



Office of the Director of  
**Telecommunications  
Regulation**

**Decision Notice**

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

**Decision No:** Decision Notice D13/01

**Document No:** ODTR 01/67

**Date:** 29<sup>th</sup> August, 2001

**Oifig an Stiúrthóra Rialála Teileachumarsáide**

**Office of the Director of Telecommunications Regulation**

Abbey Court, Irish Life Centre

Lower Abbey Street, Dublin 1, Ireland

Tel. +353 1 804 9600 Fax. +353 1 804 9680 E-mail [info@odtr.ie](mailto:info@odtr.ie)

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## Foreword by Director

I would like to thank all those who responded to the Consultation on Codes of Practice for Handling Consumer Complaints by Telecommunications operators. My office received nine responses to the consultation. Comments from all parties have been taken into account in the decisions outlined in this paper.

The point was made by several respondents that responsibility for handling the relationship with customers is a core operator responsibility. I agree with this view, and all operators are already required as a condition of their licences to have a code of practice. In time competition between companies on quality standards should force higher standards all round.

However, competition in the telecommunications sector is relatively new and the traditionally the general service levels were weak. There is an expectation of higher service standards on the part of the public that are not yet being realised. Accordingly, I consider it necessary to introduce minimum service levels to provide a basic standard for all licensed operators. Some are already providing this and more and it is very much open to operators to offer enhanced services to increase their attractiveness to customers. Companies who have integrated customer care standards in their business processes also deal with the root causes of customer complaints, thereby creating a better standard of service and reducing complaint levels for the future.

This paper sets out a minimum set of criteria for codes of practice. The criteria outline a comprehensive process for dealing with consumer complaints through the provision of practical guidelines for their handling and will inform consumers as to the level of service they can expect. I look forward to the effective implementation of the revised Codes of Practice.

**Etain Doyle,**  
**Director of Telecommunications Regulation**

# 1 INTRODUCTION

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

One of the benefits of the liberalisation of the telecommunications market is the entrance of a number of operators who seek to provide a variety of high quality services at competitive prices. Quality of service is of critical importance to the consumer. A key element of that is the means by which the consumer can raise issues on service quality with the service provider, and the nature and standard of the response they can expect. There are specific Licence conditions requiring codes of practice for the handling of consumer complaints.

It is the responsibility of the operators to take all possible steps to resolve customer complaints. Whilst it is recognised that some operators have made considerable strides in ensuring the delivery of quality services and adequate customer care, the Director considers that, in the light of this review including complaints received by the ODTR that there is a need for a basic standard to ensure that customers are handled adequately.

All General and Mobile Telecommunications License holders are required to have a Code of Conduct, as specified in their license requirements. The Director has the power to amend these Codes of Practice and she intends, on foot of this consultation, to introduce a **minimum** set of criteria to be included by individual licensees as part of their Codes of Practice for handling consumer complaints. She deems this measured response to be an appropriate means of ensuring that Licensees provide a basic level of service to their consumers in this area. The Director would stress that this is a minimum set of criteria and operators are free to adopt standards in excess of this.

The Code will provide the consumer with transparency as to how licensees treat a complaint by making them aware of the steps that will be taken during the handling process. This transparency should promote greater customer care ensuring that complaints are handled effectively and fairly. In turn this will give operators an opportunity to gain a competitive advantage by enhancing the quality of service they provide to customers thereby exceeding the minimum set of criteria as proposed by the Director.

Having considered the responses to this consultation and, in accordance with her powers and duties under the relevant legislation, the Director has reached a number of conclusions, on what should be included in operators' Codes,.

## 2 BACKGROUND

The liberalisation of the telecommunications market has afforded consumers an increased choice of telecoms service providers services and products. Although ultimately competition should provide the strongest incentive for operators to provide high quality service to consumers, a strong focus on consumer protection is necessary while competition develops. Several regulatory measures have been introduced to that end. In particular the Director has introduced the Measuring Licence Operator Performance Programme, through which the ODTR measures an operator's performance towards its customers, as well as Service Level Agreements and network audits.

At present the ODTR receives approximately 75 complaints a month from consumers concerning the levels of service provided by their telecommunications provider. The majority comes from residential consumers who are not happy with the response they have received from an operator in dealing with their complaint. The main area of complaint surrounding fixed telecom services are billing issues, followed closely by the delay in providing new services to customers, and the quality of current services.

Billing disputes are the main source of complaint against Mobile telecommunication operators while coverage and network faults also represent a substantial proportion of complaints received.

It is the operators who deliver services to customers and service quality should simply be regarded as part and parcel of providing that service. It is only by taking on responsibility itself that a company takes on board the "service/quality " issue. An external agency that deals with consumer complaints in the first instance provides a company which wants to skimp on quality and customer service with a continuing opportunity to deal with quality only on a reactive basis and only for persistent customers. A more fundamental approach is needed to make such a company to change its habits.

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.

The ODTR wants to see continued improvements in quality of service from the operators. We believe our focus should be on pressing the companies to upgrade the delivery and maintenance of services so that consumers get quality service from the companies first time. Where complaint handling is fully integrated into an operator's business, the root causes of complaints get attention and in the end companies will have fewer complaints and be able to handle them more quickly and effectively.

