



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Code of Practice for Complaint Handling

Minimum Requirements for ECS Providers

Submissions to Consultation ComReg 25/23

Reference: ComReg 25/54s

Date: 01/09/2025

Submissions Received from Respondents

Document No:	ComReg 25/54s
Date:	01 September 2025

Related Publications	Document Number
Consultation:	ComReg 25/23
Response to Consultation:	ComReg 25/54 D10/25

Redacted Information

In this document, ComReg has maintained the confidentiality of certain information, in accordance with ComReg's guidelines on the treatment of confidential information¹ (the "Confidentiality Guidelines"). The relevant information has been redacted and a [X■X] symbol has been inserted.

¹ "ComReg's Guidelines on the treatment of confidential information", Document No. 05/24, 22 March 2005, <https://www.comreg.ie/publication-download/response-to-consultation-guidelines-on-the-treatment-of-confidential-information>.

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1. Age Friendly Ireland

NON-CONFIDENTIAL

From: <[REDACTED]> <[REDACTED]>@meathcoco.ie>
Sent: Tuesday 3 June 2025 16:11
To: retailconsult
Cc: [REDACTED]; [REDACTED]; [REDACTED]
Subject: FW: Consultation on the Code of Practice for Complaints Handling
Attachments: Age-Friendly-Guide-to-Communication.pdf

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and believe the content is safe.

Dear [REDACTED]

Thank you for the opportunity to feed into this consultation and apologies that I have missed the deadline by a few days. Age Friendly Ireland welcomes your proposed measures that aim to help consumers to have their complaints addressed promptly and effectively.

As you know, Age Friendly Ireland works with citizen groups called Older People's Councils which are established in each of the 31 local authority areas.

We would like to highlight that older people are a diverse group with different education levels, digital skill levels, and health conditions. Some of the common health issues associated with ageing include hearing loss, visual impairment, loss of dexterity, and cognitive or memory issues. Digital literacy is a major issue for many older people.

Complaints processes for telecommunication providers need to be available in easy to use formats and offer choice for how older customers which to lodge a complaint and communicate with their provider on the resolution of the complaint.

In relation to your specific proposals, our responses are below :

COMREG proposal	AFI response
<ul style="list-style-type: none">more information is given to consumers when they first contact a provider about the process of making a complaint;	<ul style="list-style-type: none">'Plain English' version of complaints policies should be availableComplaints Policy should be explained verbally by customer service staffHard copy of policy to be sent by post to older consumers who lodge complaints
<ul style="list-style-type: none">consumers will be able to obtain a copy of written submissions made to a provider regarding their complaint in certain instances where an electronic means of contact is used (e.g. online form, webchat etc);	<p>AFI agree with this proposal to require a hard copy of complaints communication to be provided to the consumer as part of the complaint resolution process</p> <p>Older consumers should be directly asked about their preferred methods for receiving communication.</p>
<ul style="list-style-type: none">an issue raised through a complaint handling channel will be deemed to be a complaint after 2 working days under certain circumstances;	
<ul style="list-style-type: none">consumers that express dissatisfaction about a proposed resolution to an issue raised will be given a complaint reference number	<ul style="list-style-type: none">Options to speak directly with a customer service representative should be available, without long waiting times. Complaints

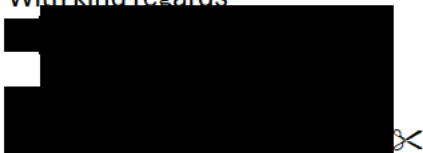
and have other consumer rights triggered earlier;	<p>Department should have a direct dial landline number available for contact (with the option of other methods of contact such as forms, email, chatbot). Older consumers wishing to lodge a complaint or engage in resolution should not have to engage with 'interactive voice response' which may present a barrier to making a complaint.</p> <ul style="list-style-type: none"> In addition to the reference number, customer service agents should be able to search for the specific complaint by customer name, address etc so that the reference number is not the sole identifier for the complaint
<ul style="list-style-type: none"> a provider issues a 'Complaint Update' if the advised timeframe to resolve a complaint will not be met and that a 'Complaint Response' will issue in all cases and will inform consumers of their right to refer a dispute to ComReg where relevant; and 	<ul style="list-style-type: none"> There should be clarity on response timeframes so that older consumers know when their issue will resolved.
<ul style="list-style-type: none"> certain key communications are to be issued to consumers on a durable medium. 	<ul style="list-style-type: none"> Hard copy of key communications to be issued by post

- In addition, there should be provision for COMREG to provide a special response to any providers with a rate of complaints that is well above average for the sector.
- For 'vulnerable' customers, the option for the older customer to assign a family member to speak on their behalf or support them with the complaint process should be in place.

I am attaching a copy of our Age Friendly Communication toolkit. Telecommunication providers can avail of our free Age Friendly Communication training for their customer service teams.

We would be happy to set up a focus group meeting with our Older People's Councils to discuss this further, if your timeframe allows.

With kind regards



Age Friendly Ireland
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A GUIDE TO AGE-FRIENDLY COMMUNICATION



monaghan
Age Friendly County

INTRODUCTION

Monaghan Age Friendly alliance is in existence since September 2011. In that time we have aimed to make Monaghan a better place in which to grow old through the delivery of Monaghan Age Friendly strategy. The actions within Monaghan Age Friendly strategy were identified through an in depth consultation process with the older people of county Monaghan. Access to information and services was one of the key issues raised by older people in Monaghan. Many older people highlighted to us the barriers, difficulties and challenges they experience daily when trying to access services or information or supports in their community. Many of these difficulties arise from a lack of awareness of the older customer.

Monaghan Age Friendly Alliance wish to make service providers, businesses, shops and the wider community aware of the needs of the older population when communicating about their services, information and activities. We hope this booklet provides useful information that will help achieve that goal.

***“Just because you know
what you’re talking about doesn’t
mean that I do”***

Participant in Monaghan Age Friendly strategy consultation





THE IMPORTANCE OF AGE FRIENDLY COMMUNICATION

How well you communicate with your customers contributes to how well you meet their needs. Whether you provide services related to health, education, social services

or, retail effective communication is vital.

When information is easy to see, easy to hear and easy to understand, everyone benefits. When staff are trained to deal sensitively and respectfully with clients and customers, service improves for everyone.

In Monaghan 2015, people aged 65 and older make up almost 13% of our population. Whether you run a business, a public service serving seniors, a retail outlet or a community organisation you want to serve your clients and customers well. Monaghan Older peoples network welcomes the publication of this booklet. We are keen to bring the concerns of the older people of Monaghan to the wider community in relation to accessing services and information. We hope the tips and information contained in this booklet will help you

understand a little better the difficulties some people have when trying to access information on services.

While the focus of this booklet is older people the advice is relevant to communicating with audiences of all ages. Plain language, good design and materials that are easy to use and understand are valued by everyone.

P.J. Harte

Chairperson

Monaghan Older People's Network



Section one: WHAT IS COMMUNICATION?

“Communication is the act of transferring information from one place or one person to another”

Information and communication are not the same.
Information is **“What”** we share,
Communication is **“How”** we share it.

When interacting with older people, it is important to be sensitive to how they prefer to communicate, learn and use information. Remember, the way you communicate and learn may NOT be the same as people from a different generation.

Communication involves sending, receiving, understanding and utilizing information. Attitudes, feelings and behaviours can cause breakdowns in communication between people of different generations. Miscommunication can cause people to respond or react negatively.

HOW DO WE COMMUNICATE?

There are many mediums we use to communicate with others:

Spoken or Verbal Communication:

Face-to-face, telephone, radio or television and other media.



For many people the telephone is a lifeline to basic services and information. In a rural county like Monaghan access to services and information is crucial to combating social exclusion and rural isolation. For many services in a rural county the provision of service over the telephone is central to the organization. For older people the telephone can be an important means of getting services and information. The manner in which you deliver services on the telephone can greatly improve the accessibility of your service.



Non-Verbal Communication:

Body language, gestures, behaviour.



How we communicate with people can affect whether and how services are used or accessed by people. First and foremost

we should always treat people with dignity and respect. Negative body language tells the customer you are not interested in helping them, for many older people this will prevent them from looking for the assistance they need.

Written Communication:

Letters, e-mails, books, forms, leaflets and the Internet or via other media.



Written communication is one of the most important and useful methods of communicating information to the public. This method of communication used by organisations is often

inaccessible to many older people in the community.

Complicated language, jargon, small print, cluttered application forms all make your service and information very difficult for some people to access.

Visualizations:

Signage, maps, logos and posters communicate messages.

Visualizations help people find services and supports with ease. Clear signage, uncluttered noticeboards and easy to read posters make it easier for your customer to see what services are available to them and where they can find them.





Section two: AGING AND COMMUNICATION

There are many factors that lead to breakdown in communications; some of these factors arise from changes associated with aging. Many older people experience changes as part of the natural aging process that can affect their capacity to receive and understand information.

Service providers should be aware of these changes and ensure the methods used to communicate with older customers reflect the barriers older people may experience.

Sensory changes are a normal part of aging.

Changes in vision and hearing can affect an older person's capacity to absorb information. A person may begin to have difficulty hearing clearly or reading small print.

Physical changes can include decline in flexibility, strength, fine motor control and hand-eye coordination, which can translate into difficulty manipulating controls buttons or touch screens.

Physical changes

Changes in cognitive function

Changes in cognitive function, including memory, reasoning and abstract thinking can impact on how a person receives or understands information.

Emotional changes, the impact of sensory, physical and social changes on an older person can also impact on their emotional well being. Older people may feel an increased sense of loneliness, isolation, tension or worry, and anxiety.

Emotional changes

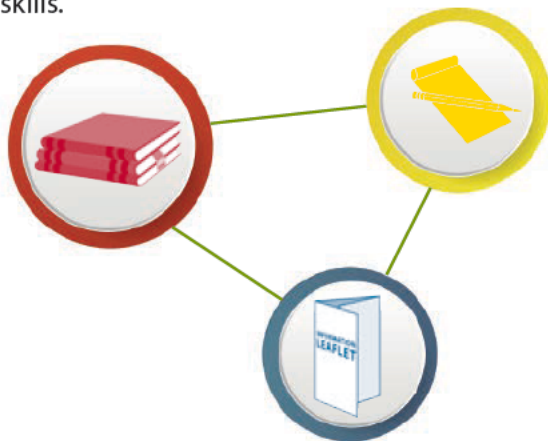
Support and understanding from services providers can help the customer to feel less anxious and worried.



