



# ITSPA COMPLAINTS HANDLING GUIDANCE

## Introduction

This Guidance Note sets out a summary of:

- Guidance on the requirements to have complaints handling procedures and implement a complaints handling code of practice.
- ITSPA Model Complaints Handling Code – Appendix 1
- ITSPA Model ADR letter – Appendix 2

This Guidance is intended to help ITSPA members ("**you**") be aware of your regulatory obligations with respect to complaints handling in the UK. Ofcom's review of the General Conditions of Entitlement ("**GCs**") in December 2017 updated the existing requirements for handling complaints. Your business will need to take steps to adapt and comply with the new regime which will be effective from 1 October 2018.

### Regulatory Reform – updated General Conditions on Complaints Handling

From 1 October 2018 the requirements for handling customer complaints have been updated. The changes are designed to remedy deficiencies that Ofcom identified in (a) the scope and clarity of the current rules and (b) very low awareness amongst customers of their communications provider's complaints handling procedures and their rights when complaining, in particular when they can take their complaint to ADR.

#### Key changes are:

- ensure that complaints handling procedures are accessible to customers with disabilities and vulnerable customers, via both online and telephone means;
- greater emphasis on the procedures for handling, and closing, complaints requiring certain information to be provided to the customer at particular points in the complaints procedure;
- new requirements to inform the customer when closing a complaint;
- obligation to self-monitor compliance (and take steps to address instances of non-compliance);
- increase scope of record keeping and extend the retention period for 6 to 12 months;
- removal of the requirement for a deadlock letter and replacing it with the requirement to issue an ADR letter if you reach deadlock on a complaint;
- extension of the scope of complaints handling requirements to include complaints about general customer service.

## Requirements for a complaints handling?

The GCs require all electronic communications service providers who provide services to domestic and small business customers have procedures to ensure that customer complaints are resolved to the customer's satisfaction in a timely manner. If this isn't possible, you must inform the customer of their right to use alternative dispute resolution ("**ADR**") free of charge as soon as it is appropriate to do so.

In addition to internal complaints handling processes you must have a clear written customer complaints handling code (a "**Code**") in place, which you must follow when dealing with complaints. Your code must be easily accessible on your website.

At Appendix 1 there is a model Code developed by ITSPA.

### Domestic and small business customer

any customers who:

- (a) are consumers (aka domestic);
- (b) have a business for which no more than ten people work (either as employees or volunteers); and
- (c) aren't communications providers themselves.

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## Practical Steps to Compliance

1. **Register with an approved ADR scheme\***
2. **Make the Code easily accessible**
3. **Make available at least 3 options for customers to contact you with a complaint**
4. **Prepare and implement a complaints handling procedure**
5. **Publish the Code and ensure it is kept up to date; in particular contact details**
6. **Ensure staff are properly trained in your complaints handling procedure**
7. **Implement a system to log and track customer complaints**
8. **Keep written records of all stages of your complaints handling procedure**
9. **Ensure all bills (excluding SMS) for domestic customers include information about your ADR scheme**
10. **Monitor compliance with complaints handling requirements and remedy any deficiencies**

\*Being a member of ITSPA (for companies with an annual turnover of under £20m) gives you free access to Ombudsman Services.

For further information on how to register with Ombudsman Services, please email [team@itspa.org.uk](mailto:team@itspa.org.uk).

## Your complaints handling process

### Training

All staff who communicate with customers (including customer service agents and staff who are responsible for dealing with complaints that have been escalated) are properly trained in your complaints handling procedure, including:

- how to identify a complaint;
- understanding the Code and knowing where and how to access the Code on the website;
- the approach to be taken and the potential remedies available to customers;
- initial response times, timing of progress updates and the approved complaint resolution time-frame for your business;
- when to escalate a complaint and to whom the complaint should be escalated; and
- the right for customers to take their complaint to ADR and any preceding steps, such as issuing an ADR letter if a dispute is unresolved after 8 weeks or in the other circumstances set out in this Guidance;
- the circumstances when a complaint can be considered resolved; and
- the available formats the Code is available in, e.g. hard copy, braille.