In April 2001, the Director published a consultation document, Codes of Practice for the Handling of Consumer Complaints by Telecommunications Operators (ODTR 01/34). She invited interested parties to respond to her proposals of setting a **minimum** set of criteria that Licensee's would have to incorporate into their Code of Practice when dealing with consumer disputes. The Director wishes to re-affirm that what is set out in this Decision Notice is a basis for establishing a minimum standard of customer care, and that operators should seek to exceed these standards in order to ensure the highest quality of customer care.

## **2.1 LEGISLATIVE BACKGROUND**

Both the General Telecommunications Licence (Condition 6.9), the Basic Telecommunication Licence (Condition 5.9) and the Mobile Telecommunications Licence (Condition 6.11) require licensees to implement their own code of practice, specifically,

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

The 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.”

Thus, it is on this basis that the Director will direct that the minimum standardised criteria for handling consumer complaints set out in this document be included by all Licensees in their Code of Practice.

The position as set out in this Decision Notice is without prejudice to the Director's rights to make further directions regarding modifications or additions to Licensees' Codes of Conduct.

## **2.2 LIST OF RESPONDENTS**

Nine responses were received to the consultation document; they are listed (alphabetically) below:

- Chorus
- Eircell
- Eircom
- Esat Group
- Esat Digifone
- Meteor
- Office of the Director of Consumer Affairs
- Swiftcall
- 1 individual

The Director wishes to express her thanks to everyone who contributed to the consultation. A copy of the non-confidential elements of the responses is available for inspection at the ODTR's premises.



### **3 Standardised Codes of Practice**

#### **Summary of Consultation Issues**

The ODTR stated that standardised minimum set of criteria to be included in an operator's code of practice would ensure that consumers are in a better position to know what level of response they can expect from their telecommunications service provider when it comes to making a complaint. It was envisaged that the code would introduce practical guidelines for the step by step handling of complaints within an organisation and thereby afford consumers a higher level of transparency throughout the complaint handling process. The Director considered that licensees, in particular, the large operators should seek to adopt a standard of customer care in excess of the basic minimum set of criteria set out in the code.

#### **Views of Respondents**

The majority of the respondents believed that there was merit in the Director's proposal. One respondent believed that the use of agreed codes of practice to resolve disputes would place an incentive on both parties to resolve the dispute in the most efficient manner possible. Another respondent while agreeing with the Director's proposal emphasised their belief that the ODTR should adopt a light handed approach to this issue, specifying a minimum set of criteria and leaving the operators to provide service levels above that at their discretion. It was further suggested that the criteria focus on qualitative issues such as the escalation of disputes within organisations, and the referral of disputes to independent third parties for mediation.

Three respondents did not believe there was merit in the Director's proposal and all cited the view that imposing a minimum set of criteria on all operators would diminish the competitive advantage which operators derive from providing a better quality of customer service than other operators.

#### **Director's Position**

The Director recognises that complaint handling forms only a part of overall level of customer service provided by operators, however, she considers that it is a matter of importance that all customers should be in a position to expect a minimum level of service from all operators when making a complaint. Having considered respondents' views the Director has decided that all Basic, General and Mobile Telecommunications Licensees shall include a standardised minimum set of criteria in their codes of practice

for handling consumer complaints. The Director recognises the commercial reality that operators tend to differentiate their service offerings on the basis of customer care in an increasingly competitive marketplace. The Director, therefore, proposes to specify only a minimum set of criteria but anticipates that all operators, especially the larger ones, will be encouraged to adopt a standard of customer care in excess of the minimum.

**Direction 1.**

**All Licensees shall modify their current codes of practice for handling consumer complaints to include, at a minimum, the standardised set of criteria as specified in this Decision Notice.**

### 3.1 Scope of the Code

#### Summary of Consultation Issues

The Director proposed that the code would apply to all licensees and the services offered through their licence, although procedures to support the code could vary according to the size and nature of the Licensee. Additionally the code would not affect operator or consumer's rights under relevant consumer protection legislation, and would exclude complaints and disputes subject to legal action and those relating to cable or MMDS services which are subject to a separate Code of Practice (See ODTR Decision Notice D5/01, Document 01/22. The full codes are given in Appendices of Document Numbers 01/63 and 01/64 regarding ntl's and Chorus' price increase applications).

#### Views of Respondents

In general respondents agreed with the Director's view's regarding the application of the code. One respondent while agreeing that the procedures could vary from organisation to organisation stated that the benefit to consumers should be the same. Another respondent expressed the view that an additional restriction should apply to the scope of the code in that it is preferable to limit the scope of the Code of Practice so that it does not overlap with areas already covered in other codes of practice such as those for Carrier Pre Selection and Geographic Number Portability. This, they believe, will help reduce both consumer and operator confusion with regard to the hierarchy of differing codes each with differing objectives.

With regard to whether the code should cover a set of specific services, there was a general consensus among respondents that the code should cover all of the telecommunication services provided by the licensed operator in order to avoid confusion amongst consumers. One respondent expressed the view that if a detailed code is to be

imposed for telecommunications services they would strongly support the Director's view that the codes of practice for both telecommunications and Cable/MMDS television service providers be consistent. Another respondent felt that the Director's intervention with respect to telecommunications operators' Codes of Practice was unjustified as, unlike the Cable/MMDS markets which enjoy exclusivity, the telecoms market was subject to increasing competition in relation to the provision of services, including customer care. Therefore the telecoms market should be left to develop its own level of customer care.