Literacy

While many older people today have achieved higher levels of education than previous generations, there are still many older people in our communities who experience literacy difficulties.

Limited literacy skills limits can impact on all communication forms that rely on the written word. Tasks such as filling out forms or reading instructions on leaflets, understanding information provided present significant difficulties for older people with limited literacy skills.



Section three: AGE FRIENDLY COMMUNICATION IN YOUR SERVICE

HOW CAN SERVICE PROVIDERS COMMUNICATE IN AN AGE FRIENDLY MANNER?

Spoken or Verbal Communication:

Face-to-face, telephone, radio or television and other media.





Age Friendly verbal communication

You can ensure that you are providing information in an accessible manner by being aware of barriers people face in accessing information or services from your organisation. You can use simple techniques to communicate with people in an age friendly way. Dealing face to face with service users involves adopting courtesy and respect as well as taking note of some additional communications needs.

- Listen to the customer.
- Maintain eye contact without staring.
- Make the customer feel comfortable.
- Treat the customer with dignity, respect and courtesy.
- Ask the customer to tell you the best way to help. If unsure, always ask.
- If offering assistance, wait until the person has accepted your offer or has given instructions before you help.
- Deal with unfamiliar situations in a calm, professional manner.
- Allow for extra time if necessary.
- Be relaxed.

Age friendly Telephone Skills

For many older people the telephone is a lifeline to basic services and information. Poor telephone skills can create enormous difficulty and frustration for people trying to access services and information. For some people making a phone call may be a stressful and frustrating experience. As a service provider you should try to minimize that stress as far as possible.

You can do this by:

- Speak clearly, and courteously
- Clarify what information/service they are calling about.
- Offer information clearly and check the caller has heard everything.
- Being helpful to the caller even if the subject of the call is not strictly speaking your field of responsibility. This means trying to find someone who can help now, or someone who can ring them back later.
- Don't put the caller on hold and then leave them suspended there indefinitely.



Non-Verbal Communication:

body language, gestures, behaviour.

Age Friendly non-verbal communication

There are many different types of nonverbal communication. Together, the following nonverbal signals and cues communicate.

- **FACIAL EXPRESSIONS** - Make eye contact during conversations and take care that your facial expression is one that shows you are listening and willing to help.
- **GESTURES** Although not an actual “facial” expression, head movements such as nodding are also important visual cues that let people know you are listening, processing the information.
- **GENERAL BODY LANGUAGE** Crossing your arms over your chest signifies to a listener that you do not agree with them and you are closed off from what they are saying. Fidgeting while listening also imparts cues that you are not interested in what is going on. Keeping still while listening may not be easy, but it lets the speaker know that you care about what they are saying.

Written Communication:

letters, e-mails, books, forms, leaflets and the Internet or via other media.

Age Friendly written communication

- Keep information simple and easy to understand.
- Use familiar language and tone
- Highlight key points and repeat a number of times
- Use pictures to illustrate information
- Avoid jargon
- Avoid complex graphs/charts
- Include contact details for people who may require further information





Visualizations:

Signage, maps, logos and posters communicate messages.

Age Friendly visualizations communication

- Signage should be clear and easy to understand
- Signage should be located where it can be seen clearly
- Logos should be simple and uncomplicated
- Noticeboards should be clutter free and easy to read

Section four: GENERAL TIPS AND ADVICE

AGE FRIENDLY COMMUNICATION TIPS AND IMPORTANT POINTS

1. Consider the needs of the audience to whom you are communicating your message
2. Don't assume the customer has an existing level of knowledge of the service
3. Always offer assistance to the customer
4. Use clear simple language

Simple Language Checklist

- Use familiar words and a conversational, personal tone.
- Be direct and specific.
- Favour short words and short sentences.
- Use short paragraphs.
- Use pictures or illustrations to make the message easier to understand
- Highlight main ideas and important information
- Offer assistance
- Include contact details where assistance can be accessed.



2. An Post Mobile

NON-CONFIDENTIAL

Consultation on Code of Practice for Complaint Handling; Review of Minimum Requirements for ECS Providers

To: retailconsult@comreg.ie
Subject: Submission to ComReg 25/23
Author: An Post Mobile
Date: 27 May 2025

Background

ComReg published its Consultation on Code of Practice for Complaint Handling; Review of Minimum Requirements for ECS Providers on 22 April 2025.

An Post Mobile welcomes the opportunity to contribute in reference to the questions posed by ComReg in its consultation document.

Chapter 3 Definition of a Complaint

ComReg

Q1 Do you have any comments on the proposed approach ComReg has set out in Chapter 3 or other comments on this chapter? Please explain the basis of your response in full, referring to the appropriate paragraph number and provide any relevant information to support your response.

An Post Mobile Response

The Merit of Complaints (paragraph 45)

"It is important to emphasise that whether or not an issue raised becomes a complaint is not dependant on the merit of the issue.[...] These elements can be met even where the underlying issue does not have merit. The perceived merits of an issues raised by an end-user are not determinative of whether or not it may give rise to a complaint."

An Post Mobile recommends that for an issue to be considered a complaint, there needs to be some merit or substance involved. An Post Mobile recommends that ComReg, if introducing this clause, provides some further detail or examples to provide clarity.

Definition of a Complaint (paragraph 56)

'Complaint' means an issue raised by an End-User to a Provider through one of the complaint handling channels in the Provider's code of practice for complaints handling or an issue that is otherwise handled by the Provider in accordance with section [...] of this Decision²⁵, relating to the Provider's product, service, or its complaint handling process (which includes difficulty experienced making a complaint) and either:

(a) the issue remains unresolved following an initial attempt by the Provider to resolve it and the End-User expresses dissatisfaction either explicitly or implicitly, or

(b) there has been no attempt by the Provider to resolve the issue and 2 Working Days have elapsed since the issue was raised to the Provider by the End-User; in such circumstances the issue will be deemed to be a Complaint from the date the issue was raised to the Provider by the End-User.

Implicit Dissatisfaction (paragraph 56a)

Implicit dissatisfaction can be challenging to determine in a digital environment where body language and tone cannot be observed. While An Post Mobile acknowledges that it should not be necessary for end-users to say explicitly that they are dissatisfied, there should be more tangible and robust parameters in determining implicit dissatisfaction.

An Post Mobile recommends that the definition includes, at the very least, that dissatisfaction is *reasonably* implied from the situation or conversation.

Response timelines (paragraph 56b)

"Where there has been no attempt by a provider to resolve an issue and 2 working days have elapsed since the issue was raised to the provider by the end-user, the issue will be deemed to be a complaint from the date that the issue was raised to the provider by the end-user."

An Post Mobile believes that the addition of (b) above is unnecessary and only serves to increase the administrative burden for the service provider without offering any real benefit to the customer.

ComReg in D04/17 already sets timeframes within which a provider shall respond to and resolve complaints, for example:

"The Complaints Acknowledgement is provided to the end-user (including the communication of the unique identifier to be used in respect to complaints and an internet/world wide web link to their code of practice) within a maximum timeframe of two Working Days,"

And

“The Complaints Response is provided to the end-user within a maximum timeframe of 10 Working Days,”

Chapter 4 Proposed Requirements arising from Section 42(1)

ComReg

Q2. Do you have any comments on the proposed approach ComReg has set out in Chapter 4 or any other comments on this chapter? Please explain the basis of your response in full, referring to the appropriate paragraph number and provide any relevant information to support your response.

An Post Mobile Response

No Comment.

Chapter 5 Proposed Requirements arising from Section 42(2)

ComReg

Q.3 Do you have any comments on the proposed approach ComReg has set out in Chapter 5 or any other comments on this chapter? Please explain the basis of your response in full, referring to the appropriate paragraph number and provide any relevant information to support your response.

An Post Mobile Response

5.1 First point of contact for complainants, including the channels of making complaints (paragraph 89).

“ComReg remains of the view that an ‘Electronic means of contact’ used to make a complaint or used to raise an issue that leads to a complaint, must adhere to the requirements of the definition. To ensure prompt, transparent, inexpensive and non-discriminatory handling of complaints ComReg is of the view that providers who use as an electronic means of contact:

89.1 chat bots, web-based chat, direct messaging tools (or equivalents to the foregoing), should provide end-users with an option to download or print a copy of the ‘chat’ or message or provide this to the end-user automatically,”

Chat bot technology is currently developing at pace. At present, not all chat bots incorporate the functionality to download or print copies of chats with end-users. While providers catch up with the newest technology, the capability to save the transcript record by way of a screen shot should suffice.

(5.3) Time-frames within which a provider shall respond to and resolve complaints (paragraph 103).

Please see our response as previously set out under Question 1 (Chapter 3)

Draft Decision Instrument (Appendix 2)

ComReg

Q.4 Do you have any comments on the draft Decision Instrument in Appendix: 2? Please document clearly the basis of your response and reference the paragraph number(s) where appropriate. Please explain the basis of your response in full and provide any supporting information.

No Comment

Draft Regulatory Impact Assessment (RIA)

Q. 5 Do you have any comments on ComReg's draft regulatory impact assessment? Please provide detailed reasons and supporting evidence for your view.

An Post Response

An Post Mobile recognises the need for ComReg to ensure that service providers have in place a code of practice for complaint handling and that end user complaints are handled in accordance with the provisions of such codes of practice.

We note that ComReg recognises that regulatory measures should be kept to a minimum and that the requirements to be placed on providers are appropriate and proportionate.

An Post Mobile asks that ComReg's regulation of this sector, including additional obligations concerning providers' complaint handling process, gives careful consideration to striking a balance between adding value for customers and market players and that it does not disproportionately increase the financial and administrative burden particularly on smaller providers in the telecommunications sphere.

3. Eircom Limited (trading as 'eir' and 'open eir'), collectively referred to as 'eir Group' (“eir”)

NON-CONFIDENTIAL

eir's Response to ComReg Consultation & Draft Decision:

Code of Practice for Complaint Handling

ComReg Document: ComReg 25/23



27 May 2025

DOCUMENT CONTROL

Document name	eir response to ComReg Consultation 25/23
Document Owner	eir
Status	Non-Confidential

The comments submitted in response to this consultation document are those of Eircom Limited (trading as 'eir' and 'open eir'), collectively referred to as 'eir Group' or 'eir'.

