should the licensee fail to meet the specific response times. The Director is keen to receive views on the introduction of SLAs for retail customers, whether compensation is considered appropriate and, if so, what form this compensation might take.

**Q.10. Do you consider that Licensees should establish SLAs for retail customers? Should Licensees guarantee maximum response times and, if so, would you consider it reasonable that compensation to affected customers should arise if there is a failure to meet these targets?**

#### **4.2.6 Disconnection and Premium Rate Services**

As mentioned earlier in the paper, billing complaints often arise where consumers dispute charges for calls which they claim were not made, usually to international or premium rate numbers, or that they were overcharged for calls made. Disputes regarding, such issues can lead, in some cases, to disconnections.

It is the Director's view that licensees should not disconnect any customer while a bona fide dispute regarding a billing issue is unresolved, provided complainants have paid the undisputed portion of an account. In view of the level of complaints received by the ODTR on disconnections, the Director considers that each licensee should have a clearly articulated policy on disconnections which should be published under the Code of Practice for consumer complaint handling. Some principles which may form part of a disconnection policy may be as follows:

- The bill is issued clearly stating the due date.
- After an appropriate amount of time has lapsed, depending on whether the customer pays monthly or bi-monthly, after the due date a reminder letter should be sent out to the customer clearly stating the date by which payment should be made and the payment options.
- Should the account remain in arrears a follow up call or letter should be issued after a further period has elapsed advising the customer that they face disconnection if payment is not received within a stated timeframe.
- If the appropriate payment is not made the account may be disconnected.
- Procedure for reconnection of service following disconnection.

**Q.11. Do you agree with that an operator should both establish and publish its policy on disconnections as part of the Code of Practice ? If so, do you agree with the principles set out above ? Please provide suggestions as to appropriate timeframes, where required under the principles.**

On the question of billing disputes concerning premium rate services, the Director has evidence through complaints received, that consumers are often unaware that they can arrange to have access to particular premium rate numbers barred on their telephones. The Director considers that such an “opt out” facility should be provided by all operators to their customers and that it should be highlighted in the Code of Practice for consumer complaint handling.

**Q.12. Do you agree that operators should provide an “opt out” facility to customers for premium rate services ? Please provide suggestions as to how customers might be made aware of such a facility. Do you wish to make other proposals regarding billing disputes regarding premium rate services.**

#### **4.2.7 Escalation and Contact Details**

The Director considers that, where appropriate, the complaint handling process must include a procedure for the escalation of complaint, where a consumer is dissatisfied with the response received or outcome. Unresolved complaints should be dealt with according to any internal escalation processes, which are deemed appropriate for inclusion in the Code of Practice.

Information about all other organisations that a customer can contact for the resolution of a conflict with an operator should be included in the code of practice. Consumers should be made aware of their rights to seek independent advice or assistance from organisations such as the Office of the Director of Telecommunication Regulation, the Small Claims Court, the Office of the Director of Consumer Affairs, the Advertising Standards Authority or Regtel. Customers should only be referred to these organisations if they have exhausted the complaints procedure with the operator.

**Q.13. Do you believe that an internal escalation procedure is appropriate for inclusion in a Code of Practice ? If so, please provide suggestions as to how such a procedure might work ?**

**Q.14. Do you believe that the escalation procedure should, depending on the nature of the complaint, be subject to specific timeframes within which the complaint should be resolved ? Please suggest timeframes having regard to the categories of complaints set out under Section 4.2.5.**

**Q.15. What organisations do you think should be specified in the Code in the event that a consumer has to escalate a dispute beyond a Service Provider and what information should be provided?**



#### **4.2.8 Traceability and Retaining Records of Complaints**

Licensees should ensure that their systems for recording complaints are adequate to ensure that they can provide the necessary information to customers when they inquire about the progress of their complaint and ensure that there is complete traceability of the actions taken to resolve the matter. The Director believes that customers should be provided with a reference number or other unique identifier in order to facilitate a timely and accurate response to the customer when subsequent customer enquiries ensue.

**Q.16. What measures do you think that Licensees should implement to ensure that customers could track the progress of their complaint?**

The Director believes that Licensee's procedures must provide for appropriate and systematic record keeping of complaints and their outcomes. A Licensee must ensure that all telephone calls and correspondence is logged in the appropriate manner and that all areas in the organisation must be able to access this information.

The Director considers that all information collected and recorded throughout the complaint handling process must be kept for a minimum period of 1 year following the resolution of the complaint.

