



Commission for
Communications Regulation

Electronic Communications Complaints Handling Code of Practice

Consultation

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An Coimisiún um Rialáil Cumarsáide

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Submissions to ComReg 16/118

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Please note ComReg will publish all respondents' submissions with the Response to this Consultation, subject to the provisions of ComReg's guidelines on the treatment of confidential information – ComReg 05/24.

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1 Executive Summary

- 1 The Commission for Communications Regulation (ComReg) is responsible for the regulation of Electronic Communications Networks and Services (ECN and ECS) in accordance with EU and national legislation.
- 2 The principal objectives that underpin ComReg's proposals in this consultation are to ensure that:
 - End-users of ECN and ECS can access a code of practice for complaints handling which meets at least a minimum standard;
 - End-users are informed in respect of the complaints handling services provided by Electronic Communications Providers; and
 - Electronic Communications Providers inform end-users of quality standards awarded for their customer care process.
- 3 ComReg's objectives have regard to the obligations placed on electronic communications networks and service providers by Regulation 27 (Dispute Resolution)¹ of the European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations² ("the Users' Rights Regulations").
- 4 This consultation therefore sets out ComReg's proposals in respect of the following three areas:
 - i. Minimum standard for Electronic Communications Provider's Code of Practice for Complaints handling;
 - ii. Electronic Communications Providers Complaints handling Statistics; and
 - iii. Electronic Communications Providers accredited Quality standards for Complaints handling.

1.1 Electronic Communications Providers' Codes of practice for Complaints handling

- 5 ComReg is obliged to ensure that complaints and redress procedures for end-users of Electronic Communications Providers, as outlined in Regulation 27 of the Users' Rights Regulations are implemented.
- 6 In its 2014-2016 Strategy Statement, ComReg noted that:

¹ Regulation 27 (1) of the Users Rights Regulations obliges ECN, ECS providers to have a code of practice in place for dispute resolution. For simplicity throughout this consultation we refer to a code of practice for complaints handling.

² S.I. 337 of 2011

“In some cases, [service providers] do not appear to be dealing with customer complaints in an effective manner and, as a result, it becomes necessary for ComReg to intervene. ComReg considers that in a properly functioning system, its involvement should only be necessary when complaints relate to more complex issues. ComReg will review this area with a view to establishing new procedures and rules that [service providers] will be expected to adhere to when dealing with consumers’ complaints.³ . . . and provide certainty for end-users so that they are aware of the existence of a code of practice and have transparent information available to them when raising a complaint with their ECN, ECS provider.”⁴

- 7 Through its consumer care team and complaint handling functions, ComReg is aware that some codes of practice fall short of ComReg’s view of appropriate minimum standards. The proposals in this consultation therefore seek to improve the minimum standards in codes of practice for complaints handling. The proposals aim to bring about change which will standardise commitments, for example response times, across all Electronic Communications Providers, as well as encouraging a more systematic approach to the requirements of codes of practice in general. The aspects of the code of practice where ComReg has put forward proposals in this consultation are:

- First point of contact for complainants;
- A means of recording complaints;
- Response timeframe of 10 working days;
- Procedures for resolving complaints;
- Appropriate cases where reimbursement of payments is made;
- Retention of records of complaints;
- Requirements in respect of the manner of publication of codes of practice.

1.2 Reporting of Complaints handling Statistics

- 8 ComReg is proposing to collate information from Electronic Communications Providers on their complaints handling (volumes and types of complaints). ComReg proposes to publish this information at regular intervals.

1.3 Quality standard for complaints handling

- 9 The final section of the consultation deals with Electronic Communications Providers obtaining accreditation from a relevant authority in order to give assurance to their customers that they offer a high quality complaints handling service.

³ Section 4.5, <http://www.comreg.ie/fileupload/publications/ComReg1475.pdf>.

⁴ For the purpose of this consultation, ‘end-user’ is defined as encompassing both residential and business customers.

1.4 Scope of consultation and submitting comments

- 10 ComReg is currently preparing a further consultation in respect of a number of issues that are outside the scope of this consultation as follows:
 - The complaints handling service which ComReg's Consumer Line currently offers;
 - ComReg's process for escalating and communicating with ECS and PRS Providers in respect to individual end-user complaints;
 - Steps planned by ComReg in respect to the European Union (Alternative Dispute Resolution for Consumer Disputes) Regulations 2015 (S.I. No 343 of 2015) and its nomination as the ADR Entity.
- 11 This consultation does not specifically address accessibility issues in relation to complaint procedures offered by Electronic Communications Providers. ComReg's Decision in this regard which was published in 2014⁵, already requires, among other aspects that complaints handling processes are accessible. However, ComReg is proposing that the codes of practice for complaints handling are made available in accessible formats on request.
- 12 Some Electronic Communications Providers have licence conditions, under their 3G licence, which relate to customer service and complaints handling. This consultation document does not propose any amendment to such 3G licence conditions. Any such 3G licence conditions requiring the 3G licensee to provide a higher level of customer care than the proposed requirements outlined in this consultation document will continue to apply, until the expiration date of the respective 3G licence.
- 13 ComReg invites comments from interested parties to this consultation by Monday 6th February 2017. The procedure for submitting comments is set out in Section 5 of this document.

⁵ For further information, see ComReg Decision D04/14 (document reference number: 14/52): *Electronic Communications: Measures to Ensure Equivalence in Access and Choice for Disabled End-Users*, <http://www.comreg.ie/publication/electronic-communications-measures-to-ensure-equivalence-in-access-and-choice-for-disabled-end-users-2/>.

2 Electronic Communications Providers' Codes of practice for complaints handling

2.1 Current Obligations

- 14 Regulation 27(1) of the Users' Rights Regulations sets out the requirements in relation to codes of practice for complaints handling for Electronic Communications Providers. Essentially, the requirements identify that providers must provide contact points for complainants, they must record information about complaints and they must provide reasonable response times together with procedures for how issues are to be resolved.
- 15 Electronic Communications Providers are therefore required to include in their codes of practice for complaints handling six key areas, as listed below.
 - (a) First point of contact for complainants;
 - (b) A means of recording complaints;
 - (c) Response timeframe;
 - (d) Procedures for resolving complaints;
 - (e) Details of appropriate cases where reimbursement of payments will be made (for example delay in porting or abuse of porting); and
 - (f) Details of retention of records of complaints.
- 16 Some Electronic Communications Providers have licence conditions under their 3G licence relating to customer service and complaints handling. This consultation document does not propose any amendment to such 3G licence conditions. Any such 3G licence conditions requiring the 3G licensee to provide a higher level of customer care than the proposed requirements outlined in this consultation document will continue to apply, until the expiration date of the respective 3G licence.

2.2 Issues arising and Complaint Definition

End-User dissatisfaction

- 17 The overall objective of a complaints handling process, in a properly functioning system, is to deal with, and resolve, complaints within a reasonable period of time as provided for by the service provider's complaints handling code of practice.

- 18 In reality, however, complaints handling does not always run smoothly. ComReg's consumer care team logged circa 24,000 issues (queries and complaints) during the period 1 July 2015 to 30 June 2016 from end-users. ComReg invites all end-users who contact it by telephone to undertake an after-call survey. One of the questions asked in this survey is to rate satisfaction of how the end-user believes their service provider handled the issue in question prior to contacting ComReg. This is rated on a scale of 1–5.
- 19 The results for the past three calendar years indicate a low to medium level of satisfaction being expressed by end-users in relation to their Electronic Communications Providers handling of their issue. The results are presented in Figure 1.