Summary Response

eir welcomes the opportunity to participate in this consultation process.

eir notes that the tracked changes document set out in Appendix 1 of the consultation is a very helpful tool to facilitate an informed and broad review of the document; provision of this in excel would be a useful addition going forward.

eir's comments are set out below under the relevant questions asked by ComReg, summarised as follows.

1. The proposed 12 month retention period to include complaint call recordings amounts to a significant cost and logistical burden on eir, including in respect of data protection. There is no evidence-base justifying this requirement set out in the Regulatory Impact Assessment, from a costs and benefits perspective.
2. The proposed requirement relating to issues becoming complaints within two working days, firstly, risks flooding the complaints process with non-complaints, with the potential to result in bottlenecks and the masking of more urgent matters. Secondly, the introduction of a two working day timer in this proposal is problematic and lacks an evidence-base or benchmark.
3. It is also unclear how the automatic reclassification of an issue as a complaint after such a short timeframe would assist end-users in exercising their right to refer a dispute to ComReg for resolution. In the absence of a genuine dispute—where the provider has explicitly disagreed with the customer—there is no basis for referral to ComReg's dispute resolution process. If a provider simply fails to respond to an issue or complaint, this would not constitute a dispute but rather a potential compliance failure under section 41 of the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023, which governs providers' obligations in handling complaints. In such cases, ComReg can intervene directly through its existing complaint-handling service, the Consumer Line, which liaises with providers on behalf of end-users at no cost to the consumer.
4. Introduction of the concept of 'implicit' complaints by ComReg has the potential for abuse and is laden with subjectivity. The consultation contains no evidence of the proportionality of this proposed measure and it may result in regulatory uncertainty. If this is to be retained, a basic, unambiguous and consistent assessment test must be noted at the outset in the Decision and implemented consistently by ComReg in its oversight of compliance, as set out below.
5. The rationale behind the approach proposed to issue a complaint update and complaint response simultaneously is unclear and has the potential to cause confusion for both Providers and end-users alike.

6. eir notes that the proposed amendments, separate to those relating to items 1 and 2 above, will involve changes to the existing Code of Practice, to acknowledgment templates etc, to customer care practices, changes to IT systems, and to training materials. A three month time period for implementation of this is insufficient; a minimum of six months is required.

Q. 1 Do you have any comments on the proposed approach ComReg has set out in Chapter 3 or other comments on this chapter? Please explain the basis of your response in full, referring to the appropriate paragraph number and provide any relevant information to support your response.

Chapter 3 relates to the proposed revised definition of a complaint.

7. eir has concerns with regard to introduction of the concept of an 'implicit' complaint. We note ComReg's statement that:

ComReg is of the preliminary view that any additional burden created by this proposal for providers can be greatly mitigated against by the provider simply inquiring as to whether or not the end-user is satisfied with resolution proposed by the provider.

8. We agree that customers should not need to use specific wording in order for a Provider to treat a matter as a complaint. While eir considers the intent of the draft measure to be legitimate, the proposal as currently set out appears to go too far and indeed may be unworkable in practice, in the context of the reality of operating a call-centre, by allowing customers to express dissatisfaction either 'explicitly' or 'implicitly.' Implicit could, for example be argued by customers to include their tone of voice – it is too subjective and difficult to assess for care agents who have to deal with many calls every day. In that regard, while ComReg acknowledges in its introduction that Section 41 requires complaint handling processes to be fair, prompt, inexpensive and non-discriminatory, ComReg does not then assess whether its proposed extension of the definition of complaint will result in a process that meets those criteria. For example, extending it to include 'implicit' complaints, given the degree of subjectivity and difficulty involved in assessing this, will likely make the process slower, more difficult to implement, and consequently more expensive. It is also arguably not fair to Providers, to place the burden on them of assessing whether someone was implicitly dissatisfied.
9. ComReg has statutory obligations to Providers as well as to end-users; however the consultation's exclusive focus appears to be on end-users. The consultation does not address in any detail the practical or cost consequences for Providers,

and how this might impact the overall provision or cost of services, bearing in mind how these additional obligations arise in the context of an ever increasing regulatory burden being placed on Providers. It also does not address the risk of fraudulent or tactical complaints, for example to avoid paying outstanding bills. As such, the consultation appears one-sided, with little Provider impact assessment and what there is, is not evidence-based.

10. We strongly contend that there is no justification for ComReg to rely on such an ambiguous concept as a basis for second-guessing the perceptions of frontline agents during customer interactions. Without a clearly defined and objective framework, any attempt to assess compliance with this requirement risks being unworkable and inconsistent. The only practicable approach would be for ComReg—following appropriate consultation with industry—to establish a defined framework composed of mandatory questions which would illicit binary responses. This should be accompanied by clear, uniform guidance where necessary, and applied consistently across all Providers.
11. Secondly, issues are raised on a continuous basis at scale to customer care. eir is compliant with and remains committed to its requirements under the Code of Practice for complaint handling, including referrals as required to complaint handling channels. ComReg’s proposal appears to be based on an assumption that complaint channels are not readily available. Under ComReg Decision D04/17, providers are required to clearly communicate complaint channels on their web sites and to direct customers to these in related communications to customers. If certain providers are not compliant with these existing obligations, such that their complaint channels become a barrier to raising a complaint, this should be dealt with through direct compliance action and not through amendments to existing ComReg measures that are already effective.
12. ComReg has provided no evidence base to justify the proposed re-categorisation of unresolved issues as complaints after two working days. The consultation paper does not explain why such a sweeping measure is necessary, nor does it demonstrate any clear benefit. The individual examples cited in ComReg’s Regulatory Impact Assessment do not amount to robust evidence at a sufficient scale to support the imposition of this requirement. If implemented, the proposed short two working day timeframe risks overwhelming genuine complaints with issues that were never intended to be classified as such.
13. Moreover, while customers remain free to lodge a complaint at any time, a more appropriate default threshold for escalation—unless the customer explicitly states otherwise—would be 10 working days. This would be consistent with the timeframe for referring a dispute to ComReg and would acknowledge that many issues are complex and may reasonably require more time to resolve. This

timeframe provides a **logical and policy-consistent anchor** for setting a threshold before automatically reclassifying an unresolved issue as a complaint.

14. By aligning the proposed internal definition with the **existing escalation trigger** for regulatory involvement, it:

- Ensures consistency across regulatory mechanisms;
- Recognises the practical time it may take to resolve certain issues;
- Avoids artificially inflating complaint statistics with short-lived or still-resolving queries; and

Importantly, this approach would not prevent any customer from raising a complaint at any time should they so choose—it simply avoids premature or automatic classification in the absence of customer intent.

Q. 2 Do you have any comments on the proposed approach ComReg has set out in Chapter 4 or any other comments on this chapter? Please explain the basis of your response in full, referring to the appropriate paragraph number and provide any relevant information to support your response.

15. Chapter 4 relates to proposed changes to the preparation, publication and implementation of a CoP. Comments on this chapter are covered elsewhere in this response document.

Q. 3 Do you have any comments on the proposed approach ComReg has set out in Chapter 5 or any other comments on this chapter? Please explain the basis of your response in full, referring to the appropriate paragraph number and provide any relevant information to support your response.

16. Chapter 5 relates to matters that must be provided for in the CoP, in relation to the handling of complaints and resolution of disputes. Comments on this section are covered elsewhere in this response document.

Q. 4 Do you have any comments on the draft Decision Instrument in Appendix: 2? Please document clearly the basis of your response and reference the paragraph number(s) where appropriate. Please explain the basis of your response in full and provide any supporting information.

Appendix 2 is the draft Decision Instrument and associated Schedules.

17. The 'Complaint Acknowledgement' definition should be amended to:

*'(v) any other **known** steps in the Provider's Complaint handling process'.*

*'(viii)(a) a period of at least 10 **working** days has elapsed since the complaint giving rise to the dispute was made'*

18. The 'Complaint Response' definition should be amended to:

*'(iii)(a) the Complainant is dissatisfied with the ~~complaint~~ **dispute** resolution undertaken or proposed by the provider or **the dispute has not been resolved and 10 working days has passed since the complaint was received by the provider.**'*

19. eir suggests that the word 'final' should be deleted from the following:

'Proposed Complaint Resolution' means a response issued to a Complainant on a Durable Medium, which sets out the ~~final~~ resolution offered by a Provider to an End-User to resolve the complaint.'

20. eir believes that the proposed Decision creates potential confusion both for Providers and for end-users in the overlapping requirements proposed relating to a 'Complaint Update' and a 'Complaint Response'. Text highlighted below appears contradictory.

Referring to the text quoted below from the consultation document, it is **instead most logical that a complaint update is issued at 10 working days, if the Provider is not yet in a position to offer a complaint response (which would by definition include the proposed complaint resolution).**

As it stands, the rationale behind the approach proposed to issue a complaint update and complaint response simultaneously is unclear.

*'A Complaint Update is not in lieu of a Complaint Response and arises only in cases where a provider intends to propose a resolution after the expiry of 10 working days from the date on which the complaint was first made. In most cases there should be no requirement to issue a Complaint Update. **In cases where a Complaint Update issues, a Complaint Response should also issue.** ComReg is of the preliminary view that these communications could be made at the same time in a single communication, however if done*

this way appropriate headings should be used to clearly communicate the different aspects to the end-user and also to demonstrate that the provider has complied with both obligations.'

...

'It is only if it has not been possible to provide a Proposed Complaint Resolution within 10 working days that a Complaint Update will be required and the Proposed Complaint Resolution will be provided at or after this stage.'

21. The proposed Decision states that *'Providers shall ensure that a code of practice does not contain information other than information relating to the handling of Complaints and resolution of disputes.'* eir addresses issues and complaints in its Code of Practice. The majority of issues do not become complaints, however as some do, we consider the issues section of our code to satisfy ComReg's requirement to limit the content to matters "relating to the handling of complaints".
22. ComReg is proposing under Section 5.6 that *'records relating to a Complaint are retained for a period not less than 12 months after the date the complaint is finally closed.'* The proposed 12 month requirement will involve significant effort, logistical burden and cost with regard to call recordings, the basis for which has not been proven by ComReg's Regulatory Impact Assessment in any clear evidence-based manner. This will also have a knock on impact on eir's Data Protection team processes and increases the risk posed by processing of personal data, neither of which have been considered or proven as appropriate by the Regulatory Impact Assessment section of the consultation. We again note that requirements imposed by ComReg must be appropriate, proportionate and justified, in light of a related analysis conducted. In this regard, if ComReg is not agreeable to removing this 12 month data retention requirement, we ask that the Regulatory Impact Assessment is re-presented setting out a clear evidence-base at scale for this requirement. While the Regulatory Impact Assessment has referenced other regulatory authorities' approaches reviewed and ISO 10002:2018, the basis for the proposed 12 month data retention requirement remains obscure, from both a costs and benefits perspective. At this point, ComReg has not demonstrated the proportionality of the extra cost.
23. Secondly, Providers must be able to employ basic principles of efficiency in call recording retention, without the need for manual or ad hoc amendments. If a defined period for call recording retentions is required, despite our argument that this is disproportionate and unproven as warranted, this must be a rule that can be applied to all records e.g. *'retention of records relating to a complaint is*

required for two months' and not 'retention of records relating to a complaint is required for two months from the date on which a complaint is closed'. Efficiency measures mean that Providers may not employ differentiated retention policies, in which case this requirement would again result in significant additional cost implications.

