



Commission for
Communications Regulation

Consultation on Electronic Communications Complaints Handling Code of Practice

Responses to ComReg Consultation 16/118

Submissions to Consultation

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An Coimisiún um Rialáil Cumarsáide

Commission for Communications Regulation

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Contents

1. Alto
2. Business Carrier Coalition (BCC)
3. Eircom Group
4. Sky Ireland
5. Three Ireland (Hutchison)
6. Telecommunications and internet federation (TIF)
7. Virgin Media
8. Vodafone

alto

alternative operators in the communications market

**Consultation: Electronic Communications Complaints Handling
Code of Practice - Ref: 16/118**

Submission By ALTO

Date: February 13th 2017

ALTO is pleased to respond to ComReg's Consultation – Electronic Communications Complaints Handling Code of Practice - Ref: 16/118.

ALTO welcomes this opportunity to comment on this complex consultation and Draft Decision and would like to make the following preliminary remarks before addressing the questions in detail.

Preliminary Remarks

ALTO members are concerned about this Consultation paper. We set out our concerns under three main areas. Those areas are:

1. Historical lessons learned;
2. Considering the position of business only providers; and
3. Current proposals.

1. Historical lessons learned

ComReg and its predecessor the ODTR ran a similar initiative in the industry called Measured Licensed Operator Performance – MLOP, for many years. The industry realised that the significant differences between operators, their services and customer support platforms meant that it was impossible to measure operators and services on a like-for-like basis. This was quite apparent on Carrier Pre-Selection – CPS, and Wholesale Line Rental – WLR, and broadband markets as they developed. During MLOP the industry had to pay for appointed consultants to review the operator's systems and performances and to report on the various performance findings to ComReg.

The MLOP initiative was scrapped for a number of reasons, but the main one was the costly irrelevance that the MLOP processes had become versus the costly inputs and resources required from operators to comply with MLOP.

This ComReg Consultation paper seems to be an attempt to bring the industry back into an MLOP by another name, and industry does not need this or require it as a matter of course. Industry learned a number of expensive lessons from MLOP that should not be repeated any time soon. ComReg must revisit the real reasons behind moving back to this area of focus while other aspects of market economic regulation are clearly not working. Those aspects of economic regulation were working properly, the market would look after itself and operators would clean up any issues with complaints handling in order to compete. ComReg appears to have missed this critical point.

2. Considering the position of Business-only providers

ALTO notes that ComReg's proposals do not explicitly exclude B2B providers, and that the definition of a complaint poses an issue that ALTO members are significantly concerned about.

ALTO submits that Business-only providers should be excluded from and not have any obligations under these proposed regulations.

Given ALTO's position that Business-only providers should be excluded from all of these requirements, the rest of the responses given below in this document do not therefore take account of business-only providers. For example, where ALTO agrees with ComReg's position, this does not supersede our overall view that Business-only providers should be excluded, and therefore does not mean that we agree that such proposals are appropriate, necessary or proportionate for Business-only providers.

ALTO submits that ComReg must carve out Business-only providers from the future requirements set out in this Consultation paper. Please see ALTO's answer to question 16.

3. Current proposals

ALTO makes three substantive proposals in the Consultation paper that ALTO has concerns over.

Those proposals are:

1. Proposals on complaint processes;
2. Quarterly submission of complaints statistics; and
3. Requirement to apply for Q Mark.

Each proposal is dealt with below.

1. Proposals on complaint processes

Definition of a complaint

ComReg defines as:

'an expression of dissatisfaction made to a service provider relating to its products or services, or relating to the complaints handling process itself, where a response or resolution is explicitly or implicitly expected'.

ALTO submits that this definition is so broad that it is difficult to apply in reality and it may be unworkable. Operators/Service providers do not agree with this definition in its currently drafted form.

Minimum first points of contact for complainants

ComReg proposes a telephone number with cost not exceeding 'basic rate', with an IVR that must specifically address the fact that the caller's service may require to be routed towards the service provider's complaint management process.

ALTO is not in disagreement with ComReg's proposal to this end, however with certain technological developments ComReg must consider that certain bundled services may give rise to difficulties in handling certain forms for complaint.

ComReg proposes the use of an email address (web chat and online forms are considered in addition to an email address) Postal Address.

ALTO is not opposed to this/these alternative modes of reporting and information flow, but only on the basis that ComReg accepts that not every operator can and does resources these media portals. Setting a minimum expectation through this consultation process is not desirable.

A means of recording complaints

ComReg proposes that:

1. Any complaints meeting definition proposed must be recorded and include minimum set of info in consultation.
2. Response timeframe of 10 working days and process for complaint resolution.
3. An initial acknowledgement within 2 days addressing the subject matter of the complaint must also be provided and an automated template response is not acceptable as a Complaint Acknowledgement.
4. If complaint goes beyond 10 days then must communicate steps being taken to resolve to the customer and provide a provisional resolution timeframe.

ALTO members are opposed to creating further overhead for operators though its proposal and proposals for reporting. The timelines for responses and acknowledgement of complaints seem to be *prima facie* acceptable, but may be overly prescriptive for some operators and the services they provide in the market presently.

Appropriate cases where reimbursement of payments is made

ComReg has taken the preliminary view that customers should not be required to request refunds promised in the Code of Practice. The requirement will be for operators to update their Code of Practice to set out detailed provisions and porting delays are specifically mentioned.

ALTO is broadly agreeable with this proposal, but it will invariably be a matter resolved under individual operator contract law parameters and is not a matter for ComReg to concern itself.

Retention of records of complaints

ComReg propose that operators must retain complaint and any documentation for a minimum of 1 year.

ALTO notes that this maybe incompatible with certain aspect of Data Protection laws, depending on the nature of the relationship between the operator and customer. This proposal may have to be analysed on a case-by-case basis and should not be overly prescriptive.

Requirements in respect of the manner of publication of codes of practice

ComReg proposes that operators include a Code of Practice with Complaint acknowledgement and a link from operators Home page and easily searchable on website. ALTO adopts a neutral view on this subject save for the matters addressed in detail below, e.g., locating codes elsewhere.

2. Quarterly submission of complaints statistics

Provision of number of complaints and publication of data

ComReg proposes to require quarterly submission of complaints data by defined categories

1. Resolution timeframes;

2. Internal KPIs reported internally;
3. Level of customer satisfaction recorded; and
4. ComReg would propose to publish comparable metrics.

ALTO submits that there may be a problem with ComReg's legal basis for requiring the above data on a quarterly basis.

ALTO also notes that in certain instances operators will have to invest in reporting systems, which had been abandoned years ago on the scrapping of the MLOP processes, and report.

ALTO requests that ComReg addresses wholesale economic regulatory issues prior to embarking on this kind of initiative, even if the legal basis issue can be adequately resolved. We note that the RGM investigations into the two Styles Reports are, as yet, inconclusive. As such an initiative will encompass Eir and Eir's systems, the market will require confidence in regulation and regulatory systems in advance of any such change.

3. Requirement to apply for Q Mark

ComReg appears to require that operators to apply for the ComReg/ EIQA Q Mark on complaint handling. ComReg had previously published the Q Mark on complaint handling in 2010. They are now proposing to require operators to apply for the standard.

ALTO notes that the Q Mark is voluntary at the moment and no operator has attained it. ComReg must seek legal advice as to the legal basis for requiring such an accreditation across the industry. This has been addressed fully by ALTO below, however we do not believe ComReg can mandate this at this time.

ALTO submits that there are a number of clear and extreme difficulties with this Consultation paper. In the main, some of the ComReg proposals will create insurmountable barriers to entry of the communications market for new entrants.

This is in addition to generating an overhead for the submission of data that will be problematic for operators. The Consultation paper and Regulatory Impact Assessment does not take account of the economic barriers argument and reality to any extent.

ALTO requests that ComReg removes business customer providers from the ambit of this consultation, for reasons that business customer providers have more sensitive and expansive processes and systems for dealing with business customers. Large business customers have their own designated account managers and would also have their own informed legal resource to agree contracts and Service Level Agreements – SLAs. ComReg has not properly and/or with evidence, addressed the need to include these types of customer within the ambit of its Consultation.

Response to Consultation Questions:

Q.1. Do you agree with ComReg’s preliminary view that it is appropriate to review the minimum standards required in Electronic Communications Providers codes of practice for complaints handling? Please explain your answer providing appropriate evidence.

A. 1. ALTO broadly favours the approach taken by ComReg but submits that the proposals contained within the consultation document seem to significantly over-reach ComReg’s remit and do not take any account of the realities of doing business in a fast paced business environment.

The clear and fundamental flaw in ComReg’s analysis is that this review is predicated upon complaints escalated to ComReg and ComReg alone. It is hard to see how this can provide a proper or rational basis for proposing modification across the industry.

ComReg would be best placed fixing the clear and endemic economic wholesale regulation issues apparent in the market and let competition and the markets fix

the consumer expectation and service production issues apparent.

Q. 2. Do you agree with ComReg's preliminary views regarding the definition of a complaint? Please explain your answer providing appropriate evidence.

A. 2. ALTO does not agree with ComReg's assessment and preliminary views regarding the definition of a complaint.

ALTO submits that ComReg appears to be suggesting a general complaint definition that is wildly in excess of the requirements codified by Regulation 27. ComReg's inclusion of "*products and services*" appears to operate *ultra vires* what is expected legally.

ALTO submits that the definition and application of the consultation issues to non-customers is incompatible with the vast majority of operator systems, and is again incompatible with the law and regulation in this area.

By mandating anything different, or outside the ambit of the regulations, ComReg will inadvertently burden pan-EU operators with costs that is as unwelcome as it is not required.

Expressions of Dissatisfaction and Frivolous and Vexatious complaints appear within the ComReg consultation and definition as proposed. Neither is appropriate to regulate in any manner over and above contract law norms.

Expressions of Dissatisfaction may be logged issues within a customer service system but they are not matters that ordinarily require the expenditure of effort and resource to repair or amend service. An expression of dissatisfaction could arise for the most spurious of reasons, often unconnected to a healthy and stable service offering at the consumer's premises.

The adoption by ComReg of a broad definition of a complaint/complaints is not at all useful. It may be that the 'worried well' consumers who submit frivolous complaints end up at ComReg's complaint or retail teams for review in any event. An example may be where a consumer opts to change Customer Premises Equipment – CPE, to something incompatible with the services being offered. This

is neither appropriate or a matter that an operator should be held to account for if the consumer opts to complain in such circumstances.

Q. 3. Do you agree with ComReg's preliminary view that as a minimum, the first point of contact for Electronic Communications end-users should include a Freephone (1800) number or a 19XX Customer Support Short Code or Geographic telephone number, an email address and an address? Please explain your answer providing appropriate evidence, including any cost implications to support your view.

A. 3. ALTO does not agree with ComReg's proposals. The proposals contained in this area of the Consultation are excessive, overly prescriptive and do not take account of the norms of operation of a large-scale customer service function. The suggestion of an email tracking system alone is a specious one at best.

ALTO submits that the proposals exceed the requirements set out in the European Union (Consumer Information, Cancellation and Other Rights) Regulations, 2013 implementing Directive 2011/83/EU on Consumer Rights. This is an unequivocal maximum standards harmonisation instrument. This means that Member States, including Ireland and ComReg cannot go beyond, or add to, the Directive's harmonised provisions in national legislation.

ALTO submits that if ComReg's proposals were to be taken to final conclusion, the result would mean that all operators would have to engage and retain unified customer care solutions. Such solutions are extremely expensive, and by ComReg tending to mandate such solutions, ALTO submits that ComReg goes beyond the scope of its regulatory remit.

Q. 4. Do you agree with ComReg's preliminary view that if a provider chooses to use a number other than a Freephone (1800) number, a 19XX Customer Support Short Code or a Geographic telephone number, then the provider must indicate maximum charges that can apply and whether calls to

such numbers are generally within inclusive minutes of price plans? Please support your answer in full.

A. 4. ALTO adopts a neutral position in relation to this proposal. In the event that an operator decided to have a premium rate number or other form of share costs number, then information about calling charges should be made known to the caller. Having reviewed Directive 2011/83/EU on Consumer Rights ALTO submits that ComReg's proposed measure could be legally impermissible.

Q. 5. Do you agree with ComReg's preliminary view that a complainant cannot be transferred by the Electronic Communications Provider to any form of information technology support line, if the transfer results in the complainant incurring a premium rate or higher call cost rate than the standard basic rate involved in making a complaint? Please explain your answer and provide appropriate evidence, including any cost implications to support your view.

A. 5. ALTO agrees with ComReg save as in so far as the caller may have a service that requires a third-party intervention unconnected to the communication provider.

Q. 6. (a) Do you agree with ComReg's preliminary view that all Electronic Communications Providers should have a customer care management system to record end-user complaints with the ability to attach all relevant material pertaining to the complaint?

(b) Do you agree with ComReg's preliminary view that the minimum information as set out in Paragraph 53 is necessary / sufficient?

(c) What is your view on the use of reference number where end-users raise a complaint with their Electronic Communications Providers?

(d) For Electronic Communications Providers – please explain your answer and provide appropriate evidence for your answers above including details of the system you currently operate when customers contact your company

with a complaint, the minimum information you currently record and retain and an outline of your use of unique reference numbers, as applicable.

A. 6. (a) ALTO agrees that complaint handling is an integral aspect of the customer experience. ALTO submits however that it is not appropriate at all for ComReg to be prescriptive about the operator's ability to permit consumers attach relevant materials. This while being a utopian suggestion is an example of a potential regulatory over-reach scenario.

(b) ALTO agrees with ComReg's preliminary view in that the minimum information as set out in Paragraph 53 is necessary / sufficient and seems to be reasonable.

(c) ALTO remarks that this is a scenario where a customer account is the best mechanism to log and track any given complaint. The assignment of a complaint number is not appropriate.

(d) ALTO submits that operators generally do record and interface under a number of discrete areas. Those areas are: 1. Customer Account Number; 2. Issue Summary; 3. Notes; 4. Line of Business; 5. Products Offered to customer; 6. Fault classification; and 7. Engineering scheduler/Customer appointment/Update Listing.

Q. 7. (a) Do you agree with ComReg's preliminary view that two working days is a reasonable maximum timeframe for Electronic Communications Providers to provide a unique Complaints Acknowledgement for written complaints (including a reference number if appropriate)? Please explain your answer providing appropriate evidence, including any cost implications to support your view.

(b) Do you agree that where a Complaints Response and Resolution is not available at the time of issuing the Complaints Acknowledgement that a response and resolution that addresses all aspects of the complaint raised

should be provided by the Electronic Communications Provider between 2 and 9 working days? Please explain your answer providing appropriate evidence, including any cost implications to support your view.

A. 7. ALTO submits that neither of ComReg's preliminary view nor its view in terms of Complaint Acknowledgement. Please see ALTO's remarks regarding the proportionality of ComReg's proposals.

ALTO submits that in theory, the timelines proposed by ComReg appear to be reasonable, but the over-prescriptive regulatory proposals will not work for many operators.

Q. 8. Do you agree with ComReg's preliminary view that the provision of information by the Electronic Communications Provider in respect to the internal / external escalation process where the end-user remains dissatisfied with the resolution should include contact details of the areas/departments to which a complaint can be escalated (i.e. a telephone number and email address)? Please explain your answer providing appropriate evidence, including any cost implications to support your view.

A. 8. ALTO agrees that a form of escalation process is desirable but manifestly not in the prescribed form (i.e. a telephone number and email address) presented in the ComReg consultation paper. Escalations will most likely result in additional delays depending on the nature of the complaint. Please also see ALTO's Preliminary Remarks concerning MLOP.

Q. 9. Do you agree with ComReg's preliminary view that all Electronic Communications Providers should set out a minimum level of refunds in appropriate cases in their scheme (or equivalent policy in compliance with Regulation 27 (1)(d) of the Users' Rights Regulations) and apply those refunds to end-users without end-users having to specifically make a request? If you do not agree, please provide alternative suggestions that

comply with the requirements of Regulation 27 (1)(d) of the Users' Rights Regulations and estimates of resources required to meet the requirement.

A. 9. ALTO agrees in part with ComReg's view, save for the areas where ComReg has made a decision already without taking into account the views of industry concerning automated compensation. ComReg will need to justify this position in law and regulation, as it appears to be inconsistent with regulation at this time. The Regulations in force provide that the Code of Conduct shall make provision for *"appropriate cases where reimbursement of payments, payments of compensation and payments in settlement of losses incurred will be made"*.

ALTO broadly agrees that minimum levels of refund could be set out in appropriate cases; this is a feature of ECS current contracts in any event.

Q. 10. Do you agree with ComReg's preliminary view that in order for the Electronic Communications Providers' codes of practice to be accessible, included with the Regulation 27 (1)(d) of the Users' Rights Regulations that states a code of practice shall make provision for appropriate cases where reimbursement of payments, payments of compensation and payments in settlement of losses incurred will be made, should be available in accessible formats to end-users? If you do not agree, please explain your answer providing appropriate evidence including alternative suggestions that comply with the requirements of Regulation 27 (2) of the Users' Rights Regulations

A. 10. ALTO agrees that a code of conduct/practice should be made available and in an accessible format.

Q. 11. Do you agree with ComReg's preliminary view that an Electronic Communications Provider's code of practice should be accessible from an Electronic Communications Provider's Home page of the corporate website, social media and web pages?

A. 11. ALTO has some concerns over the expansiveness of the suggestion that the ECS code of conduct/practice be made available on platforms and on media over and above on the corporate website. It might be that operators of the social media accounts could send links to the code in question, but mandating the location of the codes elsewhere is not appropriate.

Q. 12. Do you agree with ComReg’s preliminary view that the code of practice should be accessible using the search terms ‘code of practice’ or ‘complaint’ or ‘how to make a complaint’ within its corporate website, social media and web pages established by the Electronic Communications Provider for dealing directly with customer complaints.? If you do not agree, please explain your answer providing appropriate evidence including alternative suggestions that comply with the requirements of Regulation 27 (2) of the Universal Service Regulations and estimates of resources required to meet the requirement.

A. 12. In ALTO’s view it is more than sufficient if a search on the corporate website of the electronic service provider returns a link to the code of practice. Some of the social media preliminary views expressed by ComReg seem not to be practically achievable and would exceed reasonable resource requirements. Not all operators have social media resources staffing complaint lines on a 24/7 basis consequently ComReg must look at its preliminary view/views expressed carefully.

Q. 13. Do you agree with ComReg’s preliminary view that all Electronic Communications Providers should submit to ComReg on a quarterly basis details of numbers of complaints made by their end-users (including the type of issue raised), the number of days open, Key Performance Indicators (KPIs) reported internally as agreed with ComReg as appropriate, and levels of satisfaction recorded for end-users contacting the relevant service provider as well as any standards accredited or valid for the quarter? If you disagree, please explain your answer providing appropriate evidence.

A. 13. ALTO does not agree with this preliminary view. ALTO is at a loss to know precisely what the legal basis is for ComReg to require providers to submit data on a quarterly basis in the manner almost prescribed within the Consultation paper. It may well be that this proposal emulates a MLOP scenario which is not ideal.

As ALTO is not *ad idem* with ComReg's definition of complaints, and nor do we agree with ComReg's legal basis for much of what is suggested in this consultation, we can not agree to impose more administrative overhead on the industry until ComReg addresses certain failures in economic regulation that are apparent, published and that remain unaddressed since August 2015.

Q. 14. Do you agree with ComReg's preliminary view that all Electronic Communications Providers should be required to apply for 'The Q Mark for Customer Service Complaints Handling'? If you disagree, please explain your answer providing appropriate evidence and set out details of what alternative standards are in place that you have attained (or are aware of), the means of certification and duration of the standard.

A. 14. ALTO does not agree with this preliminary view or proposal at all. ComReg is not entitled to mandate a certification standard that operates on commercial terms as a matter of law. Furthermore mandating such a standard may result in unintended discriminatory practices in the market and create barriers to market entry that are simply untenable at this point in time. Those barriers would effectively reduce consumer choice.

Competition and a properly competitive market should dictate where consumers and end-users ultimately take their business. This of course is a matter for ComReg wholesale to focus sharply, and in particular where wholesale products are not performing in the manner that they should from a service and supply perspectives.