Table 1: Customer Satisfaction Survey		
Year	Surveys Completed	Average Rating Scale 1 (Very dissatisfied) to 5 (Very Satisfied)
2013	2981	2.16/5
2014	2564	1.86/5
2015	1663	2.32/5

Figure 1 Consumer Line consumer survey data 2013 - 2015

Inconsistent Approach to Codes of Practice

- 20 When carrying out preliminary work for this consultation, ComReg reviewed a sample of existing codes of practice. This review looked at the principal contents of the Electronic Communications Providers codes of practice within the context of Section 1 of Regulation 27 of the Users' Rights Regulation which establishes the basis upon which such codes should be framed.
- 21 At present, individual approaches are taken by Electronic Communications Providers to the contents and commitments within their codes of practice. Experience to date has made ComReg acutely aware that such disparity has not always been successful in meeting consumer needs or expectations. ComReg is of the preliminary view that outlining specific minimum requirements for codes of practice is therefore necessary at this juncture.
- 22 In particular, two key observations can be made here. Firstly, some end-users are currently unaware of the code of practice under which their Electronic Communications Provider operates. Secondly the level of detail (as set out in legislation) which an Electronic Communications Provider is obliged to specify in its code varies significantly when codes of practice are compared. Currently, there is no standardised approach to minimum requirements, with the result that end-users receive various types and levels of response timeframes depending on the provider.

- 23 ComReg is of the opinion that, in the absence of clarity and standardisation of Electronic Communications Providers codes of practice, it will continue to receive a substantial number of complaints.
- 24 Therefore, given the issues identified in terms of user dissatisfaction, volumes of complaints escalated to ComReg and inconsistent approach to codes of practice, ComReg is of the preliminary view that it is appropriate to review the minimum standards required in service providers' codes of practice for complaints handling.

Complaint Definition

- 25 Regulation 27 of the Users' Rights Regulations confirms that complaints are included in disputes.
- 26 ComReg is of the preliminary view that a common approach to complaints is necessary so that the objectives of ComReg's proposals can be achieved consistently across all providers.
- 27 ComReg is aware that some providers do not categorise certain issues reported to them by end-users, as complaints (even though the end-users intention is to record a complaint). In many cases this leads to unnecessary delay, confusion and frustration for end-users. ComReg is of the preliminary view that where the end-user wishes to complain or where the end-user is dissatisfied and seeks that the service provider take action, the matter should be categorised as a complaint.
- 28 Therefore, it is ComReg's preliminary view that for the purposes of this consultation and the measures proposed in sections 2, 3, and 4, '**complaint**' should be defined as meaning "***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.***"
- 29 An end-user may have a genuine cause for complaint, although it is acknowledged that some complaints may be made as a result of a misunderstanding or an unreasonable expectation of a product or service. ComReg is of the view however that the fact that an end-user concern is raised with a service provider and where action is sought by the customer then this should be recorded as a complaint which requires attention.
- 30 ComReg notes that complaints to Electronic Communications Providers may be made by end-users that are not customers of the provider, for example in relation to Regulation 3(4) of the Users' Rights Regulations concerning reasonable requests for access at a fixed location. This situation could arise in other cases such as where a disabled end-user wishes to access website pages or contractual conditions. Therefore Electronic Communications Providers must ensure that their dispute handling processes cater for non-customers to lodge a complaint.

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.

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

2.3 First point of contact for complainants

31 Regulation 27(1)(a) of the Users' Rights Regulations states that a code of practice shall make provision for a first point of contact for complainants.

32 ComReg has reviewed a sample of Electronic Communications Provider's codes of practice in order to understand how the requirements of the Users' Rights Regulations have been implemented and to ascertain how ComReg's proposals will affect Electronic Communications Providers' complaint handling processes.

33 ComReg notes from reviewing a number of codes of practice that the following contact points are made available to end-users:

- telephone;
- email;
- by letter;
- online form;
- web chat.

34 From its review, ComReg notes that, although Electronic Communications Providers have a code of practice in place, the first point of contact for complainants can vary in each code of practice as well as in other sections of a provider's website. Consequently, ComReg's consumer care team currently receives many queries, and some complaints, regarding how end-users can contact a provider's customer care department.

35 In some instances, end-users contact ComReg as they are unable to email their provider and the end-user may want to escalate the issue further by providing written documentation by email to the provider which would facilitate a record of the complaint raised and also allow the end-user to have a record of the complaint escalated to the provider.

Proposed approach and preliminary views

36 ComReg may specify requirements for the purpose of ensuring compliance or to ensure that the code of practice and procedures for settling unresolved disputes are **fair, prompt, transparent, inexpensive and non-discriminatory**.

37 ComReg's preliminary view is that evidence of a customer initiating contact with a service provider via a designated complaints number, complaints email address or any channel of communication plainly associated with making a complaint, will itself create an irrefutable presumption of a complaint having been made.

- 38 ComReg makes a number of proposals in respect of what it views as acceptable first points of contact. First and foremost, ComReg believes that accessing a first point of contact for raising a complaint should be simple. At a minimum, ComReg proposes that providers must offer a telephone number, an email address and an address for those unable to use the internet (they may wish to send copies of documents). ComReg welcomes additional methods of contact being provided; for example, by an online form and/or web chat.
- 39 All methods of contact made available for the purpose of making a complaint must be included in a code of practice to ensure transparency.
- 40 ComReg proposes, that at a minimum, each of the following is to be provided as a first point of contact:
- Telephone number with cost not exceeding 'basic rate'⁶. If an Interactive Voice Response (IVR) is in use on the relevant telephone number, the IVR must specifically address the fact that the caller requires to be routed towards the service provider's complaint management process. This should be acknowledged in the IVR prompt wording used, for example, 'Select 1 for complaints resolution';
 - Email address; and
 - Address.
- 41 In relation to the first point of contact, ComReg welcomes that a number of providers offer a Freephone (1800) number or 19XX Customer Support Short Code for end-users. Calls to 19XX Customer Support Short Codes must be free of charge to the caller regardless of the network from which the call originates.
- 42 ComReg notes that certain other providers use a Geographic number and that calls to Geographic numbers are generally included in inclusive minutes of most providers' price plans. ComReg also notes, from reviewing certain codes of practice and some providers' websites, that other classes of numbers are also used as the contact numbers for certain customer care departments. These include non-geographic numbers in the ranges 1850, 1890, 076 and 0818, 08X Mobile numbers and 17XX Network Use Short Codes.
- 43 Regulation 27 (1) of the European Union (Consumer Information, Cancellation and Other Rights) Regulations, 2013. [2] 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". Regulation 27(6) 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.

⁶ Defined in Regulation 27 of the European Union (Consumer Information, Cancellation and Other Rights) Regulations 2013. S.I No. 484 of 2013

[2] S.I. No. 484/2013.

- 44 The use of 1850, 1890, 076 and 0818 non-geographic numbers and 08X mobile numbers is therefore permitted by Regulation 27. However, in the interest of providing more transparency on call costs to end-users, ComReg proposes that where the provider uses such alternative numbers, their code of practice must indicate the maximum charges that can apply for calling the number from a fixed line or mobile phone and additionally state whether or not such calls generally fall within the inclusive minutes of price plans.
- 45 Based on complaints and queries raised with ComReg regarding the lack of email addresses to which end-users can communicate with their Electronic Communications Provider, ComReg proposes that end-users be offered a customer care email address to raise a complaint in order to:
- Provide proof of correspondence to and from the service provider;
 - Keep evidence of an email thread (with complex issues unresolved) to and from the service provider; and
 - Attach complaint documentation (for example, invoices or letters sent).
- 46 ComReg's preliminary view is that use of public discussion forums, do not qualify as a first point of contact for complainants. However, a complaints handling service that offers a facility for the end-user to privately message (PM) the provider online and the message to be handled by the provider and not a community of visitors may constitute a valid first point of contact.
- 47 It is also ComReg's preliminary view that while a complaint is being made, recorded or being dealt with, a complainant should not be transferred and/or referred 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.