### Recognising a Complaint

A complaint may not always be in the form of a 'formal complaint' or be made through your formal complaint channels. Your staff must be appropriately trained to identify when a customer makes an expression of dissatisfaction made to you related to either:

- your provision of the Service to the customer; or
- the complaint-handling process itself; or
- the level of general customer service experienced by the customer,

where there is an expectation (either express or implied) that a response or resolution is required. In all these circumstances the issue must be handled as a complaint in accordance with this Guidance.

### Monitoring Compliance

You must monitor compliance with these complaints handling obligations including compliance by all staff who interact with customers and/or who handle complaints. If any problems are identified, you should take appropriate steps to remedy the issue to prevent it reoccurring and keep a record of the actions taken.

To enable you to self-monitor compliance you will need to implement a system which allows staff to log the time at which a complaint is first made and which tracks any subsequent actions or communications (your system should ideally prompt you when the 8-week point has been reached, if the complaint is still open and unresolved) in order to identify when and if a complaint has been resolved within 8 weeks.

### Complaints Handling Code

You must make a Complaints handling code of practice available on your website – see sections below for further details on publicising and preparing a Code for your business.

You should ensure that the Code is kept up to date, fully functioning and live – keep in mind that:

- in relation to contact details offered to customers:
  - email addresses and phone numbers should be checked regularly and the Code must be updated with new details as and when these change

- where an email address or phone number becomes inactive, ensure that an appropriate automatic message is installed which clearly explains how to continue a complaint; and
- online systems, such as web-chat or contact forms should be properly staffed and maintained;
- you should schedule a regular review of the Code to ensure the steps you take to resolve a complaint are accurately reflected in the Code.

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## Publicising the Code

You must publicise your Code well and make it readily available to all customers, including by the following means:

- an easily accessible link from your website in the form of:
  - 1 click access: a clearly visible link to the Code on your primary customer landing page; or
  - 2 click access: a link to the Code from a separate 'how to complain' or 'contact us' web-page, with those pages made accessible from the primary landing page;
- in hard copy or other format, as agreed with the customer, free of charge and made available on reasonable request (note that it is unclear what could constitute an unreasonable request and, unless there is a very good reason (such as multiple requests from the same customer). As a general rule all such requests for a hard copy or alternative format should be met);
- a reference to the Code in your T&Cs for all relevant products and services (often made available in the static footer of each web page), with an explanation of how to access the Code. A sample clause for inclusion in your T&Cs has been set out below;
- on request, and free of charge, in a format reasonably acceptable to any customer who is blind or visually impaired, for example in large print, Braille or electronic format.

The way that the Code is publicised must not deter customers from making a complaint.

The Code must be sufficiently accessible to enable customers with disabilities or vulnerable customers (due to circumstances such as age, disability, low literacy etc.) to make and progress a complaint.

### Sample clause to be included in your T&Cs

*If you have a complaint [which can't be resolved by looking at our [FAQ][help] pages], please see our Customer Complaints Code here [INSERT LINK] to find out how you can complain to us, what we will do to resolve your complaint and, if necessary, how you can refer your complaint to our Alternative Dispute Resolution scheme.*

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## What's in the Code

### Format

The Code must be:

- concise and easy to understand; and
- be standalone i.e. the Code should not form part of any other document, terms and conditions or policy or include any marketing messages.