ALTO submits that the legal basis on which ComReg is seeking to impose such a certification standard on service providers is unclear. It is not covered by the currently operative Regulations.

In the event that ALTO member companies or other communications undertakings opt to self-certify or certify with a standards body, that should be a voluntary matter and not one in which ComReg plays any role. It is inappropriate for a semi-State/State body such as ComReg to promote the interests of any one standards body in isolation to others. It is ALTO's view that more than one standards body exists to facilitate the needs of the market.

Q. 15. Do you agree with ComReg's draft high level assessment of the impact of the proposed regulatory options? Are there any other factors that you consider to be relevant? Please explain your answer providing appropriate evidence and costings, if applicable.

A. 15. ALTO addresses each area in turn below:

Objective 1: Electronic Communications Providers' codes of practice for complaints handling

Option 1

Paragraph 115 of the Regulatory Impact Assessment deals with the incurring of costs by operators, but is deficient in that it cannot conclude what the outlays will be. This is linked to the breadth of ComReg's definitions as impugned above, renders this option unworkable.

Paragraph 116 of the Regulatory Impact Assessment concludes that certain unspecified costs may be offset against others. ComReg provides no basis or evidence of the assertion. Another business issue for Option 1; and

Paragraph 117 of the Regulatory Impact Assessment states that once introduced and functioning, on-going additional costs of standardising responses would seem unlikely. ALTO must disagree with this assessment. In particular we take issue with ComReg's statement that a Basic Acknowledgement is not sufficient. ComReg's suggestion in the Consultation paper would create significant overhead for operators and serious unintended consequences particularly in the event that a requirement for bespoke complaint handling arises.

ALTO submits that Option 1 is not best practice or fit for purpose in its present form.

Option 2

It appears to ALTO that ComReg attempts to disregard the *status quo ante* on the basis that transparency is obscured if the codes are not aligned between all operators. The view being that an end-user is therefore unable to compare service providers when making their initial choice, and they are often unaware what level of service they can expect. This does not appear to be a sensible approach.

Objective 2: Reporting of complaints handling statistics

Option 1

Paragraph 133 of the Consultation provides that information provision carries no cost for the end-user. ComReg is of the view that measures are currently in place industry-wide in relation to customer satisfaction, complaints measurements, etc. Consequently, ComReg erroneously believes that the cost to industry of providing such data is minimised, that servicing requests for such is merely a resource issue as the information is already being generated for in-house purposes.

ALTO strongly disagrees with this assessment on three grounds:

1. ComReg has assumed that all of the data in question is already produced by organisations which may not be the case;
2. The data being requested by ComReg would need to be compiled on a quarterly basis in a format requested by ComReg and signed off at the appropriate level of the business. There is a significant administrative burden in carrying out such tasks; and
3. Significant training will be required for all advisors at significant costs to each ALTO member in order to ensure that they are capturing all complaints.

Option 2

Paragraph 137 of the Consultation paper ComReg suggests that the lack of accessibility to information carries no obvious benefits. We would argue that in the

absence of very clear guidelines and auditing of each service provider there is a real risk that there will be disparity between the reporting provided by each service provider. This will lead to the service providers who tightly monitor complaints and report on those complaints accurately being punished for their diligence.

ALTO submits that the real benefit for customers is seeing the number of complaints that could not be resolved by the service provider and need to be escalated to ComReg. This information is already available.

Objective 3: Quality standard for complaints handling

Option 1

At paragraph 145 of the Consultation paper ComReg maintains that being accredited highlights one service provider over another as it indicates that a certain level of service is provided and acknowledged. This is a deeply problematic issue as has been seen in previous ComReg initiatives.

While in concept ALTO members agree with this we argue that it should be up to each operator to decide whether it applies for certification unilaterally. If all operators must meet the required standard then this is no longer a point of differentiation, also no operator treats a product set the same way.

Option 2

At paragraph 148 of the Consultation paper ComReg suggests that the costs of the application and assessment for the Q Mark is minimal compared to the benefits that it can bring the individual service provider. ALTO submits that if this is actually so, then it should not be necessary to mandate service providers to apply for the certification.

ALTO submits that benefits of having such a certification are really minimal and would not be taken into account by customers when deciding upon a service provider, in particular when all service providers are mandated to apply for the certification.

The industry has had to deal with this in the past.

Q. 16 Do you agree or disagree with the wording of ComReg’s draft Decision Instrument? Please explain your answer providing appropriate evidence.

A. 16. ALTO does not agree with the wording contained in the draft Decision Instrument. ALTO submits that given the above comments, that the draft Decision requires significant change, if not a fundamental re-working.

ALTO does not agree that these proposals should apply to business communications providers, where there is no clear need for such regulation.

While clearly this regulation is focused on the consumer market, the drafting of the direction at Section 7 of the consultation document is unclear as to the scope of application of the direction – for example it includes the contradictory definitions of “*end-user*” and “*consumer*”, and then referring to “*complainant*” without definition.

Business communications providers have a very different relationship with their customers as opposed to mass-market, consumer-focused providers. They often have dedicated contact points on both sides and the support/complaints handling functions form part of the service being provided. Business communications providers are therefore already incentivised to deliver high quality support to their customers, and the prescriptive measures set out in this consultation are neither appropriate for business customers, nor necessary. As such, it is clear that business providers do not require regulatory intervention as proposed in this consultation, and ALTO therefore requests that an explicit exclusion for business communications providers is included in any final Decision.

Q. 17 Do you agree with the effective date? Please explain your answer providing appropriate evidence.

A. 17. ALTO submits that effective date is only appropriate in circumstances where the reporting requirements and the certification are removed from the Decision Instrument.

ALTO is not in a position to comment on the timelines for implementation if the above

elements are retained for the following reasons:

- a) The nature of the report required from ComReg on a quarterly basis is not apparent. The Decision refers to KPIs but these are not specified. Industry will not commit to such timelines in the absence of all of the information and the form of the report; and
- b) ALTO rejects the notion and application requirement for certification under the Q Mark. Industry cannot be clear about the timelines involved in such an application or indeed the backlog for such application.

ALTO

13th February 2017



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Sent by email to retailconsult@comreg.ie and jennifer.gartland@comreg.ie

Re: Submissions to ComReg 16/118: "Electronic Communications Complaints Handling Code of Practice"

Dear Madam,

The Business Carrier Coalition ("BCC") is an industry coalition which represents the interests of a number of international telecommunications providers comprised of AT&T, COLT Technology Services, Orange Business Services and Verizon Enterprise Solutions. The BCC provides a vehicle for issues of common interest to its members to be raised and presented to relevant regulatory stakeholders across Europe, the Middle-East and Africa.

The members of the BCC provide predominantly large business users with advanced electronic communications services across Ireland, Europe and the rest of the world.

None of the BCC members provide services to consumers, and so BCC members face challenges when they come up against specific bespoke national obligations that have been designed specifically to deal with consumer protection issues. BCC members would therefore strongly caution ComReg against expanding consumer orientated provisions to services offered by non consumer-facing providers.

These particularities and difficulties are acknowledged at the EU level so much that the last EU Regulatory Framework includes an obligation on BEREC:

"[...] to deliver opinions aiming to ensure the development of common rules and requirements for providers of cross-border business services."¹

¹ See Article 3(m) of Regulation (EC) No 1211/2009 of the European Parliament and of the Council of 25 November 2009 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Office ("the BEREC Regulation").



Response to consultation²

ComReg is of the provisional view that all Electronic Communications Providers (both ECN and ECS Providers) should adopt prescriptive complaints handling procedures and accreditation of such procedures and processes despite Regulation 27. (5)³ amongst other things requiring ComReg to adopt “simple” (c) and “inexpensive” (d) complaint procedures. While we acknowledge that individual domestic consumers and small business consumers should indeed have access to good quality complaints handling facilities, however we do not agree that the requirement should extend to providers that exclusively offer services to business customers. We consider that such B2B providers should not be included in the scope of this Direction, and should be granted a clear exemption or otherwise making clear that this regulation does not apply to them.

B2B providers typically serve large enterprises based on individually negotiated contracts, and as such if this requirement were placed on them it would add an unnecessary, disproportionate layer of extra burden with no benefit for the enterprises in question. In particular, we note the following:

- that business customers have bespoke needs which are managed by dedicated contact points at the B2B providers serving them. Such bespoke support functions are part of our respective companies’ offerings to our customers and are therefore already of a high-quality even absent regulatory intervention; and
- that commercial forces are sufficient to motivate B2B providers to deliver high quality service to its enterprise customers.

We strongly urge ComReg to distinguish between consumer-facing and non-consumer-facing providers, granting an explicit exemption to the latter or otherwise making clear that this regulation does not apply to them.

We note that Ofcom in the UK does already make the distinction between those providers serving domestic consumers and small businesses and those providers who do not in its regulation of complaints handling.⁴ This is achieved through a specific exclusion in the scope of its general condition as follows:

*“The Communications Provider shall produce a basic Code of Practice for its **Domestic and Small Business Customers** which sets out at least where such customers may avail themselves of the*

² https://www.comreg.ie/?dml_download=electronic-communications-complaints-handling-code-practice-consultation

³ European Communities (Electronic Communications Networks and Services) (Universal Service and Users’ Rights) Regulations 2011, S.I. No. 337 of 2011.

⁴ See Ofcom’s General Condition 14 and associated annexes, available at: https://www.ofcom.org.uk/_data/assets/pdf_file/0026/86273/CONSOLIDATED_VERSION_OF_GENERAL_CONDITIONS_AS_AT_28_MAY_2015-1.pdf



information required to be published under Condition 10.2, as relevant to the provision of Public Electronic Communications Services(...). ⁵ (emphasis added)

Ofcom defines “Domestic and Small Business Customers” as follows:

““Domestic and Small Business Customer” means, in relation to a Communications Provider, a Customer of that Provider who is neither-

(i) himself a Communications Provider; nor

(ii) a person who is such a Customer in respect of an undertaking carried on by him for which more than ten individuals work (whether as employees or volunteers or otherwise).”⁶

We suggest that an explicit exclusion, combined with a more tightly defined scope along the lines of the above would be appropriate. We have suggested some drafting in our response to Q16 below.

Finally, we note that the Regulatory Impact Assessment (RIA) prepared by ComReg in Section 6 of the consultation document requires it to adhere to the six principles of Better Regulation.⁷ In this regard, it appears that ComReg has not only failed “To ensure that a RIA is proportionate and not overly burdensome, a common sense approach is taken”, it has also failed to meet three of the six principles, these being Necessity, Effectiveness and Proportionality.

In response to Q16: “Do you agree or disagree with the wording of ComReg’s draft Decision Instrument? Please explain your answer providing appropriate evidence.”

The BCC disagrees with the wording of ComReg’s draft decision instrument because we do not agree that the proposed regulation should apply to B2B providers as they are not consumer-facing. We request that ComReg should include an explicit exclusion for such providers.

We therefore propose that ComReg:

- Change scope as set out in 1.1 of the Instrument to refer explicitly to Domestic and Small Business consumers, and to exclude B2B providers. Some example drafting is included below.
 - *“This Direction and Decision Instrument (Decision Instrument) is hereby made by ComReg for the purpose of ensuring access to a standardised code of practice for complaints handling which is efficient, transparent and consistent, that ~~end-users~~ domestic and small business consumers are informed in respect of the complaints handling services provided by ECN and ECS Providers (Electronic Communications Providers) who serve domestic and small business consumers (excluding those providers which provide business to business services exclusively), that Electronic*

⁵ See for example Ofcom’s General Condition 14.1.

⁶ See definition set out in Ofcom’s General Condition 14.13(g).

⁷ As set out in paragraph 101 of the consultation document.



~~Communications Providers~~ such Providers avail of accredited quality standards for their customer care process."

- Removes the reference to "end-user" from the Decision Instrument (both in the definitions set out in 2.1 and throughout the document), and replace all instances of "end-user" with "Domestic and Small Business Consumer".

Respectfully submitted on 13 February 2017.

eircom Group

Response to ComReg Consultation:

Electronic Communications Complaints Handling Code of Practice

ComReg Document 16/118



13 February 2017

DOCUMENT CONTROL

| | |
|-----------------------|---|
| Document name | eircom Group response to ComReg Consultation Paper 16/118 |
| Document Owner | eircom Group |
| Status | Non-Confidential |

Q. 1 Do you agree with ComReg's preliminary view that it is appropriate to review the minimum standards required in Electronic Communications Providers codes of practice for complaints handling? Please explain your answer providing appropriate evidence.

ComReg refers to varying approaches being applied by service providers to date in meeting the requirements of regulation 27. (1) of the Users' Rights Regulations. We note that the regulations themselves set out detailed requirements with respect to timeframes, procedures, reimbursement and the retention of records. In light of the fact that these are quite detailed and specific we do not consider it necessary to review these other than perhaps to be more specific for example, in relation to the timeframe for acknowledging complaints.

Since the introduction of these requirements, eir has duly complied with these requirements therefore eir welcomes any measures that are designed to ensure that all service providers comply with the regulations. It should be noted however that compliance with the minimum requirements of the regulations will guarantee that customers will receive a uniform standard of customer care. Indeed in a competitive market customer care is one of a number of key aspects of service provision that will be used by service providers to differentiate their offering and compete.

Q. 2 Do you agree with ComReg's preliminary views regarding the definition of a complaint? Please explain your answer providing appropriate evidence.

eir appreciates the need to have a clear definition of a complaint however we do not consider the definition proposed in the consultation document to be compatible with ComReg's other proposals or indeed ComReg's current practices in handling issues and complaints that are escalated to it. In section 2.5 of the consultation document ComReg proposes that a service provider must acknowledge a complaint within 2 working days. This allows for the fact that the majority of contacts that a customer makes with a service provider are not complaints. Typically customers contact eir with a request, an enquiry or an issue. A request or enquiry could give rise to an issue for the customer and a minority of issues that are not addressed following eir's initial attempt to resolve the issue may escalate to become a complaint.

For instance a customer may have difficulty topping up their prepay account. They may call eir Customer Care and complain that their top-up voucher number is not being accepted by the system. In the absence of any other complaints or any alarms on our voucher systems it might be reasonable to conclude that the failure arose due to user error. This can rightly be described as a customer issue but could not be deemed to be a valid complaint assuming that the voucher system is functioning correctly and the best in class systems are being employed by eir¹. It would be inefficient to record such issues as complaints as it would add significant clutter to our internal complaint reporting and handling systems and thereby hamper the management of valid complaints. In this instance the customer's issue can be resolved on the call as the agent can apply the credit for the customer.

In light of the need for all contacts to initially be triaged, as has been demonstrated by the above example, eir proposes the following alternative definition:

'An issue raised whether verbal or written, relating to a product or service, that remains unresolved following the initial attempt to resolve the issue.'

¹ Integrating voucher top-up by IVR, SMS along with the option of on-line top-up.

Q. 3 Do you agree with ComReg's preliminary view that as a minimum, the first point of contact for Electronic Communications end-users should include a Freephone (1800) number or a 19XX Customer Support Short Code or Geographic telephone number, an email address and an address? Please explain your answer providing appropriate evidence, including any cost implications to support your view.

eir agrees that ComReg should specify that the traditional means of raising a complaint by phone and by post must continue to be provided, however ComReg should be less prescriptive in respect of electronic means including email. eir rationalised its email contact point in recent years through the use of an on-line form. This allows for a centralised means of emailing eir that allows the customer to identify the purpose of their contact ranging from buying to billing. This enables eir to more rapidly route the email to the correct teams in order to deliver a faster solution while capturing account credentials and data protection validation which avoids the need for eir to revert to customers seeking this information. It also aids eir in managing and reporting on complaints. Any further correspondence from eir would be in standard email format allowing the customer to hold a traceable email history of their issue or complaint.

Q. 4 Do you agree with ComReg's preliminary view that if a provider chooses to use a number other than a Freephone (1800) number, a 19XX Customer Support Short Code or a Geographic telephone number, then the provider must indicate maximum charges that can apply and whether calls to such numbers are generally within inclusive minutes of price plans? Please support your answer in full.

eir agrees with ComReg's proposal that codes of practice must indicate the charges that may apply for calling a number that is charged at a rate exceeding the standard rate however it would not be practical to communicate the maximum charge or the treatment of such calls in respect of inclusive call allowances as a customer may call from any network and charges can vary across services providers and over time. This issue has been addressed by ComReg in the past, for instance ComReg currently requires that pricing information for premium services "in respect of voice services states the price related to calls from the Eircom network and that calls from other networks may be higher"².

Q. 5 Do you agree with ComReg's preliminary view that a complainant cannot be transferred by the Electronic Communications Provider to any form of information technology support line, if the transfer results in the complainant incurring a premium rate or higher call cost rate than the standard basic rate involved in making a complaint? Please explain your answer and provide appropriate evidence, including any cost implications to support your view.

eir does not engage in any practise of transferring a complaint to a number that is charged at a rate exceeding the standard rate. If ComReg has evidence of certain service providers operating such a practice eir would agree that it would be justified in forbidding it.

² Section 4.7 (c) viii of ComReg's Code of Practice for Premium Rate Services
<https://www.comreg.ie/csv/downloads/ComReg1445.pdf>

Q. 6 (a) Do you agree with ComReg's preliminary view that all Electronic Communications Providers should have a customer care management system to record end-user complaints with the ability to attach all relevant material pertaining to the complaint?

Yes. eir operates such a system and agrees that such a system would be necessary for any service provider to support and comply with its own code of practice as required under the User's Rights regulations.

(b) Do you agree with ComReg's preliminary view that the minimum information as set out in Paragraph 53 is necessary/sufficient?

The requirement to record the complainant's phone number must be qualified as not all complaints relate to a phone number. For instance a prospective customer may not yet have a telephone number. Otherwise eir agrees with the proposed information requirements.

(c) What is your view on the use of reference number where end-users raise a complaint with their Electronic Communications Providers?

eir agrees that a reference number is necessary in order to distinguish one complaint from another. eir operates such a system.

(d) For Electronic Communications Providers – please explain your answer and provide appropriate evidence for your answers above including details of the system you currently operate when customers contact your company with a complaint, the minimum information you currently record and retain and an outline of your use of unique reference numbers, as applicable.

All customer interactions and contacts are recorded on eir's contact management system, including complaints. Complaints are recorded by creating a case which generates a unique reference number. Any notes relating to a customer query, issue or complaint are also recorded on this system. Notes can also be recorded for contacts where applicable.

Q. 7 Do you agree with ComReg's preliminary view that two working days is a reasonable maximum timeframe for Electronic Communications Providers to provide a unique Complaints Acknowledgement for written complaints (including a reference number if appropriate)? Please explain your answer providing appropriate evidence, including any cost implications to support your view. Do you agree that where a Complaints Response and Resolution is not available at the time of issuing the Complaints Acknowledgement that a response and resolution that addresses all aspects of the complaint raised should be provided by the Electronic Communications Provider between 2 and 9 working days? Please explain your answer providing appropriate evidence, including any cost implications to support your view.

eir agrees with the preliminary view that two working days is a reasonable timeframe in which an acknowledgment of the complaint will be issued. An acknowledgment of a complaint will inform customers that the complaint has been logged and that it will be reviewed in line with the Code of Practise.

Q. 8 Do you agree with ComReg's preliminary view that the provision of information by the Electronic Communications Provider in respect to the internal / external escalation process where the end-user remains dissatisfied with the resolution should include contact details of the areas/departments to which a complaint can be escalated (i.e. a telephone number and email address)? Please explain your answer providing appropriate evidence, including any cost implications to support your view.

While eir appreciates the intent of ComReg's proposal, we consider it to be too prescriptive while relying on the assumption that the customer would be passed from one department to another within customer care systems. High quality customer care is typically provided through a single point of contact through centralised contact points as exemplified above in the case of IVR and email contacts. The complaint reference numbers is designed to operate in conjunction with the centralised means of contact, thereby avoiding the complication for customers of having to recall multiple phone numbers and email addresses. This also enables more efficient contact handling by service providers.