- 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.
- 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.
- 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.

2.4 A means of recording complaints

- 48 Regulation 27 (1) (b) of the Users' Rights Regulations states that a code of practice shall make provision for a means of recording complaints.
- 49 ComReg is aware that some Electronic Communications Providers have systems in place that record complaints, comments and/or compliments. Such systems may generate a unique reference number once a complaint is logged. In general such systems compile a record of all information relating to an end-user's complaint from first point of contact to resolution and may provide a facility to track the progress of a complaint. This benefits the end-user as it provides an easy way to track a complaint and the end-user's journey from initiation to resolution.

Proposed approach and preliminary views

- 50 ComReg may specify requirements for the purpose of ensuring compliance or to ensure that the code of practice and procedures for settling unresolved disputes are **fair, prompt, transparent, inexpensive and non-discriminatory**.
- 51 ComReg is of the preliminary view that, in relation to complaints, details of all contacts from, and to, an end-user should be recorded regardless of the contact medium. ComReg is of the preliminary view that webchat interactions and any details submitted via online form must also be recorded.
- 52 Regardless of the technology used, ComReg proposes that all Electronic Communications Providers should be able to demonstrate how its customer care management system records, logs and tracks all complaints. This process will assist the provider's customer care team and ensure the end-user is kept up-to-date as to the status of their complaint on a regular basis – even if no progress has been made at a particular stage of the complaints handling process.
- 53 ComReg proposes that, at a minimum, the 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. Premium rate service billing issue
 - d. The date when the complaint was initiated;
 - e. A copy of the complaint (or notes made of telephone/oral communications with the complainant relating to the said complaint);
 - f. Details of any subsequent 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.

- 54 ComReg has set out its preliminary views on the definition of a complaint in Section 2.2. ComReg understands that service providers may contend that a complaint has not been lodged with them until a complaint reference number has been assigned by them. However, it is ComReg's preliminary view that this is not a matter for the Electronic Communications Provider. If an end-user wishes to make a complaint then it should be recorded as a complaint and this does not depend on whether the provider or its agents decides to allocate a reference number or not.
- 55 ComReg welcomes views on the assigning of unique reference numbers to a complaint.

- 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.

2.5 Response timeframes and resolution procedures

- 56 Regulation 27 (1)(c) of the Users' Rights Regulations states that a code of practice shall make provision for
- a timeframe within which the undertaking concerned shall respond to the complaint; and
 - procedures for resolving complaints, including a timeframe for referring the end-user to the Regulator, which shall be no more than 10 working days from the day a complaint is first lodged⁷.
- 57 Based on this Regulation, an Electronic Communications Provider's code of practice should outline its internal procedures for responding to and resolving a complaint. A code of practice should provide a defined complaints handling process which makes the complaint resolution path simple for the complainant to follow. Electronic Communications Providers must implement a code of practice providing certainty for complainants in case of a situation arising which requires the complainant to contact the provider's customer care department.

⁷ Please note that in S.I. No. 337 of the 2011 Regulations, there are two sub-clauses listed as Regulation 27 (1)(c). This paragraph applies to the second Regulation 27 (1)(c) sub-clause.

- 58 ComReg is also aware that providers vary in their approach to acknowledging contacts received. While some provide a level of personalisation, there is also the custom of issuing an automatically generated template for acknowledgements to complainants.
- 59 As set out in the executive summary, ComReg is currently preparing a further consultation in respect to the European Union (Alternative Dispute Resolution for Consumer Disputes) Regulations 2015 (S.I. No 343 of 2015) and its nomination as the ADR Entity. It is envisaged that the current service that ComReg offers through its' consumer line will form part of the ADR process however the issue that is being addressed in this section is in respect to the response timeframe and resolution between the ECS Provider and the end-user and not the process by which the consumer can avail of an ADR option. The ADR consultation may result in a further review of the complaints handling code of practice to reflect the ADR when finalised, as appropriate.
- 60 Having reviewed a sample of Electronic Communications Providers' codes of practice, ComReg is aware that timeframes and the method of responding and resolving complaints vary significantly across providers and notes that in some instances there are target response times ranging from an immediate answer to 10 working days provided by category type. ComReg welcomes codes of practice that set out target response times by complaint type'. In addition timeframes for resolution of a complaint vary significantly when Electronic Communications Providers are compared. These variations differ by service provider and, in some instances, are noted at 20 working days.
- 61 It is ComReg's direct experience that in some cases end-users contact the ComReg **Consumer line** solely because no resolution, communication or update has been provided by an Electronic Communications Provider.

Proposed approach and preliminary views

- 62 ComReg may specify requirements for the purpose of ensuring compliance or to ensure that the code of practice and procedures for settling unresolved disputes are **fair, prompt, transparent, inexpensive and non-discriminatory**.
- 63 ComReg is of the preliminary view that there are two aspects in relation to responding to and resolving a complaint while in some cases these may be provided at the same time:-
- A response acknowledging the complaint (**Complaint Acknowledgement**)
 - A response and resolution to the subject matter of the complaint (**Complaint Response and Resolution**)
- 64 ComReg's Preliminary view is that the maximum timeframe allowable from receipt of all complaint types by an Electronic Communications Provider, to the issuing of a Complaint Acknowledgment is two working days⁸.

⁸ For the purposes of this consultation, a 'working day' is defined as a day which is not a Saturday, Sunday or public holiday.

- 65 The Complaint Acknowledgement should confirm to the end-user that their complaint has been recorded, and, if applicable, provide the appropriate complaint number or reference and timeframe for response. The communication should also outline the next steps in the process and provide appropriate contact details for the customer to contact in relation to the complaint, if different from the initial contact point in the code of practice. In the case of a complaint by phone, the Complaint Acknowledgement is an integral part of the call.
- 66 ComReg is of the preliminary view that an automated template response that does not reflect the actual details of the individual complaint is not acceptable as a Complaint Acknowledgement.
- 67 ComReg's Preliminary view is that the maximum timeframe allowable from receipt of a complaint by an Electronic Communications Provider, to the issuing of a Complaint Response and Resolution that addresses all aspects of the complaint raised should be between 2 and 9 working days given that Regulation 27 1 (c) provides for escalation to ComReg at 10 working days.
- 68 However ComReg accepts that not all complaints can be resolved within a 10 working day timeframe.⁹ If such a situation arises and complaints are open/unresolved in excess of 10 working days, a code of practice must set out the process, including contact with the end-user, within the 10 working day timeframe setting out the reason for the delay and the steps being undertaken by the provider to resolve the complaint together with a provisional resolution deadline.
- 69 ComReg will continue to monitor the number of complaints that remain open 10 days or more and will review the process where the timeframe is being exceeded.
- 70 ComReg proposes 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. ComReg believes that if this process is outlined for complainants in a transparent manner in the code of practice, the number of complaints currently received by ComReg should decrease.

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

⁹ A fixed line installation complaint, for example, where third party intervention could be required may not be achievable in a 10 working day period.

implications to support your view.

- 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.

