



Commission for
Communications Regulation

Complaints and Redress Procedures: Guidelines for Postal Service Providers

Submissions to Consultation 13/40

Submissions to Consultation

Reference: ComReg 14/06s

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An Coimisiún um Rialáil Cumarsáide

Commission for Communications Regulation

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Submissions Received from Respondents

Consultation:	13/40
Response to Consultation:	14/06

Content

Section

- 1: An Post
- 2: DX Network Services Ireland
- 3: National Consumer Agency (“NCA”)
- 4: Nightline

1: An Post

Complaints and Redress Procedures: Consultation on Proposed Guidelines for Postal Service Providers

COMREG DOCUMENT 13/40

**An Post Response
22 May 2013**

Table of Contents

1. Introduction	3
2. Response to consultation questions	4
3. Conclusion	7

1. Introduction

An Post welcomes the opportunity to submit its views on ComReg's proposals on Guidelines for Postal Service Providers in relation to Complaints and Redress Procedures.

The fundamental objective envisaged by the present consultation is to give effect to section 43 of the Communications Regulation (Postal Services) Act 2011 ("the 2011 Act").

This essentially requires the introduction by each postal service provider of a Code of Practice which is "*clear and unambiguous*". It must also be proven to be demonstrably fair and equitable and protective of customers' legitimate concerns.

An Post's Customer Charter sets out its commitments to its customers including what can be expected from An Post in resolving complaints. An Post encourages feedback and aims to make its policies in relation to complaints very clear and accessible. In 2012, An Post Customers Services received ISO 9001 accreditation for its complaint handling processes. This has subsequently been renewed in 2013.

An Post believes that its current Code of Practice, the Customer Charter and associated 'Getting it Sorted' guideⁱ, meets with these requirements and with a few modifications will be fully compliant with section 43 of the 2011 Act. Therefore, in principle, An Post agrees with the proposals in relation to the Guidelines for the Code of Practice.

One element of ComReg's proposals is to confine the implementation of section 43 (3) of the 2011 Act on dispute resolution procedures to An Post as the Universal Service Provider. This may have the consequence of causing some disadvantage for customers of other postal service providers. An Post notes that ComReg will keep this matter under review.

2. Response to consultation questions

Q. 1 Do you agree or disagree with ComReg’s proposals and preliminary views as to how a Code of Practice should make provision for the matters required by section 43(1) of the 2011 Act? Please support your answer with reasons and any supporting material.

The framework follows the precedent of much of what has already been prescribed by ComReg in its 2007 Guidelinesⁱⁱ and as currently reflected in An Post’s Customer Charter and associated ‘Getting it Sorted’ Guide .

An Post, therefore, agrees in principle with the approach but some practical difficulties may arise:

1.1 Timeframe for investigation: ComReg proposes that complaints covering a number of named countries and “*where the matters can be dealt with by e-mail and any other electronic means*” should have a maximum handling time of up to forty (40) calendar days (reference 2.1.16ⁱⁱⁱ). The USA is cited as one such country. However, despite the best endeavours of An Post, the United States Postal Service (USPS) will only accept postal correspondence on complaints. Consequently a sixty (60) day period is more realistic for the USA.

1.2 Advice on progress with enquiry: ComReg wish to see customers “*regularly*” updated on how enquiries are proceeding (reference 2.1.22). Again An Post agrees in principle. However, in certain circumstances, particularly in relation to international mail, it may take some time to receive a response from the other operator and therefore progress updates in these cases will be less frequent.

1.3 Compensation for Standard Post: ComReg proposes that the compensation scheme for standard services should include recompense for the ‘*cost of the....contents*’ (reference 2.1.28). It is important that this is clearly understood to be for items with no intrinsic value. Items of intrinsic value should be posted using the appropriate services offering Insurance e.g. if a customer sends gift vouchers or concert tickets by Standard Post and if, for some reason, these are lost or damaged, the postal service provider should not be required to refund the cost of the contents.

1.4 Retention of records: All records relating to complaints are to be retained for at least one year (reference 2.1.34). An Post’s current policy is a two year retention period which applies to written correspondence. However it is not technically feasible to collate and maintain records of all e-mail and telephone messages.

Q. 2 Is the proposal with regard to the publication of postal service providers Code of Practice appropriate in your view? If not, please give reasons for your answer.