Q. 9 Do you agree with ComReg's preliminary view that all Electronic Communications Providers should set out a minimum level of refunds in appropriate cases in their scheme (or equivalent policy in compliance with Regulation 27 (1)(d) of the Users' Rights Regulations) and apply those refunds to end-users without end-users having to specifically make a request? If you do not agree, please provide alternative suggestions that comply with the requirements of Regulation 27 (1)(d) of the Users' Rights Regulations

eir does not agree with the proposal that end-users should be refunded in the absence of a request. No service can be described as infallible but it can also be said that failures that may occur do not necessarily result in any customer loss or even customer inconvenience. Where a customer is impacted by a service issue, eir agrees that it is appropriate to offer refunds to customers. The only practical way of doing this is through the provision of an accessible complaints handling process through which customers can raise a complaint. If ComReg were to mandate automated refunds which would by definition apply to all customers that might possibly have been impacted by an issue, it would impose significant cost on the sector which in such a competitive retail market would ultimately result in higher prices for customers.

Q. 10 Do you agree with ComReg's preliminary view that in order for the Electronic Communications Providers' codes of practice to be accessible the codes should be available in accessible formats to end-users? If you do not agree, please explain your answer providing appropriate evidence including alternative suggestions that comply with the requirements of Regulation 27 (2) of the Users' Rights Regulations and estimates of resources required to meet the requirement.

eir agrees that these Codes of Practice should be provided in an accessible format.

Q. 11 Do you agree with ComReg's preliminary view that an Electronic Communications Provider's code of practice should be accessible from an Electronic Communications Provider's Home page of the corporate website, social media and web pages?

eir agrees that these Codes of Practice should be provided accessible from Electronic Communications Providers' Home pages.

Q. 12 Do you agree with ComReg's preliminary view that the code of practice should be accessible using the search terms 'code of practice' or 'complaint' or 'how to make a complaint' within its corporate website, social media and web pages established by the Electronic Communications Provider for dealing directly with customer complaints.? If you do not agree, please explain your answer providing appropriate evidence including alternative suggestions that comply with the requirements of Regulation 27 (2) of the Universal Service Regulations and estimates of resources required to meet the requirement.

eir considers it reasonable to expect that a search for key words that will appear in the title of the Code of Practice would enable end-users to navigate to the Code of Practice.

Q. 13 Do you agree with ComReg's preliminary view that all Electronic Communications Providers should submit to ComReg on a quarterly basis details of numbers of complaints made by their end-users (including the type of issue raised), the number of days open, Key Performance Indicators (KPIs) reported internally as agreed with ComReg as appropriate, and levels of satisfaction recorded for end-users contacting the relevant service provider as well as any standards accredited or valid for the quarter? If you disagree, please explain your answer providing appropriate evidence.

ComReg has a very comprehensive view of escalated complaints which acts as a good barometer of the nature of complaints in general across the sector and specifically in relation to individual service providers. If complaints are not being escalated they are being promptly resolved and therefore should not be a key focus for ComReg. The introduction of onerous reporting requirements on service providers would merely serve to increased administrative overhead for operators in particular but also for ComReg while providing little or no additional insight into the nature or the relative volumes of complaints across the sector.

With respect to customer satisfaction measures, such measures can be very subjective and dependant on the methodology and medium used to capture satisfaction ratings. It would be inappropriate and unfair to draw conclusions or make comparisons where variations in approaches to satisfaction ratings prevail.

Aside from the competitive dynamics that motivate service providers to minimise complaints, service providers are also incentivised to show a downward trend in the level of complaints associated with them in ComReg's reporting. The publication of more extensive and granular data by ComReg would not change this and in eir's view ComReg has not provided sufficient justification for this proposed addition to the existing reporting burden on service providers including quarterly market reporting and ComReg's statutory data requirements.

Q. 14 Do you agree with ComReg's preliminary view that all Electronic Communications Providers should be required to apply for 'The Q Mark for Customer Service Complaints Handling'? If you disagree, please explain your answer providing appropriate evidence and set out details of what alternative standards are in place that you have attained (or are aware of), the means of certification and duration of the standard.

eir does not agree with ComReg's preliminary view that all Electronic Communications Providers should be required to apply for 'The Q Mark particularly in light of the lack of publically available information about this Q Mark. ComReg has provided insufficient detail for stakeholders to consider the merits of the proposal. In the absence of such detail it is not possible for service providers to determine how well the Q Mark would measure up relative to their existing quality control systems or indeed against alternative proprietary standards.

Q. 15 Do you agree with ComReg's draft high level assessment of the impact of the proposed regulatory options? Are there any other factors that you consider to be relevant? Please explain your answer providing appropriate evidence and costings, if applicable.

The regulatory impact assessment (RIA) lacks quantitative vigour and instead makes a number of speculative assertions. For instance it assumes that ComReg will achieve a standardised approach to complaint handling even though ComReg acknowledges that it may not be possible to solve all complaints within the proposed 10 working day target. Indeed, eir and likely other operators are already working to the 10 day target with a view ensuring customer satisfaction and to avoiding the requirement to advise customers that they can escalate the complaint to ComReg. Similarly it assumes that savings can be made by substituting one form of contact with another.

ComReg is seeking a uniform approach to customer care "*principally to meet obligations set out in Regulation 27 of the Universal Service Regulations but also to keep step with this fast moving industry and potential competition*". In fact this goes beyond the requirements of regulations 27 which itself sets a minimum standard which services providers are already obliged to adhere to. With respect to the influences of competition, there should be a lesser need for regulatory intervention as competition in the sector intensifies as customers are able to demand a higher level of care in exchange for their loyalty. In its rationale for not maintaining the status quo ComReg claim that standardisation of complaints handling exists in other sectors but fails to provide any examples. With respect to costs it suggests that no costs will arise in cases where processes remain unchanged. The RIA doesn't consider those changes that would arise for operators that would be required to make changes from differing approach which ComReg has not demonstrated to be less effective in serving end-users.

With respect to the proposed reporting requirements, ComReg refers to its publication of the trends in queries and complaints that are escalated to it and suggests that similar transparency on the part of service providers would "*greatly enhance the transparency of the sector overall*". As outlined above, eir considers end-users and indeed ComReg itself to be provided with ample information from the quarterly reports that ComReg produces. Furthermore, the publication of such detailed reports could act to inhibit competition and unduly skew the public perception of service providers. For instance the proposal to publish queries and complaints similar to ComReg's current reports, could cast a service provider in a poor light merely because it has a more formal means of capturing queries which might otherwise go unrecorded by other providers. The same would apply in to the methodology and frequency of surveys carried by service providers where those gaging customer satisfaction more actively might be perceived less positively, solely due to the fact that they are carrying out frequent surveys. ComReg has not provided sufficient justification for this proposed addition to the existing reporting burden on service providers including quarterly market reporting and ComReg's statutory data requirements.

As regards the Q Mark proposal, as outlined in response to question 14, ComReg has provided insufficient detail for stakeholders to consider the merits of the proposal. In the absence of such detail it is not possible for service providers to determine how well the Q Mark would measure up relative to their existing quality control systems or indeed against alternative proprietary standards.

Q. 16 Do you agree or disagree with the wording of ComReg's draft Decision Instrument? Please explain your answer providing appropriate evidence.

In respect of the Definitions section, eir disagrees with ComReg's definition of a complaint - See eir response to question 2 above.

In respect of section 4.1 of the Draft Decision Notice please note the response to question 3 above.

In respect of section 4.3 please note the response to question 4

In respect of section 4.6 of the Draft Decision Notice 4.6 please note the response to question 6(b).

In respect of section 4.8 of the Draft Decision Notice please note the response to question 7 above

In respect of section 4.14 of the Draft Decision Notice, please note the response to question 13 above

In respect of Section 4.15 of the Draft Decision Notice,, please note the response to question 14.

Q. 17 Do you agree with the effective date? Please explain your answer providing appropriate evidence.

eir is proposing a far less intrusive approach to specifying the requirements of service providers' complaint handling codes of practice, that ComReg continues to rely on the extensive information that is available to it from escalated complaints that it receives absent any specific additional reporting obligations on service providers and the maintenance of a voluntary approach to the Q Mark and similar standards. On this basis eir considers a six month timeframe for compliance to be reasonable. Failing this eir would call for further consultation and a robust RIA before imposing any further obligations and related compliance time frames.



SKY IRELAND'S RESPONSE TO COMREG'S CONSULTATION: ELECTRONIC COMMUNICATIONS COMPLAINTS HANDLING CODE OF PRACTICE CONSULTATION 16/118

INTRODUCTION

Sky Ireland welcomes ComReg's broad strategic review of complaint handling by electronic communications providers as it provides an opportunity to consider critical questions in relation to how best to deliver high quality service to consumers.

Sky Ireland is committed to doing the right thing for our customers and we recognise the significance of the obligations set out in Regulations 27 of the European Communities (Electronic Communications Networks and Services)(Universal Services and Users' Rights) Regulations 2011 (the "**Regulations**") and the Electronic Communications Provider's Code of Practice for complaints handling (the "**Code of Conduct**") in protecting consumers rights.

Sky Ireland invested heavily in establishing a call centre in Dublin to coincide with our entry into the broadband and talk market in Ireland. We are proud to be delivering leading customer satisfaction levels within our industry. However, this is not a cause for complacency and if our customers have reason to complain, then we want to be able to deal with those complaints swiftly and efficiently. Whilst we are firmly committed to ensuring that best practice is adhered to and we are supportive of some of ComReg's suggested initiatives, we do not believe that ComReg has established a case for intervention in the form of prescriptive rules. We believe that a balance needs to be struck in order that the time spent by service providers is focussed on resolving customer issues.

It is commonly accepted that, where feasible, competition among firms is a better way of delivering positive results for consumers – in terms of outcomes such as low prices, choice of services, service quality and innovation – than regulation. This position appears to have been accepted at paragraph 112 of the ComReg Strategy Statement for Electronic Communications 2014-2016 which provided that "ComReg considers that in a properly functioning system, its involvement should only be necessary when complaints relate to more complex issues"¹. In our view Sky's entry into the market has resulted in a significant increase in choice for customers as evidenced by our growth since entry into the market and with this increase in choice we believe that regulatory intervention is unnecessary.

ComReg's duties under the Communications Act 2002 (the "Act") taken together with the regulatory principles laid down by the Framework Regulations (S.I. No. 333 of 2011) set a clear framework that ComReg must follow when considering the imposition of new or additional regulation. In pursuit of its objectives, ComReg must apply objective, transparent, non-discriminatory and proportionate regulatory principles² including, amongst other things, by imposing ex-ante regulatory obligations only where there is no effective and sustainable competition and relaxing or lifting such obligations as soon as that condition is fulfilled.

¹ See page 32 of the ComReg Strategy Statement for Electronic Communications 2014-2016 (<https://www.comreg.ie/csv/downloads/ComReg1475.pdf>)

² See Regulation 16(2) of the Framework Regulations (S.I. No. 333 of 2011)

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Accordingly, in our view, where competition is effective, regulators should be cautious in intervening to seek to improve market outcomes. It is commonly understood that such interventions can easily prove counterproductive, worsening outcomes for consumers via unintended consequences, and impose costs (that are often hidden) which outweigh any benefits delivered. Competition provides real pressure on firms to deliver products and services that meet a wide variety of consumer demands in terms of quality of service. It is readily apparent that the provision of high quality customer service is a key focus of Sky's consumer offering. Sky seeks to differentiate itself from rivals on the basis of the quality of service delivered to consumers, and thereby to attract those consumers who place value on high quality customer service.

For companies such as Sky, who already aim at providing best in class levels of customer service to consumers, and for whom service quality is a core part of their brand, the proposed regulatory requirement will have no impact on the incentive to deliver high quality service to consumers. Instead, any increases in levels of prescriptive requirement mandated by ComReg and the associated costs of administration and regulatory compliance will simply add to the overhead costs of our business and take resources away from actually resolving complaints.

We have responded to each question below using the numbering in the Consultation. If you require any further information please do not hesitate to contact David Kelly of Sky Ireland.

SKY IRELAND RESPONSES TO THE QUESTIONS

1 Do you agree with ComReg's preliminary view that it is appropriate to review the minimum standards required in Electronic Communications Providers codes of practice for complaints handling? Please explain your answer providing appropriate evidence.

1.1 Sky Ireland believes that improving customers' satisfaction with Sky's service is a means of distinguishing itself from its competitors. An integral part of this approach is dealing effectively and efficiently with customer complaints. ComReg is proposing to introduce minimum standards on the basis of the feedback from customers who escalated their complaints to ComReg. In our view it is inevitable that a customer will have scored their service provider poorly when answering this question as the issue was not, in the opinion of the end-user, resolved and they needed to escalate it to ComReg. Sky Ireland is of the opinion that a more relevant measure would be the satisfaction expressed by all end users who raised issues with service providers. Clearly the vast majority of issues are resolved without the need to escalate to ComReg. Our call centre receives ██████████ calls to the service line each quarter yet last quarter only 128 issues were escalated to ComReg³. Whilst not all ██████████ calls would have been complaints you can assume that a portion would have been captured.

1.2 In our experience operators take all steps necessary to try and to resolve matters in order to avoid escalation to ComReg but there can be circumstances where the customer will escalate to ComReg regardless of the position adopted by the service provider. We endeavour to offer our customer service advisors the flexibility and authority to resolve complaints but this isn't always possible. In only conducting research with dissatisfied customers ComReg's sample does not reflect the overall customer experience or whether the complaint was in fact justified. ComReg has based the consultation in part on only those consumers who are dissatisfied with their service provider which in our view does not give a fair representation.

1.3 We are committed to delivering a great customer experience and we believe that, regardless of regulation, customers and the market mechanism will punish service providers if they fail to address customer complaints in a satisfactory manner.

³ See Q3 2016 ComReg Consumer Line Statistics (<https://www.comreg.ie/publication/comreg-consumer-line-statistics-q3-2016/>)

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1.4 *Sky supports a review of the minimum standards however in our view the obligations proposed by ComReg are too far reaching.*

2 Do you agree with ComReg's preliminary views regarding the definition of a complaint? Please explain your answer providing appropriate evidence.

2.1 ComReg's definition of "complaints" is, in our view, too widely drawn and goes above and beyond the requirements set out in Regulation 27 of the Regulations.

2.2 Use of the term "products or services":

2.2.1 The proposed definition includes any expression of dissatisfaction made to a service provider relating to its "products or services". In our view this is likely to capture products and services which are not subject to the Regulations.

2.2.2 Regulation 27(1) provides that an undertaking providing electronic communications networks or services shall implement a code of practice for settling disputes between end-users and the undertaking relating to the contractual conditions or performance of contracts concerning the supply of electronic communications networks or services and any other issues arising under, or covered by, these Regulations.

2.2.3 By including the wider term "products or services" the Code of Conduct has the potential to incorporate complaints relating to products and services which are not in fact captured by the Regulations (e.g. insurance products offered by service providers). The definition should be amended to refer only to complaints relating to "the supply of electronic communication networks or services".

2.3 Application to Non-customers:

2.3.1 ComReg believes that service providers must ensure that their dispute handling processes cater for non-customers to lodge a complaint. Whilst we would of course seek to resolve any issues raised by a non-customer our internal systems are not set up to track and monitor issues before the individual becomes a customer. Until such time as the person becomes a customer they do not have a footprint on our systems.

2.3.2 Sky Ireland appreciates the rationale for ComReg not restricting the definition of complaint to include just end-users however it is our view that the definition proposed by ComReg goes above and beyond the scope permitted in the Regulations.

2.3.3 Regulation 27(1) provides that service providers shall implement a code of practice for settling unresolved disputes, including complaints, between "end-users and the undertaking". The definition of "end-user" in S.I. No. 333 of 2011 (the European Communities (Electronic Communications Networks and Services)(Framework) Regulations 2011) is "a user not providing public communications networks or publicly available electronic communications services". Regulation 27(2) provides that ComReg may specify requirements to be met for the purpose of ensuring compliance with Regulation 27(1). In circumstances where the complainant is not yet a customer of the service provider we fail to see how they could be considered an end-user captured by the Regulations.

2.4 Expressions of dissatisfaction:

2.4.1 ComReg's proposed definition would capture any "expression of dissatisfaction made to a service provider relating to its products and services". In our view it would be more appropriate for ComReg to replicate the language in the Regulations (i.e. relating to the contractual conditions or performance of contracts concerning the supply of electronic communications networks or services). A customer could, for example, express

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dissatisfaction with the cost of an operator's broadband and talk service. This would constitute a complaint under the proposed definition whereas we would not consider it to be covered by the Regulations.

- 2.4.2 In our view the only customer interactions that a service provider could confidently not log are those which express no possibility of dissatisfaction at all. Customer contacts that are clearly and explicitly not expressing some form of dissatisfaction are very much in the minority as customers will generally only contact us where there has been a service issue or they are seeking to leave Sky or get a price reduction or change some aspect of their service. Such a wide definition would place providers in an impossible position with little certainty as to how to comply. As you are aware, ComReg has a duty to apply objective, transparent, non-discriminatory and proportionate regulatory principles in pursuit of its objectives⁴. We fail to see how such the proposed definition of "complaint" could meet the transparency requirements.
- 2.4.3 One could assume that the vast majority of calls to our service and cancellation estate will involve the customer wanting to change some aspect of their service which could, based on such a wide definition, be considered to be expressing some form of dissatisfaction with the services. To put this into context, we receive approximately [REDACTED] calls per week into our cancellation phone line and approximately [REDACTED] calls per week into our service telephone line. Under the rules proposed by ComReg each such call where any expression of dissatisfaction is expressed would require us to (1) send a bespoke Complaint Acknowledgement to the customer and (2) track the complaint and report it to ComReg.

2.5 Frivolous Complaints:

- 2.5.1 ComReg's suggested definition does not differentiate between customers who are experiencing harm and detriment and those that are not. As such, it goes beyond that which ComReg is seeking to "regulate" /address and hence is not targeted to the issue at hand. In adopting a broad definition of complaints, ComReg's approach is to require service providers to spend time and money recording all complaints - regardless of the "value" involved or the frivolous nature of any such complaint.

3 Do you agree with ComReg's preliminary view that as a minimum, the first point of contact for Electronic Communications end-users should include a Freephone (1800) number or a 19XX Customer Support Short Code or Geographic telephone number, an email address and an address? Please explain your answer providing appropriate evidence, including any cost implications to support your view.

- 3.1 In Sky Ireland's view if two of the three methods of raising a complaint are made available by service providers this will enable consumers to easily make a complaint and have sufficient choice as to their preferred method of communication. Providers offer consumers methods of communication which enable the provider to help the consumer as effectively as possible. The prescriptive approach adopted by ComReg will in our view result in significant costs being incurred by some service providers, including Sky, will expose customers to unnecessary security risks and will not serve the ultimate objective of dealing with the consumer's concern as well as possible. We would draw ComReg's attention to the following issues:

3.2 Customer verification:

- 3.2.1 When a customer contacts Sky Ireland (via any communication channel) it is necessary for us to speak with them in order to verify their details for Data Protection reasons. This process is designed to protect against accidental or unauthorised access to account information.

⁴ See Regulation 16(2) of the Framework Regulations (S.I. No. 333 of 2011)

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3.2.2 Given the inherent difficulty in verifying that an email is genuinely from the account holder, Sky's current policy is that we do not accept any critical customer instructions via email. Furthermore, we do not want to ask someone to provide the required details over an insecure method of communication.

3.3 Basic rate numbers:

3.3.1 Regulation 27 (1) of the European Union (Consumer Information, Cancellation and Other Rights) Regulations, 2013 states that "Where a trader operates a telephone line for the purpose of permitting consumers to contact the trader about a contract concluded with the trader, calls by consumers to that line for the purpose shall not be charged at more than the basic rate".

3.3.2 Regulation 27(6) of the European Union (Consumer Information, Cancellation and Other Rights) Regulations, 2013 then defines "basic rate" as the rate charged for a call to an Irish Geographic number, an Irish Mobile number, Freephone (1800), Shared Cost - Fixed (1850), Shared Cost -Timed (1890) or Universal Access (0818) number and specifically excludes the rate charged for a call to a Premium Rate Number. Calls to 17XX or 19XX short codes are not mentioned in the Regulations. Non-geographic numbers (such as 0818 numbers) are regarded as basic rate numbers.