2.6 Appropriate cases where reimbursement of payments, payments of compensation and payments in settlement of losses incurred will be made

- 71 Regulation 27 (1)(d) of the Users' Rights Regulations states that 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.
- 72 Electronic Communications Providers, as part of the resolution of a complaint, currently offer refunds to end-users, where appropriate. ComReg proposes no change to this custom. Details in respect of this practice should, however, be specified in an Electronic Communications Provider's codes of practice.
- 73 There is also a requirement for Electronic Communications Providers' codes of practice to provide for appropriate cases where payments of compensation and settlement payments can be made to comply with Regulation 27 (1)(d) of the Users' Rights Regulations. An Electronic Communications Provider must not simply provide in its code of practice that such payments will be made or dealt with on 'a case by case basis'. This consultation will not determine the levels of payment of compensation and payments in settlement of losses. ComReg, however, expects all Electronic Communications Providers to update their code of practice and set out detailed provisions, in particular in respect of delays in porting.

Proposed approach and preliminary views

- 74 ComReg undertook a review of Electronic Communications Providers' codes of practice. ComReg's preliminary view is that a scheme, or any policy set out in a provider's code of practice which is in full compliance with Regulation 27 (1)(d) of the Users' Rights Regulations, sets a level of expectation as to the final outcome of a complaint's process. This in turn demonstrates that the scheme is being provided fairly and promptly to all end-users. It is ComReg's preliminary view that end-users should not have to specifically request the refunds promised 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.¹⁰

¹⁰ ComReg Decision No. D16/03 (document 03/86) dated 25 July 2003 previously highlighted the requirement for customer guarantee schemes to be provided within codes of practice.

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.

2.7 Retention of records of complaints

- 75 Regulation 27 (1)(e) of the Users' Rights Regulations states that a code of practice shall make provision for retention of records of complaints (including copies of the complaint, any response to it, any determination in respect of the complaint and any documentation considered in the course of such determination) for a period of not less than one year following the resolution of the complaint.

Proposed approach and preliminary views

- 76 ComReg's preliminary view is that the regulation is clear as to the requirement and while ComReg is not proposing to specify any further requirements it would recommend that where an Electronic Communications Provider retains their records of complaints for longer than the minimum period this should be set out in the code of practice.

2.8 Requirements and manner of publication of the code of practice

- 77 Regulation 27 (2) of the Users' Rights Regulations states that ComReg may specify requirements to be met for the purpose of ensuring compliance with Regulation 27(1) and the manner of publication of a code of practice, without limitation, any requirements to ensure that the code of practice and procedures for settling unresolved disputes are fair, prompt, transparent, inexpensive and non-discriminatory.
- 78 ComReg considers that an end-user should be able to easily find and access the code of practice when searching an Electronic Communications Provider's corporate website, social media sites and web or online pages established by the Electronic Communications Provider for dealing directly with customer complaints, by using a number of key search words, for example, the search terms '*Code of practice*' or '*Complaint*' or '*How to make a complaint.*'
- 79 Regulation 14(2)(g) of the Regulations states that a contract shall specify in a clear, comprehensive and easily accessible form "*the means of initiating procedures for settlement of disputes in accordance with Regulation 27*". Therefore, ComReg expects that end-users will be made aware of the details of their provider's code of practice for complaints handling when they receive their contract.

- 80 This consultation does not specifically address accessibility issues in relation to complaint procedures offered by Electronic Communications Providers. ComReg's Decision in this regard which was published in 2014, requires, among other aspects that, information in respect of complaints handling procedures, including the Code of Practice, as required by Regulation 27 of the Users' Rights Regulations, is accessible, easy to read and understandable and, in particular, accessible in a number of formats, to include but not limited to Braille, Audio, Regular print, Large print, Easy to read, and Online versions of each format (on the Disability Section of the Undertaking's website) and all of these formats must be printable.

Proposed approach and preliminary view

- 81 ComReg's experience has shown that complainants who contact ComReg are sometimes unaware of an Electronic Communications Provider's code of practice for complaints handling. It is ComReg's preliminary view that in order for the Electronic Communications Providers' codes of practice to be transparent, details of the Code of Practice should be included with the Complaint Acknowledgement where the acknowledgement is in writing and where the complaint is dealt with by a call or web chat that details of where the code can be accessed is communicated clearly to end-users.
- 82 With respect to customers who may be aware of the code of practice and are trying to access it online, ComReg's preliminary view is that codes of practice should be accessed from a link on the Home page of an Electronic Communications Provider's corporate website, social media sites and web or online pages established by the Electronic Communications Provider for dealing directly with customer complaints, and should be easily located when searching an Electronic Communications Provider's website for either '*Code of practice*' or '*Complaint*' or '*How to make a complaint*'.

- 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 and estimates of resources required to meet the requirement.
- 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?
- 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.

3 Reporting of Complaints handling Statistics

- 83 Each quarter, ComReg publishes details of contacts received by its consumer line and the number of complaints escalated to Electronic Communications Providers.
- 84 There is no comparable publication available to end-users setting out the number of complaints made by end-users of Electronic Communications to their Service Providers.

Preliminary view

- 85 ComReg is of the preliminary view that end-users would benefit from the transparency that a publication providing details of volumes of complaints dealt with, by Electronic Communications Providers, on a quarterly basis.
- 86 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, Key Performance Indicators (KPIs) reported internally and levels of satisfaction recorded for end-users who contacted the provider. We would also like to gather total contacts so that we can express the number of complaints as a ratio to overall contacts. We would also propose that the report includes any standards accredited or valid for the quarter for publication by ComReg.

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.

4 Quality Standards for complaints handling

The Q Mark for Customer Service Complaints Handling

- 87 In December 2010, ComReg, in association with EIQA¹¹, published 'The Q Mark for Customer Service Complaints Handling.' This accreditation is a certified continuous improvement programme available to Electronic Communications Providers in Ireland. It is intended to provide a framework for consistency in practices dealing with end-user complaints across the Irish electronic communications sector.
- 88 The focus of the quality standard is to ensure that all end-users have certainty in the customer services being offered and have the capacity to factor this into their decision-making with respect to selection of service provider (and switching).
- 89 The perceived benefits to an organisation of having a quality standard for complaints handling include:
- High standards of customer service interaction minimise the time spent on complaints resolution whilst maximising the positive outcome ratio;
 - Listening to customers and taking specific action on their concerns and comments can lead to a beneficial outcome for both customer and organisation; and
 - A complaint management standard provides the framework from which the organisation can:
 - employ a consistent approach to how complaints or negative feedback are dealt with;
 - outline specific actions to take in order to gain a positive resolution;
 - understand all of the various impact to customers, staff and the organisation; and
 - engage with a continuous improvement programme.
- 90 For end-users, this should provide certainty about the customer services being offered and enable them to factor this into a decision when selecting or switching service providers.
- 91 Service providers that have been awarded the Q Mark will be identified on ComReg's price comparison website.

¹¹ Excellence Ireland Quality Association (EIQA).

Currently 'The Q Mark for Customer Service Complaints Handling' is a voluntary standard and there are no service providers who have attained it.

Preliminary view

- 92 ComReg is of the preliminary view that the Q Mark would ensure transparency in the market in respect of levels of customer service available to Electronic Communications Providers' end-users. ComReg also acknowledges, however, that Electronic Communications Providers may wish to have other customer service standards in place.

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.

5 Submitting Comments

- 93 ComReg welcomes all written responses from stakeholders by 6th February 2017. It will make, however, the task of analysing responses easier if comments are referenced to the relevant question numbers from this document. In all cases, please provide reasons in support of your views.
- 94 In the interests of openness and transparency, ComReg will publish all non-confidential inputs received and would therefore request that electronic submissions be made in an unprotected format so that they can be published electronically. Submissions will be published, subject to the provisions of ComReg's *Guidelines on the Treatment of Confidential Information*.¹² Any confidential material should be clearly identified and placed in a separate Annex to the stakeholder's response.
- 95 Responses must be submitted in written form (post or email) to the following recipient clearly marked "**Submissions to ComReg 16/118**":

Jennifer Gartland
The Commission for Communications Regulation
Irish Life Centre
Abbey Street
Freepost
Dublin 1
Ireland
D01 W2H4

Phone: +353-1-8049654
Email: retailconsult@comreg.ie

Responses must be received by ComReg not later than 5pm on 6th February 2017.