### **Director's Position**

The Director considers that, irrespective of the competitive conditions of the market, operators have a licence obligation to have in place a code of practice for handling consumer complaints. Consumer confidence depends on the belief that the purchase of a service from an operator will be backed by an adequate level of operator response should that service not meet the expectations of the consumer. While it is the responsibility of the operators to provide adequate customer service, failings have nevertheless been brought to the attention of the ODTR through the level of complaints received.

Given the nature and level of complaints received by the ODTR regarding mobile operators, it appears to the Director that they have placed a greater emphasis on customer service, although there are still issues of concern. Having regard to this and the differing nature of the mobile market compared to the fixed market, the Director considers, in setting minimum criteria to be included in operators' codes of practice for consumer complaint handling, that some variation is appropriate in respect of the mobile operators.

#### **Direction 2.**

**All Basic, General and Mobile Telecommunications Licensees shall include, at a minimum, in their Codes of Practice, the set of criteria for handling consumer complaints as directed throughout this Decision Notice. The Code of Practice shall apply to all services offered in accordance with the operator's Licence.**

### **3.2 Principles to be covered in the Code**

The Director proposed the Code should apply to the treatment of verbal and written complaints with a complaint defined as an expression of dissatisfaction with the operator or the service it provides, received from a user or a member or the public. The Director considered the following elements to be appropriate.

### ***3.2.1 Accessibility to the Code***

#### **Summary of Consultation Issues**

The Director proposed the code should receive as wide a circulation as possible amongst the licensees' customers and should be made available to customers upon request and where a website exists is published on it. The Director also anticipated that the customers must be given proper notice by Licensees of any amendment to the code. The Director wished to ascertain the views of respondents as to which media they believed should be used to publish the code.

#### **Views of Respondents**

Most of the respondents agreed that the code should be published through a Licensee's website and be made available upon request. Two respondents expressed the view that it should be made available at the main points of contact between the licensee and consumers namely retail outlets, and through bills.

A number of respondents voiced the opinion that the media through which the code should be distributed should be left up to the discretion of the Licensee. One respondent did not believe that it was appropriate for the ODTR to prescribe the media for publication of the code as they felt that this was paramount to an inappropriate micro-management of the market. One respondent expressed concern at the proposal that customers be given notice by Licensees of any amendment to the code. They felt that this could impose significant costs on operators and could slow down the introduction of new customer service initiatives.

#### **Director's Position**

The Director considers that in order for a Code of Practice to be effective it should receive as wide a circulation as possible. However, in view of the variation in size and customer base of the operators and the issues arising and in light of comments received has decided that the code should be published on a licensees website, circulated to new customers and be available upon request. All customers should receive written notification of the existence of the code and information regarding its availability. This could be included as an insert in a bill which would minimise cost. The Director has decided that licensees shall inform existing customers as to the existence of the code and its availability. New customers shall be provided with either, a copy of the code where it

is available upon application, or where this is not practicable, within one month of the connection of the service to the customer.

The Director considers that where changes may be directed in future in accordance with the powers of this Office, that customers should be informed by the operator. Similarly, where operators introduce any major changes to the Code themselves the Director considers that their customers should also be informed. Operators may contact the ODTR if there are unsure in specific instances as to what constitutes a 'major change'.

**Direction 3.**

**The Director directs that Licensees shall:**

- 1. Inform existing customers of the existence of the code and its availability within the timeframe specified within Direction 12 of this Decision Notice.**
- 2. Provide new customers with a copy of the code from 15<sup>th</sup> December 2001.**
- 3. Notify customers of any significant changes which operators may make in the future beyond those specified in this Decision Notice.**

### ***3.2.2 Lodging Complaints***

#### **Summary of Consultation Issues**

The Director proposed that the process for submission of complaints by customers be flexible, easy to understand and of minimal cost to the complainant. Complaint procedures and contact points should be set out by licensees in clear terms in all customer contracts and directories. Acknowledgements of written complaints should be sent within two working days. Details of how customers can make a complaint should be stated and contact details should be clearly printed on bills.

#### **Views of Respondents**

The majority of respondents agreed that the licensee should make it clearly visible to the customer how and where to lodge complaints and that there should be a wide range of ways for customers to contact the company. Two respondents while agreeing in principle with the Director felt that the complaint procedures and contact points should not be included in a customer contract, as this would be inappropriate. With regard to the inclusion of details in directories one respondent stated that all operators do not produce directories and it is a matter for operators whether they wish to include such details in the phonebook.

On the question of an acknowledgement being sent within two working days one respondent considered two working days to be a satisfactory time period for responding

to a written complaint. One respondent felt that such a timeframe would be overly prescriptive in the context of a basic set of code of conduct requirements, as the priority for customer service staff should be on resolving the particular issue raised.

Only one respondent expressed a view in relation to the provision of a free phone or low call number and they maintained that as the majority of complaints in their view were received by letter operators should not be required to make provision for specific forms of complaint procedures such as low call or free phone options.