3.3.3 The European Union (Consumer Information, Cancellation and Other Rights) Regulations, 2013 implemented Directive 2011/83/EU on Consumer Rights which is a maximum harmonisation instrument. This means that Member States cannot go beyond, or add to, the Directive's harmonised provisions in national legislation.

3.3.4 In our view, by insisting on service providers calling out the costs of non-Geographic Numbers or making available a Freephone (1800) number or a 19XX Customer Support Short Code or Geographic telephone number ComReg would be going beyond the harmonised provisions of the Directive which is simply not permissible.

3.4 IVR Requirements:

3.4.1 Specifying that the IVR must specifically address the fact that the caller requires to be routed towards the service provider's complaint management process is not practical in our view. It will inevitably create a negative perception if service providers are required to have a complaint option on their IVR options. This is not a process that, to the best of our knowledge, is required in other industries and does not add anything. Having a service option on the IVR achieves the same result and does not result in any negative perception for all customers.

3.5 Restrictions on email access:

3.5.1 When launching our call centre operations in Ireland a decision was taken that only certain staff would be able to send emails to external email addresses. The rationale for this was to ensure that any rogue member of staff, with access to sensitive customer details, is not able to send those details without consent. If we were required to open up an email channel for complaints this would result in us having to lift this security measure to allow advisors to respond to customers. In our view this would be unwise and would represent an unnecessary security risk.

3.6 Identification of Complaints:

3.6.1 The attractiveness to service providers and customers of insisting upon customers calling to raise a complaint is that when a customer calls in it is possible to isolate their call and to direct it to the relevant department. In circumstances where an e-mail address is made

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available it is not possible to identify complaints from other correspondence. This will, in Sky's view, have an impact on resolution times and, given the very wide definition of complaint, could result in customers being routed to the complaints team when what would most effectively meet their needs would have been to speak to an advisor who can make the changes to the service.

3.7 In order to implement the solution proposed by ComReg we would need a unified customer services system across all channels (retail, email, contact centre, letter writing) to track complaint timescales and dispatch letters. This is something we do not currently have and it would be expensive to implement (we cannot quantify this without a project to scope out the requirements, but it would likely be significant). In fact, ComReg's proposals may jeopardise our ability to meet our goal to better service our customers. For example, we've invested heavily in contact centre staff to ensure a more personal approach to customer service, as demanded by our customers. ComReg's proposals could hamper this approach by introducing a requirement to monitor and track an email mailbox

4 Do you agree with ComReg's preliminary view that if a provider chooses to use a number other than a Freephone (1800) number, a 19XX Customer Support Short Code or a Geographic telephone number, then the provider must indicate maximum charges that can apply and whether calls to such numbers are generally within inclusive minutes of price plans? Please support your answer in full.

4.1 Please note our reservations above as to whether such a measure is permissible under Directive 2011/83/EU on Consumer Rights.

4.2 In any event, the charges for calling the numbers in question will not be apparent to the service provider. Sky Ireland would suggest that it is more appropriate to give an example of the costs for calling such a number from a fixed line and mobile telephone number. The rates charged are determined by the call originator. It is not appropriate to pass the obligation to the service provider to monitor these costs. If such an obligation was imposed on service providers we'd need to monitor the costs of calling our contact centre from all other operators and would need to update our complaints code of practice on each occasion that these rates change. In our view this is simply not practical.

4.3 In addition, a number of providers such as Sky will allow calls to their customer service line for free to their talk service customers. This does not appear to have been considered as part of the impact assessment conducted by ComReg into this matter.

5 Do you agree with ComReg's preliminary view that a complainant cannot be transferred by the Electronic Communications Provider to any form of information technology support line, if the transfer results in the complainant incurring a premium rate or higher call cost rate than the standard basic rate involved in making a complaint? Please explain your answer and provide appropriate evidence, including any cost implications to support your view.

5.1 Yes we agree that this is appropriate.

6 (a) Do you agree with ComReg's preliminary view that all Electronic Communications Providers should have a customer care management system to record end-user complaints with the ability to attach all relevant material pertaining to the complaint?
(b) Do you agree with ComReg's preliminary view that the minimum information as set out in Paragraph 53 is necessary / sufficient?
(c) What is your view on the use of reference number where end-users raise a complaint with their Electronic Communications Providers?
(d) For Electronic Communications Providers – please explain your answer and provide appropriate evidence for your answers above including details of the system you

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currently operate when customers contact your company with a complaint, the minimum information you currently record and retain and an outline of your use of unique reference numbers, as applicable.

6.1 Response to part (a):

- 6.1.1 Sky fully accepts that complaints handling is an important part of the consumer experience. We invest significant effort and resource to ensure a high-quality and consumer-friendly complaints handling process – including in mechanisms for tracking such complaints. Sky is best placed to understand how to understand their systems and the manner in which they can be used to meet customer needs in a highly competitive marketplace.
- 6.1.2 In our view it is not appropriate to be prescriptive about the ability to attach relevant materials. You will note from our answer to (d) below that our case tracker does not have the ability to attach all relevant materials pertaining to a complaint but we do have a separate customer account management system where these documents can be uploaded.

6.2 Response to part (b):

- 6.2.1 ComReg's preliminary view that the minimum information as set out in Paragraph 53 is necessary / sufficient seems reasonable to Sky Ireland. We would however caution that where this information is managed in a separate tool (as per our answer to (d) below) the storing of all customer details in that tool may be a security risk. In our view it would be sufficient to simply include account number which will enable the service provider to identify the customer.

6.3 Response to part (c):

- 6.3.1 In our experience assigning a reference number to a complaint will not result in better tracking of the complaint in question. The nature of customer care systems is that a customer's complaint will be assigned to an individual account which they hold. In our view nothing is added by assigning a complaint reference number.

6.4 Response to part (d):

- 6.4.1 Sky Ireland manages complaints via our My Help Request (MHR) tool. Where we need to take action to resolve an issue a MHR is created and marked as a complaint.
- 6.4.2 When setting up a case on MHR the advisor will record the following:
- Account number
 - Summary (brief description of reason for contact)
 - Internal Notes (case notes and action taken, visible to advisors and engineers)
 - Channel (records how the customer contacted us)
 - Product (the main product the customer contacted us about)
 - Classification (to clarify the nature of the query)
- 6.4.3 The customer will be given the MHR case number for reference.

NON-CONFIDENTIAL

- 6.4.4 Please note that MHR is a standalone application so we do not record the customer details, address etc. as these can be accessed via the account number. In addition, we would not keep copies of documentation in MHR. These are stored in the customer account management system (Stan) which retains all customer details.
- 6.4.5 In effect MHR is a tool for tracking complaints/service issues and reminding advisors when to call back the customer if a resolution has not been reached.

7 (a) Do you agree with ComReg's preliminary view that two working days is a reasonable maximum timeframe for Electronic Communications Providers to provide a unique Complaints Acknowledgement for written complaints (including a reference number if appropriate)? Please explain your answer providing appropriate evidence, including any cost implications to support your view.

(b) Do you agree that where a Complaints Response and Resolution is not available at the time of issuing the Complaints Acknowledgement that a response and resolution that addresses all aspects of the complaint raised should be provided by the Electronic Communications Provider between 2 and 9 working days? Please explain your answer providing appropriate evidence, including any cost implications to support your view.

7.1 Response to part (a):

- 7.1.1 In our experience the vast majority of complaints are resolved when they are first received by the service provider making an outbound call to the customer. In our view this requirement should only apply where the complaint remains unresolved. The majority of service providers and most call centres will track a KPI of First Call Resolution for this reason.
- 7.1.2 We note ComReg's position that an automated template response that does not reflect the actual details of the individual complaint is not acceptable as a Complaint Acknowledgement. We fail to see the rationale for this approach. The purpose of the Complaint Acknowledgement is to simply acknowledge that the complaint has been received and is being investigated. If we are required to respond to all complaints with a bespoke letter this will add significant costs to our operation and will inevitably tie up advisor time when they could be resolving the actual complaint.
- 7.1.3 Please see our concerns above about the wide definition of "complaint" which has been proposed. In circumstances where this definition is unchanged we could potentially end up having to send thousands of letters each week to meet the requirements (even in circumstances where the complaint was already resolved. In our view requiring service providers to send a Complaint Acknowledgement in circumstances where the customer issue has already been resolved cannot be objectively justifiable and is not a proportionate requirement.

7.2 Response to part (b):

- 7.2.1 As outlined above, we do not think it is appropriate for service providers to be required to send a Complaint Acknowledgement when a complaint has been resolved within 2 days. The receipt of correspondence from the customer is likely to drive unnecessary calls to our call centre and to tie up valuable resource.
- 7.2.2 In our view if a matter is resolved over the phone by a service provider calling a customer then it should not be necessary to issue a Complaint Response and Resolution as this will have been confirmed on the telephone. The Code of Conduct would be creating an additional layer of bureaucracy which is simply not necessary as the complaint will have been resolved.

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- 7.2.3 In our view the issuing of the Complaint Acknowledgement letter should only be required where the service provider has not resolved the complaint in the interim (i.e. within two days).
- 7.2.4 In our view it would be more appropriate to allow service providers to resolve matters in a timely manner and in circumstances where the case remains open or where we have reached an impasse and are at deadlock that the service provider should be required to issue a deadlock letter. Some cases do naturally take time to resolve and that needs to be understood and accepted however, the correct management of the case and agreeing closure with the customer is a reasonable and fair principal to work towards.

8 Do you agree with ComReg’s preliminary view that the provision of information by the Electronic Communications Provider in respect to the internal / external escalation process where the end-user remains dissatisfied with the resolution should include contact details of the areas/departments to which a complaint can be escalated (i.e. a telephone number and email address)? Please explain your answer providing appropriate evidence, including any cost implications to support your view.

- 8.1 Sky has a natural escalation process aimed at resolving at first point of contact escalating as required. We do not publish this escalation process as we would not want customers circumventing the process of managing the issue, escalating where inappropriate again impacting resolution times.
- 8.2 We do not believe that it is appropriate to be including telephone numbers and email address for escalation points. We agree with ComReg’s proposal that each code of practice sets out, and end-users must be provided with, details of a complaint’s escalation path within the provider’s customer care department, for further investigation of, and a final resolution to, the complaint however it does not feel appropriate that telephone numbers and email address for those departments should be made available in the code of conduct.
- 8.3 Where such numbers are included in the code of conduct Sky Ireland believes that customers will seek to escalate matters before the initial advisor has had the opportunity to carry out a full investigation. In our view this will lead to delays in resolving complaints.

9 Do you agree with ComReg’s preliminary view that all Electronic Communications Providers should set out a minimum level of refunds in appropriate cases in their scheme (or equivalent policy in compliance with Regulation 27 (1)(d) of the Users’ Rights Regulations) and apply those refunds to end-users without end-users having to specifically make a request? If you do not agree, please provide alternative suggestions that comply with the requirements of Regulation 27 (1)(d) of the Users’ Rights Regulations and estimates of resources required to meet the requirement.

- 9.1 We agree with ComReg’s view that as part of the resolution of a complaint it may be appropriate to offer refunds to end-users in certain circumstances. However the flexibility currently granted to operators in this regard is, in our view, more appropriate than the current proposal from ComReg.
- 9.2 ComReg has interpreted the Regulations as stating that the codes should include a minimum level of refunds in appropriate cases. The Regulations actually provide the Code of Conduct shall make provision for “appropriate cases where reimbursement of payments, payments of compensation and payments in settlement of losses incurred will be made”.
- 9.3 Setting a minimum level of compensation goes above and beyond the requirements in the Regulations. We appreciate that there is a requirement for the Code of Conduct to provide for appropriate cases where payments of compensation and settlement payments can be made however the inclusion of a minimum level of compensation is likely to lead to a ‘one size fits all’ approach. In our view the most appropriate approach is to allow operators to compensate

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customers on a case by case basis.

- 9.4 In circumstances where operators fail to address customer complaints in a satisfactory manner it is open to the customer to simply move to another operator in what is a very competitive environment.
- 9.5 We note in particular that ComReg has called out delays in porting as an area for concern. ComReg will appreciate that delays in porting can occur due to action by the old provider, the new provider or the customer. In our view each case needs to be assessed on a case by case basis and it is simply not appropriate to set a minimum threshold.
- 9.6 Separately, ComReg has stated its preliminary view that end-users should not have to specifically request the refunds promised by an Electronic Communications Provider. We do not believe there is a case for intervention in the form of new rules on automatic compensation. ComReg appears to have already formulated an initial view in favour of implementing such new rules without conducting a market assessment. However, the first question that ComReg should be asking is whether such intervention is appropriate in the first case.
- 9.7 Mandating compensation by service providers does not address the real harm ComReg is seeking to prevent – the service issue itself. Retail providers are already incentivised to compete on quality of service and lack control over critical service issues. In our experience the majority of significant complaints arise as a direct consequence of failures at the wholesale level. As ComReg is aware, Eir published the Eir Voluntary Wholesale Reform Program report in August 2015⁵ (the “Styles Report”). Sky has raised a number of concerns about issues raised in the Styles Report. This report made it clear that serious and systemic regulatory failures have been allowed to subsist within Eir that have had and continue to have a negative effect on competition. In our view, until the issues raised in the Styles Report are addressed at a wholesale level retailer operators will be forced to compensate customers as a result of failing at the wholesale level. Consequently a retail remedy, as currently proposed, is not the answer. Although Sky accepts that retailers play a pivotal role in communicating and co-ordinating with wholesale suppliers, the reliance placed by retailers on wholesale suppliers for aspects of service critical to customer experience is great. In fact, responsibility for the majority of customer experience for fixed line and broadband services sit firmly within the wholesale domain, namely line service issues and switching/number portability⁶.
- 9.8 Imposing automatic compensation could not be justified where retailers do not have control or the fault has not been proven. The majority of quality of service issues for communications services are complex. There are a myriad of issues that can have an impact on service performance, and some are not within the retailer’s domain to control (e.g. out-of-home wiring, equipment provided by customers and the location of the router within the customer’s premises). In the majority of cases the compensation offered at a retail level will be far in excess of any compensation we could expect from wholesale partners. It is reasonable for retailers to exclude liability for matters outside their reasonable control. If retailers were obliged to provide automatic compensation, the list of exemptions would need to be extensive so as not to unfairly prejudice the retailer. This would then add a high level of complexity, or alternatively a great deal of uncertainty, into the drafting of the new rules, leading to potential confusion within industry and consumers as to their application and a large volume of cases being subject to dispute resolution amongst providers on where fault lies.

⁵

https://www.eir.ie/opencms/export/sites/default/content/pdf/regulatoryinformation/regulatory_governance_model.pdf

⁶ Source: Consumer Line Statistics Q1, Q2 and Q3 2016 (<https://www.comreg.ie/publication/comreg-consumer-line-statistics-q3-2016/>)

NON-CONFIDENTIAL

9.9 Furthermore, there may be unintended consequences of such regulatory intervention including:

9.9.1 a reluctance on the part of retail providers to empower customer service agents to make goodwill payments to consumers who experience service issues unless fault has been established;

9.9.2 new entrants being deterred by the cost of automatic compensation and risk of exposure to significant liabilities;

9.9.3 inhibition of product innovation and service levels due to resource being dedicated to meeting minimum service levels. For example, retail providers may be reluctant to provide services to a location which carries with it an inherently higher risk of service interruptions or offer faster services unless sufficient safeguards have been included to avoid triggering automatic compensation payments.

9.10 Although Sky is supportive of ComReg's broad strategic objective to deliver better quality of service for customers, Sky does not believe that there are valid grounds for ComReg to intervene by mandating automatic compensation from retailers. ComReg should have regard to the competitive nature of the retail market and high levels of customer satisfaction before considering further consultation on proposed new rules on automatic compensation.

9.11 For companies such as Sky, who already aim at providing best in class levels of customer service to consumers, and for whom service quality is a core part of their brand, the proposed regulatory requirement will have no impact on incentives to deliver high quality service to consumers. Instead, an incorrectly targeted regulatory invention such as this with its associated costs of administration and compliance will simply add to the overhead costs of our business.

9.12 It remains Sky's view that targeted and tailored customer compensation on a case by case basis is more appropriate than a one size fits all approach. Provided those affected by quality of service problems are aware of their rights and how to contact their retailer in the event they experience a problem, those with material complaints will be empowered to seek compensation, and retailers will need to compete on customer service in order to retain the customer. Any attempt by ComReg to impose automatic compensation would in our view require a far more detailed regulatory impact assessment and examination of ComReg's powers in this regard.

10 Do you agree with ComReg's preliminary view that in order for the Electronic Communications Providers' codes of practice to be accessible, included with the Regulation 27 (1)(d) of the Users' Rights Regulations that states a code of practice shall make provision for appropriate cases where reimbursement of payments, payments of compensation and payments in settlement of losses incurred will be made, should be available in accessible formats to end-users? If you do not agree, please explain your answer providing appropriate evidence including alternative suggestions that comply with the requirements of Regulation 27 (2) of the Users' Rights Regulations and estimates of resources required to meet the requirement.

10.1 Yes, Sky Ireland agrees that the Code of Conduct should be available in accessible format.

11 Do you agree with ComReg's preliminary view that an Electronic Communications Provider's code of practice should be accessible from an Electronic Communications Provider's Home page of the corporate website, social media and web pages?

11.1 Whilst we understand the logic for the Code of Conduct being accessible from the home page of a service provider's corporate website we do not understand why or how this could be extended to include social media and webpages. In effect this would include all website (e.g. for corporate social responsibility). In our view the transparency requirements included in the Regulations are met by including a link from the home page of the corporate website.

NON-CONFIDENTIAL

12 Do you agree with ComReg’s preliminary view that the code of practice should be accessible using the search terms ‘code of practice’ or ‘complaint’ or ‘how to make a complaint’ within its corporate website, social media and web pages established by the Electronic Communications Provider for dealing directly with customer complaints.? If you do not agree, please explain your answer providing appropriate evidence including alternative suggestions that comply with the requirements of Regulation 27 (2) of the Universal Service Regulations and estimates of resources required to meet the requirement.

12.1 Please see the above response to Question 11. It is unclear to us if it is even possible to have a search facility set up on all social media pages. In our view it is more than sufficient if a search on the corporate website of the service provider returns a link to the code of practice.

13 Do you agree with ComReg’s preliminary view that all Electronic Communications Providers should submit to ComReg on a quarterly basis details of numbers of complaints made by their end-users (including the type of issue raised), the number of days open, Key Performance Indicators (KPIs) reported internally as agreed with ComReg as appropriate, and levels of satisfaction recorded for end-users contacting the relevant service provider as well as any standards accredited or valid for the quarter? If you disagree, please explain your answer providing appropriate evidence.

13.1 The legal basis on which ComReg is relying in order to impose this requirement is unclear. The Regulations make no reference to such reporting. Regulation 15(2) of the Regulation provides that ComReg may require an undertaking providing public electronic communications networks or publicly available electronic communications services to provide to end-users and consumers, in such form as the Regulator may specify, such of the information set out in Schedule 3 as the Regulator may specify. Schedule 3 lists a number of categories of information, none of which would appear to incorporate complaint data. We fail to understand the basis upon which ComReg is requesting this information.

13.2 In our view this would require significant additional work for each service provider with little or no added benefit for ComReg or customers. In essence we would be reporting on ‘complaints’ which have been resolved and were not escalated to ComReg. We do not believe that the number of complaints resolved amicably by a service provider is a significant factor for customers when they are making a purchasing decision. Factors such as price are likely to be more significant. As such this appears to be an additional burden imposed on operators which will be of little benefit to customers in return for a significant outlay (in terms of time and costs) by service providers.

13.3 Separately, in Sky Ireland’s view, any such report is only as good as the data which is gathered. In our view there is potential for different service providers to treat the same type of query from a customer differently. Sky Ireland believes that the approach is flawed and should not be pursued by ComReg even if it finds a legal basis on which to do so. We can receive over [REDACTED] calls to our customer service line each week. Unless a customer expressly states that they are satisfied with the service then it would be safe to assume that all other calls would be captured by the definition “any expression of dissatisfaction”. It is not clear whether different operators will interpret the definition of “complaint” differently and in the absence of certainty different service providers will take a different approach.