24. Section 6.1 requires that Providers must 'demonstrate to ComReg's satisfaction that they are in compliance with this Decision within 1 month of the Effective Date'. Clarification on what exactly ComReg requires for this is required, the absence of which again will result in regulatory uncertainty.

25. Section 9.1 of the Draft Decision instrument states:

This Decision Instrument will take effect 3 months following the date of its publication (the Effective Date) and will revoke and replace ComReg Decision No. 04/17, which remains effective up to the Effective Date.

However, Appendix 1 states:

'This Decision Instrument will take effect from the date of its publication (the Effective Date) and will revoke and replace ComReg Decision No. 04/17, which remains effective up to the Effective Date.'

This difference is highlighted for correction; however it is assumed that the Draft Decision Instrument is the correct intention.

On the point of the proposed effective date, at a minimum eir would require 6 months to implement the changes proposed which it considers achievable. In this regard, we have not included in this estimate the required time period for implementation of a 12 month retention period for call recordings or implementation of some means to capturing all issues across all customer care channels over a two day period.

Q. 5 Do you have any comments on ComReg's draft regulatory impact assessment? Please provide detailed reasons and supporting evidence for your view.

26. Comments on this section are covered elsewhere in this response document.

4. PrepayPower

NON-CONFIDENTIAL

Commission for Communications Regulation

Retail Policy
One Dockland Central,
1 Guild St.,
North Dock,
Dublin 1
D01 E4XO
Ireland
Email: RetailConsult@comreg.ie
Ref: Submission to ComReg 24/23

27 May 2025

In Re: Response to ComReg Consultation on Code of Practice for Complaint Handling

Dear ComReg,

PrepayPower welcomes the opportunity to provide input into this consultation on the Code of Practice for Complaint Handling ComReg 24/23. We set out our responses in this letter

PrepayPower supplies electricity and gas to 250 000 homes. We launched our broadband service in 2019 and have a small but growing customer base of 19,000 customers. Our Prepay services, allow customers' to pay for their utilities in small manageable amounts and avoid large monthly bills. Our Prepaid Broadband service, the first in the Irish market, has offered customers an alternative to existing broadband services based on monthly billing and direct debits.

We strive to provide excellent service to all of our customers, which is reflected in our five-star Trustpilot review¹ and in the fact that we have received the lowest amount of CRU contacts and complaints over the past 6 quarters despite holding at least 10% market share². We always work to resolve any customer issue at the first point of contact and we hold an average call answering time of 17 seconds and an average complaints acknowledgment time of 24 business hours.

We share ComReg's view that electronic communications sector plays a vital role in supporting customers to, live, work and communicate. We are fully supportive of the enhancement of the

¹ <https://ie.trustpilot.com/review/www.prepaypower.ie> 4.8 Trustpilot rating

² https://cruie-live-96ca64acab2247eca8a850a7e54b-5b34f62.divio-media.com/documents/Customer_Care_Team_-_Customer_Contacts_and_Complaints_-_Biannual_Insights_Repo_rx7bk5o.pdf



complaints process in order to ensure that all customers receive the best service and customer experience possible.

We would question the expansion of the definition of a complaint to include a customer's "implicit" expression of dissatisfaction. The subjective amendment is left open to agent interpretation and will create practical challenges that will require a service provider to judge whether a response or resolution is "implicitly" expected. Further, this may result in the customer entering our complaints process in situations where the customer may not have wanted or expected the matter to be treated as a complaint. For this reason we would be of the view that the complaints should not be extended to include an implicit expression of dissatisfaction.

Considering the broad nature of the complaint definition we would request that ComReg in its final decision paper provide some practical examples or guidance as to whether the bellow scenarios would constitute a complaint, namely, where a customer contacts us:

1. and is dissatisfied with the Price of our service and is advised on the first call that our pricing is fixed and we are unable to offer our services at a lower price;
2. due to a technical issue and a technician visit is scheduled on the first call however the customer expresses dissatisfaction as to the length of time it will take for a technician to attend the customers property;
3. due to a speed issue and is advised on the first call that they are achieving above the minimum advertised threshold and we are unable to resolve the speed issue for reasons beyond our control i.e the distance of a customers property form the cabinet;

Finally, given the volume of administrative changes that will be required once the final decision is published i.e. updating our Codes of Practice, website, training material, customer communications as well as retraining all staff on the new processes we would be of the view that a 6-month implementation period following the publication of the final decision would be essential.

We remain at your disposal should you like us to expand further on this submission or explain any of our analysis.

Yours sincerely,





PrepayPower
Paramount Court
Corrig Road
Sandyford
Dublin 18



5. SIRO

NON-CONFIDENTIAL

SIRO

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Private and Confidential

retailconsult@comreg.ie

Commission for Communications Regulation,
One Dockland Central,
Guild Street,
Dublin,
D01 E4X0.

27th May 2025

BY EMAIL

**Subject: SIRO Response to Consultation: Code of Practice for Complaint Handling;
Review of Minimum Requirements for ECS Providers ComReg 25/23**

Dear Sir/Madam,

We write in response to ComReg Consultation Document 25/23 regarding the proposed revised requirements for a Code of Practice for Complaint Handling by Electronic Communications Service (ECS) providers. While we support the principle of enhancing transparency and fairness in complaint handling, we oppose several aspects of the proposed Decision Instrument, which in our view are disproportionate, create regulatory uncertainty, and place undue administrative burdens on providers—without clear, substantiated consumer benefit.

We respond in detail below to the consultation's key proposals and accompanying questions, drawing attention to specific provisions of the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023 ("2023 Act"), as well as to international norms.

Q1: Comments on the Proposed Definition of "Complaint" (Chapter 3)

We strongly oppose the proposed redefinition of "Complaint" (para. 56), which includes implicit dissatisfaction and introduces "deemed complaints" where no resolution attempt is made within 2 working days (para. 35.4). This definition is vague and overreaching for several reasons:

1. **Implicit Dissatisfaction (para. 35.3, 47–49):** Determining implicit dissatisfaction introduces subjectivity and legal uncertainty into complaint categorisation. This could expose providers to retrospective reclassification of queries as complaints, with corresponding regulatory obligations, without any actionable clarity.
2. **Deemed Complaints (para. 35.4, 41):** Automatically treating issues as complaints after 2 working days—regardless of provider awareness, complexity of the query, or consumer intent—is disproportionate and inconsistent with international norms. For

instance, ISO 10002:2018 does not impose arbitrary timelines for complaint crystallisation.

3. **Real-Time Channels (para. 51–52):** While distinguishing real-time and non-real-time channels is helpful, imposing equal evidentiary weight across all media—especially social media—may incentivise abuse of informal platforms and complicate audit trails.

We urge ComReg to retain the current definition in D04/17, or at a minimum, to restrict the revised definition to include only “explicit” expressions of dissatisfaction and remove the “deemed complaint” concept.

Q2: Comments on Publication, Implementation and Staff Obligations (Chapter 4)

We are concerned by the proposed obligations at the first point of contact (para. 27.1, 75–80), particularly:

- **Obligation to Transfer or Redirect (para. 75):** This presumes technical feasibility across all platforms. Smaller providers or those using outsourced platforms may be unable to redirect from certain channels (e.g., third-party SMS tools).
- **Exclusivity of Code Content (para. 68–72):** Mandating that only complaint-handling content be included in the code of practice risks removing valuable context (e.g., escalation routes, SLA definitions, complaint metrics), which assist consumers and reduce regulatory complaints.
- **Staff Training and Accessibility Requirements (para. 74, 78):** While we support inclusion training, a blanket requirement for all staff to be proficient in complaint procedures is disproportionate and conflicts with operational models where first-line agents triage and escalate appropriately.

We recommend ComReg retain the general obligation to publish accessible codes of practice, without prescriptive content and publication methods.

Q3: Comments on Proposed Requirements under Section 42(2) (Chapter 5)

1. **Complaint Channels (para. 91–93):** We agree in principle with the inclusion of durable media and digital channels, but automated platforms (e.g., chatbots, or engagement via AI agents) may not support transcript downloads. Mandating this without exceptions risks technical infeasibility or consumer confusion.
2. **Recording and Timeframes (para. 94–102):**
 - The requirement to record all communications (para. 98) across all platforms, including informal or transient channels like social media, imposes a disproportionate compliance burden. This goes beyond even Ofcom’s standards in the UK.
 - Timeframes (para. 103–113): The requirement to issue Complaint Acknowledgement within 2 working days (even for “deemed complaints”) and Complaint Response within 10 working days fails to account for complaint complexity or dependencies (e.g., third-party wholesaler queries).

3. **Complaint Updates and Complaint Response Distinction (para. 114–120):** Creating overlapping categories adds complexity without meaningful benefit to consumers. The proposed architecture diverges from ISO 10002:2018's streamlined guidance and risks inconsistent application.
4. **Retention of Records for One Year (para. 31, 96):** We request clarification that this obligation applies only to fully resolved complaints and does not extend to queries or informal contacts that never progressed to a complaint.

General Comments and Recommendations

- **Regulatory Impact Assessment (RIA):** The RIA (Section 6) insufficiently quantifies the administrative burden on smaller providers. While international comparators are referenced (para. 13), no empirical data on cost-benefit for end-users is provided. We urge ComReg to publish a supplementary quantitative RIA before proceeding to Decision.
- **Legal Certainty and Proportionality:** The proposed instrument exceeds the proportionality principle enshrined in Recital 9 of Directive 2018/1972. It may conflict with Article 3(4) of the same Directive, which encourages flexibility in regulatory implementation based on market circumstances.