ComReg proposes that postal service providers publicise their Codes of Practice for Complaints and Dispute Resolution within 3 months of the issue of the Guidelines (reference 2.2.1) through the usual communication channels.

An Post agrees in principle with this approach.

Q. 3 Are you satisfied with ComReg’s proposals for dispute resolution? If not what amendments would you consider appropriate? Please support your answer with reasons and any supporting material.

An Post can agree in principle with the proposals.

One element of ComReg’s proposals is to confine the implementation of section 43 (3) of the 2011 Act on dispute resolution procedures to An Post as the Universal Service Provider. This may have the consequence of causing some disadvantage for customers of other postal service providers. An Post notes that ComReg will keep this matter under review.

ComReg state that an advocate system may be “*either internal or external to the postal service provider*” (reference 3.4). A balance needs to be struck between an internal advocate who possesses the detailed knowledge of the postal network and an external advocate who possesses more independence but perhaps have less familiarity with the issues at hand. An Post is of the firm belief that an internally appointed Advocate, such as the system currently in place, offers the best solution. This system ensures that the Advocate has intimate knowledge of An Post’s mails network and is, therefore, ideally placed to deal with complaints in a competent and expeditious manner. Finally, it should be strongly emphasised that no pressure is exerted on the Advocate in relation to his or her work. An Post believes that this is the most cost effective solution.

An Post’s observations on other aspects of the proposal are set out below:

3.1 Deadline for submission of complaints: ComReg proposes that the period in which postal service users can submit complaints to the postal service user Advocate is three months (reference 3.8). Nevertheless it is in the customer’s best interests to contact An Post without delay to ensure the success of the enquiry. Any prolonged delay can prejudice an investigation given that it could follow an initial complaint which could be lodged up to six months after the incident and which could take up to sixty days from that date to investigate. Providing a further three months to this timeframe could mean that the complaint is submitted to the Advocate approximately eleven months following the incident. In such circumstances it could prove challenging to investigate with the case being so long in abeyance and exacerbated by peoples’ difficulties in their ability to recollect certain events etc. An Post therefore suggests that, given the customer will have the details of the case readily available following the initial investigation, a one

month deadline should be included for submitting complaints to the postal service user Advocate.

3.2 Reasons in support of a claim: The “*reasons*” underpinning the complaint should be provided (reference 3.9). Section 19 (2) (a) of the 2011 Act refers to ComReg taking due cognisance of the “*reasonable needs of postal service users*”. If after preliminary examination a complaint is found to fall into one of the two excluded categories specified in I.S. EN 14012:2008^{iv} there is nothing which An Post can be expected to do.

3.3 Deadline for issue of response: The Advocate will have thirty days within which to respond (reference 3.10). This might not prove to be practical for those international cases where the other operator is either unable or unwilling to use electronic mail. An Post agrees in principle with ComReg’s proposal but would like to highlight that resolution of some international enquiries will unavoidably take longer than the specified period. In these cases the timeframe as set out by ComReg for the initial investigation of the complaint (reference 2.1.16) should also apply.

3.4 Compensation for any inconvenience caused: The “*additional small amount*” envisaged to cover “*any stress, anxiety or inconvenience*” (reference 3.12) in circumstances where An Post has failed to keep to its procedures for handling complaints would be adequately met in the majority of cases with a payment of €30 and should not in any single case exceed €60. This is equivalent to the limit set under the independent POSTRS Postal Redress Service procedures in the UK.^v

3.5 Annual publication of complaints referred to Advocate: The intention is that in addition to the existing requirement to publish an annual list of complaints “*and the manner in which they have been dealt with*” (reference 2.4.3) that a list of cases referred to the postal service user Advocate would also be compiled “*including details of the advocate’s decision in each case*” (reference 3.14). However, the volume of cases may render it impractical to provide a detailed narrative in respect of each and every case. In addition, for reasons of confidentiality, it is preferable that individual cases cannot be identified. It is therefore proposed to publish (i) a list of complaints as currently categorised in the Annual Report accompanied by the number complaints where compensation has been paid but not broken down by category and (ii) a list of complaints referred to the postal service user Advocate employing the same categories with a breakdown of the “*volume of complaints where compensation is paid*” in respect of the aforementioned categories as suggested by the model table in I.S. EN 14012:2008^{vi} but again with compensation not broken down by category.