¹² See ComReg Document No. 05/24.

6 Draft Regulatory Impact Assessment (RIA)

Introduction

96 This consultation document deals with complaints handling. In so doing, it is divided into three principal sections which are as follows:

- Electronic Communications Providers' codes of practice for complaints handling;
- Reporting of complaints handling statistics;
- Quality standard for complaints handling.

97 As part of its strategy, ComReg carries out draft Regulatory Impact Assessments (RIAs). A RIA identifies key objectives and assesses the options given under each section. It concludes its assessment by highlighting its preferred options and sets out rationale to substantiate why it believes this to be so.

Legislative framework

98 Legislation and related documentation guides ComReg in conducting its RIAs. The following are of particular relevance in this regard:

- Section 13.1 of the *Communications Regulation Act, 2002*, as amended, requires ComReg to comply with certain Ministerial policy directions;
- Policy Direction 6 of February 2003 requires that, before deciding to impose regulatory obligations on licensees, ComReg be obliged to conduct a RIA in accordance with European and International best practice;
- In carrying out these assessments, ComReg is directed to act in accordance with measures which are adopted under the Government's *Better Regulation* programme of 2004;¹³
- ComReg's own guidelines for RIAs as set out in 2007.¹⁴

99 In carrying out the RIA, ComReg also has regard to the fact that regulation by way of issuing decisions – for example, imposing obligations or specifying requirements – can be quite different to regulation arising from the enactment of primary or secondary legislation. This point is taken into consideration in the sections which follow.

¹³http://www.taoiseach.gov.ie/eng/Publications/Publications_2011/Revise_RIA_Guidelines_June_2009.pdf

¹⁴ ComReg Document No. 07/56 (2007), *ComReg's Approach to Regulatory Impact Assessment – Response to Consultation and Guidelines*, 10 August; ComReg Document No. 7/56a (2007), *Guidelines on ComReg's Approach to Regulatory Impact Assessment*, 10 August.

Regulatory Impact Assessment (RIA) framework

100 In general terms, a RIA is a structured analysis of the likely effect of a proposed new regulation or regulatory change. It is designed to help identify the most effective and least burdensome regulatory option. In so doing, it assists in assessing if the proposed regulation and/or regulatory change is likely to achieve its desired objectives, having considered relative alternatives and the impacts on stakeholders. It is a structured approach to the development of policy and in conducting a RIA therefore the aim is to ensure that all proposed measures are appropriate, effective, proportionate and justified.

ComReg's approach to this RIA

101 ComReg's approach to RIAs generally are set out in the Guidelines published in August 2007.¹⁵ In conducting RIAs, ComReg also reflects the RIA Guidelines adopted under the Government's *Better Regulation* programme.¹⁶ ComReg therefore takes into account the six principles of *Better Regulation* which are:

- i. Necessity
- ii. Effectiveness
- iii. Proportionality
- iv. Transparency
- v. Accountability
- vi. Consistency

102 To ensure that the RIA is proportionate, and not overly burdensome, a common sense approach is taken. As decisions are likely to vary in terms of their impact, and if after initial investigation a decision appears to have a relatively low impact, ComReg would expect to carry out a less exhaustive RIA. In determining the impacts of the various regulatory options, current best practice appears to recognise that full cost benefit analysis would also arise where it would be proportionate, or, in exceptional cases, where robust, detailed and independently verifiable data is available. This approach will be adopted when necessary.

103 ComReg's guidelines set out the circumstances in which it considers that a RIA might be appropriate. In short, ComReg will generally conduct a RIA in any process that might result in the imposition of a regulatory obligation (or the amendment of an existing regulatory obligation to a significant degree), or which might otherwise significantly impact on any relevant market, industry stakeholders and/or end-user.

Themes and structure of this RIA

104 In setting out its Guidelines, ComReg is directed to cover five main themes in its RIAs. These are as follows:

- i. Identify the policy issues and objectives;
- ii. Identify and describe the regulatory options;
- iii. Determine the impact on stakeholders;
- iv. Determine the impact on competition;

¹⁶ http://www.taoiseach.gov.ie/eng/Publications/Publications_2011/Revise_RIA_Guidelines_June_2009.pdf

- v. Assess the impacts and choose the best option.

105 In this RIA, ComReg takes the following linear approach to themes 3 and 4. After identifying the option proposed, the benefits of each proposal are considered first followed by the potential impact on industry stakeholders and competition. A measure which safeguards and promotes competition, for example, should also impact positively on end-users. In that regard, the assessment of the impact on end-users draws substantially upon the assessment carried out in respect of the impact on competition.

106 The order of assessment follows the three principal considerations which form the core of this consultation document. The order in which they are treated, however, does not reflect any evaluation or ranking of the relative importance of each but rather follows the order of presentation in the document. Based on factors highlighted in this RIA, the section ends by identifying ComReg's preferred options. It provides reasons to substantiate its conclusions.

Objectives, options and assessment

107 The three objectives are at the core of this consultation on *Complaints Handling* are now outlined with options proposed / assessed under each.

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

108 ComReg's first objective refers to end-users and an ECS and ECN provider's codes of practice. Section 1 of Regulation 27 of the Universal Service Regulations sets out the requirements for Electronic Communications Providers code of practice. Essentially, the sections identify; preferred contact points, how information is to be recorded, reasonable response times together with how issues are to be resolved within the end-user-provider context. In so doing, they extend the end-user's relationship with a code of practice far beyond simple access. Under Section 27 (1) of the Universal Service Regulations, Electronic Communications Providers are therefore required to include in their codes of practice six key areas. These are as follows:

- First point of contact for complaints;
- A means of recording complaints;
- Response timeframe;
- Procedures for resolving complaints;
- Appropriate cases where reimbursement of payments will be made; and
- Retention of records of complaints.

109 ComReg supports the view of outlining essential requirements in Electronic Communications Providers' codes of practice. In the absence of specifying such, the present situation, where different approaches exist, will continue. Two key observations can be made here. Firstly, some end-users are currently unaware of the code of practice under which their chosen service provider operates. Secondly, and more perplexing, is that the level of detail (as set out under legislation) which an Electronic Communications Provider is obliged to specify in its code vary significantly when codes of practice are compared. As it stands, there is no standardised approach with the result that end-users receive various types and levels of response timeframes and services according to whom they are contracted.

110 In addressing the topic of Electronic Communications Providers' codes of practice, ComReg believes two options are possible. These are identified hereunder and assessment provided within each.

Option 1

111 The first option is for **ComReg is considering the option of further specifying the requirements as set out in the Universal Service Regulations** to ensure end-users are provided with sufficient and consistent detail in respect to all aspects of complaints handling codes of practice.

Benefits

112 To date, providers have taken individual approaches to meeting such obligations. This consultation follows on from these points but Option 1 proposes to align current practices, bringing them up to a standardised industry approach applicable across all ECS and ECN providers. In addition to enhancing transparency, this would ensure that all end-users are provided with the required level of detail in respect of the following aspects:

- First point of contact – telephone number, email address and address to be provided at a minimum to end-users;
- A standardised approach to what information is to be recorded, regardless of the medium used for contact or systems used to record the details of the complaint;
- The response timeframes offered – two working days deadline for the initial acknowledgement of the complaint ;
- Procedures for resolving complaints – up to 9 working day deadline and internal escalation process;
- Details in respect to reimbursements of payments in accordance with a scheme (or equivalent policy in compliance with Regulation 27 (1)(d) of the Universal Service Regulations); and
- Policy in relation to the types of records retained for the minimum one year timeframe as set out in the Universal Service Regulations.