**Q.17. Do you believe that provisions should be made for the retention of records of complaints and how long do you think these records should be kept for?**

## 5. Next Steps

The consultation will run from 14<sup>th</sup> May to the 15<sup>th</sup> June. On foot of comments received in the responses to the consultation and in accordance with condition 6.9 of the GTL, 5.9 of the BTL and 6.11 of the Mobile Licence, the Director may then issue a decision notice specifying a minimum set of criteria to be included in licensees' Codes of Practice for handling consumer complaints. Licensees would then be required to modify their existing codes within a given time frame to include the criteria specified in the Decision Notice. The Director considers that any modifications deemed necessary following consultation should be implemented no later than three months from the date of the Decision Notice, however, the Director is seeking the views of respondents as to an appropriate timeframe within which Licensees would have to modify their Codes of Practice.

**Q.18. What do you consider would be a reasonable timeframe within which any modifications or amendments to Licensees' Codes of Practice for Handling Consumer Complaints arising from this consultation should be made ?**

## 6. Submitting Comments

The consultation period will run from 14<sup>th</sup> May, 2001 to 15<sup>th</sup> June, 2001 during which the Director welcomes written comments on any of the issues raised in this paper. Having analysed and considered the comments received, the ODTR will review its proposals for “Codes of Practice for the Handling of Consumer Complaints” and will publish a Decision Notice in July.

Comments should be submitted in writing before 5.30 p.m. on 15<sup>th</sup> June, 2001 to:

Ms Louise Power,  
The Office of the Director of Telecommunications Regulation,  
Abbey Court,  
Irish Life Centre,  
Lower Abbey Street,  
Dublin 1

OR

by email to [powerl@odtr.ie](mailto:powerl@odtr.ie)

All comments are welcome, but it would make the task of analysing responses easier if comments reference the relevant question from this document. In order to promote further openness and transparency the ODTR will, in its report on the consultation, summarise the responses received. Unless marked confidential, the ODTR will make copies of the comments available for public inspection at its offices.

*The Director reserves the right to issue additional directions, from time to time, as she believes is appropriate, on this Code of Conduct for Handling Consumer Complaints. The Director also reserves the right to review this Code on a regular basis to ensure that the Code is maintained and reflects the development within both the telecommunications market and legal obligations generally.*

## **7. Appendix 1 - Summary of Questions Raised**

- Q.1 Do you believe there is merit in the Director’s suggestion to establish a minimum set of standard criteria which could form part of individual operator’s Codes of Conduct of consumer complaint handling ?**
- Q.2 Do you agree with the statements above regarding the application of the Code of Practice ? Please support your answer as appropriate.**
- Q.3 Do you believe that the Code of Practice should cover a set of specific services provided ? If so please provide suggestions supported by your reasoning.**
- Q.4 What media do you believe could be used to make the Code available to customers?**
- Q.5 Do you agree that these principles should be applied in relation to the submission of complaints ? If not, please state why and propose other measures, if any, you think should be implemented for complaint lodging procedures?**
- Q.6 Do you agree with the Director’s classification of the stages to the complaint handling process for a standard complaint ? If not please state your reasons?**
- Q.7 Are there any other categories of complaint that you believe should be included ?**
- Q.8 Do you agree that timeframes for the resolution of disputes should be included in the code of practice? If so, do you agree with the timeframes specified ? Should the timeframes be shorter for business customers ?**
- Q.9 If under Question 7 you felt that additional categories of complaint should be specified, please set a timeframe by which that category should be resolved?**
- Q.10 Do you consider that Licensees should establish SLAs for retail customers ? Should Licensees guarantee maximum response times and, if so, would you consider it reasonable that compensation to affected customers should arise if there is a failure to meet these targets?**
- Q.11 Do you agree with that an operator should publish its policy on disconnections as part of the Code of Practice ?**
- Q.12 Do you agree that operators should provide an “opt out” facility to customers for premium rate services ? Please provide suggestions as to how customers might be made aware of such a facility. Do you wish to make other proposals regarding billing disputes regarding premium rate services ?**

- Q.13** Do you believe that an internal escalation procedure is appropriate for inclusion in a Code of Practice ? If so, please provide suggestions as to how such a procedure might work ?
- Q.14** Do you believe that the escalation procedure should, depending on the nature of the complaint, be subject to specific timeframes within which the complaint should be resolved ? Please suggest timeframes having regard to the categories of complaints set out under Section 4.2.4.
- Q.15** What organisations do you think should be specified in the Code in the event that a consumer has to escalate a dispute beyond a Service Provider and what information should be provided?
- Q.16** What measures do you think that Licensees should implement to ensure that customers could track the progress of their complaint?
- Q.17** Do you believe that provisions should be made for the retention of records of complaints and how long do you think these records should be kept for?
- Q.18** What do you consider would be a reasonable timeframe within which any modifications or amendments to Licensees' Codes of Practice for Handling Consumer Complaints arising from this consultation should be made ?