## How to get in touch with you

- **Contact Details.** You need to provide contact details for a customer to make their complaint to you and for the customer to use when referring the complaint to ADR. Please insert these details into the Code where indicated by the highlighted text. These contact details should be well publicised and easily available and must include at least the following three options:
  - by phone - a 'free to call' number or a phone number charged at the equivalent of a geographic call rate;
  - by post - a UK address; and
  - by email - an email address or internet web form dedicated to allowing a customer to make a complaint. You should avoid using a general customer services or 'contact us' email address or web form.
- **Charges.** It is good practice to provide the customer with full information on any applicable charges, such as for phone calls. You must avoid premium rate numbers and you must include at least the three options set out above.
- **Once a complaint is received and timing.** Complaints should be dealt with promptly in a fair and timely manner. You must clearly set out how long it will take you to deal with complaints and the steps that you will take to investigate and resolve the complaint. The model Code includes suggested timeframes for (i) providing an initial response to complaints, (ii) updating customers on progress and (iii) coming to a final resolution. Please check these time-frames reflect your internal complaints handling process and update them if necessary.
- **Resolving a complaint.** Following the initial receipt of a claim you must ensure that you continue to take active and prompt steps to try and resolve the complaint to the customer's satisfaction, and keep the customer updated as to the steps you are taking, until the complaint has been resolved or closed.
- **Tell the customer the outcome of an investigation.** You must promptly tell the customer the outcome of your investigation into the complaint. When doing so you must also tell them in writing:
  - that if the customer does not tell you they are dissatisfied with the outcome of your investigation within 28 days that you will consider the complaint resolved; and
  - where they can find a copy of the Code on your website and the contact details of your ADR scheme provider.

If requested by a customer, you need to make sure that such information on the outcome of an investigation can be made available to customers in hard copy, in an email, accessible via a permanent web-link or in any other durable medium.

## Alternative Dispute Resolution (ADR)

- **Your scheme:** You must be a member of an approved ADR scheme. You need to tell customers about their right to refer a complaint to ADR, how to do so and the name of the ADR scheme you use as soon as it is appropriate to do so. The most common ADR scheme is Ombudsman Services: Communications, so we have included these details in our model Code, but if you use a different scheme, or if you change scheme, please make sure you update these details. Being a member of ITSPA (for companies with the annual turnover under £20m) gives you free access to Ombudsman Services. However, you are still required to register directly with Ombudsman Services.
- **Procedure:** There are several stages to resolving a complaint using ADR.
  - **ADR letter:** An ADR letter tells the customer about their right to take their complaint to an ADR scheme.
  - **Issuing an ADR Letter.** An ADR letter must be issued immediately if:
    - **all** of the following apply:
      - you have told the customer the outcome of your investigation into the complaint;
      - the customer has told you that the proposed outcome of the complaint doesn't resolve the issue to their satisfaction; and
      - you do not intend to take additional steps to resolve the complaint that would produce a different outcome; and/or

- the dispute has not been resolved after 8 weeks from the date the complaint was first received, unless an ADR letter has already been sent in the above circumstances.
- **Preparing and sending the ADR Letter.** An ADR letter must:
  - be written in plain English;
  - be solely about the complaint (i.e. you must not include any marketing messages or other information regarding the customer's account activity in the same letter);
  - inform the customer that they can use ADR, at no cost, if the complaint hasn't been resolved to their satisfaction;
  - give the contact details of your ADR scheme provider, as well as explaining that this is an independent service;
  - be issued in hard copy, in an email, accessible via a permanent web-link or made available in any other durable medium; and
  - keep a copy of the ADR Letter together with your reason for issuing it.
- **Model ADR Letter.** A template ADR Letter developed by ITSPA is set out in Appendix 2.
- **A complaint must not be closed unless:**
  - it has been resolved in line with this Guidance, i.e.:
    - the customer has expressly agreed in writing that the complaint has been resolved to their satisfaction; or
    - it is reasonable to assume the complaint has been resolved because the customer has been informed of the outcome, but you have not received a response from the customer within 28 days to say the complaint has not been resolved to their satisfaction;
  - an ADR letter has been issued; or
  - it is reasonable to think that the claim is frivolous or vexatious, which means it is clear that the customer is pursuing their complaint with the intention of harassing or creating an unnecessary burden on you (or your staff) and the complaint doesn't have any real value. You must record in writing why you have taken this decision.