Those cases forwarded to the postal service user Advocate relating to enquiries outside or not fully under the control of An Post should ideally be highlighted separately. This is to highlight possible difficulties with poor performance attributable to the shortcomings of other operators inflating the number of appeals and mirrors the guidance contained in I.S. EN 14012: 2008 on situations where items are handled by multiple operators.^{vii}

3. Conclusion

An Post is committed to continuing to provide its customers with a complaints and dispute resolution process that comprehensively meets their needs. An Post hopes that ComReg will review its proposals in the light of the above comments.

ⁱ <http://www.anpost.ie/AnPost/MainContent/Customer+Service/>

ⁱⁱ Complaints and Dispute Resolution Guidelines for Postal Service Providers who provide postal services within the scope of the universal service – ComReg 07/105 of 18 December 2007

ⁱⁱⁱ References are to ComReg’s Consultation document, Complaints and Redress Procedures: Guidelines for Postal Service Providers, ComReg 13/40

^{iv} In section 1.2.1 of Annex I of I.S.EN 14012:2008 (page 33) it is stated that *“Exceptionally, the service provider may exclude as complaints for the purpose of this European Standard: (a) petitions and organised campaigns and (ii) persistent malicious or clearly unreasonable communications from the same complainant”*.

^v <http://www.postrs.org.uk>

^{vi} *“A simple example of a possible core complaint report”* is provided in Table F1 in Annex F of I.S. EN 14012:2008 (page 27). This has three columns: Type of complaint, number of complaints and volume of complaints where compensation is paid.

^{vii} Section 4.13 of I.S. EN 14012: 2008 declares that *“complaints that obviously do not refer to the postal operator that receives the complaint should not be accepted or counted in that organisation’s complaint data...”*

2: DX



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22 May 2013

Reference: ComReg Consultation 13/40 Complaints and Redress Procedures

Dear Ms O'Donovan,

Thank you for the opportunity to contribute to ComReg's thinking about complaints and redress procedures.

DX Ireland believes that all reputable businesses that value their Customers should have suitable complaints and redress schemes where these are applicable. It therefore seems to us that ComReg will be regulating to provide a safety net to protect Customers against disreputable operators. Furthermore, DX Ireland believes that business Customers who purchase postal services using individually negotiated contracts are able to agree complaints and redress procedures that meet their particular needs and do not therefore need regulatory protection of the form proposed in the consultation. DX Ireland also believes that ComReg does not need to regulate complaints and redress schemes to the proposed level of detail.

A general observation about ComReg's regulatory process is that it would have been useful to have a workshop attended by interested parties at which they could have discussed many of the issues in this consultation, improving the relevance and applicability of ComReg's proposals.

1. Business Customers

The regulations need to recognise the differences between postal service users. Business Customers have considerably more market power than non-business Customers and can purchase postal services using contracts, often ones that are individually negotiated between the operator and Customer. It is appropriate that the parties to these contracts should be able to negotiate complaints and redress procedures that meet their specific needs and not have to accept the default position of the regulated solution. The regulations therefore need to provide for one sort of procedure for non-contract Customers (i.e. those purchasing postal services via scheme arrangements) and another for contract Customers, allowing flexibility in how complaints and redress are managed. It is inappropriate for redress to feature in business contracts, which will normally include bespoke compensation arrangements.

2. Means of recording complaints

It is not practical for complaints to be accepted verbally during a Customer's visit to an operator's premises. Which premises would provide this service and how would the Customer



know which one to go to? The Customer has the ability to submit a complaint using several different media (telephone, mail, email, website) that ensure that the complaint reaches specialist staff who will deal with it.

3. Timescales

The timescales for making a complaint provide useful clarification. We do not understand why a Customer should be allowed 6 months after receipt to complain about international mail when only one month is allowed for domestic mail.

4. Relevant employees

ComReg's proposal that "all employees and / or contractors of the organisation should be fully conversant with the company's complaint handling procedures and be able to effectively direct the postal service user towards the proper complaints channel/contact" is unnecessary and unworkable. The only people who need to be "fully conversant" with the procedures are those who operate them. Adequate publication of the complaints procedures will direct Customers to the correct complaints channel or contact.

5. Access methods

DX Ireland agrees that Customers should be able to avail of the complaints procedures by a variety of means but we do not believe that ComReg should mandate all the means to be used. For instance, it would not be practical for Customers to expect to be able to submit complaints at facilities such as sorting centres and administrative offices to which the public does not normally have access.