Conclusion

While we support ComReg's overall intent to strengthen consumer protections, we believe the proposed measures in ComReg 25/23 are excessively prescriptive, impractical in their application, and lacking in proportionality. We respectfully request that ComReg:

1. Retain the existing definition of "complaint" with only minor updates for clarity.
2. Abandon the "deemed complaint" mechanism and implicit dissatisfaction threshold.
3. Allow greater flexibility in publication, staffing and technical implementations.
4. Conduct further impact assessments before finalising the Decision Instrument.

Thank you for considering this response to consultation. Please do not hesitate to contact us for further discussion on this matter.

Yours sincerely

No signature as sent by email

A large black rectangular redaction box covers the signature area. To the left of the box is a small scissors icon, and to the right is a larger scissors icon.

For and on behalf of SIRO

6. Sky Ireland

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Response

Code of Practice for Complaint Handling

ComReg 25/23

27 May 2025

Introduction

1. Sky Ireland Limited (“**Sky**”) appreciates the opportunity to respond to ComReg’s Consultation on the Code of Practice for Complaint Handling. While we welcome ComReg’s initiative to ensure end-user protection by updating the minimum requirements for a code of practice for complaint handling of ECS providers, we would like to highlight several key submissions regarding the implementation of the proposed decision.

Q. 1 Do you have any comments on the proposed approach ComReg has set out in Chapter 3 or other comments on this chapter? Please explain the basis of your response in full, referring to the appropriate paragraph number and provide any relevant information to support your response.

Response to Q1:

2. **Implicit Expressions** - In paragraph 35 of the Consultation ComReg indicates that it is proposing to amend the definition of ‘complaint’ in a number of respects. Paragraph 35.3 states that, *“The definition requires an expression of dissatisfaction by the end-user however this may be explicit or implicit”*. Paragraph 48 of the Consultation provides an explanation for this proposed change, suggesting that an overly literal approach, where a customer is required to state a form of particular words in order to be considered as a complaint, could undermine the process. We consider however that it is not correct that an expression of dissatisfaction which is implicitly made should be considered as a complaint.
3. The meaning of the word “implicit” is that something is suggested but not directly expressed. For example, a customer could adopt a dissatisfied tone on a call which may imply dissatisfaction but which we do not consider should be deemed to be a complaint. The burden on Sky customer service agents to determine whether or not this was in fact a complaint would be too onerous and involve assumptions and guesswork, which could lead to an issue being logged as a complaint, which is not in fact a complaint.
4. In addition, we do not consider that Sky customer service agents focusing on the issue of what implicit dissatisfaction means in practice, or ultimately Sky and ComReg debating what was implied or not implied by a customer is in line with the requirements under section 41 of the Code of Regulations and the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023 (the “**2013 Act**”), in particular, the requirement to have in place procedures for dealing with complaints that are fair and transparent. We consider that in such a competitive market, Sky already has an incentive to treat customers well and to ensure that customer complaints are dealt with fairly. Sky’s customer service agents are focused on resolving customer complaints to the satisfaction of customers without the requirement to consider implicit dissatisfaction as a complaint.
5. Further, we consider that a requirement to focus too much on the technical definition of a complaint or “implicit dissatisfaction” in certain circumstances, for example a mass outage event, could be counterproductive and hinder our ability to provide customers with up to date and accurate information promptly.
6. We do however agree that an explicit statement of dissatisfaction, even where the specific wording of “I want to make a complaint” is not expressly used, should be considered a complaint.

7. **Deemed Complaint** - In paragraph 35.4, ComReg proposes that if a provider does not attempt to resolve an issue within two working days of it being raised, the issue should automatically be deemed a complaint from the original date it was raised. We consider there is a risk that automatically deeming an issue as a complaint after two working days without agent's review could dilute true complaints data and hinder our ability to carry out a root cause analysis and ultimately our future customer improvement strategies. It could also overload operational teams with issues that do not reflect actual dissatisfaction and lead to delays in addressing true complaints.
8. While we understand and support the intention to ensure timely and fair treatment of customer issues, in our current complaint handling process complaints are not automatically detected or created by our IT systems. Instead, they are manually attended to by our customer service agents after they have read and reviewed the customer's correspondence individually (or discussed with the customer on the call as the case may be). This ensures that the issue is properly understood and categorised before being logged as a formal complaint. Sky may receive tens of thousands of communications each week on issues, queries and requests and there is no current methodology available to detect complaints within these communications that doesn't involve trained customer service agent review.
9. While our customer service agents have the capability to backdate and re-date complaints manually, if we are required to create a complaint automatically from the original date it was raised, regardless of whether an agent has reviewed it, this would involve internal system changes. We would need to enhance functionality to track all issues raised through various channels (e.g. email, web form, calls) so that it automatically monitors elapsed time since the issue was raised and detects whether a resolution attempt has been made. This capability is not currently built into our systems and would require a combination of technical development, internal process redesign and quality assurance oversight. If we are required to engage in such development, this will have the effect of delaying other developments and reducing funds available for other developments, which we consider would more obviously enhance the customer service.
10. Sky is concerned that automatically deeming an issue a complaint retroactively could lead to discrepancies in our reporting and compliance tracking, as well as confusion for both customer service agents and customers regarding complaint timelines and resolution expectations.
11. **Attempts to resolve** - Sky welcomes the clarification in paragraphs 54 and 55 regarding non-real-time exchanges, which confirms that a provider may rely on a lack of response from the customer (following an initial attempt by Sky to resolve the issue) as an indication that the matter is resolved. We would, however, appreciate similar clarification in relation to real-time channels, such as phone calls. Specifically, we would welcome confirmation that where a provider makes genuine attempts to contact the customer (e.g. by phone) but receives no response, this would still be considered an "*attempt to resolve*" under the proposed definition. This would help ensure providers are not penalised in cases where the lack of engagement is outside of their control. Sky always makes a meaningful and targeted attempt to contact our customers repeatedly to seek to explore and resolve their issues.
12. **Implementation Period** - In any event, if ComReg decides that providers are required to implement changes as per the current proposal, we believe the proposed effective date — three months after publication of the final decision — is too short. Given the development, testing, and training implications described above, which are required to implement such

changes, we respectfully request that ComReg considers a longer lead-in period of at least 9 months to ensure compliance without disruption to service or reporting accuracy.

Q. 2 - Do you have any comments on the proposed approach ComReg has set out in Chapter 4 or any other comments on this chapter? Please explain the basis of your response in full, referring to the appropriate paragraph number and provide any relevant information to support your response.

Response to Q2:

13. With regard to paragraph 72 and the content of the Code, Sky agrees that provider Codes should only provide information relating to complaints.

Q. 3 - Do you have any comments on the proposed approach ComReg has set out in Chapter 5 or any other comments on this chapter? Please explain the basis of your response in full, referring to the appropriate paragraph number and provide any relevant information to support your response.

Response to Q3:

14. Sky notes and welcomes the approach to clarify to customers the specific complaint channel that provides a durable medium. Sky will always record the content submitted through our Online Complaint Form and we provide this to customers in a durable medium when we engage with their complaint. We also scan and store all postal correspondence and are able to provide this to customers if so requested. Our WhatsApp communications with customers will remain on their personal WhatsApp account on their laptop/device for as long as they choose to retain it.
15. We consider that the additional requirement under the proposed new Code that providers will need to confirm within their Complaint Acknowledgement sent to customers, the exact date that the customers themselves made a complaint, is unduly excessive. For Sky to design, build and implement a system change in our complaint process for this functionality to insert the initial complaint date within our current Complaint Acknowledgment will require significant software and data design.
16. The proposal to introduce an additional communication, known as the Complaint Update, will also create an unnecessary burden on providers who are already required to communicate over several regulated touch points during a complaint journey.
17. We note ComReg's proposal to require that all communications with the customer during their complaints journey i.e. Complaint Acknowledgement, Complaint Response, Complaint Update, and Proposed Complaint Resolutions should be issued via a durable medium. While we understand the intent to ensure transparency and traceability, this change would significantly impact our current complaint handling processes.
18. At present, we often resolve complaints efficiently through phone calls, which allow for real-time engagement and quicker resolution. Moving away from this approach would require us to redesign our internal workflows to include follow-up written communications (e.g. emails) after each call. This would introduce delays and additional administrative overhead, keeping our customer service agents from reaching other customers. Furthermore, the proposed requirement for tailored communications for each complaint — rather than system-

generated templates — would necessitate repeated manual drafting and issuing of messages. This introduces a risk of inconsistencies, miscommunication or ambiguity and this could result in operational inefficiencies and significant time consumption. It would also represent a substantial operational and system change, requiring both process redesign and system development to ensure compliance and consistency in messaging, which would require an extensive lead time.

Q. 4 - Do you have any comments on the draft Decision Instrument in Appendix: 2? Please document clearly the basis of your response and reference the paragraph number(s) where appropriate. Please explain the basis of your response in full and provide any supporting information.

Response to Q4:

19. Section 1.1(vi) refers to having regard to the analysis and reasoning set out by the Commission in (1) D13/01; (2) D16/03; and (3) D04/17. Sky considers that it would be more helpful to providers to have all of the relevant analysis and reasoning for the decision in the body of the decision itself. In addition, we note that section 9.1 of the draft Decision Instrument proposes to *“revoke and replace ComReg Decision No. 04/17”* so it is not clear how this draft decision can have regard to the analysis and reasoning contained in D04/17.
20. Section 3.1 includes a definition of *“Working Day”* which *“means a day other than a Saturday, Sunday, or public holiday”*. We suggest adding the wording *“in Ireland”* after *“public holiday”*.
21. Section 8.1 We suggest that at the end of this section where it refers to *“or other Decision Instruments”* this should be lowercase as Decision Instrument is defined as *“this Decision Instrument ComReg Document [XX/XX]”*.

Q. 5 - Do you have any comments on ComReg’s draft regulatory impact assessment? Please provide detailed reasons and supporting evidence for your view.

Response to Q5:

22. Sky agrees with the ComReg assessment that imposing an additional obligation of minimum quality of service could cause undue overlap with existing requirements. However, we would challenge the view in paragraph 175 that *“many of the proposals do not involve changes to existing requirements that would incur significant cost to address”*. Our review of the proposals in terms of our existing systems would counter this view; to enable the functionality expansion proposed there would be a significant cost required to design and implement solutions.
23. Paragraph 202 proposes that the effective date of the draft decision shall be three months from the date of publication as ComReg’s view is that this is an appropriate and reasonable timeframe to allow providers to make the necessary changes. Sky notes that a period of three months would not be enough time to make the changes required by the draft decision. As detailed in our responses above, the expansion of technical requirements arising from the proposals would potentially require a timeframe of at least 9 months to design, build, test and implement.