113 Standardising approaches taken can prove beneficial to all. Inviting end-users to contact a provider through all avenues – email, phone and/or post – should enhance their dealings with the service provider. Email in particular provides additional benefits as it strengthens/formalises record keeping for all involved in the complaint's process – documenting the exact timeline from initiation of the complaint to resolution/escalation together with accompanying materials submitted at key junctures. In short, it has the ability to keep track of a range of aspects – transparency, communicating, receipt and date of complaints, follow-through, investigating of complaint, tracking, escalating and closing of any given complaint. No other method of contact – phone, post and/or webchat – can offer this level and quality of record keeping.

114 The timeline from initiation to resolution of a complaint would be standardised across all service providers and consequently, information provided would follow a more systematic format. End-user expectation therefore could be that they are treated equally irrespective of which Electronic Communications Provider they choose to deal with.

Seeking to standardise the timeline benefits both end-users and service providers and brings clarity for all involved in the process.

Costs

115 Providing a standard number of contact points may incur costs but it is difficult to know at the outset what these might be. It is understood that there may be no costs regarding the provision of a phone number as the vast majority of service providers already do so and there is no requirement at present to introduce a Freephone number.¹⁷ Equally, there would be no costs regarding postal complaints as there is no requirement to mandate Freepost.

116 It may occur that increased costs in one respect may be offset against others, balancing out expenditure over time. The consistent use of email, for example, throughout the life-cycle of a complaint – keeping documentation and timeline together – could subsequently reduce calls for records; thus, decreasing costs formerly incurred in servicing such requests.

¹⁷ If an ECN, ECS provider does not currently offer a Freephone number for end-users, their attention is drawn to Regulation 27.1 of the *European Union (Consumer Information, Cancellation and Other Rights) Regulations, 2013* which stipulates the maximum charge an ECN, ECS provider can charge an end-user to contact its customer care department/s. ComReg has noted that many ECN, ECS providers have numbers in the 1890/1850/0818/17XX/08X range as contact numbers for certain customer care departments. Should this be the case, ComReg proposes that where the provider uses such alternative numbers, their code of practice must indicate the maximum charges that can apply for calling the number from a fixed line or mobile phone and additionally state whether or not such calls generally fall within the inclusive minutes of price plans.

117 Changes are also sought regarding a timeframe for Complaints Response and Resolution. ComReg is of the preliminary view that up to 9 working days is a reasonable amount of time for resolution in the majority of cases. While standardising response times may incur additional costs initially, once introduced and functioning, ongoing additional costs would seem unlikely. ComReg is aware that many service providers can, and are, resolving issues effectively in under 10 days so this timeframe does not seem restrictive. Comparative analyses of codes of practice carried out in advance of this consultation revealed that response times varied significantly and, in some instances, service providers were working within a 20 working day timespan. ComReg appreciates that not all issues can be resolved in less than a 10 day period but considers 20 working days – a month – to be unduly excessive.

118 ComReg accepts that some increased costs may be inevitable. Consequently, respondents can submit details of estimated costs associated with proposed changes.

Impact on industry stakeholders

119 ComReg identifies a need to provide clarity between end-user expectation and experience. It believes increased awareness should be promoted regarding the services on offer; that is, those set out in the codes of practice in accordance with Regulation 27 of the Universal Service Regulations.

120 Factors considered above suggest that, left to the operation of market forces alone, a basic complaints handling service may not meet the needs of all end-users. There is an identifiable need to ensure consistency and uniformity in consumer care approaches, 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.

121 For effective regulation, ComReg must ensure compliance by Electronic Communications Providers with their obligations. ComReg's compliance functions include monitoring ongoing compliance with obligations, enforcing existing obligations and handling formal disputes. ComReg will monitor and enforce compliance in accordance with relevant legislation, decision instruments and guidelines.

Option 2

122 The second option **ComReg is considering retaining the status quo**, i.e. no further specification of the requirements and leaving it up to the individual providers to decide what channel they offer as the first point of contact, what is recorded, response timeframes offered, procedures for resolving complaints, details in respect to reimbursements of payments and in relation to types of records retained.

Benefits

123 Maintaining the status quo, retaining tried and tested in-house processes may benefit the service provider but not the end-user. In particular, greater transparency, standardisation and accessibility serve to enhance the end-user-provider relationship moving forward. Providing such meets customer expectation where standardised practice is now expected of, and present in, so many other sectors.

124 Conversely, with no alignment of code contents nor standardisation of approach, transparency is obscured. In turn, this means that not only is an end-user unable to compare service providers when making their initial choice, they are often unaware what level of service they can expect.

Costs

125 If the processes remain unchanged, no additional costs are incurred.

Impact on industry stakeholders

126 Complaints handling processes specifically and end-user relations generally would progress in a haphazard manner. Non-standardised approaches would hinder transparency. Continuing individual approaches affect the systematic handling of issues and/or complaints when they reach ComReg's consumer care team as it will be unclear what processes are being followed by different service providers and to what extent.

Objective 2: Reporting of complaints handling statistics.

127 Where ComReg's Objectives 1 seeks to establish consistency across the codes of practice and how complaints are processed, its second objective aims to systemise the type of information available to the Regulator to inform policy in this area. Two sets of options are proffered here.

Information

128 ComReg currently takes a systematic and extensive approach to the collection and dissemination of data generated by its consumer care team. Consideration of the volume of complaints elevated to Electronic Communications Providers, ComReg can chart the different issues arising across a spectrum from technical support to consumer care. Furthermore, it can identify trends in the volume of issues going through systems generally, the impact on resources and the times taken in complaints resolution.

129 Comparable information from Electronic Communications Providers is not currently available in the public domain. Having such detail to hand is important for a variety of reasons including its ability to greatly enhance the transparency of the sector overall. It will inform the consumer care experience. Having such information available can assure end-users that there are processes employed by service providers to deal efficiently with complaints arising in a timely and effective manner.

Option 1

130 The first option is the **publication of statistics** in respect to volumes of Electronic Communications end-user complaints, etc. on a quarterly basis.

Benefits

- 131 The availability of key data means that end-user can make an informed choice when choosing a service provider. Such information will influence end-user expectation of any given service provider. In the absence of such detail therefore end-users' ability to make an informed choice is compromised.
- 132 Greater transparency of processes and volume of issues considered can also impact greatly on end-users getting a more realistic picture of the demand placed on each service provider to perform in this area. Such information would explain processes involved and why resolution requires time to occur.

Costs

- 133 Information provision at this Stage 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.

Impact on industry stakeholders

- 134 Availability of information on an ongoing and consistent basis means that trends within the industry can be observed. Comparative analyses of all service providers will inform the development of complaints handling specifically and the growth of the sector generally. Where the practices inherent in a sector are clearly visible, assessment for compliance is aided while accountability is easier to chart.
- 135 Moving forward, a standardised approach to customer complaints and resolution can also bring further benefits. It can enhance the ability of the Electronic Communications Provider to identify trends and potentially eliminate causes of complaints; thus, improving overall performance. Systematic approaches to information collection and processing can facilitate ongoing review and analyses of individual complaints handling processes.

Option 2

- 136 The second option is **no submission of complaint statistics** by Electronic Communications Providers on a regular basis for publication by ComReg.