13.4 In our view it would be more appropriate to introduce the concept of a deadlock letter and for service providers to be obliged to report on same. This would ensure that ComReg has sight of all complaints which are (a) not resolved by service providers and (b) not escalated to ComReg.

13.5 The costs of implementing such a reporting tool are likely to be significant for each service provider. We receive in excess of [REDACTED] calls to our customer service line each week (and a further [REDACTED] calls to our cancellation line). All advisors would need to be retrained to ensure that complaints were being properly tracked and monitored. Furthermore, we would need to

NON-CONFIDENTIAL

put in place a more robust process to double check that all complaints are being captured.

14 Do you agree with ComReg's preliminary view that all Electronic Communications Providers should be required to apply for 'The Q Mark for Customer Service Complaints Handling'? If you disagree, please explain your answer providing appropriate evidence and set out details of what alternative standards are in place that you have attained (or are aware of), the means of certification and duration of the standard.

14.1 The legal basis on which ComReg is seeking to impose such a certification standard on service providers is unclear. It is not covered by the Regulations.

14.2 ComReg states that for end-users, this certification should provide certainty about the customer services being offered and enable them to factor this into a decision when selecting or switching service providers. By ComReg's own logic, if all service providers are required to apply for the same Q Mark for Customer Service Complaints Handling then customer service would never be a factor in the switching decision going forward. It should remain a service differentiator which operators can choose to complete or otherwise and take the risk of losing customers as a result.

14.3 At Sky we have developed our own training programmes "Aspire" and "Inspire". 'Inspire' was an ILM/City & Guild Endorsed programme that was targeted at leaders/managers in the contact centre and not specifically complaint handling. 'Aspire' was a customer service programme that we ran for advisors wishing to advance their career but it was not certified or accredited by any external organisation.

14.4 We are not aware of any alternative standards, which are endorsed by Sky, that are analogous to the Q Mark.

14.5 Each operator recognises that they will lose customers if they are not competitive and offering good customer service. In our view 'The Q Mark for Customer Service Complaints Handling' should remain a voluntary standard.

15 Do you agree with ComReg's draft high level assessment of the impact of the proposed regulatory options? Are there any other factors that you consider to be relevant? Please explain your answer providing appropriate evidence and costings, if applicable.

15.1 Objective 1: Electronic Communications Providers' codes of practice for complaints handling

15.1.1 Option 1

15.1.1.1 The Regulatory Impact Assessment provides in paragraph 115 that providing a standard number of contact points may incur costs but it is difficult to know at the outset what these might be. The Regulatory Impact Assessment goes on to look at the cost impacts of providing a telephone number and written channel for complaints but doesn't appear to consider the impact of an email communication channel. In our view the impact assessment is incomplete as it has not considered the costs of implementing such a solution or the security risks associated with allowing all call centre agents to access outbound emails.

15.1.1.2 ComReg states, at paragraph 116 of the Consultation that increased costs may be offset against others, balancing out expenditure over time. There is no evidence provided to support this position.

15.1.1.3 At paragraph 117 of the Consultation ComReg states that once introduced and functioning, ongoing additional costs of standardising responses would seem unlikely. We would disagree with this assessment, in particular where ComReg is stating that a basic Complaint Acknowledgement is not sufficient. The broad definition of "complaint" could

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result in Sky sending several thousand of these letters to customers. A bespoke Complaint Acknowledgement in each case will lead to significant ongoing incremental costs as an advisor would need to dedicate time to write a bespoke letter as opposed to addressing the actual complaint at hand.

15.1.2 Option 2

15.1.2.1 ComReg disregards the status quo on the basis that transparency is obscured if the codes aren't aligned between all operators. The view being that an end-user is therefore unable to compare service providers when making their initial choice, and they are often unaware what level of service they can expect.

15.2 Objective 2: Reporting of complaints handling statistics.

15.2.1 Option 1

15.2.1.1 ComReg states at paragraph 133 of the Consultation that information provision carries no cost for the end-user. ComReg is of the view that measures are currently in place industry-wide in relation to customer satisfaction, complaints measurements, etc. Consequently, it believes that the cost to industry of providing such data is minimised, that servicing requests for such is merely a resource issue as the information is already being generated for in-house purposes.

15.2.1.2 We would strongly disagree with this assessment on three grounds:

15.2.1.2.1 ComReg has assumed that all of the data in question is already produced by organisations which may not be the case; and

15.2.1.2.2 The data being requested by ComReg would need to be compiled on a quarterly basis in a format requested by ComReg and signed off at the appropriate level of the business. There is a significant administrative burden in carrying out such tasks.

15.2.1.2.3 Training would be required for all advisors at significant costs to ensure that they are capturing all complaints.

15.2.2 Option 2

15.2.2.1 ComReg provides at paragraph 137 that lack of accessibility to information carries no obvious benefits. We would argue that in the absence of very clear guidelines and auditing of each service provider there is a real risk that there will be disparity between the reporting provided by each service provider. This will lead to the service providers who tightly monitor complaints and report on same accurately being punished for their diligence.

15.2.2.2 In our view the real benefit for customers is seeing the number of complaints that could not be resolved by the service provider and needed to be escalated to ComReg. This information is already available.

15.3 Objective 3: Quality standard for complaints handling.

15.3.1 Option 1

15.3.1.1 ComReg states at paragraph 145 that being accredited highlights one service provider over another as it indicates that a certain level of service is provided and acknowledged.

15.3.1.2 We agree that this is the case but we would argue that it should be up to each operator to decide whether it applies for certification as if all operators must meet the required standard then this is no longer a point of differentiation.

15.3.2 Option 2

NON-CONFIDENTIAL

15.3.2.1 ComReg provides at paragraph 148 that the costs of the application and assessment for the Q Mark is minimal compared to the benefits that it can bring the individual service provider. If this is the case then it should not be necessary to mandate service providers to apply for the certification.

15.3.2.2 In our view the benefits of having such a certification are minimal and would not be taken into account by customers when deciding upon a service provider, in particular when all service providers are mandated to apply for the certification.

15.3.2.3 We are also concerned about the costs and overheads required to audit the mandatory certification. It is not clear how ComReg proposes to fund the auditing of the certification process. The process will be ineffective in the absence of auditing and any such auditing will be costly and also disruptive to the organisations involved.

16 Do you agree or disagree with the wording of ComReg’s draft Decision Instrument? Please explain your answer providing appropriate evidence.

16.1 In our view the wording in the draft Decision Instrument requires significant change and indeed may even require a complete overhaul. We have used the table below to comment on the specific provisions:

| Decision Instrument Reference | Sky Comments |
|--|---|
| Section 1 - Statutory Functions and Powers | No comments |
| Section 2 - Definitions | <p>Please see answer in response to Question 2 above in relation to the definition of “Complaint”. In our view the definition should be amended as below:</p> <p>‘Complaint’ means an <u>unresolved</u> expression of dissatisfaction made to a service provider <u>by an end user</u> relating to its products or services <u>the contractual conditions or performance of contracts concerning the supply of electronic communications networks or services</u>, or relating to the complaints handling process itself, where a <u>communications provider can reasonably be expected to consider that a</u> response or resolution is explicitly or implicitly expected;</p> |
| Section 3 - Scope | No comments |
| Section 4 - Application - Part 1 - First point of contact: | <p>Please see our response to Question 3-12 above. In our view Section 4 needs to be amended as outlined below for the reasons specified in our response to Question 3-12.</p> <p>“4.1 Electronic Communications Providers shall include in their code of practice each two of the following three mandatory details by way of first point of contact for complainants:</p> <p>a. A Freephone (1800) number or a 19XX Customer Support Short Code or a Geographic basic rate telephone number. If an Interactive Voice Response (IVR) is in use on the relevant telephone number, the IVR shall specifically address the fact that a call is being routed towards the service provider’s complaints management process service department (or similar). This shall be acknowledged in the IVR prompt wording used; for example, ‘Select 1 for service issues complaints resolution’;</p> <p>b. An address; and</p> <p>c. An email address.</p> |

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4.3 While a complaint is being made, (and recorded), a complainant shall not be transferred to any form of information technology support line if the transfer results in the complainant incurring a premium rate or higher call cost rate than the standard basic rate involved in making a complaint.

A means of recording complaints

4.4 Electronic Communications Providers must be able to demonstrate how their customer care management system records all contacts from End-Users and all contacts to End-Users, regardless of the **permitted** contact medium.

4.5 Electronic Communications Providers must offer End-Users a unique reference number linked to each individual complaint.

4.6 The minimum information that must be recorded in relation to a complaint is:

- a. The complainant's name, phone number and contact details;
- b. The complainant's account number;
- c. Category /classification of issue e.g. billing issue
- d. The date of the complaint;
- e. A copy of the complaint (or notes made of telephone/oral communications with the complainant relating to the complaint);
- f. Any communication with the complainant including details of the response to the complaint;
- g. Documentation, such as letters, bills etc.
- h. Details of the resolution of the complaint and any determination in respect of the complaint; and
- i. The closure date of the complaint.

Response timeframes and Resolution Procedures

4.7 End-Users must be informed of the Electronic Communications Provider's code of practice and the timeframe within which the Electronic Communications Provider shall provide a Complaints Response where a complaint is not resolved at the first point of contact.

4.8 An Electronic Communications Provider's code of practice must outline:

a. A maximum timeframe of two Working Days for initial Complaints Acknowledgement (including the provision of a reference number);

□ A maximum timeframe of 9 Working Days for Complaints Response and Resolution that addresses all aspects of the complaint raised and in the case of a customer complaint which cannot be resolved within the 9 Working Day timeframe, the code of practice must note that the End-User will be contacted within 9 Working Days to advise the reason for the delay and the steps being undertaken by the Electronic Communications Provider in investigating and resolving the complaint together with a provisional resolution date.

b. The internal escalation process applicable where an end-user remains dissatisfied with the Electronic Communications Provider's attempted resolution;

□ Provision of information as to how an end-user can escalate their complaint within the customer care department or within the Electronic Communications Provider's organisation.

~~□ Inclusion of the contact details of the areas to which a complaint can be escalated (i.e. a telephone number and email address).~~

Refunds and reimbursements

4.9 Where Electronic Communications Providers (as part of the resolution of a complaint) already offer refunds to end-users where appropriate, no change is proposed. Details in respect of this custom must be specified in an Electronic Communications Provider's code of practice.

~~4.10 Electronic Communications Providers' codes of practice must outline the minimum level of compensation payable and payments in settlements of losses in appropriate cases. An Electronic Communications Provider must not simply provide in its code of practice that such levels/payments will be made or dealt with on 'a case by case basis' as evidence of same will be deemed insufficient and non-compliant.~~

4.11 Any scheme (or equivalent policy in compliance with Regulation 27 (1)(d) of

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| | <p>the Universal Service Regulations) outlined by an Electronic Communications Provider must be communicated to a complainant via the code of practice setting a level of expectation as to the final outcome of the complaint.</p> <p>Manner of publication</p> <p>4.12 a For complaints by voice call - the details of where the code of practice can be accessed must be communicated clearly to end-users;</p> <p>b For complaints by post - the code of practice must be included with the Complaint Acknowledgement where the acknowledgement is in writing and hard copy;</p> <p>c For complaints by email - a link to the code of practice must be communicated clearly to end-users included with the Complaint Acknowledgement; and</p> <p>d The code of practice must be accessible from the Home page of an Electronic Communications Provider's corporate website, social media and web pages established by the Electronic Communications Provider for dealing directly with customer complaints. An Electronic Communications Provider should also provide complaint contact details on all customer correspondence.</p> <p>4.13 An Electronic Communications Provider shall ensure its code of practice can be easily located upon searching for 'code of practice', 'complaint', or 'how to make a complaint' within its corporate website, social media and web pages established by the Electronic Communications Provider for dealing directly with customer complaints."</p> |
| <p>Section 4 - Application - Part 2 - Reporting complaints handling statistics</p> | <p>In our view Paragraph 4.14 should be deleted in its entirety for the reasons outlined in our response to Question 13</p> |
| <p>Section 4 - Application - Part 3: Quality standards for complaints handling</p> | <p>In our view Paragraph 4.15 should be deleted in its entirety for the reasons outlined in our response to Question 14</p> |
| <p>Section 5 - Statutory Powers Not Affected</p> | <p>No comments</p> |
| <p>Section 6 - Maintenance of Obligations</p> | <p>No comments</p> |
| <p>Section 7 - Effective Date and Duration</p> | <p>Please see our response to Question 17 below.</p> |

17 Do you agree with the effective date? Please explain your answer providing appropriate evidence.

17.1 The effective date is only appropriate in circumstances where the reporting requirements and the certification are removed from the Decision Instrument.

17.2 We are not in a position to comment on the timelines for implementation if these elements are retained for the following reasons:

17.2.1 The nature of the report required from ComReg on a quarterly basis is not apparent. The Decision refers to KPIs but these are not specified. We could not commit to such timelines

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in the absence of all of the information and the form of the report; and

17.2.2 We have never applied for certification under the Q Mark so we are not clear about the timelines involved in such an application or indeed the backlog for such application.

Ends

Response to Document 16/188 from Three

Three Ireland (Hutchison) response to Electronic Communications Complaints Handling Code of Practice Consultation.



Three.ie

Three welcomes the opportunity to provide input into ComReg's consultation regarding Electronic Communications Complaints Handling Code of Practice ('COP').

The telecommunications market is a dynamic one and highly competitive, constantly evolving providing innovative products and services for all users to enjoy. It's a digital age, where services are available at the touch of a button or through the recognition of a voice. The information society and the innovative mediums which have evolved provide all users with opportunities to engage instantly with their service provider. The technological environment for electronic communications services is changing at such an increased pace, that service providers must keep pace or ahead of the curve by meeting customers' expectations, providing the ultimate customer experience and complaint handling is an integral aspect of the customer experience. Operators are already incentivised to deliver high quality customer care, support and experience to their customers, as failure to do so will result in customers switching service providers.

With regard to the principal objectives that underpin ComReg's proposals in this consultation, Three believes that these objectives are already either required to be met by operators as part of their compliance with ComReg Decision D16/03 (ComReg's Decision) and Regulation 14 (g) of the User Rights Regulations 2011 or separately as service providers will always highlight and inform its customers of quality standards awarded via its marketing and branding campaigns. Three would agree with ComReg in that it is appropriate to review the minimum requirements as specified in ComReg's Decision especially as the market has changed significantly since 2003 but we would argue that the minimum standards as prescribed in 2003 actually remain fit for purpose and are practically identical to the proposed measures for complaint handling and as such there is no need to amend the minimum requirements as proposed.

With regard to ComReg's other proposals, specifically requiring service providers to report on complaint statistics and mandating that service providers apply for a Quality mark for complaint handling, Three is concerned about these proposals and would question how these would benefit end-users. End-users are not interested in knowing how many contacts a company received and were successful in addressing without requiring escalation to ComReg. End-users in our view would prefer if we continued to offer them innovative products and services by investing in our networks and providing them with instant responses to contacts as opposed to investing in developing unnecessary reports to take account of the thousands of contacts received over a quarter. As per the Communications Regulation Act, ComReg is required to

'ensure that measures taken by it are proportionate' i.e. balance the costs versus the benefits arising from providing the service. Three believes that overall the measures proposed by ComReg and specifically the requirement to provide complaint and contact reporting is disproportionate and request that ComReg complete a cost benefit analysis examining the cost, applicability and benefit of the measures proposed and confirming the proportionality of these measures.

Three's existing complaint systems and processes are robust and fit for purpose. Ultimately ComReg should leave operators to differentiate themselves through providing a higher customer experience, let market forces drive innovation and customer experience and ComReg needs to be proportionate when defining the proposed measures and should intervene only where necessary and to the extent necessary.

Three believes that industry should be left to provide increased standards without burdening industry with mandatory channels of communication which realistically are not appropriate for a society that now wants and expects responses at the touch of a button. Increasingly we see that end-users want to self-serve because it removes the requirement to queue – just like with internet banking consumers use internet banking for the ease and efficiency of the service and equally so with telecoms – if a customer wants to contact care to query a new device or service they send an instant message over web chat or utilise other social channels including Facebook and twitter and they receive an instant response.

Q.1 Do you agree with ComReg’s preliminary view that it is appropriate to review the minimum standards required in Electronic Communications Providers codes of practice for complaints handling? Please explain your answer providing the appropriate evidence.

Three welcomes a review and opportunity to provide input into ComReg’s consultation that aims to standardise the complaint handling process and customer experience within the telecommunications industry.

However, as per ComReg’s Decision which defined the requirements on service providers regarding the transparency of information for users and more specifically operators codes of practice for complaint handling, Three believes that the majority of measures that ComReg is now seeking to mandate, are already decisions which ComReg made in 2003 and subsequently Three was surprised to read that this wasn’t complied with across the industry. Three agrees with ComReg in that it’s time a review was carried out considering the previous decision was made in 2003. With this decision in mind, it raises the question as to how there isn’t a standardised approach to complaint handling as it was always our understanding that all operators were obliged to comply with said decision and that ComReg would monitor compliance with same.

Three welcomes the review given that consumer needs have changed in that they want to communicate with a touch of button and this includes raising issues and or complaints over multiple channels available to them. Three believes that ComReg should not be mandating the channels within which consumers can make complaints and this should be left to the operator to provide the methods to which its subscriber base demands to use.

The proposed minimum requirements are in line with what is already required by ComReg Decision and available in Three’s code of practice¹. Response times will vary for each complaint dependent on the nature and complexity of the issue and in rare exceptional circumstances may exceed 10 working days as there are a number of factors which influence the resolution of a complaint and some of which are outside the control of the service provider for example roaming partners, manufacturers, engineers etc. Reliance on third parties is unavoidable and should be acknowledged as outside of our control at times.

With regards to the mediums available for Three’s customers to lodge a complaint and /or make an enquiry, all customers benefit from the wide range of contact mediums available which are equally accessible to end-users with special needs. Customers can call via 1913,

¹ <http://www.three.ie/pdf/Three%20Code%20of%20Practice.pdf>

email using our Contact Form available on our website where customers can detail their issue and/or query, instant message or web chat, via our social media web pages which are accessible from the web and directly on the customers 3G/4G handset, send us a fax or send us a written letter via post. Three believes that the mediums currently available cater for all customers including those with special requirements.

Operators should be left to provide accessible mediums which are appropriate to their customer base and if the customer wishes to exercise their right to move to an alternative service provider which meets all of their requirements, then that's the nature of this competitive market and one which the Regulator should not impose disproportionate requirements on operators, that have not been comprehensively reviewed.

Q.2 Do you agree with ComReg's preliminary views regarding the definition of a complaint? Please explain your answer providing appropriate evidence.

Three does not agree with ComReg's preliminary views regarding the definition of a complaint. Three believes that this definition is too broad to be effective and is an inaccurate representation of a complaint. Three would question why ComReg is seeking to extend the definition. Every end user regardless of industry contacts a service provider because an issue has arisen that is not clear to them for example a charge on their bill and this confusion can automatically lead to dissatisfaction, which under ComReg's proposed definition is a complaint from the outset. More often than not, customers don't contact the service provider to thank them for investing millions on critical infrastructure or offering innovative products and services. End-users only contact their service providers when they have a query, an issue and or a complaint. A majority of contacts by end users is in relation to a concern and they all seek action of a resolution/response to this concern. There are processes in place in all customer care channels that can provide the action required for customer concerns but they may necessarily not be a complaint nor should it be flagged as one prematurely.

The definition of a complaint could be reviewed to be *"an expression of dissatisfaction made to a service provider relating to its products or services or relating to the complaints handling process itself where a review and resolution was offered in a timely manner to the end user but was not acceptable or satisfactory"*.

If the end user is not satisfied with a resolution offered they can look at making a complaint where the customer can escalate their issue and set out the facts as they see it. The customer could be provided an alternative resolution or reasoning behind why the resolution offered is

available and valid. This is already available to our customers as detailed in our code of practice².