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## Keep written records

You must maintain proper written records of all customer complaints received. The details which need to be recorded are:

- the date the complaint was received;
- how the complaint was made (e.g. by phone, post, email or web form);
- the identity and contact details of the customer;
- a description of the complaint;
- all communications between you and the customer about the complaint including the date it was made or received, how the communication was made or received and details of what was said e.g. advice given, action proposed to be taken or agreed to be taken;
- copies of any written communication;
- the date the complaint was resolved or otherwise closed;
- if the customer expressly agrees that their complaint is resolved;
- when you notify the customer of the outcome of your investigation together with a statement that the investigation will be closed within 28 days if you do not hear from them and a copy of the ADR Letter;

- a copy of any ADR Letter sent to the customer and the reason for it being issued. You should ensure that the reason recorded is in accordance with the requirements set out in this Guidance; and
- if you close an investigation on the basis of it being vexatious or frivolous together with why you considered it reasonable to think this.

**Monthly records:** each month the following records should be kept:

- the number of complaints received in that month;
- the number of ADR letters sent in that month and the reason for sending those letters; and
- the number of complaints resolved or otherwise closed (and why they were resolved or closed).

**Retaining records:** the records outlined in this Guidance should be retained for a period of at least 12 months after the complaint is resolved or otherwise closed. It's fine to scan documents and keep them in electronic format rather than storing physical copies. The records should be readily accessible (in the event of an audit) and clearly demonstrate how they meet the complaints handling requirements.

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## ADR Information on Bills

As well as providing customers with information on how to refer complaints to your ADR scheme if they can't be resolved, certain details must also be included, in a reasonably prominent manner, on every bill sent to domestic customers (excluding bills sent by SMS).

The following details should be clearly set out on every bill:

- that customers have the right to take unresolved complaints to your ADR scheme;
  - the name and contact details of your nominated ADR scheme;
  - reference to the fact that the scheme offers entirely independent dispute resolution services free of charge; and
  - reference to the fact that the scheme can only usually be accessed eight weeks after a complaint was first made; and
  - reference to the Code and where it can be found on your website including the url.
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## Making your complaints handling procedure accessible

The Code and your complaints handling process must be accessible to customers:

- with disabilities;
- whose circumstances make them vulnerable due to circumstances such as age, physical or learning disability, physical or mental illness, low literacy, communications difficulties or changes in circumstances such as bereavement; and
- carers and other third parties acting on these customers' behalf.

You must have procedures in place which allow you to (a) identify customers with disabilities/special requirements and (b) provide appropriate assistance. There is more detail in C5 of the revised General Conditions. The revised General Conditions can be accessed on the Ofcom website [here](#).

In addition to the website accessibility guidance above, you should consider the following key points in order to make the Code accessible:

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- ensure your website is compatible with a wide range of assistive technologies (software and hardware) that people might use at home, including:
  - screen readers such as JAWS, NVDA, VoiceOver for iOS X and OS X, Window Eyes and Supernova;
  - magnification software such as ZoomText and MAGic; and
  - speech recognition software such as Dragon Naturally Speaking;
- your customer web-pages need to be easily navigable and laid out in a logical order (refer to Guideline 2.4 of the WCAG 2.0 via the link above), available for use from a keyboard only, with a link to the Code which can be easily identified in the context of your website and can be clicked on easily by users with impaired motor skills;
- the Code itself should be clear, simple, navigable and logically arranged;
- there may be those who cannot access or fully understand the Code online, so consider providing assisted digital support services, such as guided explanations of the Code over the phone or via web-chat;
- you should ensure that people who are deaf or have speech impairments can still contact you, either by SMS, email, text-based chat or potentially face-to-face (for example with a British Sign Language translator or a lip-reader);
- where hard copies are requested, make sure there are available in large print, braille or audio CD;
- consider the impact of any use of colours and patterns in the Code in relation to poor sightedness and colour blindness (for example, ensure that clearly contrasting colours are used); and
- make it possible to accept complaints from third parties who are acting on behalf of consumers with a disability and provide all correspondence in the customer's preferred format.