Benefits

- 137 We operate in a Knowledge Society. End-users believe and expect information on all relevant areas delivered in a timely and efficient manner. Industry stakeholders also require and expect such information on which to evaluate their services individually and from comparative perspectives to strategize future growth. Lack of accessibility to information in this respect therefore carries no obvious benefits.

Costs

- 138 If processes remain unchanged, no additional costs are incurred or training is required.

Impact on industry stakeholders

139 While maintaining a status quo could seem preferable, not providing key industry information may adversely affect company profile for end-users seeking to make a choice between service providers. The lack of data could mean that there is no observable benefit to picking a particular service provider over others. Furthermore, not servicing the expectation of key information may make one company appear less favourable compared to others when this may not necessarily be so.

Objective 3: Quality standard for complaints handling.

140 ComReg encourages Electronic Communications Providers to apply for, and attain, recognised industry standards. To stimulate discussion in this area, two options are proposed for consideration.

Information

141 ComReg supports the idea of a standardised quality mark. From the perspective of the end-user, it provides greater transparency regarding the quality of consumer care s/he can expect. While the Q Mark is possibly the most recognised accreditation in this context, ComReg acknowledges that Electronic Communications Providers have other customer service standards in place. In the absence of the Q Mark therefore ComReg would accept details of those standards in addition to a quarterly report from Electronic Communications Providers setting out the number of contacts from all their customers over those past three months. This would include technical support and customer care, types of issues raised (with definitions provided), number of complaints, Key Performance Indicators (KPIs) reported internally and levels of satisfaction recorded for customers who contacted the Electronic Communications Provider together with any standards accredited or valid for that quarter.

Option 1

142 The first option is **to direct Electronic Communications Providers to confirm to ComReg details of accredited quality standards attained including the Q Mark if attained.**

Benefits

143 The Q Mark, for example, enhances the service provider's profile among end-users. It is often a factor taken into account in deciding which service provider to sign up with as it indicates that it will provide a recognised, and maintained, standard of service and consumer care. ComReg recognises, however, that other certification measurements are in place and is willing therefore to consider such when presented by individual service providers.

Costs

144 Accreditation carries costs for the service provider but not the end-user. Where independent accreditation is already in place, the cost to industry stakeholders is negated albeit that achieving a Q Mark indeed carries cost.

Impact on industry stakeholders

145 ComReg is concerned that, in the absence of transparent information, end-users are restricted in making informed choices in regard to their choice of service provider. Being accredited highlights one service provider over another as it indicates that a certain level of service is provided and acknowledged.

Option 2

146 The second option is to **direct Electronic Communications Providers to apply for the Q Mark Standard, in the absence of any other relevant alternative customer service standards attained.**

Benefits

147 Accredited certification indicates to potential end-users that certain standards and processes are in place – that this is a service provider to do business with. From the perspective of a Regulator, it indicates intent to operate at the highest level possible in delivering services to its end-users. Making it mandatory brings further perceived benefits. It would show that the Regulator both encourages and expects service providers to achieve, and maintain, certain standards and therefore provide end-users with the best service possible. Publishing the names of those service providers who aspire to, and achieve, such certification demonstrates their commitment to provide high quality service and ComReg to give due public recognition.

Costs

148 Accreditation carries costs for the service provider but not for the end-user. Application and assessment for the Q Mark, however, is minimal compared to the benefits that it can bring the individual service provider.

Impact on industry stakeholders

149 Carrying the Q Mark can be viewed from many perspectives. Where mandatory, it will encourage alignment of standards and processes across service providers. It will standardise services offered to end-users; thus, enhancing what they come to expect in their customer-care experience. It shows positive intent to End-Users and the Regulator to achieve appropriate standards in service and care.

Preferred options

150 This draft Regulatory Impact Assessment (RIA) considered three principal objectives and evaluated options therein. These are perceived as the options which are currently available to ComReg within the context of the RIA analytical framework as set out in its guidelines to assess the impact on end-users, industry stakeholders and competition. It also involved an analysis of the extent to which these various possibilities serve to facilitate ComReg in achieving certain statutory objectives in the exercise of its functions. In particular, it involved analysis of the extent to which the various options could standardise the approach, streamline response times, promote transparency across the sector, increase the potential of issue resolution while enhancing the end-user-service provider interaction overall. Viewed collectively, these changes have the potential to enable ComReg to ensure that users derive maximum benefit in terms of response, service, quality and choice.

151 Based on this draft RIA, ComReg's view is that the preferred options are those which could best safeguard and promote competition to the benefit of end-users. In particular, they could maximise competition both within the proposed alignment of standards processes and complaints handling generally.

Assessment of preferred options against ComReg's other relevant functions, objectives and duties

152 For the purposes of this concluding section, ComReg considers a number of statutory provisions relevant to this area of business activity. These are grouped as follows:

- General provisions on competition;
- Contributing to the development of the internal market;
- Promoting the interest of end-users in the community;
- Efficient and effective management of resources and processes;
- Ensuring end-users derive maximum benefit in terms of choice, price and quality;
- Regulatory principles;
- Relevant policy directions and policy statements; and
- General guiding principles, for example:
 - objective justification;
 - transparency;
 - non-discrimination; and
 - proportionality

Objectives considered and preferred options highlighted

153 Three objectives were considered and options proffered under each. In this final stage of the RIA, ComReg's preferred options are identified. Such concluding remarks are based principally on information provided throughout this document and its own experience of the Electronic Communications section of the communications industry generally.

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

154 Based on factors considered, ComReg believes that measures called for are unlikely to result in a disproportionate cost burden relative to the resulting benefits to be experienced by end-users. This document has identified reasons why the potential benefits to customers of such standardisation are likely to be significant.

155 Conversely, in the absence of the clarity and standardisation proposed in relation to the Electronic Communications Providers' codes of practice, the level of complaints which ComReg gets involved in has the realistic potential to continue increasing. The intention of the obligations recommended is that Electronic Communications Providers would offer a complaints handling service as set out in individual codes of practice which are essentially designed to bring about effective solutions for all end-users seeking redress.

Objective 2: Reporting of complaints handling statistics

156 ComReg believes that the industry can, and often does, deliver excellent customer service. Without the provision of relevant material on a regular and consistent basis, however, this information is not known or available to end-users to inform their decision when choosing between service providers. Furthermore, it believes that the necessary measures are in place on an industry-wide basis in relation to end-user satisfaction, complaints measurements, etc. Consequently, it believes that the cost to industry is merely a resource issue in providing information, which is possibly already being generated for in-house purposes, to ComReg for analysis and publication.

Objective 3: Quality standard for complaints handling

157 ComReg is of the preliminary view that the required infrastructure and practices are already in place. Seeking and acquiring industry accreditation serves to promote such achievements and enhances end-user expectation when choosing between potential service providers. Whilst the Q Mark considers the entire consumer care journey, ComReg is willing to consider implementation of other recognised independent standards which serve to improve transparency for end-users.

Concluding remarks

158 This consultation document addresses End User Complaints handling. In identifying its preferred options, ComReg applied criteria and principles which are objective, transparent, non-discriminatory and proportionate. ComReg is of the view, having regard to the applicable legislation, guidelines and legal principles, its draft RIA and other analyses that its preferred options are objectively justified, transparent, proportionate and non-discriminatory.

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.