### **Director's Position**

The Director does not consider her proposals regarding the publication by licensees of contact point details to be onerous. She considers this to be normal practice for any organisation seeking to provide a level of customer service. The Director's position is that the Code of Practice should contain the following elements in relation to the lodging of complaints. All Licensees shall specify in their code of practice the means by which complaints can be lodged. The details to be included are

<b>Telephone</b>	how customers can make contact by telephone stating times when the service will be attended. Where the service is unattended a recorded message should be put in place.
<b>Letter</b>	postal address for complaints made in writing
<b>E-mail Address</b>	address listed per licensees' email
<b>Fax Number</b>	where appropriate
<b>Opening hours</b>	Opening hours for any public offices

With regard to issuing an acknowledgement within two working days the Director considers this to be an essential part of the complaint handling process as it informs the complainant that their complaint is being dealt with and demonstrates a licensee's commitment to customer care. While the Director considers that the acknowledgement of a complaint may be by telephone or in writing, where requested, she nevertheless believes that it should take place within two days of the complaint being received. Recognising the increased proliferation of call centre environments for customer care (including complaint handling) the Director believes that, where a complaint is made via telephone, that the initial telephone call would constitute an acknowledgement by the licensee that the complaint has been received. The Director does not accept that the

inclusion of a provision for the acknowledgement of complaints will hamper the resolution of the complaint.

The Director believes that a complainant should not incur excessive costs when making a complaint. The Director does not consider the provision of a lo-call or freefone number by a telecommunications licensee to be an excessive burden. The Director has decided that licensees should provide a freefone or lo-call number through which it will be clearly possible for a consumer to make a complaint.

**Direction 4.**

**The Director directs that all Licensees shall specify in their code of practice the means by which complaints can be lodged, specifically by**

**Telephone: how customers can make contact by telephone stating times when the service will be attended. Where the service is unattended a recorded message should be put in place.**

**Letter: postal address for complaints made in writing including where appropriate, contact names.**

**E-mail Address: address listed per licensees' email**

**Fax Number: where appropriate**

**Opening hours: Opening hours for any public offices**

**All complaints must be acknowledged within two working days either by telephone or in writing. All licensees must provide a freefone or lo-call number for the lodging of complaints by telephone.**

### *3.2.3 Stages of the Complaint Handling Process*

#### **Summary of Consultation Issues**

The Director proposed a minimum number of stages in the complaint handling process in the context of a standard complaint. These were

- Initial contact by customer
- Acknowledgement of the complaint
- Investigation of the complaint
- Notification of Resolution of Complaint
- Internal Escalation
- Other

Some stages could be bypassed depending on the nature of the complaint and complainants should be advised when they make a complaint of the stages involved in order to ensure transparency.

### **Views of Respondents**

Respondents generally agreed with the stages proposed. One respondent proposed including an interim reply stage in the case where resolution may take longer. Another respondent felt there should be a great degree of flexibility as there is never a standard complaint and that for most complaints, stages one to three will take place on the first telephone call except in instances where the complaint needs to be escalated. They also felt that the type of complaint should also be taken into account when setting the various steps. Another respondent requested clarification on the classification of “other”.

Three respondents stated that the classification of stages should be left up to the discretion of individual operators and one respondent felt that this would shoehorn all operators into a “one size fits all” approach to dealing with customer complaints.

### **Director’s Position**

The Director acknowledges that, given the diverse nature of complaints, the stages in the complaint handling process should be as flexible as possible. As the majority of respondents agreed with the stages proposed in the consultation the Director considers that these should form the basic stages for handling complaints. The Director does not consider that these stages are overly prescriptive and operators are entirely free to adopt additional stages should they choose to do so.

The “other” classification was included in the consultation to allow respondents to introduce any other stages, which they felt should be included in the process. The Director accepts that in many circumstances the initial stages may take place when the complainant first contacts an operator but the complainant should still be advised of additional stages of the complaint process should the complaint remain unresolved after the initial contact.

<b>Direction 5.</b>
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**The Director directs that Licensees shall include the following minimum number of prescribed stages in the complaint handling process.**

**Initial contact by customer**  
**Acknowledgement of the complaint**  
**Investigation of the complaint**  
**Notification of Resolution**  
**Internal Escalation**  
**Other**

**Licensees shall clearly specify the procedures which customers and licensees shall follow in the event of particular categories of complaint.**

### ***3.2.4 Categorisation of Complaints***

#### **Summary of Consultation Issues**

In order to facilitate prompt processing of complaints the Director proposed to categorise residential and business complaints into Installation, Billing, Service Degradation, Repair and Miscellaneous groups.

#### **Views of Respondents**

The majority of respondents agreed in principle with the proposed categorisation. Two respondents suggested extra categories that may be incorporated including the conduct and behaviour of employees regarding sales practices, and a third party operator complaint category. One respondent also suggested that some of the categories were not clearly defined and could be open to interpretation. However three respondents did not agree with the categories, one suggesting that these were geared towards fixed line operators and the categories should have more relevance across the differing delivery platforms.

#### **Director's Position**

The Director recognises the differing nature of the services offered by the Fixed and mobile operators and therefore is proposing that the categories of complaint should be amended to reflect this. The Director has decided that separate minimum criteria be included in the Mobile Operator's Codes of Practice. The categories for fixed and mobile operators are set out below:

#### **Fixed Operators**

- Installation,
- Billing,

- Service Degradation,
- Repair
- Miscellaneous group.

For Mobile Operators:

- Network Quality/Coverage
- Billing
- Roaming
- Handset
- Miscellaneous

The Director believes that proposing categories of complaint will serve to make the process more transparent and easier for consumers to understand.