### Website accessibility standards

The Web Content Accessibility Guidelines ("WCAG") 2.0 from W3C provide a useful reference as to the accessibility standards you should meet, available [here](#). You should also consider the guidance and recommendations set out in the British Standard for Web Accessibility (BS 8878), available to purchase [here](#) and with supporting guidance from the British Standards Institution [here](#).

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## Other information publication requirements

In addition to the complaints handling code, don't forget that you're also required by Ofcom to make available, and maintain, information on prices, tariffs, terms and conditions and charges applicable on termination of a contract.

The information published should contain:

- your name and registered office address;
  - a description of the services you offer; your standard tariffs, including details of service provided, content of each tariff element (with regard to service access, all types of usage charges, and/or any maintenance services), standard discounts and special and targeted tariff schemes;
  - any compensation and/or refund policy, including specific details of any compensation and/or refund schemes offered;
  - any types of maintenance service offered;
  - the standard contract conditions offered, including any relevant minimum contractual period, contract termination and procedures and charges relating to number portability; and
  - any available dispute resolution mechanisms.
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You must publish any access charges for unbundled tariff numbers and tariffs in respect of personal numbers as explained in more detail in C2.4 – C2.9 of the revised General Conditions.

If you provide a premium rate service, you must make sure that you provide information on rates and billing as explained in more detail in C2.10 – C2.11 of the revised General Conditions. The revised General Conditions can be accessed on the Ofcom website [here](#).

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## Appendix 1

### ITSPA Model Customer Complaints Handling Code

#### Contents

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1. [About this code](#)

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  2. [How you can make a complaint](#)

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  3. [How to contact us](#)

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  4. [Resolving your complaint](#)

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  5. [How to escalate your complaint](#)

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  6. [If you're still not happy: ADR](#)

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  7. [Ofcom](#)

#### 1. About this Code

- Whilst we always strive to provide the best customer service possible, sometimes things go wrong. If there is anything you're not happy with, please let us know so that we can work with you to put things right and provide a better service in future.
- This complaints code sets out how you can lodge a complaint about any aspect of our service including our general customer service. It tells you how to contact us, what we'll do and (if we aren't able to resolve the complaint to your satisfaction) how you can take things further.
- You can request a free paper copy of this complaints code using our customer services contact details set out below. You can also contact us and ask for a copy in braille, large print or audio CD (including a text file that can be used on your computer). If there is going to be any delay, for example if a particular format of the code is out of stock, we will let you know.

#### 2. How you can make a complaint

- If you're unhappy with any aspect of our services, the best way to contact us is **[by phone]** **[or]** **[on live chat]**. If you prefer to contact us in writing you can email or write to us instead, but it may take us a little longer to respond.
- We have explained our internal complaints handling procedure below. This procedure has been designed to ensure that complaints can be resolved fairly and swiftly to your satisfaction.
- Unfortunately, we sometimes get complaints which have no merit or have been made simply to harass our staff. We take the safety and well-being of our staff very seriously and consequently neither we nor our Alternative Dispute Resolution provider can deal with this type of complaint. If we can't deal with your complaint, we will let you know.

### 3. How to contact us

<b>By phone</b>	<p>[Insert relevant customer services contact numbers]</p> <p>[Please note that standard charges will apply to all calls. Check with your network operator for rates.]</p> <p>[Insert any other phone call charges or restrictions, including hours of operation.]</p>
<b>[Online]</b>	[Insert link to relevant online form or live chat]
<b>By post</b>	[Insert address]
<b>By email</b>	[Insert address]

- If you contact us in writing, please don't forget to include your:
  - Full name;
  - Account number;
  - Postal address, email address and [mobile] [or] [landline] telephone number; and
  - Sufficient details of your complaint to allow us to deal with it, including any steps which have been taken to attempt to resolve the complaint so far.
- If you contact us in writing, we will aim to respond to you within [48] hours. If we can't get hold of you by phone, we'll email you (if you've given us your email address), or we'll write to you.