Q.3 Do you agree with ComReg’s preliminary view that as a minimum, the point of contact for Electronic Communications end-users should include a Freephone (1800) number or a 19XX Customer Support Short Code or a Geographic telephone number, an email address and an address. Please explain your answer providing appropriate evidence, including any cost implication to support your view.

Three does not agree with ComReg’s preliminary view that as a minimum, the point of contact for Electronic Communications end-users should include a Freephone (1800) number or a 19XX Customer Support Short Code or a Geographic telephone number, an email address and an address.

Three details the numerous ways as to how a customer can contact customer care in its COP as well as it being accessible through the homepage of our website and on our bills. Three believes that its COP complies with ComReg’s decision D16/03 as it clearly details the customer care phone number 1913, along with an address for a letter, a link to the contact us page where a customer can send us an email with a query or complaint along with other methods of contacting us. A customer will be responded to in the same method they contacted us in, unless they request otherwise and we will attempt to accommodate where possible.

Each Service Provider may have more channels of communication open to customers and should be able to make these available on the code of practice at their discretion as it promotes competition to ensure the maximum channels of communication are open to end-users and in turn end-users can choose a channel suitable to their needs.

Three agrees with ComReg’s assertion that a public community should not be a first point of contact for a complaint but only for a query. Should more information be required the customer should contact the service provider privately to address the complaint on their account. Three offers the service where complaints can be made, investigated and resolved at this point through social media in the same way as other channels. It should be left up to each Service Provider if they choose to accommodate complaint resolution through social media, the more channels available to customers will ensure customers’ needs can be met.

Q.4 Do you agree with ComReg’s preliminary view that if a provider chooses to use a number other than a Freephone (1800) number, a 19XX Customer Support Short Code

² <http://www.three.ie/pdf/Three%20Code%20of%20Practice.pdf> p7.

or Geographic telephone number, then the provider must indicate maximum charges that can apply and whether calls to such numbers are generally within inclusive minutes of price plans? Please support your answer in full.

Three agrees with ComReg's preliminary view that if a provider chooses to use a number other than a Freephone (1800) number, a 19XX Customer Support Short Code or Geographic telephone number, then the provider must indicate maximum charges that can apply and whether calls to such numbers are generally within inclusive minutes of price plans. As per Three's COP Three utilises its dedicated 1913 Customer Support Short Code and it's free to call this number regardless if calling from a mobile or fixed number in Ireland. This information is also presented in Three's price guide ³ and is available for end-users from the website.

In terms of improving customer care standards, our customer experience including making contact with Three more accessible to end users, when a customer is communicating with Three via web-chat, the data connection does not come from their data allowance and it is zero-rated (i.e. free). Small steps such as this improves customer experience, provides for immediate engagement with care and ultimately meets customer's needs in an ever changing communications environment. With such advancements in communication channels and having customer care agents at the touch of button means we are providing customers with a service they expect and responses within timeframes they appreciate. Our COP clearly and transparently details our process for handling complaints, the timeframes to be expected re resolution and escalation points, should a customer not be happy with the resolution proposed/ offered. This we believe is clear and is also detailed in our terms and conditions.

Q.5 Do you agree with ComReg's preliminary view that a complainant cannot be transferred to the Electronic Communications Provider to any form of information technology support line, if the transfer results in the complainant incurring a premium rate or higher call cost rate than the standard basic rate involved in making a complaint? Please explain your answer and provide appropriate evidence, including any cost implications to support your view.

Three agrees with ComReg's preliminary view that a complainant cannot be transferred to the Electronic Communications Provider to any form of information technology support line, if the

³ <http://www.three.ie/pdf/current-priceguide.pdf>

transfer results in the complainant incurring a premium rate or higher call cost rate than the standard basic rate involved in making a complaint.

If a complainant is being transferred internally to another department then the rate should stay the same for the call for example transferring from billing to cancellations. However if the customer needs to be transferred to an external third party, the Electronic Service Provider has no control on their costs. An example of this would be if a customer had an iPhone, they contacted Three for help with their iTunes account, Three in this case is unable to help the end-user but can only advise the customer that they need to contact the manufacturer directly i.e. Apple. Three could also inform the end-user that they should check the costs associated with the call to Apple. The Electronic Communications Provider should not be responsible or liable for any costs that Apple charge as it is outside of our control.

Q.6 (a) Do you agree with ComReg’s preliminary view that all Electronic Communications Providers should have a customer care management system to record end user complaints with the ability to attach all relevant material pertaining to the complaint.

Three agrees with ComReg’s preliminary view that all Electronic Communications Providers should have a customer care management system to record end user complaints with the ability to attach all relevant material pertaining to the complaint. Three’s customer care management system and complaint case management system (‘CRM’) provides us with an efficient system which allows customer care to record customer complaints, attach documents and it enables the team to track all correspondence with the customer on any issue raised – it is effectively a one stop shop which captures everything pertaining to the customer’s account. Three’s customer care management system is robust and it can facilitate the recording of all of the minimum information set out in Paragraph 53. However, the method in which complaints are recorded and retained should be left to the discretion of the service provider, specifically if the method used is compliant with Regulation 27(e) and the system can hold records of contacts and concerns raised by end users as required.

It would be completely disproportionate to require a separate management system for complaints. As outlined above, where the CRM system complies with the requirements as specified then it would be unreasonable and unjust to burden this on operators. Should a separate system be required other than the customer management system this will leave open the potential for unnecessary costs, for example for the actual system, installation, maintenance, training and licence’s for employees.

Q.6 (b) Do you agree with ComReg’s preliminary view that the minimum information as set out in Paragraph 53 is necessary/sufficient?

Three agrees with ComReg’s preliminary view that the minimum information as set out in Paragraph 53 is necessary/sufficient. The outlined set of required minimum information as set out in paragraph 53 is logical and is currently captured in Three’s CRM system and complaint case management system where required.

Q. 6(c) What is your view on the use of reference numbers where end-users raise a complaint with their Electronic Communications Providers?

Three’s view on reference numbers for complaints, is that they should be unique to the end-user. As a result, we can then ensure that we can instantly get access to all records pertaining to the customer including any complaints they have made. Three would not agree with giving customers reference numbers for each complaint made – Three believes the customers own number provides a unique reference and also it means that everything pertaining to that particular customer is recorded on the customers account in the CRM system. Requiring operators to provide a separate unique reference number for complaints would only add further complication and additional layer of complexity to an already robust CRM system, and subsequently would lead to unnecessary and disproportionate financial impact associated with any development costs.

Q. 6(d) For Electronic Communications Providers – please explain your answer and provide appropriate evidence to support your answers above including details of the system you currently operate when customers contact your company with a complaint, the minimum information you currently record and retain and an outline of your use of unique reference numbers as applicable.

Three uses a robust customer care management system which meets and exceeds the suggestions brought forward by ComReg which is used by all customer care agents regardless of channel chosen by the customer.

If a customer contacts us with a complaint/query it is addressed on the customer management system and notes are left on the same system by the agent dealing with the complaint/query

outlining the resolution or next steps and follow up details if required. We aim to resolve any concerns a customer has on their first contact. On occasion where this is not possible (if further action is required by another department) this will be sent to them for resolving and once a resolution is available, the customer is contacted.

If a resolution is available to the end-user and they are not happy with this resolution, we have processes in place where a customer can escalate and have their complaint investigated by a supervisor, regardless of channel. The customer has the option to contact us through an alternative channel if they wish also. All interactions are recorded on one system in order of the most recent so that all history is available to anyone investigating the customer's complaint and this data is retained in compliance with Regulation 27(e).

A customer is provided a reference number for their complaint unique to them upon request. Three believes this should be provided once an issue has been raised to the Electronic Service Provider and they have the chance to investigate and provide a resolution within 10 working days. Three aims to provide resolutions immediately where possible or as soon as possible depending on the complexity of the issue.

Three sees this process as an opportunity to resolve our customers issue as it ensures that the Service Provider has been contacted, is aware of the issue and has had the opportunity to investigate and resolve it. Taking away this opportunity could lead to an increase in complaints being escalated to ComReg that could have been investigated and resolved at an earlier stage with the Service Provider. Ultimately service providers must be given an opportunity to investigate and try and resolve the issue before it being escalated to ComReg. Three believes the current process with ComReg is improving where operators are at least being given an opportunity to engage with the customer instead of the customer escalating straight away to ComReg without going through the service provider's complaint handling process.

Q.7 Do you agree with ComReg’s preliminary view that two working days is a reasonable maximum timeframe for Electronic Communications Providers to provide a unique Complaints Acknowledgement for written complaints (including a reference number if appropriate)? Please explain your answer providing appropriate evidence, including any cost implications to support your view. Do you agree that where a Complaints Response and Resolution is not available at the time of issuing the Complaints Acknowledgement that a response and resolution that addresses all aspects of the complaint raised should be provided by the Electronic Communications Providers between 2 and 9 working days? Please explain your answer providing appropriate evidence, including any cosy implications to support your view.

Three believes for email complaints, an auto-response that issues to a customer which acknowledges receipt of their complaint and details the complaint as submitted by the customer in the email using the contact us form, meets the requirement of the Complaints Acknowledgment requirement. In relation to it detailing a unique reference number, as referenced above our COP clearly details our complaint handling process and we state that *‘Please ensure you quote your unique Account Number and MSISDN to help us keep track of your complaint. We will endeavour where possible to provide customers with an on the spot response to any enquiry. However, where this is not possible we aim to acknowledge all complaints within 2 working days of receipt and will investigate the complaint in accordance with our complaints handling policy (set out below).’* Three aims to answer all email queries/complaints within 2 working days in full and if this is not possible an email is sent outlining the expected timeframe when an answer should be available or request more information if needed.

Three aims to provide a resolution to any query/complaint as soon as possible. This will usually happen within the 10 working day timeframe except in exceptional circumstances. Three endeavours to provide the highest quality of customer service. Each complaint is addressed with as much time as required for a full investigation and understanding of what happened at the core of the complaint and a resolution to be offered. If a resolution has to be rushed this can result in a less time being dedicated to each customer in order to meet the proposed revised and reduced SLA of 9 working days. Alternatively to ensure a continuation of the current high quality of complaint handling, more resources could be required which in turn will have associated costs. As outlined throughout, Three believes the current ComReg Decision remains valid and does not require amendment.

Q.8 Do you agree with ComReg’s preliminary view that the provision of information by the Electronic Communications Providers in respect to the internal/external escalation process where the end-user remains dissatisfied with the resolution should include contact details of the areas/departments to which a complaint can be escalated (i.e. a telephone number and email address)? Please explain your answer providing appropriate evidence, including any cost implications to support your view.

Three agrees with ComReg’s preliminary view that the provision of information by the Electronic Communications Providers in respect to the internal/external escalation process where the end-user remains dissatisfied with the resolution should include contact details of the areas/departments to which a complaint can be escalated (i.e. a telephone number and email address).

Three aims to operate a consistent approach to all customer complaints regardless of the channel they were received through and hopes to provide the same correct/appropriate resolution across all of our customer care channels, voice, letter, email etc. to provide consistency for our customers. As a result a customer can escalate their complaint across each of these channels. Should they wish a customer can contact Three through an alternative channel for a resolution or a review of the previous decision. The decision shouldn’t ultimately change except in exceptional circumstances where further facts are presented and further review is required.

Each channel has a similar hierarchy for escalation, agent through to supervisor. As available in our code of practice today we accommodate that if a customer is not happy with the resolution provided regardless of channel, a customer can contact an alternative channel or send a letter to Three’s customer care manager for investigation and resolution. In addition our COP details the internal and external escalations bodies and provides the addresses of same.

Q.9 Do you agree with ComReg’s preliminary view that all Electronic Communications Providers should set out a minimum level of refunds in appropriate cases in their scheme (or equivalent policy in compliance with Regulation 27 (1)(d) of the Users’ Rights Regulations) and apply those refunds to end users without end-users having to specifically make a request? If you do not agree, please provide alternative suggestions that comply with the requirements of Regulation 27 (1)(d) of the Users’ Rights Regulations and estimates of resources required to meet the requirement.

Three does agree with ComReg’s preliminary view. Three would request that a full impact assessment be conducted prior to any suggestion that an automatic compensation process be introduced.

Each complaint is different and as such a blanket approach to resolving complaints is not plausible by the Service Provider and this approach should apply to all aspects of the complaint including any credit/refund involved in the resolution of the case. Each case is reviewed on a case by case basis as no two situations are ever the same. Three has clearly outlined its customer guarantee scheme in its COP.

By having a scheme in place where refunds are provided automatically this may actually drive complaints overall instead of a reduction. If a Service Provider can show that they are responsible, fair and transparent in their complaint handling process and resolving a customer’s complaint, their methods of refunds should be left to their discretion. This will ensure refunds and/or credits are applied where they are appropriate and there will be no abuses of the customer guarantee scheme while also promoting competition within the industry for promoting a positive and fair customer experience.

Q.10 Do you agree with ComReg’s preliminary view that in order for the Electronic Communications Providers’ codes of practice to be accessible the codes should be available in accessible formats to end-users? If you do not agree, please explain your answer providing appropriate evidence including alternative, suggestions that comply with the requirements of Regulation 27(2) of the Users’ Rights Regulations and estimates of resources required to meet the requirement.

Three agrees that the COP should be available and accessible for its subscribers. As per ComReg Decision D04/14, section 4.2 Accessible Information this requirement is already there however as ComReg has raised this issue for consultation, Three would question based on its own experience of demand, if all formats as suggested is actually required to be present

on the Service Providers websites. Three believes ComReg should complete a full cost benefit analysis to examine in full the benefits of these measures against the cost and demand. Three already advises its customers and potential customers as per its Accessibility Statement on its website that should they require alternative formats that this will be accommodated. To date no request has been made requesting the COP in an alternative format.

In today's innovative and digital society there are many technological advancements available for disabled end users to ensure there is an ease to everyday tasks. The COP can be downloaded and saved as a file to a PC and in this format it makes the document accessible to third party software which a disabled end user may already use. As such the availability of services such as converting files to braille⁴, audio software to read the document⁵ that are compatible with the current format of the COP already make is accessible. Three is not aware of a demand for this service and as such believes costs to provide this service in all formats if mandatory would be disproportionate.

Q.11 Do you agree with ComReg's preliminary view that an Electronic Communications Providers' Codes of Practice should be accessible from an Electronic Communications Providers' Home page of the corporate website, social media and web pages?

Three agrees in part to ComReg's preliminary view in that the COP should be accessible from the homepage of the Service Providers website and social media websites that the Service Provider has ability and control to edit. Three's terms and conditions clearly advises customers as to how they can initiate a dispute and refers to the COP in the terms.

With regard to letters and emails and references to the COP, Three would like further clarification as to what ComReg proposes to be included so be explicitly clear on this requirement.

⁴ Example is <https://www.robobrace.org/>

⁵ Example is <https://www.naturalreaders.com/>

Q.12 Do you agree with ComReg’s preliminary view that the code of practice should be accessible using the search term “code of practice” or ”complaint” or “how to make a complaint” within its corporate website, social media and web pages established by the Electronic Communications Providers for dealing directly with customer complaints? If you do not agree, please explain your answer providing appropriate evidence including alternative suggestions that comply with the requirements of Regulation 27 (2) of the Universal Service Regulations and estimates of resources required to meet the requirement.

Three already has the COP accessible using the search terms provided when using the search bar on the top right of webpage. This search bar is available on every webpage of the website. Not all social media channels have a search bar available therefore it should be left to the discretion of the Service Providers to choose where, how and if it should be published on social media.

Q.13 Do you agree with ComReg’s preliminary view that all Electronic Communications Providers should submit to ComReg on a quarterly basis details of numbers of complaints made by their end-users (including the type of issue raised), the number of days open, Key Performance Indicators (KPIs) reported internally as agreed with ComReg as appropriate, and levels of satisfaction recorded for end-users contacting the relevant service provider as well as any standards accredited or valid for the quarter? If you disagree, please explain your answer providing appropriate evidence.

Three strongly disagrees with this proposal for a number of reasons. This will require significant additional work for each service provider with little or no added benefit for ComReg or customers. In essence service providers would be reporting on so called complaints which have been resolved and were not escalated to ComReg. As such this appears to be an additional burden imposed on operators which will be of little benefit to customers in return for a significant outlay (in terms of time and costs) by service providers. Service providers can receive thousands of contacts to our customer service each quarter. Unless a customer expressly states that they are satisfied with the service then it would be safe to assume that all other contacts would be captured by the *definition any expression of dissatisfaction*. And would require Service Providers to send a bespoke Complaint Acknowledgement to the customer and track the complaint and report it to ComReg.

Three would question how this would benefit end-users. End-users are not interested in knowing how many contacts a company received and were successful in addressing without requiring escalation to ComReg. End-users in our view would prefer if we continued to offer innovative products and services by investing in our networks and providing them with instant responses to contacts as opposed to investing in developing unnecessary reports to take account of the thousands of contacts received over a quarter. As per the Communications Regulation Act, ComReg is required to '*ensure that measures taken by it are proportionate*' i.e. balance the costs versus the benefits arising from providing the service. Three believes that overall the measures proposed by ComReg and specifically the requirement to provide complaint and contact reporting is disproportionate and request that ComReg complete a cost benefit analysis examining the cost, applicability and benefit of the measures proposed and confirming the proportionality of these measures.

Three would question why operators would have to cater for complaints from non-customers and would question is this permitted under data protection considering the person is not a customer of the service provider yet ComReg is requesting that we amend our systems so that we capture and retain information for non-customers.

As referenced by ComReg, the number of complaints received by ComReg are already published by ComReg from end users regarding Electronic Communications Providers quarterly. Three would like to understand how many unique consumers actually access this information so to assess the demand of such information.

To gather and develop reporting tools for this proposed report would lead to disproportionate costs and it would require additional resources to gather this information and present it in an understandable format. With regard to ComReg's statement that it is 'merely a resource issue' is inaccurate because all reporting requirements must go through our Business Intelligence team so ensure the integrity of the data is aligned with best practice – therefore this would require a complete build/development of the reporting required so to meet the requirements of ComReg as per the definitions provided which may / or may not be in line with what operators capture.

With the publication of these numbers end-users may bypass customer care processes and go straight to making a complaint without giving the Service Provider the opportunity to investigate and resolve their issue. This links back to question 2 and the definition of a complaint that needs to be reviewed, as the current definition proposed by ComReg is too broad.

Three prides itself on providing the ultimate customer experience for each end-user and as such wants to make its customer care team accessible as much as possible at times suitable for our customers' needs. Three provides numerous channels for end-users to contact us on and makes this information readily available for end-users, our numbers of contact may be higher than competitors. Presenting the volume of end-user contacts again could appear disproportionate and higher when compared to other Service Providers and this is not a negative thing, it is just our way of providing excellent customer service. Information such as this would have to be presented in context and ComReg would have to ensure that the statistics were not misrepresented as a negative.

As outlined above, Three believes that overall the measures proposed by ComReg and specifically the requirement to provide complaint and contact reporting is disproportionate and request that ComReg complete a cost benefit analysis examining the cost, applicability and benefit of the measures proposed and confirming the proportionality of these measures.

Q.14 Do you agree with ComReg's preliminary view that all Electronic Communications Providers should be required to apply for "The Q Mark for Customer Service Complaints Handling"? If you disagree, please explain your answer providing appropriate evidence and set out details of what alternative standards are in place that you have attained (or are aware of), the means of certification and duration of the standard.

Three prides itself on being innovative and constantly improving its care standards within the market to meet and exceed the needs of end-users. Therefore Three is open to learning more about what the "Q Mark" involves. However, Three would have an issue with ComReg mandating that operators apply for this Q Mark. The accreditation should remain a service differentiator which operators can choose to complete or not and take the risk of losing customers as a result.

In addition in relation to comment 145 – Three would disagree with the assertion that the accreditation would mean greater transparency for end-users. Three's COP is very transparent and comprehensively details the complaint handling process, contact points in order to raise a complaint and escalation contacts. End-users can make very informed decisions on service providers and the customer care service with which they provide because nowadays customers utilise the tools available to them and can share their experiences at the touch of a button and provide information on social media platforms, websites and public forums – the Q mark is not going to resolve complaints. Finally there was a 3rd option with

which ComReg could have considered which was to do nothing and leave operators to differentiate themselves by providing the ultimate customer experience.