The Director does not consider it appropriate to include an additional category to cover the conduct of employees of an operator with respect to sales practices as it is outside the scope of a code of practice for consumer complaint handling. Eircom as an operator with Significant Market Power is required under its licence to implement an appropriate code of conduct regarding selling practices and it has done so. The Director does not believe that there is merit in including a category regarding the behaviour of a third party as it is the service provider who is responsible for the customer relationship independent of the relationship with third parties.

**Direction 6.**

**The Director therefore directs that the following categories of complaint be included in the Codes of Practice.**

**For Fixed Operators:**

**Installation,  
Billing,  
Service Degradation,  
Repair  
Miscellaneous group**

**For Mobile Operators:**

**Network Quality/Coverage  
Billing  
Roaming  
Handset  
Miscellaneous**

### ***3.2.5 Timely Treatment of Complaints***

#### **Summary of Consultation Issues**

The Director considered that for each category listed there should be an appropriate timeframe within which to resolve the complaint, and suggested scales for both business and residential consumers. Short timeframes were suggested for business customers due to their heavier reliance on telecommunications services. It was also proposed that in circumstances where it was not possible for a complaint to be handled within a certain timeframe, the consumer must be kept informed throughout the process and advised of a revised resolution timeframe.

#### **Views of Respondents**

Most respondents agreed with the principle of introducing timeframes, however not all agreed with the proposed scales. One respondent felt that some of the timeframes suggested for the complaint categories did not allow sufficient time for their effective resolution, while another suggested that the definition of complaint resolution should be more clearly defined before introducing time scales. One respondent suggested that the resolution time for all complaints should be 15 working days regardless of the nature. However, concern was again expressed about the negative impact that imposing time frames would have on operators seeking to compete on service quality, and about the practical problems with introducing a standardised approach. All respondents stated that timeframes should not differ across consumers and that response times should be the same for both residential and business consumers.

#### **Director's Position**

The Director recognises that it may not always be possible to resolve all complaints within stated timescales but it is incumbent upon licensees to keep their customers informed and advise a timeframe within which they expect to have resolved a complaint. The Director does not consider that setting timeframes will inhibit the development of competition on the basis of service quality. On the contrary, as they are maximum timeframes, it will allow operators the flexibility to propose a superior service in response to customer demands/wishes thereby reflecting the competitive nature of the industry. The Director has decided that the following response times are appropriate.

**For Fixed Operators:**

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
Miscellaneous	10 working days

**For Mobile Operators:**

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.
Network Quality/Coverage	Immediate response with the objective that service degradation is rectified within 6 hours.
Roaming	Within 5 working days
Handset	10 working days
Other	10 working days

The Director considers these target response times to be the maximum timescales which customers should encounter and would encourage licensees to set tighter standards over and above those outlined here.

**Direction 7.**

**When acknowledging receipt of a complaint, licensees shall also state the timescales within which specific categories of complaint will be addressed and normally resolved. These maximum timescales are set out in the tables above. The Director recognises that it may not always be possible to resolve all complaints within the stated timeframes but, where the above timeframes cannot be met, it is imperative that licensees keep their customers informed and advise a timeframe within which they expect to have the complaint resolved.**

**3.2.6 Guarantees****Summary of Consultation Issues**

The Director stated that one means by which licensees might demonstrate their commitment to effective complaint handling would be through the provision of Service

Level Agreements and that Licensees should offer some form of compensation monetary or otherwise, should a licensee fail to meet specific response times.

### **Views of Respondents**

One respondent agreed with the introduction of SLAs. However, most respondents were of the view that it was inappropriate to introduce SLAs for retail customers. Many felt that it would be costly and infeasible to introduce such agreements for individual customers. Some respondents suggested that it was a matter for the individual operator to introduce some form of compensation for failing to meet response times, and each licensee should be encouraged to have a voluntary goodwill gesture in place, for customers who are genuinely inconvenienced.

### **Director's Position**

The Director would point out that currently eircom is bound by an SLA for a number of wholesale services whereby failure to meet the provisions of the SLA results in compensation being paid to licensees who sought to obtain those wholesale services. The Director is strongly of the view that in such instances that Licensees should seek to create back to back penalty arrangements for their own retail customers.

The Director would welcome the introduction of SLAs by operators for retail customers. The Director is of the opinion that by offering some form of compensation the licensee can express their commitment to meet the guaranteed response time targets. The Director also considers that this is an area where Licensees who are keen to gain a competitive advantage through outstanding customer service could differentiate themselves.

The responses received were largely from the industry and were not in favour of retail guarantees. The Director has noted the comments in favour, but in view of the level of response would not propose to seek changes in this respect at this time.

## ***3.2.7 Disconnection***

### **Summary of Consultation Issues**

The Director proposed that each licensee should have a clearly articulated policy on disconnections, published in the Code of Practice for consumer complaint handling. It was also the Director's view that no customers should be disconnected while a bona fide dispute was ongoing.

### **Views of Respondents**

There was a general consensus between respondents that it was not necessary to publish a disconnection policy in the Code of Practice. Several respondents expressed the view that there was merit in this suggestion, and that it was essential for an operator to have a clearly defined policy, however they did not believe that its inclusion in the Code of Practice would benefit the consumer. One respondent expressed concern that this may encourage consumers to delay paying their account until they received their final reminder notice. Another remained firmly opposed to the proposal and was of the opinion that a disconnection policy was a contractual matter between the customer and the operator.