### 4. Investigating and resolving your complaint

- We'll make every effort to resolve your complaint straight away. If that's not possible, we will keep you updated every [5] days on the steps we are taking and when we expect your complaint to be resolved. The steps we take to investigate your complaint will depend on the particular circumstances.
- We endeavour to resolve all complaints within [14] days.

### 5. How to escalate your complaint

- If you're not satisfied with our first response to your complaint, you can ask us to escalate the complaint to [insert first escalation contact, e.g. customer services team leader].
- If the issue has still not been resolved to your satisfaction, you can ask us to escalate your complaint to [insert second escalation contact, e.g. manager].
- We will let you know the outcome of our investigation into your complaint and how your complaint has been resolved. If we don't hear from you within 28 days of telling you the outcome we will consider that the complaint has been resolved to your satisfaction.

## 6. If you're still not happy: ADR

- If we haven't been able to resolve your complaint to your satisfaction by following the process set out in the above sections of this Code within 8 weeks, you can refer your complaint to Alternative Dispute Resolution free of charge.
- You can also refer your complaint to Alternative Dispute Resolution free of charge at any time, if:
  - we have told you the outcome of our investigation into your complaint;
  - our proposed outcome doesn't resolve your complaint to your satisfaction; and
  - there are no further steps that we are proposing to take that would have had a different outcome.
- We will send you a letter reminding you of your right to refer your complaint to our Alternative Dispute Resolution scheme if the above circumstances arise.
- Our chosen Alternative Dispute Resolution scheme is run by [insert details, e.g. Ombudsman Services: Communications], an entirely independent decision maker.
- Here are the details of our Alternative Dispute Resolution scheme:
  - Name: [insert name, e.g. Ombudsman Services: Communications]
  - Website: [<https://www.ombudsman-services.org/sectors/communications>].
  - Contacts:
    - Phone: [0330 440 1614]
    - Fax: [0330 440 1615]
    - Textphone: [0330 440 1600]
    - Address: [Ombudsman Services: Communications, PO Box 730, Warrington, WA4 6WU]
    - Email: [osenquiries@os-communications.org]
  - If your complaint is about an online purchase you can also refer your complaint to our Alternative Dispute Resolution scheme, [Ombudsman Services: Communications], using the European Commission's online dispute resolution platform. You can find the platform and more information on how it works here: <http://ec.europa.eu/consumers/odr/>.

## 7. Ofcom

Ofcom regulates us as part of the communications industry. Ofcom ensures, among other things, that all communications providers have a process for handling complaints. Ofcom doesn't investigate individual complaints on behalf of consumers or adjudicate, but it can provide guidance

on the complaints process we have set out in this Code. You can find more information about Ofcom here <http://www.ofcom.org.uk/>.

## Appendix 2

### ITSPA Model ADR Letter

[Guidance note: Complete all sections in yellow highlighting and square brackets and ensure that it is accurate in relation to your business, e.g. if you do not use account numbers delete this section. Before sending to the customer ensure all square brackets and yellow highlighting has been removed]

[issued on service provider headed paper with address]

[customer/company name]

[customer address]

[date]

Dear [name],

**[Account number: [insert account number if applicable]]**

**RE: [description of complaint including unique reference number if applicable]**

We received a complaint from you on [date] by [communication means] regarding [short description of subject matter of complaint].

We have tried to resolve your complaint but unfortunately we have been unable to resolve your complaint to your satisfaction. You consequently have the right to take your complaint to Alternative Dispute Resolution. Referring a dispute to our Alternative Dispute Resolution scheme is free of charge and is an entirely independent service.

Here are the details of our Alternative Dispute Resolution scheme:

- Name: [insert name, e.g. Ombudsman Services: Communications]
- Website: [<https://www.ombudsman-services.org/communications.html>].
- Contacts:
  - Phone: [0330 440 1614]
  - Fax: [0330 440 1615]
  - Textphone: [0330 440 1600]
  - Address: [Ombudsman Services: Communications, PO Box 730, Warrington, WA4 6WU]
  - Email: [osenquiries@os-communications.org]

Yours sincerely,

[insert company signature / name]