Conclusion

24. While Sky welcomes the review of the Code of Practice, we are of the view that the requirements as outlined are very extensive and will, if implemented in full, require significant expense and technical implementation. We would welcome the opportunity to discuss the proposals in more detail.

7. Three Ireland

NON-CONFIDENTIAL



26 May 2025

Commission for Communications Regulation
One Dockland Central
Guild Street, Dublin 1
D01 E4X0.

Dear Ms. Ciara,

Submission to ComReg 25/23 (Code of Practice for Complaint Handling Review of Minimum Requirements for ECS Providers)

In response to your document **ComReg 25/23** consultation dated 22/04/2025, we would like to clarify the following:

Section 3: Definition of Complaint

- Paragraph 48: According to our code of practice, if a customer expresses any dissatisfaction with the proposed solution, we escalate the issue to a supervisor or manager in an attempt to resolve it. If the customer remains unsatisfied, we then consider it a complaint and inform them of their right to contact ComReg. We would like ComReg to confirm that this approach meets the requirements.
- Section 5.1.3 – Non-Complaint Handling Channels: The revised definition of a complaint includes issues raised through non-complaint handling channels. We recommend that the 10-day timeline for handling issues/complaints should commence once it reaches the appropriate team and channel. As Incorrect channels may not be monitored, and staff in those channels may not be trained to manage such issues and unaware of the timeline for acknowledgement and other requirements. For instance, if a customer contacts the sales team instead of using the formal complaint channel, additional time would be required to escalate or log the issue correctly.

Section 5.5: Information to be Provided During Complaint Handling

- **Paragraph 126 – Complaint Acknowledgment Timing and Escalation:** The updated definition requires informing the End-User of their right to refer a Relevant Dispute to ComReg, if 10 days have passed since the complaint was raised.
Can ComReg confirm whether this necessitates formal communication after 10 business days, even if the issue is still under investigation?

We recommend flexibility in applying the 10-day escalation rule, especially when resolution is actively underway.

Where delays are due to pending customer actions, we propose pausing the escalation timeline to reflect actual progress. Otherwise, unresolved issues due to lack of customer input may be escalated unnecessarily, creating avoidable workload for both ComReg and the service provider. We are concerned that a mandatory escalation prompt at the 10-day mark may unintentionally increase ComReg complaint volumes. Customers may perceive escalation as a faster route to resolution, even when their issue is being appropriately managed.

- **Paragraph 126 and Section 127 - Complaint Update and Complaint Response:** We maintain clear communication with customers through ongoing email threads, providing timely updates and a final summary of issues and resolutions. Can ComReg confirm that this method is considered adequate?

Section 5.2, Paragraph 95: Means of Recording Complaints

We are open to sharing a copy of the customer's complaint and the interaction record. However, We recommend excluding internal notes, as they often contain: Shorthand, Technical references, Internal processes. These may be confusing or misinterpreted by the customer.

Section 6.4, Paragraph 191: Attempt to Resolve Within 2 Working Days

We seek clarification from ComReg on what constitutes a "sufficient attempt" to resolve an issue. For example: If an automatic response is sent immediately upon receipt. If the appropriate team Initiates action and provides an update within 3 working days. Would this be considered sufficient?

If issue/query volumes are high and more than 3 days are needed: Would it be acceptable to send a holding message indicating delays and expected resolution timelines?

Yours sincerely,

✂



8. Virgin Media Ireland Limited

NON-CONFIDENTIAL



Virgin Media response to:

ComReg's Consultation on "Code of Practice for Complaint Handling - Review of Minimum Requirements for ECS Providers" –

ComReg Ref 25/23, published 22 April 2025

27 May 2025

Non-Confidential

Introduction

Virgin Media Ireland Limited (“**Virgin Media**”) welcomes the opportunity to respond to the consultation published by the Commission for Communications Regulation (“**ComReg**”) on 22 April 2025 titled ‘Code of Practice for Complaint Handling - Review of Minimum Requirements for ECS Providers’ (ComReg Doc 25/23) (“**the Consultation**”).

Unless otherwise stated, all capitalised terms and paragraph references in this response refer to those used in the Consultation. No part of this response is confidential.

We note the background to the Consultation and its overall purpose:

- Regulation 27 of the Universal Service and Users' Rights Regulations required any relevant undertaking to implement a code of practice for settling unresolved disputes.
- By decision **D04/17** ComReg specified minimum requirements for undertakings' codes of practice.
- Part 5 of the 2023 Act replaced Regulation 27 of the Universal Service and Users' Rights Regulations.
- While D04/17 remains in effect, Part 5 introduced changes to the legislative framework that are relevant to D04/17.
- ComReg proposes nine changes to the current code of practice requirements as listed in paragraph 10 of the Consultation, to take effect three months from the date of publication of the Response to Consultation and final Decision.

At the outset, we respectfully submit that enhanced industry engagement would more effectively address ComReg's concerns than amending the Code of Practice for Complaint Handling in the manner proposed. Virgin Media would welcome such engagement as we believe that guidance, on how the current framework is to be interpreted and implemented, could address the core issues.

We also reiterate our previously stated view that early and meaningful consultation with industry stakeholders would be beneficial, prior to publishing the Consultation. We believe that prior engagement, especially with those who work directly in the relevant area, helps to inform and shape a public consultation such as the one at issue, before it is launched.

We made this point in our response to ComReg's consultation on “Missed and Delayed Service and Installation Appointments – End User Compensation” submitted on 20 December 2024¹. We wrote that it *“would have been advantageous for all parties if ComReg had issued a Call for Inputs or had otherwise engaged with industry prior to initiating a full consultation ... Such in-depth engagement is essential to determine the appropriate obligations and the manner of their implementation.”* Also, in our response to ComReg's consultation on “End User Complaints Reporting and Data Provision”², dated 31 March 2025, we again noted that it would have been practical to have first engaged with industry. We also pointed to Goal 15 of ComReg's Draft 2025-2027 Strategy Statement: *“We will engage proactively with our stakeholders, including new stakeholders within our expanded remit.”*

¹ ComReg Doc 24/89 published 6 Nov 2024

² ComReg Doc 25/12 published 25 Feb 2025

Q1. Do you have any comments on the proposed approach ComReg has set out in Chapter 3 or other comments on this chapter?

It is our view that ComReg proposes to amend the definition of “complaint” without clear evidence-based justification, as no substantive facts are presented to explain why the amendment is required. We think the current definition is fit for purpose. We also think that the proposed new definition would widen the potential scope of complaints to such extent that many interactions between operators and end-users, that are not in the nature of complaints and should not be characterised as such, could in future be classified as complaints. This is not in the interests of operators or, more importantly, end-users.

D04/17 currently defines a “complaint” as follows:

‘Complaint’ means an issue raised by an end-user to an undertaking relating to that undertakings product or service or its complaints handling process where the issue remains unresolved following an initial attempt by the undertaking to resolve it or where there has been no attempt by the undertaking to resolve it and the end-user expresses dissatisfaction, through one of the channels set out in the code of practice, that the issue remains unresolved.

ComReg proposes to replace the above definition with this one:

‘Complaint’ means an issue raised by an End-User to a Provider through one of the complaint handling channels in the Provider’s code of practice for complaints handling or an issue that is otherwise handled by the Provider in accordance with section [...] of this Decision, relating to the Provider’s product, service, or its complaint handling process (which includes difficulty experienced making a complaint) and either:

- (a) the issue remains unresolved following an initial attempt by the Provider to resolve it and the End-User expresses dissatisfaction either explicitly or implicitly, or*
- (b) there has been no attempt by the Provider to resolve the issue and 2 Working Days have elapsed since the issue was raised to the Provider by the End-User; in such circumstances the issue will be deemed to be a Complaint from the date the issue was raised to the Provider by the End User.*

ComReg states that the expanded definition is intended to address various difficulties which end-users have encountered when complaining to providers, including the seven listed in paragraph 34 of the Consultation:

- 34.1 an unanswered issue not being considered a complaint;
- 34.2 issues raised through different channels than those set out in a code of practice not being considered a complaint;
- 34.3 end-users who raise several issues within a complaint not having all these issues considered;
- 34.4 end-users with a recurring problem being required to treat each instance as unrelated to the previous instance(s);
- 34.5 end-users having issues and/or complaints closed without their knowledge;
- 34.6 end-users not being provided with a complaint reference number on request;
- and

34.7 end-users being told their issue does not warrant a formal complaint.

Paragraphs 36-49 of the Consultation set out the basis for revising the definition of complaint. We submit that no evidence is presented of the consumer harm to be addressed by the proposed change to the definition.

Paragraph 36 states that providers should be able to direct end-users to specific complaint handling channels, but where an end-user seeks to make a complaint through a non-specified complaint handling channel, that this should not prevent the matter being properly handled as a complaint. ComReg notes that a provider may handle a complaint through a channel other than one specified in its code of practice, or a provider might transfer or redirect an end-user to the appropriate channel. We consider both actions to be reasonable and we agree that providers should have flexibility as to which action to take. We also note, however, that nothing prevents operators from taking either actions under the current framework.

Paragraphs 38 & 39 address an end-user's right and ability *"to raise issues with their provider concerning difficulties experienced in making a complaint"*. We submit that the current definition covers this very possibility as *"complaint"* is defined as *"an issue raised by an end-user to an undertaking relating to that undertakings product or service or its complaints handling process ..."* It also stands to reason that a provider cannot prevent or frustrate an end-user in making a complaint and then argue that no complaint was made. For these reasons, we think the current definition is sufficient.

Paragraph 40 states that an end-user should not be frustrated in making a complaint by a provider not responding to the issue raised. To guard against this, ComReg proposes that if no attempt is made to resolve an issue within 2 working days, the issue will automatically be deemed a complaint. We submit that 2 working days is not enough, for practical reasons, at least 5 working days is more appropriate. Issues can arise that require technical investigation or a technician visiting a property, which takes time. Service Providers must also engage with end-users through non-real-time formats, like emails and letters, which also necessitates a sufficient long response timeframe of at least 5 working days.