Q.15 Do you agree with ComReg’s draft high level assessment of the impact of the proposed regulatory options? Are there other factors that you consider to be relevant? Please explain your answer providing appropriate evidence and costing, if applicable.

Objective 1 option 1 point 112) Three notes ComReg’s view on different approaches across Electronic Communication Providers. Three believes that allowing the different approaches allows competition in the marketplace. As noted by ComReg there is a variant in the information provided by the code of practice but Three exceeds its requirements and does not want to see the quality of our current code of practice fall.

113) Three has a dedicated channel for complaints through email which is found on the three.ie/contactus page. The form which the customer populates provides the ability for customers to detail their issue, complaint or compliment and submit it to Three – on submission the customer receives an automatic acknowledgment via email which includes the contents of the information as supplied by the customer. Three doesn’t provide an actual email address to its customers – the email is accommodated via the form. This method records all interactions with the customer and the customer has email evidence of same.

As noted previously Three does facilitate complaints and aim to provide resolution on every channel bar public forums as mentioned above.

Option 2) Retaining the status quo is reasonable as Three outlined above the minimum standard for complaint handling as per ComReg’s Decision in 2003 are replicated in ComReg’s proposed measures. Of our own initiative Three is constantly reviewing processes in place with particular reference to customer channels and the options available to customers. This innovative thinking is what drives competition in the market and ensure there is a constant increase in standards.

Objective 2) As detailed in the answer to question 13, Three disagrees with this objective and option 2 is the preferred option.

Objective 3) As noted in question 14 Three does not agree with mandatory applications as proposed.

Q.16 Do you agree or disagree with the wording of ComReg’s draft Decision Instrument? Please explain your answer providing appropriate evidence.

Three disagrees with the wording of ComReg’s draft Decision Instrument for the reasons outlined in the above responses. Three believes that once all concerns raised throughout this consultation process are addressed by ComReg, then we can review and input into a revised Decision Instrument.

Q.17 Do you agree with the effective date? Please explain your answer providing appropriate evidence.

Three believes that we cannot agree to an effective date, when the final Decision Instrument will dictate if new and unnecessary requirements, most notably the reporting requirements are mandated on operators and as a result will require IT development / build. Furthermore the reporting requirements refers to KPIs but these KPIs are not detailed – operators have their own KPIs and these would not be consistent across the industry. If this is the case then Three would need more than 6 months to implement such changes. ComReg should let the market drive customer experience and let customers decide on which service provider best fits their service needs including complaint handling.

TIF response to the ComReg consultation (16/118r) on the Consumer Complaints Code of Practice

The Telecommunications and Internet Federation (TIF) is the Ibec representative body for the electronic communications industry in Ireland. TIF members include all companies making significant capital investment in Ireland's telecommunications infrastructure. TIF welcomes the opportunity to respond to the consultation.

TIF believes that in circumstances where operators fail to address customer complaints in a satisfactory manner it is open to the customer to simply move to another operator in what is a very competitive environment.

In summary, TIF members are concerned about the following:

- The definition in the Regulations at present is more than adequate and TIF does not understand how or why ComReg is seeking to extend it;
- Mandating means of accepting complaints would expose customers to unnecessary security risks and would delay complaint resolution and result in significant costs for service providers;
- TIF members receive thousands of calls every week. The wide definition of "complaint" would result in TIF members having to send correspondence to a large portion of those that call as well as tracking and monitoring thousands of issues;
- TIF believes that any suggestion that automatic compensation must be introduced is not appropriate until a full impact assessment has been conducted;
- TIF views the provision of quarterly data as excessive given ComReg already publishes quarterly data on customer complaints. The reporting requirements would result in significant additional costs for little or no return. Operators' experience is that customers are not interested in the number of complaints that are successfully resolved by a service provider. The key data relates to those that were not resolved and in circumstance where ComReg insist on service providers reporting then it should be isolated to unresolved complaints.

In particular, TIF refers to the following:

The Minimum Standards (the headline issues)

- (a) Definition of “complaint” includes any statement of dissatisfaction.
- (b) Providers must offer a telephone number, an email address and an address for complaints.
- (c) A two-step approach to complaint handling:
 - A Complaint Acknowledgement sent within 2 days; and
 - A Complaint Response and Resolution within 9 days.
- (d) It is ComReg’s preliminary view that end-users should not have to specifically request the refunds promised by an Electronic Communications Provider; the payment as set out by in their code of practice should instead be applied by an Electronic Communications Provider if, and when, appropriate.

Our comments are as follows:

- (a) The definition is far too wide. Each member of TIF receives several thousand calls per week to their service telephone line. Under the rules proposed by ComReg each such call where any expression of dissatisfaction is expressed would require members to (1) send a bespoke Complaint Acknowledgement to the customer and (2) track the complaint and report it to ComReg.

TIF believes that the definition should mirror the Regulations which include a much narrower definition. TIF fails to see how the proposed definition of “complaint” could meet ComReg’s transparency requirements. In addition, the Regulation only applies to “end-users” so the guidelines should have similar application. This would not cover non-customers. TIF members’ internal systems are not set up to track and monitor issues before the individual becomes a customer.

- (b) All operators do not currently accept complaints via all three media/methods. Implementing new solutions would be costly to implement and would expose customers to unnecessary security risks and may result in delays in implementation.

TIF suggests that allowing two of the three methods should suffice. Mandating new means of contacting operators would result in additional costs and would undoubtedly disrupt current processes and in fact result in longer resolution times for customers. In addition, it is necessary to identify and verify that the customer is actually sending the communication. In most cases this requires the service provider to speak with the customer.

- (c) The rules should not apply if a complaint is resolved within the 2 day period (first time resolution). The wide definition of “complaint” could result in TIF members sending thousands of such responses.

TIF considers that requiring service providers to send correspondence in circumstances where the customer issue has already been resolved is not objectively justifiable and is not a proportionate requirement. It would create an additional layer of bureaucracy which is simply not necessary as the complaint would have been resolved and would take time away from addressing outstanding complaints.

- (d) TIF is concerned that this may be a first step towards automatic compensation. The flexibility currently granted to operators in this regard is, in TIF's view, more appropriate.

Setting a minimum level of compensation goes above and beyond the requirements in the Regulations. No service can be described as infallible but it can also be said that failures that may occur do not necessarily result in any customer loss or even customer inconvenience. Where a customer is impacted by a service issue, TIF agrees that it is appropriate to offer refunds to customers. The only practical way of doing this is through the provision of an accessible complaints handling process through which customers can raise a complaint. If ComReg were to mandate automated refunds which would by definition apply to all customers that might possibly have been impacted by an issue, it would impose significant costs on the sector which in such a competitive retail market would ultimately result in higher prices for customers.

Reporting of complaints handling statistics

ComReg is proposing that each quarter a report be submitted by each provider which sets out the number of complaints from end-users in the quarter, the types of issues raised (with definitions provided), the number of days open and Key Performance Indicators (KPIs).

This would require significant additional work for each service provider with little or no added benefit for ComReg or customers. In essence TIF members would be reporting on 'complaints' which have been resolved and were not escalated to ComReg. As such this appears to be an additional burden imposed on operators which would be of little benefit to customers in return for a significant outlay (in terms of time and costs) by service providers. TIF members can receive thousands of calls to their customer service lines each week. Unless a customer expressly states that they are satisfied with the service then it would be safe to assume that all other calls would be captured by the definition "any expression of dissatisfaction".

The Regulations make no reference to such reporting. Regulation 15(2) of the Regulation provides that ComReg may require an undertaking to provide to end-users and consumers such of the information set out in Schedule 3 as the Regulator may specify. Schedule 3 lists a number of categories of information, none of which would appear to incorporate complaint data. TIF queries the basis upon which ComReg is requesting this information.

Quality standard for complaints handling

TIF refers to the requirement for service providers to apply for the Q Mark to ensure transparency in the market in respect of levels of customer service available to end-users. At present the standard is voluntary and no operator has attained it.

This would involve operators preparing an application each year. It is unlikely to result in a significant additional workload but the logic for introducing it, is flawed. If everyone is forced to apply for the standard then there is no service differentiator.

The legal basis on which ComReg is seeking to impose such a certification standard on service providers is unclear. It is not covered by the Regulations. The accreditation should remain a service differentiator which operators can choose to seek or not and take the risk of losing customers as a result.

13 February 2017



The reporting requirements would result in significant additional costs for little or no return. TIF members' experience has been that customers are simply not interested in the number of complaints that are successfully resolved by a service provider. The key data relates to those that were not resolved and in circumstance where ComReg insist on service providers reporting then it should be isolated to unresolved complaints. TIF proposes that this should be left to the market and the forced application to one of many standards is intrusive.

Conclusion

It is in TIF members' commercial interest to manage complaints efficiently as failure to do so will result in customer churn, and reduce revenue. Therefore TIF believes that the level of intervention is neither necessary nor proportionate.



Virgin Media response to:

Consultation: ECS Complaints Handling Code of Practice ComReg

ComReg 16/118

13 February 2017

Summary

Virgin Media Ireland Limited (**‘Virgin Media’**) welcomes the opportunity to respond to ComReg’s Consultation (**‘the Consultation’**) on the Electronic Communications Complaints Handling Code of Practice (**‘ComReg 16/118’**).

Virgin Media has responded to ComReg’s specific questions in the next section. The main themes of this response are as follows:

- 1. It is in our commercial interest to manage complaints efficiently.** Failure to do so can result in customer churn, and reduce revenue. In which case, the level of intervention proposed by ComReg is neither necessary nor proportionate. Rather than imposing detailed rules in relation to the handling of complaints by ECS providers, ComReg could instead provide guidelines on what it considers to be best practice in relation to complaints management.
- 2. A requirement to offer a ‘complaints resolution’ option in the IVR would undermine Virgin Media’s existing customer care model.** This could cause significant logistical problems in Virgin Media’s delivery of customer care and complaint resolution.
- 3. A “complaint” should be defined in such a way that involves an *explicit* expectation of a response.**
- 4. The specification of minimum refund levels is not likely to benefit consumers.** There are a wide range of issues impacting on our customers, and the extent of the impact varies in each case. For this reason, the allocation of refunds is more appropriately managed by our Customer Care agents on a case-by-case basis.
- 5. The proposed requirement for operators to provide quarterly data to ComReg is onerous and unnecessary.** ComReg’s existing Consumer Line Statistics quarterly reports already provide sufficient information for ComReg to monitor the efficacy of complaints handling by Electronic Communications Service providers. Furthermore, ComReg has information gathering powers available under S13D, so there is no need to impose a new obligation here that is specific to complaint handling information.
- 6. The requirement to apply for ‘The Q Mark for Customer Service Complaints Handling’ is unnecessary and inappropriate.**

Response to Consultation Questions

Q. 1 Do you agree with ComReg’s preliminary view that it is appropriate to review the minimum standards required in Electronic Communications Providers codes of practice for complaints handling? Please explain your answer providing appropriate evidence.

Electronic Communications Service (ECS) providers are operating in an intensely competitive market place. It is in our commercial interest to ensure that customers are, first and foremost, happy with their service and that, in the event they have cause to complain, their complaint will be handled in an expeditious and efficient manner. Failure to do so will have a commercial (e.g. customer churn, and reduced revenue) and reputational impact. For this reason, ECS providers already have robust complaints handling procedures in place, and are best placed themselves to determine how best to manage this process.

ComReg's own published complaints figures show that in Q3 2016 as few as 0.12 complaints were made to ComReg for every 1000 of Virgin Media's customers.¹ This is evidence in itself that Virgin Media's complaints handling process is working. In that context, Virgin Media considers that ComReg's proposal to effectively 'micro-manage' complaints handling function of ECS providers is unnecessary and disproportionate.

Virgin Media suggests that, rather than imposing detailed rules in relation to the handling of complaints by ECS providers, ComReg could instead provide guidelines on what it considers to be best practice in relation to complaints management. Such a document could serve as a useful template for the industry, without imposing onerous and restrictive rules that may or may not be compatible with an operator's systems and processes, while at the same time informing consumers about what ComReg considers to be best practice when it comes to complaint handling.

Separately, Virgin Media notes that business communications services require tailored levels of technical support and performance targets such as response times (which can be understood to include complaints handling) are included in service level agreements (SLA) between the two parties. As such, business services do not require regulatory intervention. Virgin Media would therefore request that these services are explicitly excluded from this code.

Q. 2 Do you agree with ComReg's preliminary views regarding the definition of a complaint?
Please explain your answer providing appropriate evidence.

ComReg proposed the following definition of "complaint":

An expression of dissatisfaction made to a service provider relating to its products or services, or relating to the complaints handling process itself, where a response or resolution is explicitly or implicitly expected

Virgin Media considers that a complaint should only arise when there is an *explicit* expectation of a response or resolution. This is because, without an explicit expression of a response, there may be ambiguity about whether the customer wanted the ECS provider to treat the matter as a complaint or not. Virgin Media therefore proposes removing the words "or implicitly" from ComReg's proposed definition.

Q. 3 Do you agree with ComReg's preliminary view that as a minimum, the first point of contact for Electronic Communications end-users should include a Freephone (1800) number or a 19XX Customer Support Short Code or Geographic telephone number, an email address and an address? Please explain your answer providing appropriate evidence, including any cost implications to support your view.

Virgin Media agrees that the first point of contact should include a Freephone (1800) number or a 19XX Customer Support Short Code or Geographic telephone number, an email address and an address.

However, Virgin Media strongly disagrees with the proposal made by ComReg in 4.1(a) of the Draft Decision Instrument that:

If an Interactive Voice Response (IVR) is in use on the relevant telephone number, the IVR shall specifically address the fact that a call is being routed towards the service provider's complaints management process. This shall be acknowledged in the IVR prompt wording used; for example, 'Select 1 for complaints resolution';

¹ ComReg Consumer Line Statistics Q3 2016. <https://www.comreg.ie/publication/comreg-consumer-line-statistics-q3-2016/>

Providing a specific complaints resolution option from the outset is not standard practice because the first step is to speak with the customer and identify the course of action required. In many cases, the course of action may be a simple explanation by a customer care agent, or an immediate fix that does not involve any escalation or subsequent response.

Virgin Media customers are initially directed within our IVR towards *Customer Care* agents, whom are trained and empowered to resolve customer issues. Virgin Media's aim is to resolve the issue at first contact. This typically involves working through the issue with the customer, troubleshooting, and finding a solution that fixes the issue and leaves our customer satisfied. In most cases the issue can be addressed while the customer is on the phone, and no further action is required. For example, the issue may be resolved once our customer care agent has explained a feature of the customer's bill that they were confused about, or has prompted the customer to reboot their modem. By addressing these types of issues within customer care, it avoids unnecessary escalation of issues and queries to 'complaint' status.

In the exceptional case where the issue being reported by the customer cannot be resolved immediately by our customer care agents and its resolution requires further action, it will be escalated as a complaint and the customer will be provided with a unique Case ID. In practice, less than 1% of inbound calls received by customer care are escalated as a complaint.

Prompting customers to select 'complaints resolution' in the IVR is likely to channel a large volume of calls towards the complaint handling option that would have otherwise been addressed efficiently by our Customer Care agents, and which in most cases would have required no further action. This would undermine the customer care model that Virgin Media has in place today, and potentially cause significant logistical problems in the delivery of customer care and complaint resolution.

Virgin Media therefore strongly disagrees with the proposed requirement for the specific routing of calls within the IVR towards the provider's complaints management process. Virgin Media considers that such an obligation would be unnecessary, and would be likely to adversely impact on customer experience. As noted in response to Q1, Virgin Media considers that ECS providers are best placed to determine how best to manage their own customer care and complaint handling process.

Q. 4 Do you agree with ComReg's preliminary view that if a provider chooses to use a number other than a Freephone (1800) number, a 19XX Customer Support Short Code or a Geographic telephone number, then the provider must indicate maximum charges that can apply and whether calls to such numbers are generally within inclusive minutes of price plans? Please support your answer in full.

Please see response to Q1. Virgin Media uses 1908 for customer care, including to register complaints. As noted above, it is in our commercial interest to make it easy for customers to resolve any issues that they have.

Q. 5 Do you agree with ComReg's preliminary view that a complainant cannot be transferred by the Electronic Communications Provider to any form of information technology support line, if the transfer results in the complainant incurring a premium rate or higher call cost rate than the standard basic rate involved in making a complaint? Please explain your answer and provide appropriate evidence, including any cost implications to support your view.

Please see response to Q1. Virgin Media would not, as a matter of practice, address customer complaints in this manner.

Q. 6 (a) Do you agree with ComReg's preliminary view that all Electronic Communications Providers should have a customer care management system to record end-user complaints with the ability to attach all relevant material pertaining to the complaint?

Please see response to Q1. Virgin Media would, as a matter of practice, ensure that such systems are in place. A customer care management system is important for the efficient management customer care and complaints.

Q. 6 (b) Do you agree with ComReg's preliminary view that the minimum information as set out in Paragraph 53 is necessary/sufficient?

Please see response to Q1. ComReg has proposed that ECS providers should be required to record the following information in relation to a complaint:

- a. The complainant's name, phone number and contact details;
- b. The complainant's account number;
- c. Category /classification of issue e.g. billing issue
- d. The date of the complaint;
- e. A copy of the complaint (or notes made of telephone/oral communications with the complainant relating to the complaint);
- f. Any communication with the complainant including details of the response to the complaint;
- g. Documentation, such as letters, bills etc.
- h. Details of the resolution of the complaint and any determination in respect of the complaint; and
- i. The closure date of the complaint.

Virgin Media, as a matter of practice, already records this information in relation to customer complaints. It is likely that other operators do the same, since it is required in order to keep an accurate record of any complaints received.

Q. 6 (c) What is your view on the use of reference number where end-users raise a complaint with their Electronic Communications Providers?

Virgin Media, as a matter of practice, assigns a reference number where a customer raises a complaint. Our customer service agents, and indeed our customers, can then refer to this number in subsequent correspondence. This makes it easier to manage and track the complaint.

Q. 6 (d) For Electronic Communications Providers – please explain your answer and provide appropriate evidence for your answers above including details of the system you currently operate when customers contact your company with a complaint, the minimum information you currently record and retain and an outline of your use of unique reference numbers, as applicable.

Virgin Media's complaints handling team has a robust process in place to ensure that customer complaints are managed efficiently and that our customer is kept in the loop. Here is a high level description of the process:

1. A Virgin Media customer files a complaint through 1908 (customer care) or online.
2. The customer receives a text message on the same day (or on the next working day if the complaint is made online on a Sunday) that acknowledges receipt of the complaint and providing their unique case ID. This unique case ID is referenced in subsequent communications between our agent and the customer.
3. Our customer complaints team aims to contact the customer and resolve the issue within 48 hours of the complaint being lodged – at the first point of contact if possible.

4. If the complaint cannot be resolved on the spot - e.g. a service issue that requires a technician to visit the customer premises – our agent will advise the customer of the steps required to resolve the issue, and then keep them up to date as we proceed through those steps.
5. In cases where the complaint has not been resolved within ten working days, we let the customer know that we're still working on the issue, and inform the customer that they can take their complaint to ComReg.
6. When the issue has been resolved to the customer's satisfaction, we send the customer a text message advising them that the case has been closed.

Q. 7 Do you agree with ComReg's preliminary view that two working days is a reasonable maximum timeframe for Electronic Communications Providers to provide a unique Complaints Acknowledgement for written complaints (including a reference number if appropriate)? Please explain your answer providing appropriate evidence, including any cost implications to support your view. Do you agree that where a Complaints Response and Resolution is not available at the time of issuing the Complaints Acknowledgement that a response and resolution that addresses all aspects of the complaint raised should be provided by the Electronic Communications Provider between 2 and 9 working days? Please explain your answer providing appropriate evidence, including any cost implications to support your view.

Virgin Media agrees that two working days is a reasonable timeframe for ECS providers to acknowledge complaints and to provide the customer with a unique case ID.

However, Virgin Media disagrees with ComReg's proposal set out in paragraph 66 of the main body of the consultation document that *an automated template response that does not reflect the actual details of the individual complaint is not acceptable as a Complaint Acknowledgement*.