### **Directors Position**

Disconnection should be considered an action of last resort taken by a service provider, typically in response to a bill payment issue. Consumers place a heavy reliance on telecommunications services and it is important that they are aware of the process leading to a disconnection in order that the scope for confusion or disagreements is minimised. The Director therefore considers that it would be of benefit to both consumers and licensees were a statement regarding the disconnection policy of a licensee to be explicitly set out in a Code of Practice for Consumer Complaint Handling. This policy should reflect any contractual arrangements between the operator and the customer and it is the Director's view that no customers should be disconnected while a bona fide dispute is ongoing.

### **Direction 8.**

**Licensees shall set out their code of practice their policy in relation to disconnection.**

## ***3.2.8 Premium Rate Services***

### **Summary of Consultation Issues**

Arising from complaints received by her office, the director considered that an "opt out" facility should be provided by all operators to their customers, allowing them to bar particular premium rate calls. It was suggested that this facility be highlighted in the Code of Practice.

### **Views of Respondents**

Respondents seemed to agree with the general point, however many expressed the view that this facility should be addressed in sales literature or promotional material and not in the code of practice. It was also pointed out that this facility is already offered by some operators, and that this office should encourage other operators to do the same, before making this a requirement. One respondent agreed that many operators do not have the switches available to support the functionality of such a facility on a per call or per line basis at the moment. Another respondent did suggest having an “opt-in” clause rather than the reverse, where consumers would not have access to premium rate numbers unless they had requested to have this facility enabled.

### **Director’s Position**

The ODTR frequently receives complaints from consumers regarding Premium Rate Services and the Director considers that offering an “opt out” facility would be of benefit to consumers. The Director is aware that all operators may not be able to support such a facility due to switch limitations. The Director will accept genuine practical limitation in the short term but believes that such constraints should never be an impediment to future change.

The Director recognises that there are practical and cost implications associated with the establishment of an “opt out” facility and considers that the issues should be explored and resolved.

The Director therefore does not propose to require operators to include a Premium Rate Service “Opt Out” facility their Codes of Practice at this point in time. However, she considers that operators who do have the facility to offer the service should make it widely known.

### ***3.2.9 Escalation and Contact Details***

#### **Summary of Consultation Issues**

The Director considers that where appropriate the complaint handling process should include a procedure for the escalation of the complaint, which should be included in the Code of Practice. The Director also sought views as to what timeframes might apply under the escalation procedures. It was also suggested that information about other organisations that a consumer can contact to seek independent advice be included in the code.

### **Views of Respondents**

Several respondents agreed that it was appropriate to have an internal escalation procedure included in the code of practice. Although concern was expressed that this should not include personal names, at an early stage to protect employees of operators. Other respondents were not in favour of including this information in the code of practice, stating that it is the responsibility of the individual Operator to ensure that adequate escalation procedures are in place. One respondent believed that internal escalation procedures are a reasonable subject to cover in a code of practice but that the details of how the procedures would work should be left up to the individual operator.

There was a general consensus among respondents that there would be a difficulty in providing specific timeframes within which a complaint should be resolved within the escalation procedure. Many stated that third party involvement could delay the conclusion of a complaint, as can external suppliers. One respondent was of the opinion that keeping the consumer informed while the dispute is ongoing and progressing was of optimum importance, and that timeframes could only be indicators.

Three respondents agreed that it was appropriate to include the names of several independent organisations in the Code of Practice. One respondent did suggest that it would be more appropriate for this office to be the initial body for a consumer to contact having exhausted the escalation procedures within their service provider's organisation, as rather than publishing the name of independent organisations in the code, they felt that the ODTR should determine who is the appropriate body to deal with the enquiry. Three respondents were of the opinion that, all disputes relating to licensable service be resolved by the individual operators, and that bringing attention to other bodies who would be willing to listen to their complaint would simply increase the volume of complaints these organisations receive.

### **Director's Position**

The Director has decided that a clear internal escalation procedure should be included in the code. While such a procedure should set out the escalation points, the procedural aspects of the operation are a matter for the operators themselves.

The Director recognises the need for a degree of flexibility with regard to timeframes for the escalation procedures and considers that consumers should be given indicative timeframes on a case by case basis having regard to the nature and level of additional



investigation which will be required. They should be kept informed at regular intervals of the progress of the complaint and be given an estimation of the time needed to investigate and resolve the complaint.

The Director would point out that any external organisation is not a substitute for inadequate customer care from operators. The responsibility for providing customer care rests firmly with the companies providing the service. Consumers should, in the first instance, address their complaint to their service provider. If the complaint remains unresolved after the exhaustion of the procedures in the code of practice, consumers might then be advised of additional bodies from which they can seek independent advice. The Director considers that the details of bodies who the customer may contact should be included in order to protect a consumers rights. It is the Director's belief that if a complaint is handled effectively by an operator that the need for complainants to seek third party advice in order to have a complaint resolved would be greatly reduced and should therefore only be applicable where the consumer after attempting to resolve the matter with their service provider, still feels that they have a genuine grievance.