Paragraph 42 states that *"where an end-user raises several issues with a provider, the provider is required to respond to each issue and make an initial attempt to resolve it. If some, but not all of the issues raised are resolved, the end-user should not be prevented from pursuing any outstanding unresolved issues as complaints solely on the basis that some of the issues raised have been resolved."* This is perfectly reasonable and logical. It stands to reason that if an end-user raises two separate issues, and if one issue is resolved but the second is not, then the second issue does not simply go away. However, we believe this is how things operate under the current definition of complaint and we submit that there is no need for a new definition to cover something which is so evidently true. Guidance from ComReg to industry would be sufficient.

As to the issues raised in sections 3.1.1 and 3.1.2 of the Consultation, we generally agree with ComReg's observations regarding real-time and non-real-time exchanges. However, we consider that the points raised therein can be addressed under the current definition of "complaint".

We submit, overall, that it would be sufficient for ComReg to publish an Information Notice or guidance in respect of the matters raised in Section 3 of the Consultation – i.e., on how the current definition of “complaint” is to be interpreted and applied. To take an example, a “complaint” is currently defined as an issue that remains unresolved where “the end-user expresses dissatisfaction ...” In paragraph 40, ComReg states that an expression of dissatisfaction can be explicit or implicit and ComReg proposes to amend the definition to make this clear.

We submit that the amendment is unnecessary. The current definition does not state that dissatisfaction must be expressed in an explicit manner, but neither does it state that dissatisfaction expressed in an implicit manner will not be accepted. The current wording is clear and concise and says just enough. It would be nonsensical for a provider to argue that a complaint was not made just because the end-user did not loudly and explicitly declare – “I wish to make a complaint” The intent to make a complaint can be expressed in all manner of ways. But amending the definition will not give end-users any more protection than they already have. Interpretative guidance by ComReg would be sufficient to address this issue, to such extent that it exists.

Q2. Do you have any comments on the proposed approach ComReg has set out in Chapter 4 or any other comments on this chapter?

In Chapter 4, ComReg proposes the following (as set out in Paragraphs 70-72):

- to maintain the requirements that were set out in Section 4.5 of D04/17 ‘Manner of publication’ subject to minor amendments necessary to reflect the terminology used in the 2023 Act;
- to further require that a working direct link to an up-to-date code of practice is clearly displayed on the home page of the corporate website, and web pages established by the provider for dealing directly with end-user complaints including web pages established by third parties where possible; and
- to further require that a code of practice shall include only information relating to the handling of complaints and resolution of disputes and exclude other extraneous material.

We agree with the above proposals. It is reasonable to update D04/17 to reflect the terminology of the 2023 Act, a link to a code of practice should appear on the homepage of a provider’s website, and a code of practice should be clear and concise.

Regarding the proposal set out in paragraph 80, we agree that if an end-user seeks to complain through a non-designated channel, the provider should be able to direct the end-user to the designated channel or handle the complaint through the non-designated channel. However, we consider that both approaches can be taken under the current framework, though if ComReg wishes to amend the framework we have no objection.

Q3. Do you have any comments on the proposed approach ComReg has set out in Chapter 5 or any other comments on this chapter?

We do not agree with some of the proposals set out in Chapter 5. We also believe that the provisions of Section 42(2) of the 2023 Act, which details what must be provided for in any code of practice for handling complaints, are catered for in D04/17 as it stands.

We agree that complaint records must be retained such as account notes and copies of correspondence. However, we disagree with ComReg's proposal concerning retention of call recordings - *"all communications had with an end-user, regardless of the contact channel or medium used relating to a complaint must be recorded (including call recordings where applicable)"*.

Section 42(2)(g) of the 2023 Act requires a code of practice to provide 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)"*. There is no explicit requirement for call recordings. It must also be noted that providers have their obligations under the GDPR in respect of data retention. It would also be impractical to extrapolate specific complaint recording from general recordings where the retention period is less than 12 months.

ComReg proposes to require that a 'Complaint Resolution' and 'Complaint Update' be issued to complainants on a durable medium. The first would set out the final resolution offered by a provider to an end-user, while the second would inform the end-user that it has not been possible for the provider to resolve the complaint within the time frame indicated in the 'Complaint Acknowledgement'.

While there are circumstances where it is necessary to notify an end-user in writing, we do not agree with ComReg's proposal to make this mandatory in all cases. Notifying an end-user in writing is not always practical or necessary. Providers should have reasonable flexibility in how they communicate with customers. Many complaints are swiftly resolved by phone, and these resolutions are recorded on the customer's account. In such cases, there is no added value in issuing a separate, formal 'Complaint Resolution' on a durable medium. It is also important to consider customers' communication preferences, which may not always align with formal written correspondence. Providers should be trusted to exercise sound judgment on a case-by-case basis.

From a consumer welfare perspective, the more time complaints agents spend filling out forms or generating formal correspondence, the less time they can dedicate to actually engaging with customers and resolving issues. While complaints must be handled properly, they must also be handled efficiently and in a timely manner. Achieving this balance requires that providers allocate resources effectively. This includes minimising unnecessary administrative burdens. Over-prescriptive requirements risk reducing responsiveness and delaying resolutions, which ultimately runs counter to the interests of end-users.

Q. 4 Do you have any comments on the draft Decision Instrument in Appendix 2?

We have no additional comments except to note that no question the overall need to amend D04/17 and we do not agree with certain proposed changes to the Draft Instrument for the reasons set out in our response to Questions 1-3 incl.

Q. 5 Do you have any comments on ComReg's draft regulatory impact assessment?

We have no specific comments on the draft RIA other than those expressed in our response to Questions 1 to 4. We must note, however, that the draft RIA lacks specifics on the perceived consumer harm. There is no concrete empirical data to substantiate the perceived consumer harm.

Paragraph 162, for example, states that "*ComReg is aware that the experience of end-users in the handling of their complaints by some providers, since these requirements were specified in 2017, has been mixed.*" Paragraph 163 continues by stating that ComReg has received complaints about end-user complaints not being handled in accordance with codes of practice, with various issues highlighted. This is all rather broad and high-level. If ComReg intends to impose measures that would materially impact stakeholders, they should be based on a clearly defined body of evidence. This should include measurable data, trends, and analysis that demonstrate the nature, scale, and impact of the alleged consumer harm.

In Paragraphs 174–176, the draft RIA discusses balancing the costs to providers against the detriment to end-users. However, the additional costs that providers are expected to bear are not quantified or even estimated. This could have been done, to some extent at least, through pre-consultation engagement with providers. In the absence of hard data, it is impossible to meaningfully assess the proportionality or necessity of the proposed changes.

- End -

9. Vodafone Ireland

NON-CONFIDENTIAL



Vodafone Response to Consultation

Code of Practice Consultation
Review of Minimum Requirements for ECS Providers
Public Consultation

Reference: ComReg Doc 25/23

Version: Non-Confidential

Date: 27/05/2025

Introduction

Vodafone welcomes the opportunity to respond to the Commission for Communications Regulation (ComReg)'s consultation on proposals for the Review of Minimum Requirements for ECS Providers. We support the objective of ensuring that complaint handling procedures are fair, prompt, transparent, inexpensive, and non-discriminatory. However, we believe that certain elements of the proposed regulatory approach may benefit from further refinement to ensure proportionality, operational feasibility, and consistency with the principles of better regulation.

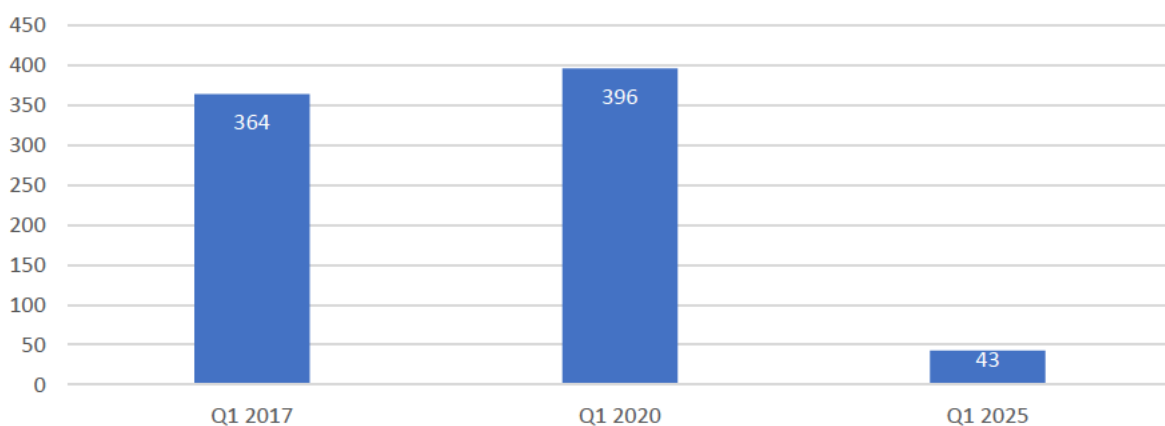
Our more detailed response is set out below. The key points of concern for Vodafone to highlight as part of this consultation are as follows

Why is intervention needed? It is understandable that Code definitions may need to be incorporated into the existing Code, however we question the need to change key aspects of the existing Code which have been embedded within organisations for a number of years. If ComReg has a concern on practices this could be addressed quite simply by providing a clear statement on expectations for ensuring compliance. It becomes extremely challenging for regulatory functions to have to examine, decipher and rework complex ComReg decision documents and text to ensure it is provided in a simple clear way for operational functions who must then adopt to ensure compliance. In paragraph 177 of the RIA ComReg state that legislative changes necessitate revision to the 2017 document and therefore additional costs for providers are unavoidable. We do not agree that this is the case. The text of the 2017 document could be updated to reflect the new legislation without imposing unnecessary technical interventions on operators. This has not been considered as part of the RIA

The 3-month timeframe cannot be achieved with some of the proposals put forward by ComReg. This includes the requirement to include bespoke dates (complaint receipt and expected resolution date) within the acknowledgement text and the changes in relation to durability.

The intervention is not proportionate. ComReg has not considered the overall complaint trends for contacts to their office as part of the assessment. From the data below it is clear that volumes have significantly reduced, which reflects sectoral improvement. The table below shows volumes in Q1 2017 in advance of the publication of the last Code review, the 2020 volumes at the height of covid and Q1 2025.