As explained above, Virgin Media has a complaints team dedicated to resolving customer complaints as quickly as possible. This team aims to resolve complaints on first contact, and within two days. This means reviewing the details of the complaint, contacting the customer, and resolving the complaint within one step. Where an issue cannot be resolved on first contact, the customer will be contacted by the agent, assigned a unique case ID and made aware of the actions that are being taken by the team to resolve the complaint.

However, on occasion, incidents can arise that drive a large number of complaints within a short period of time, and sometimes we cannot review all of the complaints within two days. When this situation arises, complaints enter a queuing system. It is important that any customer that has made a complaint is made aware that we have received the complaint, and is assigned a reference number associated with the complaint. Virgin Media uses an automated text message to perform this task. The text message is effective in that it ensures that the necessary information is communicated to the customer without diverting our agents away from resolving customer issues.

In relation to the proposed 9 day response time for resolving complaints - as noted in Q1, Virgin Media operates in a competitive retail market place, and therefore has a strong commercial interest in resolving customer complaints as quickly as possible. We want to resolve complaints quickly and keep our customers happy so that they tell their friends and family how great we are. That being said, some complaints are more complex, and require more time to fix.

Currently Regulation 27(1)c of the Users' Rights Regulations provides a 10-day response time for resolving complaints, or in exceptional cases where the case has not yet been resolved, for the operator to contact the customer and advise them of the reasons for the delay. ComReg has arbitrarily proposed to reduce that timeframe 9 working days. Virgin Media considers that the 10 working days provided for in the Regulations remain appropriate, and therefore disagrees with ComReg's proposal to shorten the response time for complaints to 9 working days.

Q. 8 Do you agree with ComReg's preliminary view that the provision of information by the Electronic Communications Provider in respect to the internal / external escalation process where the end-user remains dissatisfied with the resolution should include contact details of the areas/departments to which a complaint can be escalated (i.e. a telephone number and email address)? Please explain your answer providing appropriate evidence, including any cost implications to support your view.

Please see response to Q1.

Q. 9 Do you agree with ComReg's preliminary view that all Electronic Communications Providers should set out a minimum level of refunds in appropriate cases in their scheme (or equivalent policy in compliance with Regulation 27 (1)(d) of the Users' Rights Regulations) and apply those refunds to end-users without end-users having to specifically make a request? If you do not agree, please provide alternative suggestions that comply with the requirements of Regulation 27 (1)(d) of the Users' Rights Regulations and estimates of resources required to meet the requirement.

Please see response to Q1. Virgin Media disagrees with ComReg's preliminary view that all ECS providers should be required to set out a minimum level of refunds and apply those refunds to end-users without end-users having to specifically make a request.

Virgin Media notes that there are a wide range of issues impacting on our customers, and the customer impact can vary in each case. For any category of complaint, the minimum level of refund will apply in cases where there is little or no impact on the customer, and therefore will be close to zero. Requiring operators to publish the minimum level of refunds therefore may confuse customers, particularly those that have been significantly impacted by an issue, and to whom a higher level of refund is due.

Virgin Media encourages customers to contact our customer care agents if they are having an issue with their service. That way, the customer can explain the details around the issue to our agent, including the extent to which it has impacted on them. Our customer care agents have discretion to apply refunds according to the particular circumstances of the case. Virgin Media considers that this approach to resolving customer issues, and applying refunds, offers suitable flexibility and is the best way to assign refunds. Virgin Media considers that there is no evidence that a problem exists in the allocation of refunds to customers by ECS providers, and therefore there is no basis for imposing rules around the publication of minimum refund levels.

For the same reason, it is not practical to assign discounts to customers without first gaining an understanding of the issue, and of how the customer was impacted (prior to the customer making a request).

Q. 10 Do you agree with ComReg's preliminary view that in order for the Electronic Communications Providers' codes of practice to be accessible the codes should be available in accessible formats to end-users? If you do not agree, please explain your answer providing appropriate evidence including alternative suggestions that comply with the requirements of Regulation 27 (2) of the Users' Rights Regulations and estimates of resources required to meet the requirement.

Please see response to Q1. Virgin Media has no objection to making our customer complaints code of practice accessible to our customers.

Q. 11 Do you agree with ComReg's preliminary view that an Electronic Communications Provider's code of practice should be accessible from an Electronic Communications Provider's Home page of the corporate website, social media and web pages?

Virgin Media has no objection to providing a direct link to the customer complaints code of practice on the home page of our web site.

Virgin Media does not have specific social media accounts set up for handling customer complaints, but has general social media accounts where customers can report issues and chat with customer care agents. These are general purpose commercial social media accounts, and it is not practical or, in Virgin Media's view, appropriate to provide a direct link to the code of practice for handling complaints on these social media profile pages. Virgin Media notes that the standard profile page format on Twitter and Facebook are restrictive in terms of the amount of content that can be presented. We provide a link to Virgin Media's corporate website in the small amount of space that is available on our Facebook and Twitter profile pages. Through this link, customers can access the code of practice on our website.

Q. 12 Do you agree with ComReg's preliminary view that the code of practice should be accessible using the search terms 'code of practice' or 'complaint' or 'how to make a complaint' within its corporate website, social media and web pages established by the Electronic Communications Provider for dealing directly with customer complaints.? If you do not agree, please explain your answer providing appropriate evidence including alternative suggestions that comply with the requirements of Regulation 27 (2) of the Universal Service Regulations and estimates of resources required to meet the requirement.

As noted above, Virgin Media has no objection to providing a direct link to the customer complaints code of practice on the home page of our web site.

Q. 13 Do you agree with ComReg's preliminary view that all Electronic Communications Providers should submit to ComReg on a quarterly basis details of numbers of complaints made by their end-users (including the type of issue raised), the number of days open, Key Performance Indicators (KPIs) reported internally as agreed with ComReg as appropriate, and levels of satisfaction recorded for end-users contacting the relevant service provider as well as any standards accredited or valid for the quarter? If you disagree, please explain your answer providing appropriate evidence.

Virgin Media disagrees with the proposal that ECS providers should be required to provide this information to ComReg on a quarterly basis. Virgin Media considers that ComReg's current practice of monitoring and publishing its own complaint data on a quarterly basis is a sufficient means of monitoring the incidence and escalation of complaints, and that there is no need for ComReg to intervene in complaints handling at an operator level.

Virgin Media notes that these proposed measures would be onerous and would place an unnecessary burden on ECS providers. As noted in Q1, ECS providers are operating in an intensely competitive market place, and therefore are already incentivised to manage complaints efficiently. Failure to do so can often result in customer churn. In that context, Virgin Media considers that monitoring and 'micro-managing' the complaints handling function of ECS providers at this level is no proportionate or justified.

In any case, Virgin Media notes that ComReg already has the power to obtain information under Section 13(D) of the Act, so there is no need for ComReg to impose specific regulation in relation to the provision of complaints data.

Q. 14 Do you agree with ComReg's preliminary view that all Electronic Communications Providers should be required to apply for 'The Q Mark for Customer Service Complaints Handling'? If you disagree, please explain your answer providing appropriate evidence and set out

details of what alternative standards are in place that you have attained (or are aware of), the means of certification and duration of the standard.

Virgin Media disagrees with ComReg's proposal that ECS providers should be required to apply for 'The Q Mark for Customer Service Complaints Handling'.

As noted in response to Q1, ECS providers operate in a competitive market place and are incentivised to manage complaints efficiently in order to avoid churn. It is in our direct interest to ensure that we manage complaints to the satisfaction of our customers. ComReg also has a role in monitoring complaints relating to ECS.

Our primary focus is therefore ensure that our complaints management process keeps our customers happy, and that we are compliant with relevant regulations. While an ECS provider may find it useful to engage an external auditor to test its complaints handling process, in Virgin Media's view it is not appropriate, nor is it necessary, for ComReg to require ECS providers to apply for a quality standard administered by a third-party agent.

Q. 15 Do you agree with ComReg's draft high level assessment of the impact of the proposed regulatory options? Are there any other factors that you consider to be relevant? Please explain your answer providing appropriate evidence and costings, if applicable.

Virgin Media disagrees with ComReg's assessment. For the reasons explained throughout this response, Virgin Media considers that ComReg's proposed interventions are in many cases unnecessary or disproportionate. Please see response to Q1.

Q. 16 Do you agree or disagree with the wording of ComReg's draft Decision Instrument? Please explain your answer providing appropriate evidence.

Virgin Media suggests that, rather than imposing detailed rules in relation to the handling of complaints by ECS providers, ComReg could instead provide guidelines on what it considers to be best practice in relation to complaints management.

Q. 17 Do you agree with the effective date? Please explain your answer providing appropriate evidence.

No comment



Vodafone Response to ComReg Consultation Document 16/118
'Electronic Communications Complaints Handling Code of Practice'

13/2/16

Introduction

Vodafone welcomes the opportunity to respond to ComReg’s consultation on the Electronic Communications Complaints Handling Code of Practice. Our responses to the consultation questions are set out below.

While Vodafone support many of the proposals put forward by ComReg, there are nevertheless concerns that some measures are overly prescriptive and warrant further consideration. These include proposals to require that all expressions of dissatisfaction, including easily resolved routine matters are required to be recorded and formally acknowledged and requirements for email submission in addition to online form and live chat facilities.

Vodafone do not agree with proposals to require submission of complaints data on a quarterly basis. ComReg currently publish comprehensive data around operator complaints and no additional programmes are justified or warranted at this time. In relation to proposals to require operators to apply for the ComReg Q Mark it is our view that this should be at the discretion of competing operators and forced application to one of many standards is intrusive.

We agree that the primary focus in this consultation should be to address compliance with existing requirements and ensuring consistency of approach to development, publication and transparency around Codes of Practice for complaint handling.

Consultation Questions

Question 1: Do you agree with ComReg’s preliminary view that it is appropriate to review the minimum standards required in Electronic Communications Providers codes of practice for complaints handling? Please explain your answer providing appropriate evidence

Vodafone agree that a consistent approach is necessary to ensure compliance with Code of Practice requirements. It is appropriate that there is a minimum standard and in general the basic principles established in the current ComReg Code of Practice requirements should be maintained. It is more beneficial for consumers, at this time, if ComReg focus on the consistent application of existing requirements rather than seek to develop more prescriptive measures.

It is important to adopt pragmatic measures and in setting a minimum standard ComReg should avoid imposing overly prescriptive measures that have the potential to cause significant customer inconvenience and risk imposing unnecessary bureaucratic steps within the customer engagement process. This is discussed in more detail in relation to the proposed definition for customer complaints.

Question 2: Do you agree with ComReg’s preliminary views regarding the definition of a complaint? Please explain your answer providing appropriate evidence.

Vodafone acknowledge the requirement for ComReg to develop a consistent definition and that any interaction where the end-user seeks their service provider to resolve a complaint, by its nature, requires the

service provider to take action. However the definition as proposed, covering ‘any expression of dissatisfaction’ is extremely broad and gives rise to a number of practical challenges.

Firstly, the situation often arises where a service provider deals with a customer query or complaint promptly, at time of contact, to the satisfaction of the customer. In such cases recording, acknowledgement and formal response is often not required. This is an efficient and effective way to deal with standard queries that arise and are dealt with on a routine basis. For routine matters it is inefficient for the customer and excessive to require the service provider to record (and require the customer to provide) the minimum information as set out in Paragraph 53 of the consultation, to require formal acknowledgement and to require formal response.

A practical challenge also arises where a service provider is required to judge whether a response or resolution is ‘implicitly’ expected. It is accepted, other than for routine queries that where a complaint arises, and as stated in paragraph 29 of ComReg’s consultation ‘action is sought by the customer’, that a complaint should be recorded and subject to the complaints process.

ComReg also propose that a service provider would be required to record all defined complaints raised within its IT systems for non-customers. We acknowledge situations can arise where it may be required to record and respond to non-customers issues in relation to products and services, such as in the examples provided around website accessibility however the required development of IT systems to manage every single non-customer issue is excessive.

Question 3: Do you agree with ComReg’s preliminary view that as a minimum, the first point of contact for Electronic Communications end-users should include a Freephone (1800) number or a 19XX Customer Support Short Code or Geographic telephone number, an email address and an address? Please explain our answer providing appropriate evidence, including any cost implications to support your view.

Vodafone agree on proposals around phone and post. We suggest that online forms and web chat customer should have equivalence to email services. These services deliver enhanced customer engagement features and permit real time resolution of customer issues.

The online form and live chat services provide a reliable centrally managed customer query submission tool and operator contact management function. These platforms enable the retention of complete and comprehensive records of customer engagement. We note ComReg welcome these contact methods and it is our view that a service provider who delivers customer service by online form or by web chat should not also be required to provide an email service.

Question 4: Do you agree with ComReg’s preliminary view that if a provider chooses to use a number other than a Freephone (1800) number, a 19XX Customer Support Short Code or a Geographic telephone number, then the provider must indicate maximum charges that can apply and whether calls to such numbers are generally within inclusive minutes of price plans? Please support your answer in full.

Vodafone agree in principle that it is important to be clear about the costs of calling customer care. ComReg need to consider the complexities that arise depending on the customers calling scenario. It is arguably misleading to try to provide maximum call charge information for all calling scenarios.

A customer may call with a query from a service connected to another service provider's tariff plan and it would not be possible to advise charging in this case. The assumption must be that the customer is calling from the service that they have with the operator. For certain services e.g. where a customer does not have a voice tariff plan it is only possible to provide general information as the charge is dependent on the customer's voice service provider / the service provider for the service the customer is using to make contact.

Question 5: Do you agree with ComReg's preliminary view that a complainant cannot be transferred by the Electronic Communications Provider to any form of information technology support line, if the transfer results in the complainant incurring a premium rate or higher call cost rate than the standard basic rate involved in making a complaint? Please explain your answer and provide appropriate evidence, including any cost implications to support your view.

Vodafone agree with this view.

Question 6:

(a) Do you agree with ComReg's preliminary view that all Electronic Communications Providers should have a customer care management system to record end-user complaints with the ability to attach all relevant material pertaining to the complaint?

(b) Do you agree with ComReg's preliminary view that the minimum information as set out in Paragraph 53 is necessary/sufficient?

(c) What is your view on the use of reference number where end-users raise a complaint with their Electronic Communications Providers?

(d) For Electronic Communications Providers – please explain your answer and provide appropriate evidence for your answers above including details of the system you currently operate when customers contact your company with a complaint, the minimum information you currently record and retain and an outline of your use of unique reference numbers, as applicable.

Vodafone agree that operators should have a system to record customer complaints. We do not believe it is necessary to capture minimum information in respect of routine queries as outlined in answer to question 2 above. Vodafone assign unique complaint references once an issue is recorded as a complaint.

Question 7: Do you agree with ComReg’s preliminary view that two working days is a reasonable maximum timeframe for Electronic Communications Providers to provide a unique Complaints Acknowledgement for written complaints (including a reference number if appropriate)? Please explain your answer providing appropriate evidence, including any cost implications to support your view. Do you agree that where a Complaints Response and Resolution is not available at the time of issuing the Complaints Acknowledgement that a response and resolution that addresses all aspects of the complaint raised should be provided by the Electronic Communications Provider between 2 and 9 working days? Please explain your answer providing appropriate evidence, including any cost implications to support your view

It is important to avoid overly prescriptive and complex requirements around complaint acknowledgement and resolution. It is impossible to develop an exact science ensuring all questions, queries and complaints can be resolved within set timeframes.

We note ComReg has rejected the use of automated responses however an immediate automated response provides assurance that the correspondence has been received and - provided that sets a clear expectation as to when further contact will follow - that should suffice.

Vodafone agree it is important to acknowledge the customers complaint and provide details as to when the customer can expect further contact however the imposition of an additional administrative requirement, to provide context within the acknowledgement, is unnecessary and has the potential to increase lead times for resolution of minor matters.

Question 8: Do you agree with ComReg’s preliminary view that the provision of information by the Electronic Communications Provider in respect to the internal / external escalation process where the end-user remains dissatisfied with the resolution should include contact details of the areas/departments to which a complaint can be escalated (i.e. a telephone number and email address)? Please explain your answer providing appropriate evidence, including any cost implications to support your view.

The escalation path is currently provided for within the Code of Practice. It is not appropriate to require operators to specify telephone numbers at escalation level as escalation points may not be resourced to manage inbound calling lines.

Question 9: Do you agree with ComReg’s preliminary view that all Electronic Communications Providers should set out a minimum level of refunds in appropriate cases in their scheme (or equivalent policy in compliance with Regulation 27 (1)(d) of the Users’ Rights Regulations) and apply those refunds to end-users without end-users having to specifically make a request? If you do not agree, please provide alternative suggestions that comply with the requirements of Regulation 27 (1)(d) of the Users’ Rights Regulations and estimates of resources required to meet the requirement.

The requirement to specify a minimum level refund that would be applied in respect of a complaint regarding porting should be possible to address within the Code of Practice.

It is an over simplification to require that operator applies a credit without the end-user having to make a request or to require operators to specify minimum refunds for other different categories of complaint. The reality is that complaints are dealt with on a case by case basis and refunds where appropriate will be specific to the broad range of circumstances that can arise.

Question 10: Do you agree with ComReg’s preliminary view that in order for the Electronic Communications Providers’ codes of practice to be accessible, included with the Regulation 27 (1)(d) of the Users’ Rights Regulations that states a code of practice shall make provision for appropriate cases where reimbursement of payments, payments of compensation and payments in settlement of losses incurred will be made, should be available in accessible formats to end-users? If you do not agree, please explain your answer providing appropriate evidence including alternative suggestions that comply with the requirements of Regulation 27 (2) of the Users’ Rights Regulations and estimates of resources required to meet the requirement.

Vodafone agree with this requirement.

Question 11: Do you agree with ComReg’s preliminary view that an Electronic Communications Provider’s code of practice should be accessible from an Electronic Communications Provider’s Home page of the corporate website, social media and web pages?

Vodafone agree with this requirement.

Question 12: Do you agree with ComReg’s preliminary view that the code of practice should be accessible using the search terms ‘code of practice’ or ‘complaint’ or ‘how to make a complaint’ within its corporate website, social media and web pages established by the Electronic Communications Provider for dealing directly with customer complaints.? If you do not agree, please explain your answer providing appropriate evidence including alternative suggestions that comply with the requirements of Regulation 27 (2) of the Universal Service Regulations and estimates of resources required to meet the requirement.

Vodafone believe there should be a clear path for customers to the Code of Practice. Prescriptive search terms are not warranted.

Question 13: Do you agree with ComReg’s preliminary view that all Electronic Communications Providers should submit to ComReg on a quarterly basis details of numbers of complaints made by their end-users (including the type of issue raised), the number of days open, Key Performance Indicators (KPIs) reported internally as agreed with ComReg as appropriate, and levels of satisfaction recorded for end-users contacting the relevant service provider as well as any standards accredited or valid for the quarter? If you disagree, please explain your answer providing appropriate evidence.

Vodafone believe this is an unwarranted high level of intervention and urge ComReg to reconsider its proposals. A similar programme was tried and tested by ComReg in the past and subsequently discontinued. It was a regulatory measure which was extremely onerous on industry and proved to be of very limited (if any) benefit to consumers. A high level resource was required at both the ComReg and operator level to administer the measurement programme. This was required to ensure comparable data was produced across different operator systems and processes. It is our strongly held view that the complaints statistics that ComReg publish on a quarterly basis are sufficient to ensure ComReg are meeting their objective to publish comparable complaint information.

Question 14: Do you agree with ComReg’s preliminary view that all Electronic Communications Providers should be required to apply for ‘The Q Mark for Customer Service Complaints Handling’? If you disagree, please explain your answer providing appropriate evidence and set out details of what alternative standards are in place that you have attained (or are aware of), the means of certification and duration of the standard.

We are not clear on the basis for mandating the ComReg standard. It is our view that ComReg standard should remain voluntary. It should be noted that internal benchmarking and continuous improvement drives better customers experience and removes the cost of dealing with repeated complaints. The ComReg standard is one of many standards which service providers can avail of on a voluntary basis and it should be left with operators to define appropriate benchmarks it can use to differentiate the service that it offers to its customers.