6. Reasonableness of response times

ComReg has proposed resolution periods of 30 days, 40 days and 60 days for, respectively, complaints relating to domestic mail, certain specified international locations, and other international locations. As guidelines, these resolution periods are acceptable, however the resolution period will ultimately be determined by the nature of the query or complaint.

7. Definition of standard postal services

2.1.24 contains the expression "standard postal services" but nowhere in the consultation is this expression defined. ComReg needs to explain what it means.

8. Compensation levels

2.1.25 says that operators "should at a minimum put the postal service user in the position it would have been in had the service been satisfactorily provided". We appreciate that this excludes force majeure and consequential loss events but, even considering these exemptions, we believe that the implied compensation would often be excessive. Consider an instance when a Customer sends a large sum of money using an untracked service. Is it really ComReg's intention that the Customer should be fully compensated for any loss? It needs to be clear that compensation is not due if a Customer sends items that are prohibited from the post and that compensation is only due up to a level specified in the operator's terms and conditions.

Furthermore, there must be a requirement on the Customer to demonstrate that an item was posted and that a postal packet did actually contain the goods claimed by the Customer.



9. Procedures for determining where responsibility lies in cases where more than one postal service provider is involved

“2.1.32(ii) ComReg considers that the specifications of the Code of Practice of the postal service provider with whom the postal service user has contracted will apply, regardless of whether the complaint relates to the contracted services that have been outsourced by that postal service provider.”

DX Ireland considers that this proposal is unworkable and would result in raised Customer expectations that would often be disappointed.

First, we believe that where there is a contract between a postal service provider and a Customer then the nature of the complaint handling process is a matter for that contract and that no regulatory intervention is necessary.

Secondly, in the case of access services most complaints will relate to the downstream part of the delivery process and it is unrealistic to expect the upstream operator to process the complaint (in accordance with regulated response times) when the most likely cause of the complaint is in the downstream network.

Thirdly, some complaints will be initiated by the recipient and will clearly relate to the performance of the delivery operator, who will be known to the recipient. It is unrealistic to expect the recipient to identify and contact the upstream operator when the responsibility for the alleged fault is clearly the delivery operator's.

10. Publication requirements

In respect to the publication of complaint information ComReg refers to I.S. EN 14012:2008. ComReg needs to provide details of this standard so that interested parties are able to comment upon its suitability.

I hope that this submission helps ComReg formulate workable complaints and redress procedures that meet the needs of the market whilst avoiding unnecessary bureaucracy and expense. Please contact me if you would like to discuss any of the above points in more detail.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Kevin Galligan'. The signature is fluid and cursive.

Kevin Galligan

Regional Director

3: National Consumer Agency (“NCA”)

National Consumer Agency Submission to the Commission for Communications Regulation “Complaints and Redress Procedures: Consultation on Proposed Guidelines for Postal Service Providers”

About The National Consumer Agency

The National Consumer Agency (‘NCA’/‘Agency’) is the statutory body established by the Irish Government in May 2007 to enforce consumer law and promote consumer rights. In March 2010, the responsibility for consumer personal finance information and education transferred from the Central Bank of Ireland (‘Central Bank’) to the Agency.

Introduction

The Agency welcomes the opportunity to submit comments to the Commission for Communications Regulation (‘ComReg’) in relation to “Complaints and Redress Procedures: Consultation on Proposed Guidelines for Postal Service Providers”.

Observations

In general, the Agency welcomes the proposed Code of Practice and finds the specified detail to be comprehensive. The Agency agrees with the statement in paragraph 1.6 that ‘*A clear and unambiguous Code of Practice will inform postal service users of the available remedies and redress, including reimbursement or compensation or both, as appropriate.*’

As referenced in paragraph 1.8 the NCA at a general level regularly tracks consumer behaviour and experiences of the complaints process and a high number of consumers state that they will complain if the need arises. The Agency however does not have specific data in relation to the propensity to complain in the postal sector. The NCA welcomes the provisions in relation to the publication of complaint information (Section 2.4) and believes that as well as publishing information on the number of complaints and the manner in which they have been dealt with, it is important to also publish the nature of the

complaints. The provision of this information in a structured format should provide a useful insight into user issues in the postal sector and into the adequacy of the complaints processes.