7 Draft Decision Instrument

1. STATUTORY FUNCTIONS AND POWERS

- 1.1 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 are informed in respect of the complaints handling services provided by ECN and ECS Providers (Electronic Communications Providers), that Electronic Communications Providers avail of accredited quality standards for their customer care process.
- i. Having regard to the provisions of Regulation 27 of the *European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations, 2011* (The Universal Service Regulations), including the requirements that should be included in an Electronic Communications Provider's code of practice;¹⁸
 - ii. Having regard to the provisions of Regulation 27 of the *European Union (Consumer Information, Cancellation and Other Rights) Regulations, S.I. 484 of 2013*;
 - iv. Having regard to the analysis and reasoning set out by ComReg in Decision No.D16/03 (Document 03/86) *Users' Rights to Communications Services – Protecting users in the developing communications market* (25 July 2003); and
 - vi. Having regard to the analysis and reasoning set out in the responses to consultation and final decision document entitled [ComReg Document No. [-]] which shall, where appropriate, be construed together with this Decision Instrument.

2. DEFINITIONS

- 2.1 In this Decision Instrument, unless the context otherwise suggests, the following terms shall be defined as:

'Act' means the *Communications Regulation Acts, 2002-2015*;

'Complaint' means 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;

Complaint Acknowledgement means a response acknowledging the complaint and timeframe for Complaint Response and Resolution

¹⁸ The *European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations, S.I. No. 337 of 2011*.

Complaint Response and Resolution means a response and resolution to the subject matter of the complaint

‘ComReg’ means the Commission for Communications Regulation established in accordance with Section 6 of the Act;

‘Consumer’ means any natural person who is acting wholly or mainly for purposes unrelated to the person’s trade, business, craft or profession;

‘Electronic Communications Provider’ means all electronic communications networks (ECN) and electronic communications service (ECS) providers, to which this Decision Instrument applies, where relevant;

‘End-User’ means a user not providing public communications networks or publicly available electronic communication services as defined in the European Communities (Electronic Communications Networks and Services) (Framework) Regulations, S.I. 333 of 2011;)

‘Working Day’ means a day which is not a Saturday, Sunday or a public holiday.

‘2011 Regulations’ means the European Communities (Electronic Communications Networks and Services) (Universal Service and Users’ Rights) Regulations, S.I. 337 of 2011;

- 2.2 Other terms that are used in this Decision Instrument shall have the same meaning as they have in the Act unless the context otherwise admits or requires.

3. SCOPE

- 3.1 This Decision Instrument applies to **Electronic Communications Providers** in accordance with clause 3.2.

- 3.2 This Decision Instrument is divided into three parts:

Part 1 relates to **Electronic Communications Providers’ codes of practice;**
complaints handling

Part 2 relates to reporting of complaints handling statistics

Part 3 relates to customer service standards.

4. APPLICATION

Part 1: Electronic Communications Providers’ codes of practice

First point of contact

- 4.1 Electronic Communications Providers shall include in their code of practice each of the following mandatory details by way of first point of contact for complainants:
- a. A Freephone (1800) number or a 19XX Customer Support Short Code or a Geographic 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. This shall be acknowledged in the IVR prompt wording used; for example, 'Select 1 for complaints resolution';
 - b. An address; and
 - c. An email address.¹⁹
- 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 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;

¹⁹ Regulation 14 of the ODR Regulations provides that service providers engaging in online sales or service contracts shall state their email addresses.

- 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.²⁰
- 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.

²⁰ In accordance with Regulation 27 (1)(c) of the 2011 Regulations.

- 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 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.

Manner of publication

- 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;
- 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;
- 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
- 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.
- 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.

Part 2: Reporting complaints handling statistics

- 4.14 All Electronic Communications Providers shall submit to ComReg on a quarterly basis details of:
- a. The volume and classification of contacts from their End-Users,
- b. The number of complaints,
- c. The number of days a complaint is open,

- d. Key Performance Indicators (KPIs) reported internally as agreed with ComReg as appropriate,
- e. Satisfaction levels recorded for End-Users as regards outcome on a case-by-case basis, and
- f. Any standards accredited or valid for the quarter for publication by ComReg.

Part 3: Quality standards for complaints handling

Customer service standards

- 4.15 Electronic Communications Providers shall a. apply for 'The Q-Mark for Customer Service Complaints Handling' accreditation; or identify to ComReg details of current, relevant alternative customer service standards attained, the means of certification and duration of the standard.

5. STATUTORY POWERS NOT AFFECTED

- 5.1 Nothing in this Decision Instrument shall operate to limit ComReg in the exercise and performance of its statutory powers or duties conferred on it under any primary or secondary legislation (in force prior to or after the Effective Date of this Decision Instrument) from time to time.

6. MAINTENANCE OF OBLIGATIONS

- 6.1 If any section, clause or provision or portion thereof contained in this Decision Instrument is found to be invalid or prohibited by the Constitution, by any other law or judged by a court to be unlawful, void or unenforceable, that section, clause or provision or portion thereof shall, to the extent required, be severed from this Decision Instrument and rendered ineffective as far as possible without modifying the remaining section(s), clause(s) or provision(s) or portion thereof of this Decision Instrument, and shall not in any way affect the validity or enforcement of this Decision Instrument or other Decision Instruments.

7. EFFECTIVE DATE AND DURATION

- 7.1 This Decision and Decision Instrument is effective after six months from the date of its publication (the Effective Date), and shall remain in full force unless otherwise amended by ComReg.
- 7.2 Electronic Communications Providers shall comply with this Decision Instrument and shall confirm and demonstrate to ComReg's satisfaction that they are in compliance with this Decision Instrument by [].

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

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

Annex: 1 Legal Basis

Origin of Legal Powers and Obligations

159 This consultation document is issued to clarify the end-to-end complaints handling process for ECN and ECS providers, and thereby ensure the functioning of an effective, robust and consistent complaints management system sector-wide, as well as the provision of further recourse for consumers in the event of unresolved disputes, having regard to:

- ComReg's functions and objectives as set out in the Communications Regulation Act 2002 - 2015:
- ComReg's obligations as outlined in Regulation 27 (4) of the *European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations*, No. S.I. 337 of 2011 (the Universal Service Regulations);
- The provisions of Regulation 15 of the Universal Service Regulations (in relation to the requirements in respect to the transparency and publication of information and quality of service); and
- The provisions of Regulation 27 of the Universal Service Regulations (in relation to the requirements that should be included in an ECN and ECS provider's code of practice); and
- The provisions of Section 27 of the *European Union (Consumer Information, Cancellation and Other Rights) Regulations*, S.I. 484 of 2013.
- The analysis and reasoning set out by ComReg in Decision No. D16/03 (Document 03/86) *Users' Rights to Communications Services – Protecting users in the developing communications market* (25 July 2003).

160 Nothing outlined in this consultation document shall limit ComReg whatsoever from the full enforcement of its remit of powers with regard to service providers, in accordance with the provisions of the Universal Service Regulations.

3G Licenses

- 161 Some ECN, ECS providers have licence conditions under their 3G licence with regard to customer service and complaints handling. This consultation document does not discuss the amendment of any such 3G licence conditions. Any such 3G licence conditions requiring the 3G licensee to provide a higher level of customer care than the proposed requirements outlined in this consultation document will continue to apply, until the expiration date of the respective such 3G licence.

Annex: 2 Questions

Section	Page
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.....	10
Q. 2 Do you agree with ComReg's preliminary views regarding the definition of a complaint? Please explain your answer providing appropriate evidence.	10
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.	12
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.	12
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.	12
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?	14
(b) Do you agree with ComReg's preliminary view that the minimum information as set out in Paragraph 53 is necessary/sufficient?	14
(c) What is your view on the use of reference number where end-users raise a complaint with their Electronic Communications Providers?	14
(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.....	14
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. 16
- 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. 17
- 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. 18
- 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. 19
- 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? 19
- 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. 19
- 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. 21
- 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. 23

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.	36
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