**Direction 9.**

**Licensees shall include an escalation procedure in their Code of Practice, the operation of which shall be left to the discretion of the individual Licensees.**

**Licensees shall give indicative timeframes to consumers when their complaint has to be escalated and shall keep consumers informed at regular intervals of the progress of the complaint giving an estimation of the time needed to investigate and resolve the complaint.**

**Licensees shall specify clearly that a customer's statutory rights are not affected by the code of practice. In addition Licensees shall advise customers of their rights to seek independent advice. In this regard the contact addresses for the Office of the Director of Telecommunication Regulation, the Small Claims Court, the Office of the Director of Consumer Affairs, the Advertising Standards Authority and Regtel should be included.**

### ***3.2.10 Traceability and Retaining of records of Complaints***

#### **Summary of Consultation Issues**

The consultation paper proposed that all Licensees systems should ensure that all complaints can be easily tracked and to ensure traceability of all actions taken regarding a complaint should a complainant need to inquire as to progress. The Director considered that it may also be necessary to provide a unique reference number to complainants when the complaint is initially lodged.

The Director also considered that Licensees' procedures must also provide for systematic record keeping of complaints, ensuring that all contact is logged and that all appropriate areas in the organisation have access to this information. A minimum period of one year was suggested as the appropriate length of time for the retention of records following the resolution of the complaint.

### **Views of Respondents**

In general respondents concurred with the Director's view that Licensees should ensure their systems for recording complaints are adequate to ensure that customers can inquire about the progress of their complaint. With regard to issuing reference numbers respondents generally felt that a customer's unique account number or telephone number would be sufficient to ensure traceability. A number of respondents stated that they already use a customer's account number to log all complaints and that this ensures that all relevant areas of the organisation have access to a complaint.

One respondent while agreeing with the Director's statements felt that the implementation of the proposals should be left up to the operator. One respondent stated that any operator complying with the ODTR's Measuring Licensed Operator Performance program should already be able to track the progress of all complaints or they would not be able to report as requested. Another respondent stated that no rationale had been given for this proposal and no consideration given to the additional burden it could impose on operators. They also maintained that such a proposal was of no relevance to them as all their customers already have a unique identifier and all contact with their customers is recorded in a manner accessible to all Customer Care Executives.

With regard to the retention of records, three respondents agreed with the Director's proposal that records should be kept for a minimum of a year. A number of respondents did express the view that for legal and data protection reasons all records should be kept for a period of between 6 and seven years.

### **Director's Position**

The Director is pleased to note that some operators' systems already provide for complete traceability and tracking of complaints as she considers this to be an important part of the complaint handling process. It is her intention to ensure that all operators are in a similar position as it will facilitate the speedy identification of a complaint case history and provide for a greater efficiency in its handling. The Director has decided that operators should assign a unique identifier number to each complaint. The Director

considers that the practical arrangements to fulfil this should be left to the individual operator concerned.

On the issue of the retention of records, for fixed operators section 28 (2) (e) of the EC (Voice Telephony and Universal Service) Regulations, 1999 stipulates that a code of practice for handling complaints should provide for retention of records of complaints for at least 1 year following resolution of the complaint. The Director has decided that this should be used as a minimum period applicable to all relevant operators. Operators may not go below this minimum threshold. This minimum requirement does not absolve the licensee from fulfilling any other requirements in law.

**Direction 10.**

**Licensees shall assign a unique identifier to each complaint in order to ensure its traceability. Customers who make a complaint shall be advised of their unique identifier.**

**Licensees shall retain records relating to complaints for at least 1 year following the resolution of a complaint. This minimum requirement does not absolve the licensee from fulfilling any other requirements in law.**

## 4 Modification of Licensees Codes of Conduct

### Summary of Consultation Issues

The Director sought the views of respondents as to an appropriate timeframe within which Licensees would have to modify their codes of practice. The Director considered that any modifications deemed necessary following the consultation should be implemented no later than three months from the date of the Decision Notice.

### Views of Respondents

There was little consensus among respondents as to the timeframe for the introduction of any modification. Two respondents suggested that 6 months would be a more appropriate timeframe where no systems changes were required. One respondent expressed the view that it would be difficult to specify the exact period given the detailed and comprehensive proposals made especially if new operations and billing systems functionality to support new information and process requirements had to be developed. They suggested that these types of alterations could take 9 to 12 months to implement fully.

One respondent expressed their concern at the changes the ODTR was proposing and suggested an alternative to implementing a set of standardised criteria to be included in Codes of Practice. The respondent proposed that the ODTR should give all operators a reasonable period of time. Say six months, in which to comply with their licence obligations and develop their own individual Codes of Practice. They proposed that a further period of twelve months should be used to assess whether self-regulation along these lines is working. Another respondent while agreeing in principle to the objectives of the consultation also expressed major concern regarding the possible overlap between other industry agreed codes of practice for product offerings such as CPS. They suggested the establishment of an industry Working Group be established to harmonise areas where there may be an overlap.

### Director's Position

Having reviewed the responses received and the proposals set out in this response the Director considers that major systems changes should not be necessary and therefore all modifications should be made to existing Codes of Practice no later than 30<sup>th</sup> November, 2001. The Director does not consider it appropriate to convene an Industry Working Group as the changes proposed do not conflict with other Codes of Practice

The Director does not agree with one respondents proposal that operators be allowed to develop their own codes of practice. The Director would point out that all licensees are obliged to have in place a code of practice from the date of entry into the market.

Notwithstanding this the level and nature of complaints received by this office to date indicates that some operators have failed to deal with consumer complaints adequately.