All Mobile Operators - Complaints to ComReg



Consultation Questions

ComReg Consultation Chapter 3: Definition of a complaint

Question 1: Do you have any comments on the proposed approach ComReg has set out in Chapter 3 or other comments on this chapter? Please explain the basis of your response in full, referring to the appropriate paragraph number and provide any relevant information to support your response.

3 - Definition of a complaint

In paragraph 34, ComReg refers the difficulties end users have encountered and have used this to justify a much broader definition of a complaint, including implicit dissatisfaction and non-specified channels. We note the trend in mobile complaints above. It is never acceptable that customers experience difficulties however we do not believe the definitions need to change. A clear statement on expectation would arguably suffice.

In paragraph 39, Complaints Based on difficulty making a Complaint. This provision could lead to a significant increase in the number of issues classified as complaints, even if the original issue was not service-related but procedural. This may lead to unjustified inflation of complaint volumes and will in fact distort reporting metrics under Section 43 of the 2023 Act. ComReg trends are now well established, and operators also provide full details on complaints on a biannual basis which ComReg can monitor.

In paragraph 40, ComReg's proposal to automatically classify unresolved issues as formal complaints after two working days if no meaningful attempt to resolve them has been made raises several operational and compliance concerns:

- The requirement for a “meaningful, specific and demonstrable” attempt to resolve an issue is open to interpretation. Providers may face uncertainty about what qualifies as sufficient engagement, particularly where the issue is complex and requires triage.
- The automatic escalation of unresolved issues to complaint status may artificially inflate complaint volumes. This could impact internal reporting, regulatory submissions under Section 43 of the 2023 Act, and public perception of customer service performance.
- Existing systems may need to be reconfigured.
- There are risks of premature escalation to ComReg. By deeming issues as complaints after two days, end-users may become eligible to escalate disputes to ComReg more quickly. This could increase the volume of regulatory interventions and place additional pressure on internal resolution team.

In paragraphs 47 to 49, ComReg's proposal to allow both explicit and implicit expressions of dissatisfaction to qualify an issue as a complaint is intended to reduce barriers for end-users.

However, this proposal also introduces several practical and operational concerns:

- This introduces a degree of subjectivity that may create operational ambiguity for providers.
- This assumes that providers can reliably detect dissatisfaction without a clear verbal or written cue.
- The absence of a clear, objective threshold for what constitutes an “implicit” expression of dissatisfaction could lead to inconsistent interpretations by frontline staff. This presents an unacceptable compliance hazard for operators.

- This may result in over-classification of routine service queries as formal complaints, inflating complaint volumes and distorting reporting metrics
- In practice, this may require additional training, script changes, and system prompts to ensure staff actively probe for dissatisfaction—even when it is not clearly expressed.
- This increases the administrative burden and may slow down service interactions.
- If providers misclassify or fail to identify an implicit complaint, the customer may escalate to ComReg prematurely.
- This could lead to avoidable dispute referrals, reputational risk, and increased regulatory scrutiny.

ComReg Consultation Chapter 4:

Proposed requirements arising from Section 42(1)

Question 2: Do you have any comments on the proposed approach ComReg has set out in Chapter 4 or any other comments on this chapter? Please explain the basis of your response in full, referring to the appropriate paragraph number and provide any relevant information to support your response.

4.3 Implementing a Code of Practice

In paragraphs 75 to 80 regarding the various channels available for end-users to contact their provider, Vodafone finds this approach to be contradictory. While ComReg allows providers to specify complaint-handling channels in their Code of Practice, it also requires providers to either:

- Handle complaints in accordance with the Code of Practice as if the specified channel had been used, or
- Directly transfer the end-user to the appropriate complaint-handling channel, unless this is technically impossible. In such cases, providers must redirect the end-user to the correct channel and provide access to the Code of Practice so the complaint can be submitted appropriately.

This is not a clear requirement. ComReg's proposal significantly broadens the scope of monitoring and compliance to cover all customer contact points, which increases operational burdens and the risk of non-compliance—despite an effective model already being in place.

ComReg Consultation Chapter 5:

Proposed requirements arising from Section 42(2)

Question 3: Do you have any comments on the proposed approach ComReg has set out in Chapter 5 or any other comments on this chapter? Please explain the basis of your response in full, referring to the appropriate paragraph number and provide any relevant information to support your response.

5.4 - Complaint Acknowledgement

In paragraph 111, ComReg intends to amend the definition of a Complaint Acknowledgement to include a mandatory statement informing the end-user of their right to refer a dispute to ComReg under Section 47 of the 2023 Act. Adding information about escalation to ComReg into the initial acknowledgement may

complicate the process, confuse users or prematurely encourage escalation when provider intends to resolve the issue promptly. The acknowledgment already provides customers with a direct link to our Code of Practice which contains the relevant information therefore Vodafone deems this proposal unnecessary.

5.5 - Information to be provided during the course of dealing with a complaint.

In paragraph 118 to 121, While Vodafone understands that ComRegs goal is strengthen transparency, accountability, and fairness by introducing clearer and more structured communication requirements. Vodafone is concerned that the proposed changes by ComReg could create additional operational complexity and burden and more importantly a risk of customer confusion:

- **Dual Communication Requirement** - requiring both a Complaint Update and a Complaint Response—especially when they may be issued close together—creates unnecessary duplication. This increases administrative overhead and risks inconsistency in messaging.
- **Triggering and Workflow Management** - The need to monitor whether a resolution will be delayed and then issue a Complaint Update adds complexity to internal workflows. It requires precise tracking of complaint timelines and automated triggers, which may not be feasible for all providers.
- **Durable Medium Enforcement** - Mandating that all communications (Acknowledgement, Update, Response) be issued on a durable medium may conflict with current practices especially where interactions are done by phone call. This could require significant system changes and increase costs. This may also delay responses, particularly if providers must switch channels (e.g. from chat to email or PDF). This could undermine the goal of prompt communication.
- **Overlapping Content** - The content of the Complaint Update and Complaint Response may overlap, especially when both are issued around the 10-day mark. This could confuse end-users who may not understand the distinction between the two.
- **Combined Communications** - While ComReg allows both communications to be combined, it requires clear separation and labelling. This introduces formatting risks and increases the chance of miscommunication if not executed precisely.

In paragraph 126, Concerns with the proposal to define ‘Complaint Acknowledgement’

- **Move to “Durable Medium”** - The proposed requirement is that acknowledgements should be issued on a durable medium (e.g. SMS, email, PDF) introduces operational complexity. Under the current framework providers can respond in the same medium the complaint was made—such as a phone call or live chat. This is a clear example of a new requirement that necessitates additional systems or workflows to generate and deliver durable records, particularly for real-time channels.
- **Expanded Content Requirements** - The proposed list of mandatory fields is significantly longer and more prescriptive. This will require technical workstreams to be stood up. Under current practice a complaint is received, and the operator can issue the complaint acknowledgement with the unique reference via SMS to the customer. This cannot be done in 3 months.

ComReg are now proposing more dynamic text to go into the SMS which will require system interventions and testing. This cannot be done in 3 months and ComReg needs to balance its intervention in this proposal with the host of other resource intensive asks currently sitting with

operators. ComReg propose the Providers must now include the complaint date and expected response date. The expected response date for complaint resolution is not always available at time of acknowledgement. Very often acknowledgement will happen in advance of triage. This increases the administrative burden and may require system changes to ensure consistency and compliance. Given the technical challenges of some queries, this may also not be accurately possible to do.

- **Mandatory Statement Obligation** – As previously mentioned, adding information about escalation to ComReg into the initial acknowledgement may complicate the process, confuse users or prematurely encourage escalation when the provider intends to resolve the issue promptly. The acknowledgment already provides customers with a direct link to our Code of Practice which contains the relevant information therefore Vodafone deems this proposal unnecessary.

In paragraph 127, Concerns with the proposal to define 'Complaint Resolution' - The requirement to issue the resolution on a durable medium (e.g. SMS email, PDF) may be difficult to implement in real-time channels like phone or chat unless supported by automated follow-up systems.

In paragraph 128 to 129, Proposal to 'Complaint Response' & 'Complaint Update' - As outlined in response to 5.5 - Vodafone has raised its concerns with ComRegs proposals. These will create additional operational complexity and burden and more importantly a risk of customer confusion.

Question 4: Do you have any comments on the draft Decision Instrument in Appendix: 2?
Please document clearly the basis of your response and reference the paragraph number(s) where appropriate. Please explain the basis of your response in full and provide any supporting information.

Vodafone would prefer to see a simple guidance document setting out ComRegs expectation regarding Code compliance. The decision text is not a document that can be provided to operational teams.

We recognise a revised Decision is required however that Decision should be used to confirm the updates to requirements arising as a result of the Code rather than set out on an unnecessary overhaul of regulatory requirements.

A separate guidance could then address ComReg points of clarification where they feel operators are not complying with the existing Code of Practice requirements. New requirements are not necessary when complaint volumes into ComReg have reduced so significantly.

ComReg Consultation Chapter 6:
Draft Regulatory Impact Assessment (RIA)

**Question 5: Do you have any comments on ComReg’s draft regulatory impact assessment?
Please provide detailed reasons and supporting evidence for your view.**

We note that many providers, including Vodafone, have already implemented robust complaint handling procedures that exceed the 2017 minimum requirements. This is not discussed in the RIA nor has the reduction in volume of issues coming to ComReg been discussed.

While we acknowledge the rationale for updating the framework in light of the 2023 Act, we believe that the cumulative impact of the proposed changes—particularly the layering of new definitions, documentation requirements, and time-bound obligations—may introduce disproportionate compliance burdens, especially for smaller providers.

We recommend that ComReg consider:

- Consolidating overlapping definitions (e.g. Complaint Acknowledgement, Complaint Response, Complaint Update) to reduce administrative complexity.
- Clarifying the scope of “durable medium” obligations, particularly for real-time channels such as phone and live chat, where immediate durable follow-up may not be technically feasible.
- Revisiting the 2-working-day deeming rule, which may inadvertently escalate informal queries into formal complaints, distorting complaint metrics and increasing operational load.

We support ComReg’s decision not to pursue Option 3 at this time.

ComReg’s RIA rightly identifies that the proposed changes will have cost and resource implications for providers. While some of these are driven by legislative change, others—such as the requirement to issue multiple formal communications per complaint—may result in:

- Increased system development and integration costs.
- Additional training and process redesign.
- Higher volumes of formal complaints due to automatic escalation triggers.

We believe that a more proportionate approach could achieve the same policy objectives while reducing the risk of over-regulation and unintended consequences.

ENDS