Consultation Questions

Q. 1 Do you agree or disagree with ComReg’s proposals and preliminary views as to how a Code of Practice should make provision for the matters required by section 43(1) of the 2011 Act? Please support your answer with reasons and any supporting material.

Yes, at a general level the Agency agrees with ComReg’s proposals and preliminary views subject to the following points being catered for:

In relation to the publication of complaint information it is important that the nature of the complaints should also be published.

It is not clear what options, if any, the user has open to them once they have gone through the complaints process but have not received a satisfactory outcome¹. This is especially relevant for those providers who do not have to provide dispute escalation procedures. An outline of the options available, if any, should be included in the Code of Practice.

Q. 2 Is the proposal with regard to the publication of postal service providers Code of Practice appropriate in your view? If not, please give reasons for your answer.

Yes it is appropriate.

Q. 3 Are you satisfied with ComReg’s proposals for dispute resolution? If not what amendments would you consider appropriate? Please support your answer with reasons and any supporting material.

¹ The Agency notes that at present in relation to An Post when a complaint is not resolved to the customer’s satisfaction, An Post provide access to a An Post Customer Advocate. This advocate provides free, independent reviews of complaints to help achieve impartial solutions and failing resolution here, the customer can then take the matter to ComReg.

The Agency would seek clarification in relation to the proposals under the dispute resolution process and suggests that further detail be provided on stages of the process and what ComReg's role is, if any.

As outlined in Section 3.3, *'ComReg is currently minded to call only for the designated Universal Service Provider (An Post) to provide dispute escalation procedures that reflect so far as possible section 43(3) of the 2011 Act, within its code of practice procedures.'* The Agency welcomes the commitment of ComReg to keep this matter under review given that additional operators may have gain sufficient market share to warrant inclusion in future.

With reference to paragraph 3.11, *'ComReg also proposes that the decision of the postal service user advocate is final and cannot be appealed by the postal service user - it can only be accepted or rejected.'* If decisions cannot be appealed, the Agency has concerns as to what options are open to the postal service user if they reject the decision. The Agency suggests further clarification is required in relation to the following:

- Does the user at this point have further options by which to seek redress?
- Is there a mechanism by which the user can escalate the complaint to ComReg?

~ends~

4: Nightline

Ciara O Donovan

From: Kevin Murray [REDACTED]
Sent: 22 May 2013 17:52
To: Ciara O Donovan
Subject: Response to ComReg's Consultation 13/40

22 May 2013

Dear Ciara

I am enclosing Nightline's Logistics Group response to ComReg's Consultation '13/40: Complaints and Redress procedures: Consultation in Proposed Guidelines for Postal Services Provider'.

We are happy to discuss this with you further. Our answers are below:

Q. 1 Do you agree or disagree with ComReg's proposals and preliminary views as to how a Code of Practice should make provision for the matters required by section 43(1) of the 2011 Act? Please support your answer with reasons and any supporting material

Our current service offerings are outside the Postal Service Providers market as they are covered

- (i) internationally by our partners Swiss Post International and
- (ii) fall outside scope of regulation as defined.

Nightline, as currently authorised and as per our current operations, is we believe exempt from the remit of this Code –our services fall outside its scope - see http://www.comreg.ie/postal/regulation_of_authorised_providers.545.html

We do, however, have a best in class regime where we have attained ISO standards to our Quality of Service Operations.

In this, we cover all of ComReg's Guidelines

Part A – first point of contact for complaints – we provide email, phone and dedicated address

Part B – we follow all ISO guidelines as to recording of issues and are so accredited.

Part C – Our international partners adhere to all timeframes

Part D - this seems sensible

Part E – we agree that the consumer should be put in the position that they were, this may not necessarily be a matter of commercial recompenses. For example, we redeliver up to 3 times. We note for example, that An Post only provides one redelivery (at a charge).

Part F - In inter-operator guidelines, we are still awaiting proposals from An Post and hence are unable to answer at this point in time.

Q. 2 Is the proposal with regard to the publication of postal service providers Code of Practice appropriate in your view? If not, please give reasons for your answer.

The Publication of any Code is reasonable.

Q. 3 Are you satisfied with ComReg's proposals for dispute resolution? If not what amendments would you consider appropriate? Please support your answer with reasons and any supporting material.

We would support measures such as the <http://www.royalmail.com/personal/help-and-support/how-do-i-make-a-complaint> process

Yours sincerely

Kevin Murray
Managing Director



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