**Direction 11.**

**All Licensees are Directed to ensure that their Codes of Practice reflect the Directions set out in this Decision Notice by no than 30<sup>th</sup> November, 2001.**

## 5 Next Steps

All Basic, General and Mobile Telecommunications License holders are required to amend their Codes of Practice for Consumer Complaint handling in accordance with the Directions set out in this Decision Notice by 30<sup>th</sup> November 2001.

The Director wishes to assure herself that all Licensees referred to above meet the requirements as set out in the Decision Notice and to that end requires Licensees should provide this Office with a copy of their amended Code of Conduct for the Handling of Consumer Complaints on or before the 30<sup>th</sup> November, 2001. At that point the Director will confirm to each Licensee that its Code meets the requirements as set out in this Decision Notice.

The Director will require Licensees to inform their customers as to the existence of the amended Code within a further two weeks.

**Direction 12.**

**Licensees are directed to provide the ODTR with a copy of their amended Code of Practice on or before 30<sup>th</sup> November, 2001. Licensees are directed to inform their customers as to its existence within two weeks of notification from the ODTR that the Code meets the requirements as set out in the Decision Notice.**

## 6 Appendix 1 – List of Directions

For ease of reference, the following sets out a list of the Directions set out in this Decision Notice.

### **Direction 1.**

**All Licensees shall modify their current codes of practice for handling consumer complaints to include, at a minimum, the standardised set of criteria as specified in this Decision Notice.**

### **Direction 2.**

**All Basic, General and Mobile Telecommunications Licensees shall include, at a minimum, in their Codes of Practice, the set of criteria for handling consumer complaints as directed throughout this Decision Notice. The Code of Practice shall apply to all services offered in accordance with the operator's Licence.**

### **Direction 3.**

**The Director directs that Licensees shall:**

- 1. Inform existing customers of the existence of the code and its availability within the timeframe specified within Direction 12 of this Decision Notice.**
- 2. Provide new customers with a copy of the code from 15<sup>th</sup> December 2001**
- 3. Notify customers of any significant changes which operators may make in the future beyond those specified in this Decision Notice.**

### **Direction 4.**

**The Director directs that all Licensees shall specify in their code of practice the means by which complaints can be lodged, specifically by**

**Telephone: how customers can make contact by telephone stating times when the service will be attended. Where the service is unattended a recorded message should be put in place.**

**Letter: postal address for complaints made in writing including where appropriate, contact names.**

**E-mail Address: address listed per licensees' email**

**Fax Number: where appropriate**

**Opening hours: Opening hours for any public offices**

**All complaints must be acknowledged within two working days either by telephone or in writing. All licensees must provide a freephone or lo-call number for the lodging of complaints by telephone.**

**Direction 5.**

**The Director directs that Licensees shall include the following minimum number of prescribed stages in the complaint handling process.**

**Initial contact by customer  
Acknowledgement of the complaint  
Investigation of the complaint  
Notification of Resolution  
Internal Escalation  
Other**

**Licensees shall clearly specify the procedures which customers and licensees shall follow in the event of particular categories**

**Direction 6.**

**The Director therefore directs that the following categories of complaint be included in the Codes of Practice for Fixed Operators:**

**Installation,  
Billing,  
Service Degradation,  
Repair  
Miscellaneous group**

**For Mobile Operators:**

**Network Quality/Coverage  
Billing  
Roaming  
Handset  
Miscellaneous**

**Direction 7.**

**When acknowledging receipt of a complaint, licensees shall also state the timescales within which specific categories of complaint will be addressed and normally resolved. These maximum timescales are set out in the tables in Section 3.2.5. The Director recognises that it may not always be possible to resolve all complaints within the stated timeframes but, where the above timeframes cannot be met, it is imperative that licensees keep their customers informed and advise a timeframe within which they expect to have the complaint resolved.**

**Direction 8.**

**Licensees shall set out their code of practice their policy in relation to disconnection.**



**Direction 9.**

**Licensees shall include an escalation procedure in their Code of Practice, the operation of which shall be left to the discretion of the individual Licensees.**

**Licensees shall give indicative timeframes to consumers when their complaint has to be escalated and shall keep consumers informed at regular intervals of the progress of the complaint giving an estimation of the time needed to investigate and resolve the complaint.**

**Licensees shall specify clearly that a customer's statutory rights are not affected by the code of practice. In addition Licensees shall advise customers of their rights to seek independent advice. In this regard the contact addresses for the Office of the Director of Telecommunication Regulation, the Small Claims Court, the Office of the Director of Consumer Affairs, the Advertising Standards Authority and Regtel should be included.**

**Direction 10.**

**Licensees shall assign a unique identifier to each complaint in order to ensure its traceability. Customers who make a complaint shall be advised of their unique identifier.**

**Licensees shall retain records relating to complaints for at least 1 year following the resolution of a complaint. This minimum requirement does not absolve the licensee from fulfilling any other requirements in law.**

**Direction 11.**

**All Licensees are Directed to ensure that their Codes of Practice reflect the Directions set out in this Decision Notice by no than 30<sup>th</sup> November, 2001.**

**Direction 12.**

**Licensees are directed to provide the ODTR with a copy of their amended Code of Practice on or before 30<sup>th</sup> November, 2001. Licensees are directed to inform their customers as to its existence within two weeks of notification from the ODTR that the Code meets the requirements as set out in the Decision Notice.**